

**LIQUOR AND LICENSE COMMISSION**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road**  
**Woodstock IL 60098**

MINUTES OF TUESDAY, JUNE 14, 2011

Chairman Hammerand called the meeting to order at 11:10 a.m. The following Commission members were present: John Hammerand, Chairman; Bob Bless; Diane Evertsen; John Jung and Barb Wheeler. Also in attendance: Kenneth Koehler, Liquor and License Commissioner; Jamie Rein, State's Attorney's Office; and the public.

John Hammerand, Chairman  
Bob Bless                      John Jung, Jr.  
Diane Evertsen                Barbara Wheeler

MINUTES: Ms. Wheeler made a motion, seconded by Mr. Jung, to approve the minutes of the May 10, 2011 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye on a voice vote.

PUBLIC COMMENT: Lee Papineau of McHenry, Illinois addressed the Commission and expressed his concern with excessive noise coming from The Snuggery and being heard at his home located across the Fox River from the establishment. He stated that on Sunday, June 12, 2011 at approximately 2:30 p.m. the noise from The Snuggery was so loud that he could hear the music inside his home with the doors and windows closed. He called the police and a police officer responded and said that the music was loud and excessive. He mentioned he can hear screaming coming from the establishment, along with hearing the pounding of music in his home at 1:30 a.m. He said that comes and goes and if he calls the police, it doesn't do much good because by the time the police arrive, the loud noises may be gone. He said that the noise is worse this year than last year. When he contacted the police they informed him that a noise ordinance does not exist for the County. He questioned what constitutes disturbing the peace since the excessive noise from The Snuggery is disturbing his peace. He does not have a copy of the police report, but will obtain one. Mr. Papineau stated that he arrived home at 2:00 p.m. and the noise got progressively worse from a band located outside of The Snuggery.

Ms. Rein mentioned she received a summary from the Sheriff's Department for matters that happened on June 2 and 3, 2011 concerning The Snuggery, but not the police reports. She provided a summary for the members stating that on June 2, 2011 at 10:00 p.m. there was a speaker left on outside the establishment. The Sheriff's Department arrived at The Snuggery and the person in charge did not realize it was left on and they apologized and turned the speaker off. On June 3, 2011 at 12:00 a.m. a neighbor heard a faint base sound inside their house with the windows open. The Sheriff's officer arrived at The Snuggery and the person in charge turned the music down and apologized for the loud base sound. On both occasions the officers said the noise was at reasonable levels. She does not have a report for the June 12, 2011 incident referred to by Mr. Papineau.

Dennis Leo of McHenry, Illinois addressed the Commission and once again expressed his concern with excessive noise coming from The Snuggery. He mentioned that Mr. Papineau and Mr. Pullia are his neighbors. Mr. Leo provided members with two photographs showing his residence with reference to the location of The Snuggery. He mentioned that on June 2<sup>nd</sup> he called the police because speakers were left on outside of The Snuggery. Officers went to The Snuggery and the speakers were turned off. After midnight on June 3<sup>rd</sup> he called the Sheriff's Department because of excessive noise. Two officers responded to his residence and the officers and he were standing on the side of his house and heard the noise coming through the evergreens and trees approximately 90' from the water's edge. He said the officers left his home and he does not know if they went to The Snuggery and asked them to turn the noise down. He stated that the noise did go down, but it went back up again. At 2:00 a.m. the noise finally stopped. He spoke with Cmdr. Miller about one week ago and he was supposed to be at today's meeting with two complaints Mr. Leo had made against The Snuggery. Mr. Leo stated that on May 30, 2011 he called the police with regards to loud music coming from The Snuggery. He mentioned that the police officer could hear the music at the back of his house. In his opinion, the loud music coming from The Snuggery is totally uncalled for and he is at his wits end. There are many people in the neighborhood complaining about the noise and they do not want to sign a complaint if they don't have to because they are coming before the Commission with their complaints. He mentioned his peace and tranquility are gone.

