

VILLAGE OF LIBERTYVILLE
LICENSE AND PERMITS COMMITTEE

April 19, 2016
6:30 p.m.

AGENDA

1. Approval of Minutes – January 19, 2016
2. Electronic Smoking Devices
3. Request Change in Liquor License – Lino's Restaurant
4. Adjournment

VILLAGE OF LIBERTYVILLE

License and Permits Committee

January 19, 2016

Minutes

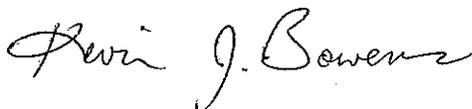
A meeting of the License and Permits Committee was held on Tuesday, January 19, 2016 at 6:40 p.m. at the Libertyville Village Hall. Those in attendance included Chairperson/Trustee Jay Justice and Committee member Scott Adams. Others in attendance included Village Administrator Kevin J. Bowens, Police Chief Clint Herdegen, Fire Chief Rich Carani, and Village Attorney David Pardys.

Trustee Adams moved and Trustee Justice seconded to approve the Minutes of the November 24, 2015 Committee meeting. Motion carried unanimously.

The Village Staff and Attorney reviewed the proposed changes to the Libertyville Liquor Code. Village Attorney Pardys reviewed his efforts to further clarify the floor area devoted alcohol sales for a Class B Restaurant and Bar License. The Committee recommended that the revised Ordinance be distributed to current liquor license holders, and ask that they respond with any comments or questions by a specific date. Depending upon the number and level of questions or comments, the Committee can then determine whether or not to hold a follow-up meeting with all of the liquor license holders. The Committee expressed their goal of having the changes in place for the upcoming renewal of liquor licenses effective May 1, 2016.

The Committee meeting was adjourned at 6:55 p.m.

Respectfully submitted,



Kevin J. Bowens
Village Administrator

**Libertyville Police
Department**

Memo

To: Kevin Bowens, Village Administrator
From: Clinton J. Herdegen, Chief of Police 
Date: 4/13/2016
Re: License and Permits Committee Meeting (4/19/16)

Electronic Smoking Devices

Two students, Emily Regan and Mary Cate Buchar from Libertyville HS, along with Cher Hanson, Coordinator for the Youth Advisory Board (YAB) of the Lake County Underage Drinking and Drug Prevention Coalition (LCUDDPC) will be making a presentation to the Committee promoting a healthy, substance-free lifestyle among their peers.

They have explored and researched the threats electronic smoking devices impose upon a community and have surveyed over 580 community members, business owners, and village trustees in the process. Attached is a copy of the Power Point presentation they will be working from, as well as a copy of an ordinance that the Village of Mundelein has approved, which restricts the use of electronic smoking devices in certain circumstances.

Presented for discussion purposes only.

Kevin Bowens

From: Kevin Bowens
Sent: Friday, April 01, 2016 9:10 AM
To: 'Cher Hanson'
Cc: emily.galley.regan@gmail.com; Clinton Herdegen
Subject: RE: LHS students presenting on Electronic Smoking Devices

Hi Cher, the Mayor referred this to the License and Permits Committee and the next meeting is Tuesday, April 19th at 6:30 pm. I will place this item on the agenda, however do you or the students have any written materials that I can send out in advance with the meeting agenda? Kevin

Kevin J. Bowens
Village Administrator
118 West Cook Avenue
Libertyville, Illinois 60048
847-918-2026

From: Cher Hanson [<mailto:cmhanson2@gmail.com>]
Sent: Thursday, March 31, 2016 7:21 AM
To: Kevin Bowens
Cc: emily.galley.regan@gmail.com
Subject: LHS students presenting on Electronic Smoking Devices

Good morning,

My name is Cher Hanson and I am the coordinator for the youth advisory board of the Lake County Underage Drinking and Drug Prevention Coalition. The YAB consists of over 20 students from all over Lake County interested in promoting a healthy, substance-free lifestyle among their peers.

