

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, OCTOBER 16, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Pietryla, Gehm Spellman (joined 4:31 pm)

Absent: Zollers

3. Motion by Ald. Pietryla, second by Ald. Gehm to accept and place on file minutes of the Liquor Control Commission meeting held on July 17, 2023.

Voice Vote: Ayes: Ald. Pietryla, Ald. Gehm. Nays: None. Absent: Ms. Zollers, Ms. Spellman. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

4. Motion by Ald. Pietryla, second by Ald. Gehm to accept and place on file minutes of the Liquor Control Commission Execution Session meeting held on July 17, 2023.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

5. Motion by Ald. Gehm, second by Ms. Spellman to approve a Proposal for a Class A1 Liquor License Application for Main Street LLC, Located at 201/203 W. Main Street, St. Charles.

Acting Police Chief Eric Majewski introduced the item. The business will be named Main Street Liquor. The dba Puffs and Pours will not be used and the floor plan will be the same as the previous business in this location. The applicant, Serena Patel, also has a liquor license for Shop and Save in Antioch, which is in good standing with the State of Illinois. The police department recommends approval of this application.

There will be a separate application and approval for tobacco licensing.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

6. Discussion Regarding a Complaint of Violation and Hearing Notice for Northwoods Pub & Grill, Ind. d/b/a The Evergreen Pub & Grill, located at 1400 W Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 21, 2023, at approximately 8:15 p.m., the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 1400 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 21, 2023, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill was operating under a Class STD B and late night 2AM permit issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.08.250(19) 1 and 2 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has been received and the licensee pleaded guilty and requested a hearing to potentially receive mitigation.

Brian Zirlin of Evergreen Pub and Grill described the establishment's gaming and alcohol policy, and also stated that the business conducts checks of its own. He and his partner accept full responsibility for the violation and the employee's failure to follow the policy. Efforts will continue to train employees to follow all rules and laws. Monthly meetings and compliance checks are conducted. Tom Trier also attended the meeting, stating that the individual who sold alcohol to an underage person is no longer employed by the business.

Further discussion will be conducted in Executive Session.

7. Discussion Regarding a Complaint of Violation and Hearing Notice for Savway Fine Wines & Spirits, located at 2580 E Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 21, 2023, at approximately 6:42 p.m., the Licensee, Savway Fine Wines & Spirits, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 2580 East Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 21, 2023, Savway Fine Wines & Spirits was operating under a Class A1 liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.08.250(19)1 and 2 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Savway Fine Wines & Spirits, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Savway Fine Wines & Spirits as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has been received and the licensee pleaded guilty and requested a hearing to potentially receive mitigation.

Mary Claire Malloy and Mary Beth Flynn are representing the business. The business is 90 years old, with 40 years at this location. They have a zero-tolerance policy and are displeased about this incident. It was the employee's fourth day working at the business, and he has since resigned. The business owners and manager take their responsibility seriously and have turned away patrons when necessary to uphold the law. Savway will highlight to all new employees that they should not work at the cash register for two weeks and until they are completely trained. Employees look at the ID to verify age, and there are no other tools used.

Further discussion will be conducted in Executive Session.

8. Public Comment - none

9. Executive Session

Motion by Ald. Pietryla, second by Ald. Gehm to enter executive session at 4:49 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

The regular meeting resumed at 5:03 pm.

10. Adjournment.

Motion by Ms. Spellman, second by Ald. Gehm to adjourn the meeting at 5:03 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Spellman. Nays: None. Absent: Ms. Zollers. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

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