Mr. Hoffmann, owner of The Snuggery, McHenry, Illinois, addressed the Commission. He mentioned that he comes to the meetings to be proactive and feels the lion's share of these complaints are unsubstantiated. He would like to address the two issues mentioned. This year, on Sundays, they are having live bands play outside. There is a very small window of time to do business in the summer and on Sundays he tries to have bands. He received a call from Mr. Papineau acknowledging that the music was not a right fit for the neighborhood. Mr. Hoffmann stated, for the record, that that is correct and he will acknowledge that he will not have bands outside anymore because of the way it affected the neighborhood. He will eliminate that problem completely. He has been trying to do things to generate business on the weekends, and he listens to the neighbors and that is why he has given them his personal phone number to acknowledge to him if there were any issues. That was not the right type of entertainment and obviously if it affects the neighborhood in that way, he will no longer do any live music outside because of the way it affected the neighborhood. He does everything he can to work directly with the neighborhood as far as noise and feels that the late night comments that have been made are unsubstantiated and he is willing to go to court to defend his position and his right to do business. He is a professional businessman and has been in business for over 40 years in many neighborhoods. When he first opened the business in McHenry he was made aware of the fact that certain neighbors were going to make it their position to put him out of business. He does business with deep regard for the neighborhood and has a sensitivity to the neighborhood. What happened on Sunday was wrong and he will not let it happen again although he does more business when he has bands. He apologized for the outside bands on Sundays and said it will not happen again.

Chairman Hammerand requested commission members to hold questions because they have not reviewed any police reports and if they will cite him, or have a hearing, then any questions would be prejudice subject to a hearing.

Mr. Hoffmann mentioned that he will not do anything that will jeopardize his relationship with the neighborhood and he will forgo the additional business to make peace in the neighborhood. It is unacceptable to leave speakers on and he knows what his timeframes are to have music outside. His managers will be written up and will be terminated if they are written up three times. He was unaware of the fact that the speaker was left on. He will make sure that speakers are not left on, they will close down at the right times, and if he has to have no music outside at some point, then he will make that decision later on. More soundproofing will be installed and he has a revolving door to make sure the music does not escape. He has cancelled outside bands for the rest of the year and he stated once again, for the record, that he will not have live music outside on Sundays anymore so he does not affect the neighborhood in a negative way. He has staff outside that keep customers quiet; staff in the parking lot to make sure they are quiet when they leave; and he tries to work with the neighbors as long as they communicate with him. For the record, Mr. Hoffman stated that he will not have any live music or bands outside on both Saturdays and Sundays.

Joe Pullia, McHenry, Illinois, addressed the Commission and mentioned that he arrived home late in the afternoon on June 2, 2011. On that day his home was closed up with the air conditioning turned on. He turned on his television and because of the noise coming from the outside music at The Snuggery, he could not hear his television. He is confirming what Messrs. Papineau and Leo previously stated about the noise from The Snuggery.

PRESENTATION: None.

NEW BUSINESS:

*New Liquor License, Manager and/or Amusement License Requests:* None.

*Raffle Permit and Special Liquor License Requests:*

*Raffle Permits:* It was the consensus of the Commission members to review the three raffle permit applications at the same time. The Commission reviewed raffle permit applications for Big Brothers Big Sisters of McHenry County, Cary Baseball Federation, Inc., and Police Benevolent & Protective Association Lodge #192. Noting all documents were completed and bond information provided for all of them, Ms. Wheeler made a motion, seconded by Mr. Jung, to approve the three requests as submitted. The motion carried with all members present voting aye on a roll call vote (Bless, Evertsen, Jung, Wheeler and Hammerand).

*Special Liquor License Requests:* The Commission reviewed the two applications for Special Class "F" Liquor Licenses for the Steirer Club of Chicago for July 10, 2011 and August 14, 2011. Mr. Jung made a motion, seconded by Mr. Bless, to approve the two Special Class "F" Liquor Licenses as submitted. Ms. Rein questioned why they did not have a security plan and Chairman Hammerand mentioned that in the past they have not had enough participants to warrant needing assistance from the Sheriff's Department. Ms. Wheeler mentioned that both applications state that approximately 300 people are expected to attend each event and she is wondering if a security plan should be required. The Steirer Club of Chicago will be contacted and requested to contact the Sheriff's Department to find out whether or not they need a security plan for both events. Mr. Jung amended his motion to approve the two Special Class "F" Liquor Licenses as submitted, contingent upon review by the Sheriff's Department as to whether or not they need a security plan for both events. Noting that the remainder of the documents were completed and bond information provided for both of the events, the motion carried with all members present voting aye on a roll call vote (Bless, Evertsen, Jung, Wheeler and Hammerand).

Mr. Jung left the meeting at 11:35 a.m.

