

MINUTES OF THE SPECIAL MEETING
OF THE LIQUOR CONTROL COMMISSION
VILLAGE OF WHEELING
BOARD ROOM - 2 COMMUNITY BOULEVARD
COOK and LAKE COUNTIES, WHEELING, IL
MONDAY, APRIL 2, 2018

1. Call to Order

Chairman Horcher called the Meeting to order at 6:30 p.m.

2. Pledge of Allegiance led by Chairman Horcher

3. Roll Call - Village Clerk Elaine E. Simpson called the roll and the following Commission members were present:

Present: Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel, Pat Horcher

Absent: Ken Brady

Commissioner Ken Brady was absent and informed the commission prior to the meeting.

4. Approval of Minutes

Approval of Minutes for the Special Meeting of March 5, 2018

Motion by Ray Lang, second by Mary Papantos to approve Minutes as presented.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Final Resolution: Motion Approved

5. Citizen Concerns and Comments

No citizen signed up to speak.

6. New Business

A. Hearing in the Matter of D'Agostino's Pizzeria Wheeling, Inc. (241 S. Milwaukee Avenue) Docket No 18-01

Village Prosecutor Nick Stavros was present on behalf of the Village and stated the reason for the hearings.

Jeffrey D'Agostino, owner, was present and sworn in by the court reporter. Prosecutor Stavros asked the owner if he admitted or denied the allegations; Mr. D'Agostino stated he admitted the allegations. Village Attorney James Ferolo asked if there is a written policy for checking ID's; Mr. D'Agostino declared that there is; Attorney Ferolo stated that they need to provide that policy to the Village Clerk; employee discipline was discussed.

Commissioner Papantos asked if employees were trained after this event, Mr. D'Agostino stated that they were. Commissioner Krueger asked if the employee in question was BASSETT trained, Mr. D'Agostino stated she was not.

B. Hearing in the Matter of Twin Restaurant Wheeling, LLC d/b/a Twin Peaks Restaurant (781 N. Milwaukee Avenue) Docket No 18-02

Village Prosecutor Nick Stavros was present on behalf of the Village. Paul Tanzillo, attorney for Twin Peaks Restaurant and General Manager Dennis Lyzniak were sworn in by the court reporter. Attorney Stavros confirmed that Mr. Lyzniak has permission to admit or deny the allegations contained in the petition, Mr. Lyzniak stated he does. Prosecutor Stavros asked if he admitted or denied the allegations; Mr. Lyzniak stated he admitted the allegations. Village Attorney James Ferolo asked if there is a written policy for checking ID's; Mr. Lyzniak declared that there is; Attorney Ferolo stated that they need to provide that policy to the Village Clerk; employee discipline was discussed.

Chairman Horcher asked for a Motion to recess into Executive Session for the purpose of deliberating the testimony and evidence.

Motion by Mary Krueger, second by Mary Papantos.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Final Resolution: Motion Approved, the Special Meeting recessed at 6:43 p.m.

Chairman Horcher asked for a Motion to reconvene the Special Meeting.

Motion by Dave Vogel, second by Mary Krueger.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Final Resolution: Motion Approved, the Special Meeting reconvened at 6:51 p.m.

Liquor Commission Findings

In the matter of D'Agostino's Pizzeria Wheeling, Inc.

Village Attorney James Ferolo asked for a Motion to impose the following penalties: \$500 fine, plus proportionate share of administrative costs for the hearing, submission of proof of BASSET training for all employees (within 5 days) and submission of written policy regarding service of liquor (within 5 days).

Chairman Horcher asked for the Motion.

Motion by Dave Vogel, second by Mary Krueger.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Dave Vogel

No: Joe Vito

Final Resolution: Motion Approved

In the Matter of Twin Restaurant Wheeling, LLC

Village Attorney James Ferolo asked for a Motion to impose the following penalties: \$500 fine, plus proportionate share of administrative costs for the hearing, submission of proof of BASSET training for all employees (within 5 days) and submission of written policy regarding service of liquor (within 5 days).

Chairman Horcher asked for the Motion.

Motion by Mary Papantos, second by Dave Vogel.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Dave Vogel

No: Joe Vito

Final Resolution: Motion Approved

Village Attorney James Ferolo stated that written orders will be signed by the Liquor Commission and served on both establishments.

C. Consideration of a Request for a Class A-1 Liquor License from Superdawg Drive-In, Inc. (333 S. Milwaukee Avenue)

Village Manager Jon Sfondilis outlined the request. Scott Berman, owner of Superdawg, was present and answered questions from the Commission.

Motion to approve conditionally on 1) passage of legislation by the Board of Trustees granting special use approval; 2) passage of an ordinance by the Board of Trustees authorizing the creation of a new Class A-1 liquor license; 3) satisfactory background check results; and 4) payment of associated fees.

Chairman Horcher asked for a Motion to approve with noted conditions.

Motion by Ray Lang, second by Mary Papantos.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Final Resolution: Motion Approved

Manager Sfondilis read the Class A-1 liquor definition into the record.

D. Consideration of a Request for a Class D-4 Liquor License from Superdawg Drive-In, Inc. (333 S. Milwaukee Avenue)

Village Manager Jon Sfondilis outlined the request.

Motion to approve conditionally on 1) passage of legislation by the Board of Trustees granting special use approval; 2) passage of an ordinance by the Board of Trustees authorizing the creation of a new Class D-4 liquor license; 3) satisfactory background check results; 4) payment of associated fees; and 5) receipt of a Class A-1 liquor license.

Chairman Horcher asked for a Motion to approve with noted conditions.

Motion by Dave Vogel, second by Ray Lang.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Final Resolution: Motion Approved

Manager Sfondilis read the Class D-4 liquor definition into the record.

7. Executive Session

(previously held for items 6.A & 6.B)

8. Action on Executive Session Items

(see items 6.A & 6.B)

9. Adjournment

Chairman Horcher asked for a Motion to adjourn.

Motion by Ray Lang, second by Mary Krueger.

Motion carried by Voice Vote, all ayes, meeting adjourned at 7:05 p.m.

Elaine E. Simpson, Village Clerk

Approved this 4th day of June, 2018 by the Chairman and Commissioners.