

**Village of East Dundee
Local Liquor Control Commission
Monday, May 22, 2017
6:00 p.m.
Regular Meeting**

AGENDA

- 1.0 Call to Order

- 2.0 Approval of Past Minutes
 - 2.1 Approval of April 24, 2017, Meeting Minutes

- 3.0 Approval of the Rules of Procedure

- 4.0 Old Business
 - None

- 5.0 New Business
 - 5.1 Hearing – Club Royal B&V, Inc., 940 Dundee Ave.

- 6.0 Public Comment

- 7.0 Adjournment

1.0 Call to Order

President Miller called to order the Local Liquor Control Commission meeting at 6:00 p.m.

Roll: President Miller and Trustee Wood. Trustee Lynam was absent.

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

2.0 Public Comment –

Steven Ledin, 1000 Dundee Avenue, East Dundee, IL

Mr. Ledin addressed the Commission stating that Club Royal repeatedly proves to be a public nuisance since it began operating. He said this is a fact corroborated by law enforcement and judicial hearings resulting in guilty pleas and fines. He said he has called in noise disturbances for the last three Saturdays and multiple times on April 15. He said their noise mitigation improvements have not been effective. He said the Club continuously disturbs his peace. He said the owner has had many chances to correct the problem and nothing has changed and it is time for the Club to find a new venue.

3.0 Approval of Past Minutes –

3.1 Approval of April 24, 2017 Regular Meeting Minutes

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

4.0 Old Business -

4.1 Status of Improvements – Club Royal B&V, Inc., 940 Dundee Ave.

Attorney Binninger stated that he has asked the attorney for Club Royal to give a summary of the status of improvements at this time. He said a report was received by their sound engineer which will be discussed as well. He said he is trying to get to the point where the improvements are complete.

Attorney Schuster reported that the owner has added a soffit between the wall and the corners of the ceiling to increase the sound proofing on the upper level. He said the owner also has added a double sheet of drywall to the walls and a double door entry at the east entrance. A new audio system was implemented to reduce the use of amplifiers which will reduce the ground vibration and the speakers have been rotated in another direction. He said he does not know how the ultra low frequency bass is escaping the building and traveling 100 yards to the inside of Mr. Ledin's residence. He advised that all of the improvements have been completed and should aid in reducing decibel levels of sound and the bass that travels to Mr. Ledin's home. He doesn't feel it is a matter of noise, instead, he feels it is something in Mr. Ledin's home and where it sits in regard to the vibrations. He asked if there is going to be a hearing over the charges from last fall or if the Commission will be taking another route as there have been no new charges against Mr. Benitez. He would like to come to a resolution of what is outstanding.

President Miller asked Attorney Schuster if the sound engineer specifically focused on the vibration traveling outside of the facility and if the improvements made are going to solve the problem. Mr. Schuster advised that the sound engineer, Mr. Osorio, is present and is willing to answer questions through the translation of Mr. Benitez. Mr. Schuster asked Mr. Osorio to what extent he addressed the vibrations created at the facility with the improvements that were recently made. Mr. Osorio replied that the entire audio system was replaced to minimize the low frequency bass tones. And all equipment that was previously sitting on the ground is no longer sitting on the ground.

Trustee Wood stated that based on Chief Mee's email, there were three noise complaints made on April 15 and the venue was asked to turn the sound down. She asked Chief Mee if this was correct. Mee replied that each complaint was responded to by the Police Department. Wood then asked if the responding officers could hear the noise from outside and asked the owners to turn the music down. She said if this is the case, it appears that the Club still has a sound issue. Chief Mee said the first complaint was at 9:42 pm and officer could hear the bass from Albert Drive and gave Mr. Benitez a verbal warning to turn the bass down. Mr. Benitez turned down the bass and the officer could then hear no bass tones. He said in the second instance at 11:35 pm, faint bass could be heard from Albert Drive by an officer standing outside of his squad car. Mr. Benitez was again given a verbal warning to turn down the bass. Mee reported that for the 12:23 am complaint, the officer sat outside by Gat Guns and could not hear any music or detect any bass tones. Trustee Wood stated that there is still an issue where Mr. Benitez is still being asked to turn the music down. Chief Mee said there were no complainants willing to sign a citation for any of these instances. Responding to Mr. Ledin's reference to the changing of decibel level regulations in the Village ordinance, President Miller stated that it does not address low frequency tones. He said the ordinance was put in place to specifically address the decibel level issue for other locations in town. He explained that there is not a way of measuring low frequency tones which had not been an issue at the time and is why it was not addressed in the code.

Attorney Binninger said the Commission will need to decide if it wants to set a hearing where responding officers and neighbors will give their testimony of events dating back to November 2016. He said the other option is that if the improvements appear to be working, the Club could be given time to test if they really are helping mitigate the sound problem. Trustee Wood asked if the improvements were complete by April 15. Mr. Benitez said he believes they were complete on April 17 or 18.

Chief Mee said there is a short-term opportunity to gauge if these improvements are effective. He said there are four events occurring on April 28, 29 and 30 which include a concert with multiple bands, a wedding, a communion and a retirement party. He said this weekend is a significant opportunity to determine how well these improvements are functioning. He said if bass tones are being detected in the home, the complainant will need to allow officers to access the home and be willing to co-sign a complaint.

Mr. Benitez advised that he will not host any events after this year. He said his lease ends in March and he is not going to purchase the building. He said he would like to find another location in East Dundee.

President Miller recommended setting a Liquor Commission hearing date. The date decided based on availability of all parties was May 22 at 6:00 p.m.

5.0 New Business – None

6.0 Adjournment

Motion to adjourn the Liquor Commission Meeting at 6:36 p.m. by Wood/Miller.
Meeting adjourns by unanimous vote.

Respectfully Submitted,

Katherine Holt

By: _____
Village President, Lael Miller

Attest: _____
Village Clerk, Katherine Holt