The Commission reviewed the application for a Special Class "F" Liquor License for the McHenry County Fair Association (July 3-7, 2011). Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the license as submitted. Larry Macherous, Director of the McHenry County Fair Association joined Commission members. They have secured off-duty Sheriff deputies for this event and will be putting up one fence around the beer garden area. Chairman Hammerand questioned whether or not the beer garden area is located in unincorporated McHenry County as opposed to the City of Woodstock. If it is in the City of Woodstock, they will have to apply for a liquor license with the City of Woodstock. Mr. Macherous stated that to his knowledge, the beer garden area is located in unincorporated McHenry County and the sale of alcohol will take place in unincorporated McHenry County. There was discussion as to the height of the fence surrounding the beer garden and it was agreed that the Fair Association will install a five-foot high barrier/fence. Mr. Macherous gave Chairman Hammerand permission to add the word "high" to the application so it will read "five-foot high barrier". Wristbands are placed on people 21-years of age and older who purchase or consume beer. People younger than 21 will not be able to receive a wristband, but will be allowed in the beer garden area. It was discussed that anyone consuming or carrying alcohol outside of the beer garden area will be subject to arrest for carrying open alcohol. The Commission requested that the Fair Association post signs stating that anyone consuming alcohol outside of the beer garden area will be subject to arrest. Ms. Rein asked Mr. Macherous contact Lt. Miller and discuss the exact wording he would like on the signs. The Fair Association will also have port-a-potties located inside the beer garden area. Noting all documents were completed and bond information provided, the motion carried with all members present voting aye on a roll call vote (Bless, Evertsen, Wheeler and Hammerand).

*Kickstand Kurts, Inc., d/b/a Dirty Hog Saloon:* Chairman Hammerand mentioned that the owner passed away and he was the only officer of the corporation and did not have a manager of the business. Ms. Rein stated that she requested a Sheriff's deputy be dispatched to the bar and confirm that they are closed and not in business. She had a conversation with the owner of the building and due to Mr. Milliman's passing, the lease is no longer valid. There is no alcohol being sold at the location and the business is closed. It was the consensus of the Commission that a letter from the Liquor Commissioner be sent to the registered agent for the corporation requesting the original liquor license for this establishment be returned to the Liquor Commission.

Commission members discussed the fact that the Illinois Liquor Commission requires more than one person be on the corporate papers for all Illinois Liquor License holders. It was mentioned that the McHenry County Liquor Control and Liquor Licensing Ordinance states that applications made on behalf of an association, club or corporation must be signed by two officers in good standing with the organization. This language is not included on the Liquor License Application and members agreed that appropriate language should be added to the Application. Ms. Rein will provide language to be added to the Liquor License Application.

**OLD BUSINESS:**

*Incident Reports:* Ms. Rein stated that she received a summary from the Sheriff's Department concerning incidences at The Snuggery on June 2 and 3, 2011. She will obtain the police reports and provide a copy to the Commission members.

*Update on Sting Operations:* None.

EXECUTIVE SESSION: None.

REPORTS TO COMMISSION: Concerning wineries, Ms. Rein mentioned that there needs to be a change to the zoning ordinance to allow alcohol to be sold on agricultural property. She provided members with the description of the liquor licenses for Jo Daviess County and Kane County concerning vineyards and wineries. She asked members to review the two options provided and asked that they discuss this matter during future meetings.

Commissioner Koehler reported that he has been to The Snuggery twice during the week. One night was too cold for patrons to dine outside, and the other night there were people dining outside. The sliding glass door that was an issue in the past has been resolved.

Ms. Wheeler mentioned that she had a conversation with Father O'Malley from St. Joseph Parish in Round Lake concerning a rodeo being held in Richmond, Illinois which is a fundraising event for the Parish. Father O'Malley stated to her that he was aware of everything that was planned for the fundraising event for St. Joseph's and he expected 100% of the proceeds from the rodeo/fundraising event to go to St. Joseph's Parish.

Commission members discussed being consistent with requiring security personnel for events that are issued Special Class "F" Liquor Licenses by the Commission. Security plans should be reviewed and approved by the Sheriff's Department.

OTHER BUSINESS: None.

ADJOURNMENT: Noting no further business, Ms. Evertsen made a motion, seconded by Mr. Bless, to adjourn the meeting at 12:20 p.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION/REVIEW:**

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