

VILLAGE OF WINNEBAGO LIQUOR COMMISSION

The Village of Winnebago Liquor Commission met on January 8, 2025, at 5:34 p.m. with Adam LeFevre presiding.

ROLL CALL: JEFFERS - O'ROURKE present; LEFEVRE absent

GUESTS: Attorney Mary Gaziano, Village Administrator Joey Dienberg, Duane Springer

For the record since Committee Chairman LeFevre is not present the committee members Mr. O'Rourke, and Mrs. Jeffers agreed to have Mr. O'Rourke chair the meeting.

DISCLOSURE OF CONFLICT OF INTEREST – No conflict of interest was stated.

CHANGES TO AGENDA – There were no changes to the agenda.

APPROVAL OF AGENDA – No motion made.

APPROVAL OF MINUTES – Mrs. Jeffers made the motion to approve the minutes of December 18, 2024, seconded Mr. O'Rourke. Motions carried on a roll call vote of those present.

PUBLIC COMMENT – There was no request submitted for Public Comment.

DISCUSSION – BYOB LICENSES

Attorney Gaziano brought a draft of an ordinance for 'BYO' for review by the Commission and reviewed the history behind Ordinance 2015-06, that is currently in place that prohibits BYOB. She noted that it is referred to as 'BYO', rather than BYOB due to state statute currently reading as such. Attorney Gaziano then reviewed the draft ordinance with the Commission.

Attorney Gaziano noted that as written, the ordinance states that only active participants, over the age of 21, in the activity at the business are allowed to partake in the BYO and questioned whether this is the intention of the Liquor Commission. Mr. O'Rourke noted that he would not like to limit it to only the active patrons vs anyone in the group, who is of legal age. Mr. Springer raised the question that if he had four patrons show up to golf together, but two of them do 18 holes and the other two only do nine holes, are the two that only did nine then exempt from drinking alcohol for the last nine holes that the other two are still playing? Mr. O'Rourke then recommended striking the verbiage about "actively participating" from the ordinance after deliberations.

Attorney Gaziano then reviewed the corkage fee section and questioned whether it was the intent of the Liquor Commission to charge this corkage fee as a fee for bringing in their own beverages or whether it was the intent for this charge to be for staff of the business to open the bottles for the patrons. She also questioned whether the name of the fee should remain the same or whether it should be changed. After some discussion, Attorney Gaziano will review the definition of a corkage fee and whether it is strictly for wines or if there is a broader definition. The Liquor Commission recommended adding a broad definition as 'corkage fee' relates to this ordinance.

Discussion was also had regarding whether changing it to allow for full sized bottles of wine should be accepted, since a full bottle of wine is the same volume as a four pack of the smaller wine bottles. Mr. Dienberg questioned whether the businesses would be able to provide the glasses to the patrons. Attorney Gaziano cautioned that while it technically would be approved, there is a fine line in customer service of making sure that the staff do not pour for the patrons. After some deliberations, the Liquor Commission stated that they have no issue with businesses providing glasses, provided that the employees are not pouring.

Attorney Gaziano stated that she would like to list out what should be on the application in the ordinance so that there are no surprises for applicants. Details were discussed on what should be on the application, as it is similar to a liquor license application, but it serves a distinctly different purpose. After deliberations, it was recommended that at minimum, the application should include contact information, verification of dram insurance, verification of BASSET training, and if the applicant had previously had a liquor license revoked and the reasoning behind the revocation. Mr. Dienberg questioned if a limited number of BYO permits should be granted by the Village, to which Attorney Gaziano recommended a limit of three. It was also decided that for consistency, the BYO license should run from May 1-April 30 annually. There was question of whether the registration fee would be prorated if a business were to apply mid-way through the term; there was no official determination of the proration, but Attorney Gaziano stated that she believed historically, prorations have happened for registrations.

Mrs. Jeffers made a motion to make a recommendation to the Village Board to pass an ordinance to amend the liquor ordinance to allow BYOB with additional conditions that have been discussed. Seconded by Mr. O'Rourke. Motions carried on a roll call vote of those present.

NEXT MEETING DATE: February 12, 2025 at 5:30 pm

ADJOURN – Motion to adjourn made by Mrs. Jeffers, seconded by Mr. O'Rourke. Motion approved by those present. The meeting adjourned at 6:52pm.

UNAPPROVED

Rachel Windgassen, Assistant Deputy Clerk
Prepared from recording