Since the beginning of the school year, these students have explored the threats that electronic smoking devices impose on your community as well as surveyed over 580 community members, business owners, and village trustees.

Two of our students, Emily Regan and Mary Cate Buchart from Libertyville High School, attended a meet and greet with the mayor back in February and also attended one of your village board meetings.

I am emailing you to follow-up for Emily who has previously reached out regarding the possibility of getting on the agenda at an upcoming village board mtg to tell you more about their findings. Their presentation will be no longer than 15 minutes and they, along with a few of their fellow YAB members, would very much appreciate the opportunity.

We look forward to hearing back from you and I am happy to answer any questions. Emily is also CC'd on this email as well.

Thank you,
Cher Hanson
cmhanson@gmail.com
847-924-0761

Kevin Bowens

From: Cher Hanson <cmhanson2@gmail.com>
Sent: Friday, April 08, 2016 10:11 AM
To: Kevin Bowens
Subject: Re: LHS students presenting on Electronic Smoking Devices
Attachments: Electronic Smoking Devices.pdf

Kevin,

Attached are the slides from the powerpoint presentation the students and I have put together that you can send to the committee members. We will not be using powerpoint during the meeting - but feel it would be easiest for the members to have some visuals and text in front of them as they listen to the students present.

We will provide some additional resource materials to each of the committee members as well when we are there on the 19th.

If you need anything else, please let me know.

Thank you again,
Cher Hanson

On Fri, Apr 1, 2016 at 9:56 AM, Kevin Bowens <kjbowens@libertyville.com> wrote:

Great – thanks.

Kevin J. Bowens

Village Administrator

118 West Cook Avenue

Libertyville, Illinois 60048

847-918-2026

From: Cher Hanson [<mailto:cmhanson2@gmail.com>]
Sent: Friday, April 01, 2016 9:43 AM
To: Kevin Bowens
Cc: emily.galley.regan@gmail.com; Clinton Herdegen
Subject: Re: LHS students presenting on Electronic Smoking Devices

That would be great, thank you. I will provide you with some written material by early next week.

Kevin Bowens

From: Kevin Bowens
Sent: Friday, February 26, 2016 4:01 PM
To: 'Emily Regan'
Cc: Clinton Herdegen; John Spoden
Subject: RE: Board Meeting 2/22

Thanks Emily. The Mayor referred your request to the License and Permits Committee, and they do not have a set meeting schedule. I will work with the Police Chief and Chairman of the Committee to schedule a meeting and will let you know when. Kevin

Kevin J. Bowens
Village Administrator
118 West Cook Avenue
Libertyville, Illinois 60048
847-918-2026

From: Emily Regan [<mailto:emily.regan@lhswildcats.org>]
Sent: Friday, February 26, 2016 1:36 PM
To: Kevin Bowens
Subject: Board Meeting 2/22

Hello, Mr. Bowens!

My name is Emily Regan, and my friend Mary Cate Buchert and I attended the board meeting earlier this week. We talked for a short period of time about the E-Cigarette ordinance in Libertyville that we were hoping to establish with the Youth Advisory Board and REALITY Illinois programs, amending the Clean Air America Act, prohibiting E-Cigarettes indoors, treating them like real cigarettes. We were hoping to be added to the agenda for the second meeting in March, or the first in April. Thanks for all of your help, we look forward to hearing back from you!

Emily Regan

Electronic Smoking Device Policy Presentation

REALITY Illinois & The Youth Advisory Board of the Lake County Underage Drinking and Drug Prevention Coalition.

Overview of REALITY/YAB activities

- Explored the risks associated with electronic smoking devices
- Surveyed almost 600 community members
- Interviewed business owners and village trustees
- Attended meet and greets with community mayors

Our goal today is to educate you about what we have learned and to ask you to consider prohibiting the use of electronic smoking devices in indoor public places.

