

1.0 Call to Order

President Miller called to order the Local Liquor Control Commission meeting at 6:00 p.m.
Roll: Trustees Wood, Andresen and President Miller.

Also in attendance are Police Chief Terry Mee, Associate Village Attorney Jim Binninger and Village Clerk Katherine Holt.

2.0 Approval of Past Minutes –

2.1 Approval of April 24, 2017 Meeting Minutes

Motion to approve the April 24, 2017 Local Liquor Control Commission Meeting Minutes by Wood/Andresen.
Motion carries by unanimous vote.

3.0 Approval of the Rules of Procedures

Motion to approve the Rules of Procedures by Wood/Andresen. Motion carries by unanimous vote.

4.0 Old Business - None

5.0 New Business

5.1 Hearing – Club Royal B&V, Inc., 940 Dundee Ave.

Attorney Binninger advised that this is liquor hearing only in regard to the liquor license of Club Royal and not with the operation of the business. He stated that the Village filed for a hearing back in October 2016. He said noise violation citations issued in July, September and October were addressed at an administration adjudication hearing on November 24, 2016 where all had been found liable. The license holder paid fines in the amount of \$2700. Binninger advised that the Club Royal business operator applied for and was issued a building permit in February of this year to do some noise abatement construction to the building. That work was completed on April 6.

Attorney Binninger stated that this morning he received a motion to dismiss by the licensee. Attorney Schuster stated that he represents Club Royal. He said he did file a motion to dismiss the charges. He explained that one reason he did was the ordinance is not clear enough under the law to withstand a challenge as it is very subjective. He said that the noise ordinance should clearly state what conduct is permitted and what is forbidden by including objective standards. Mr. Schuster said that the ordinance references the peace, quiet and comfort of neighboring residents. He stated that these charges are brought in the name of persons that are not residents of the Village of East Dundee but are in an unincorporated area. Therefore, he said they do not have standing to file a complaint against Club Royal. Lastly, he said that ordinance language states “to disturb residents”, which is plural. He said if the individuals in the unincorporated area are excluded, that leaves only 1 complainant. Schuster said that for these three reasons, the charges should be stricken and dismissed.

Attorney Binninger responded that there are some issues with the ordinance. He said these points could be corrected in a subsequent ordinance. He stated that he respectfully disagrees with some of the arguments that are being made. He advised that this is a quasi criminal matter and not a civil matter. He said that he feels there are enough issues raised with the ordinance that he recommends it be looked at before proceeding any further. He said that with these charges being older, from 2016, it would be in the best interest of the Village to consider the motion and drop these charges. And if future violations occur, consider citing under a different section or have an updated ordinance in place.

President Miller stated that he disagrees with Mr. Schuster's point of view of who are considered neighbors. He said that just because they are in another jurisdiction does not mean that the Village is not there to protect them as well. He added whether or not it is multiple residents, that it is not compelling. He recognizes that Club Royal has spend a lot of time, effort and money to find solutions to mitigate the noise problem the best they can based on the reports from their sound engineer. He said he agrees with restarting the clock at this time and address any new concerns going forward with the administrative adjudication process. He said he does not feel revoking the liquor license at this point will solve any problems.

Trustee Wood asked if there have been any citations issued since October 1. Chief Mee responded that there have not since the later part of October. He stated that the last complaint received was on April 29. He said there were no citations issued because there was no formal complainant.

President Miller recommended that the Village Attorney redraft an ordinance that addresses these specific issues so that noise/vibration issues can be measured and managed. He also asked Club Royal to keep the music turned down. He asked the neighbors to follow through with signing a complaint if they have a complaint so that there is a record kept of these instances and the Club is held accountable.

Motion to Dismiss by Andresen/Wood.

Roll: Ayes – 3 – Trustees Wood, Andresen and President Miller. Nays – 0. Absent – 0.

Motion carries.

6.0 Public Comment

Steven Ledin, 1000 Dundee Avenue, East Dundee, IL

Mr. Ledin addressed the Commission stating that he disagrees with Mr. Schuster's three points. He said the ordinance is clear enough in that the noise is disturbing a resident and that law enforcement has come and confirmed that the noise is disruptive. He said this has been going on for way too long.

7.0 Adjournment


Motion to adjourn the Liquor Commission Meeting at 6:30 p.m. by Wood/Andresen.

Meeting adjourns by unanimous vote.


Respectfully Submitted,

Katherine Holt

By:


Village President, Lael Miller

Attest:


Village Clerk, Katherine Holt