

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES**  
**APRIL 5, 2006 – 6:30 p.m.**

Chairman Hay called the meeting to order at 7:00 p.m. Committee members present: Aldermen Hay, Berg, Logan and Leyden. Also present were Mayor Nolan, City Clerk Wells and City Administrator Nelson.

**Liquor License Requests**

George Ambat/convenience store on E. Diggins St. – George Ambat, current owner of the Lil Corner Store, addressed the Committee and noted he was planning on taking over the convenience store that is being built in the 700 block of East Diggins, and would like to request that the City Council create a Class B carry-out liquor license for that location. Mayor Nolan advised Mr. Ambat that the Ordinance Committee has discussed amending the liquor code to charge a one-time fee of \$10,000 for the creation of a liquor license. Should the Committee make that recommendation to the City Council, the Mayor noted that because he was not aware of a one-time fee at the time he submitted his application, Mr. Ambat would be refunded the \$500 for the background check should he decide not to pursue the liquor license application. Mr. Ambat requested a couple of days to think about it. Moved by Berg, seconded by Logan to approve Mr. Ambat's request for a Class B Liquor License, specific to Mr. Ambat, for the convenience store that is being built in the 700 block of East Diggins. All ayes. Motion carried.

Tim Galvin/Bar Time - Tim Galvin, current owner of Bar Time, addressed the Committee with respect to his request to create a Class A Liquor License for Bar Time, which currently has a R1 Restaurant Liquor License. Mr. Galvin noted the difficulty in meeting the 60% food and 40% liquor requirement of the R1 liquor license classification due to the increased competition in the restaurant business in the community. Mr. Galvin stated that he has submitted, at the City's request, all food and beverage receipts during the current period of licensing (2005-2006) showing proof that 60% of the gross sales during this period were from the sale of food. Administrator Nelson stated that the documents submitted do not meet the 60/40 split. Mr. Galvin was advised that the creation of a Class A license would require the one-time fee as set by the Committee which is currently being considered at \$10,000. Alderman Hay reviewed the police calls made to Bar Time during the last year which were more than any other tavern or restaurant in the community. Moved by Hay, seconded by Berg to recommend to the City Council a one year extension of Bar Time's R1 Liquor License for 2006/2007, with all appropriate applications and fees submitted, subject to a written agreement entered into between Mr. Galvin and the City of Harvard that would stipulate the following conditions: fewer police calls made, proper records/books submitted to City Administrator Nelson on a quarterly basis which would show proof of the 60/40 split between food and liquor, and an honest attempt for better adherence to city ordinances; should Mr. Galvin fail to maintain the 60/40 split by the end of next year, said R1 liquor license will not be renewed. Mr. Galvin was asked if he wished to withdraw his request for a Class A Liquor License or enter into an agreement with the City with respect to the R1 license. Mr. Galvin was advised that there was no guarantee that he would receive a Class A Liquor License. After much discussion, Mayor Nolan presented Mr. Galvin the option of entering into the agreement with the City for a R1 Liquor License under the terms discussed or moving forward with his request to create a Class A Liquor License which would be subject to the one-time license fee of \$10,000. Mr. Galvin stated his request would be to renew the R1 Liquor License. Chairman Hay called for a vote on the original motion. All ayes. Motion carried.

**Draft Ordinance Amending Chapter 25 – Liquor Code**

Moved by Berg, seconded by Logan to recommend to the City Council approval of the proposed ordinance amending various sections of Chapter 25 regarding license restrictions, outdoor dining and providing for a one-time liquor license fee of \$10,000. City Clerk Wells reviewed his handout for additional amendments, pursuant to his discussions with Chief Oparyk, for the Committee's consideration to be incorporated into the proposed ordinance. Most of the amendments are already contained in the state code. City Administrator Nelson noted that the City Council amended the code a couple of years ago to remove those portions of the code that were in the state liquor code and that there is a section that adopts the state liquor code so the police can still charge under local ordinance. There was discussion about the provision in the handout that would prohibit any slot machines or vending machines which involves the element of chance. The general consensus was that the machines themselves are legal, but if establishments are paying out on the machines, then the police department should be enforcing the laws that prohibit gambling. Alderman Marzahl noted a correction to be made in Section (C) of the proposed ordinance which states that the license is non-transferable. Alderman Berg amended his motions, seconded by Logan to amend the last line in Section C. to delete the language referring to the license being non-transferable. All ayes. Motion carried.

At 7:32 p.m., moved by Berg, seconded by Leyden to adjourn the meeting. All ayes. Motion carried.

Submitted by:  
Chairman Tom Hay