Youth Usage Rates

- The use of electronic smoking devices has doubled among middle and high school students.
- Use has surpassed that of traditional tobacco products.
- Most of these products still contain nicotine and have the potential of addicting youth and affecting the brain chemistry.
- Youth are more sensitive to nicotine and become dependent quicker than adults - may lead to use of traditional tobacco products.
- Use of these devices re-normalizes smoking and tobacco use.
- Tobacco use causes 480,000 premature deaths in the United States every year.

No Product Safety Standards

- Electronic smoking devices as well as the e-liquids that are used in them are not regulated by the FDA.
- The levels of nicotine as well as additives and flavorings are often mislabeled or unknown.
- Electronic smoking devices' emissions are not harmless and include several chemicals that can cause cancer, eye, skin, and respiratory irritation.
- High increase in calls to poison control due to ingesting of e-liquid.



Enforcement Difficulties

- Prohibiting indoor use not only protects from exposure to secondhand vapor - but also prevents business owners and employees from uncomfortable interactions with customers.
- Some businesses have already restricted the use of electronic smoking devices so it is consistent with no smoking policy.
- These products are being used to ingest substances other than nicotine. The odorless vapor makes it virtually impossible to detect whether or not someone is using the device for illegal substances.

Current Regulation in Illinois

- Currently prohibited on all Illinois campuses of state-supported institutions of higher education.
- Prohibited in indoor public places in 13 Illinois communities including:
 - Arlington Heights
 - Chicago
 - Deerfield
 - Evanston
 - Naperville
 - Oak Park



Community Opinion

Surveys were taken in order to get opinions relating to a potential electronic smoking device ordinance, based on communities.

Of those we surveyed from Libertyville:

- 63% consider the use of electronic smoking devices a problem in their community.
 - 70% are concerned about the health effects of breathing in the vapor from electronic smoking devices.
 - 70% would support a local ordinance prohibiting the use of electronic smoking devices indoors in public places. (treating them the same as cigarettes)
-

Thank you!

- We are truly interested in promoting a healthy and substance free lifestyle among our peers.
 - We believe it would be in the best interest of Libertyville to prohibit the use of electronic smoking devices indoors.
 - Please refer to your folders with additional information.
 - Please feel free to contact us if you have any questions.
-

ORDINANCE NO. 13-11-66

AN ORDINANCE AMENDING ORDINANCE 97-1-3, AN ORDINANCE TO
REGULATE THE SALE OF TOBACCO PRODUCTS TO MINORS UNDER EIGHTEEN
(18) YEARS OF AGE

WHEREAS, Ordinance No. 97-1-3 was enacted to prohibit the sale of tobacco products to minors under eighteen years of age in accordance with State of Illinois statutes; and

WHEREAS, Ordinance No. 97-1-3 was amended by Ordinance No. 06-07-59; and

WHEREAS, there has been an increase in the sale and availability of "alternative nicotine products" to minors under eighteen years of age which pose the same or similar health hazards to minors as tobacco products; and

WHEREAS, the President and Board of Trustees of the Village of Mundelein, Lake County, Illinois, has determined it should amend Ordinance No. 97-1-3 to prohibit the sale of "alternative nicotine products" to minors under eighteen years of age.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

Ordinance No. 97-1-3 and Ordinance No. 06-07-59 are hereby repealed and replaced with the following:

SECTION I: DEFINITIONS For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them:

 Alternative Nicotine Product- A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative Nicotine Product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in

Village of Mundelein without first obtaining a license. This license shall be required regardless of the method of sale or dispensing and shall include sales and dispensing by self-help, manual service, or coin-operated device.

SECTION IV: APPLICATION FOR LICENSE Any person desiring to obtain a license to sell tobacco products or alternative nicotine products shall make written application for that purpose to the Village Clerk in which shall be set forth the full name and address of the applicant, the name and address of the business, firm or corporation at which such sales are proposed to be made. The applicant shall further comply with all other provisions of Village Ordinance 84-4-5 and 79-4-14 concerning the business license application process.

SECTION V: LICENSE FEE The license fee for a tobacco dealer's license within the Village shall be as provided in Ordinance 84-4-5 / 2 and 79-4-14 / 1.08. License Fee is \$25.00 per vending machine and \$50.00 for establishments that sell tobacco products or alternative nicotine products / accessories over the counter.

SECTION VI: SCOPE OF LICENSE The license required by this ordinance shall authorize the licensee named therein to sell tobacco products or alternative nicotine products at the place designated therein only.

SECTION VII: LICENSE TO BE POSTED Licenses required by this ordinance shall be posted in a conspicuous place in the premises designated therein.

SECTION VIII: LICENSES NOT TRANSFERABLE The transfer of any license issued here under is hereby expressly prohibited.

SECTION IX: INSPECTION / ENFORCEMENT It shall be the duty of the Chief of Police or his designee (s), and they are hereby authorized and empowered, from time-to-time, to inspect and examine all places where tobacco products or alternative nicotine products are licensed to be sold

"The sale or possession of tobacco products or alternative nicotine products to persons under eighteen (18) years of age is prohibited by law. Any person who violated this law is subject to a fine of not less than \$100.00 and no more than \$500.00."

Posted signs shall be plainly visible and shall measure at least eight and one-half (8 1/2) inches in height by eleven (11) inches in length. Letters on posted signs shall be at least three-quarters of an inch (3/4') in height.

SECTION XII: MINIMUM AGE TO SELL TOBACCO PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products or alternative nicotine products in any licensed premises.

SECTION XIII: PURCHASE BY PERSONS UNDER EIGHTEEN (18) YEARS OF AGE PROHIBITED It shall be unlawful for any person under the age of eighteen (18) years of age to purchase tobacco products or alternative nicotine products / accessories, or to misrepresent their identity or age, or to use false or altered identification for the purpose of purchasing tobacco products or alternative nicotine products.

SECTION XIV: POSSESSION BY PERSON UNDER EIGHTEEN (18) YEARS OF AGE PROHIBITED It shall be unlawful for any person under the age of eighteen (18) years of age to possess any tobacco product or alternative nicotine product / accessory, except from family members or acquaintances on private property that is not open to the public or from the individual's employer when required in the performance of the individual's employment duties.

SECTION XV: PROXIMITY TO CERTAIN INSTITUTIONS It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products or alternative nicotine

SECTION XVIII: FREE-STANDING DISPLAY No person shall display or offer tobacco products or alternative nicotine products for sale in an establishment except in a highly visible area, or an area with a great likelihood of being seen by an employee, or from within an enclosure, which physically precludes the removal of tobacco products or alternative nicotine products without assistance.

SECTION XIX: RESPONSIBILITY FOR AGENTS AND EMPLOYEES Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this ordinance by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punished in the same manner as if such act or omission had been done or omitted by the licensee personally.

SECTION XX.: FINE, SUSPENSION OR REVOCATION OF LICENSE Every license issued under this Ordinance is subject to the right which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the sale of a tobacco product or alternative nicotine product or accessory to any person under the age of eighteen, or permit the operation of any cigarette vending machine contrary to the provisions of this Ordinance or the laws of the State of Illinois. Said license may be suspended or revoked by the Board of Trustees after written notice to the licensee, which notice should specify the ordinance or law violation with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violation. Ten days notice of the hearing shall be given the licensee. At such hearing, the licensee and his attorney may present and submit evidence or witnesses to his defense.

In addition to the aforesaid power to suspend or revoke the license to sell tobacco products, the licensee may be prosecuted by the Village before the Village Hearing Officer for any violation of

be subject to a penalty of not less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00).

Any person under the age of 18 found in possession of tobacco products or alternative nicotine products may be subject to a penalty of not less than one hundred dollars (\$100.00) and no more than five hundred dollars (\$500.00).

SECTION XXIV: REPEAL AND SAVINGS CLAUSE All ordinances or parts of ordinances in conflict herewith are here by repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Mundelein prior to the effective date of this ordinance.

SECTION XXV: EFFECTIVE DATE This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION XXVI Nothing in this ordinance shall be construed to affect any pending administrative adjudication or any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this ordinance.

SECTION XXVII If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph,

Kevin Bowens

From: Kevin Bowens
Sent: Tuesday, April 12, 2016 4:40 PM
To: Terry Weppler; Clinton Herdegen
Subject: RE: Upgrade of Liquor

I'll invite Lino to the meeting.

Kevin J. Bowens
Village Administrator
118 West Cook Avenue
Libertyville, Illinois 60048
847-918-2026

-----Original Message-----

From: Terry Weppler [mailto:tweppler@wepplerlaw.com]
Sent: Tuesday, April 12, 2016 4:24 PM
To: Kevin Bowens; Clinton Herdegen
Subject: RE: Upgrade of Liquor

If Clint has no objection then let's ask License & Permits Committee to review.

-----Original Message-----

From: Kevin Bowens [mailto:kjbowens@libertyville.com]
Sent: Tuesday, April 12, 2016 11:03 AM
To: Terry Weppler <tweppler@wepplerlaw.com>; Clinton Herdegen <cherdegen@libertyville.com>
Cc: Kelly Johnson <kjohnson@libertyville.com>
Subject: RE: Upgrade of Liquor

Terry, I see no reason not to remove. Do you want to meet with Lino to discuss the change in license? Kevin

Kevin J. Bowens
Village Administrator
118 West Cook Avenue
Libertyville, Illinois 60048
847-918-2026

-----Original Message-----

From: Terry Weppler [mailto:tweppler@wepplerlaw.com]
Sent: Monday, April 11, 2016 12:46 PM
To: Kevin Bowens; Clinton Herdegen
Subject: RE: Upgrade of Liquor

Kevin & Clint,

I am not sure why we limit live entertainment in any class since it is a desirable component in many establishments. A number of the downtown merchants have live entertainment during the First Friday events. I know we removed this

requirement from one license classification. Do you see any reason for not removing this requirement from all license classifications?

Terry

Terry L. Wepler
Village President
Village of Libertyville
Libertyville, IL 60048
847-362-2430

-----Original Message-----

From: Kevin Bowens [<mailto:kjbowens@libertyville.com>]
Sent: Monday, April 11, 2016 9:41 AM
To: linosristorante@yahoo.com
Cc: Terry Wepler <tweppler@weplerlaw.com>
Subject: FW: Upgrade of Liquor

Lino, thank you for the email and interest in changing your liquor license classification from a "D" to a "C". I will forward to the Mayor/Liquor Commissioner for review. Please note that under a Class C license live entertainment is prohibited unless a special use permit is granted by the Mayor and Village Board for a special occasion. Kevin

Kevin J. Bowens
Village Administrator
118 West Cook Avenue
Libertyville, Illinois 60048
847-918-2026

-----Original Message-----

From: Lino Carvajal [<mailto:linosristorante@yahoo.com>]
Sent: Thursday, April 07, 2016 5:09 PM
To: Kevin Bowens
Subject: Upgrade of Liquor

Hi Kevin,
If you have any questions give me a call at 8472122791.
Thank you!

Hello,

To Whom It May Concern my name is Lino and I am the owner of "Lino's Ristorante" located on 265 Peterson Rd. My state liquor number is 1A-0062335 and my current state liquor #15L-31 which allows me to have a class "D" liquor license. I am looking to update to a class "C" in order to serve hard liquor. One question I have is, I am interested in having a piano player come and play occasionally. Would having this count as live entertainment, and is that acceptable with the class "C" license? I hope to hear from you soon. Thank you for your time.

Sincerely,

Lino