

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, DECEMBER 19, 2022, 4:30 PM

1. Call to Order.

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

2. Roll Call.

Present: Zollers, Bancroft, Pietryla, Gehm

Absent: None

3. Motion to accept and place on file minutes of the Liquor Control Commission Executive Session meeting held on October 17, 2022.

Motion by Ald. Pietryla, second by Mr. Gehm to accept and place on file minutes of the Liquor Control Commission meeting held on October 17, 2022.

Roll Call Vote: Ayes: Ald. Bancroft, Ald. Pietryla, Mr. Gehm, Ms. Zollers; Nays: None.

Mayor Vitek did not vote as Commissioner. **Motion Carried**

4. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on October 17, 2022.

Motion by Ms. Zollers, second by Ald. Bancroft to accept and place on file minutes of the Liquor Control Commission meeting held on October 17, 2022.

Roll Call Vote: Ayes: Ald. Bancroft, Ald. Pietryla, Mr. Gehm, Ms. Zollers; Nays: None.

Mayor Vitek did not vote as Commissioner. **Motion Carried**

5. Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Sections 5.08.090 “License – Classifications,” 5.08.100 “License Fees,” and 5.08.130 “License - Hours of Sale” of the St. Charles Municipal Code.

Chief Keegan explained the new license classification. It is a dual-purpose license, which allows pour and package sales. Package goods cannot be consumed on site, the liquor retail component may not exceed 10% of the floor space, and there must be other goods or services offered on site. This license is restricted to fueling stations which have a restaurant on site.

Motion by Ald. Pietryla, second by Ms. Zollers to recommend approval of an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Sections 5.08.090 “License – Classifications,” 5.08.100 “License Fees,” and 5.08.130 “License - Hours of Sale” of the St. Charles Municipal Code.

Roll Call Vote: Ayes: Ald. Bancroft, Ald. Pietryla, Mr. Gehm, Ms. Zollers; Nays: None.
Mayor Vitek did not vote as Commissioner. **Motion Carried**

6. Recommendation to approve an A3 Liquor License Application for The Pride Stores, Inc. dba The Pride of Kane County, located at 3025 E Main Street.

Chief Keegan shared that the new location for The Pride is currently under construction. It will have a Taco Urbano restaurant inside the convenience store. The Pride currently has four businesses operating in St. Charles, and they are not requesting video gaming license for either location.

Motion by Ms. Zollers, second by Mr. Gehm to recommend approval of an A3 Liquor License Application for The Pride Stores, Inc. dba The Pride of Kane County, located at 3025 E Main Street.

Roll Call Vote: Ayes: Ald. Bancroft, Ald. Pietryla, Mr. Gehm, Ms. Zollers; Nays: None.
Mayor Vitek did not vote as Commissioner. **Motion Carried**

7. Discussion Regarding a Complaint of Violation and Hearing Notice for McNally's Group, LLC, dba McNally's, 109 West Main Street, St. Charles.

Commissioner Vitek read the complaint into 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 22, 2022, at approximately 8:45 p.m., the Licensee, McNally's Group, LLC d/b/a McNally's, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 109 West Main Street, St. Charles, Illinois:

OFFENSE

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

3. On or about September 22, 2022, McNally's Group, LLC d/b/a McNally's was operating under a Class B 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 Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, McNally's Group, LLC d/b/a McNally's, 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 McNally's Group, LLC d/b/a McNally's as the Commission shall deem appropriate under the circumstances.

Attorney Peppers informed the commission that the original arraignment form discussed at the October 17, 2022 Liquor Control Commission meeting was a plea of "not guilty." A new form has subsequently been submitted with a plea of "guilty" and requesting mitigation.

Attorney Doug Cuscaden spoke to the commission, explaining the change in plea. He requested mitigation, stating that this establishment has not had a violation in over 25 years. The employee who served the underage patron is no longer with McNally's. Jill Michele Operations Manager of McNally's spoke to the commission and shared the internal rules and policies for compliance with liquor laws.

Commissioner Vitek explained that an executive session would be held at the conclusion of the proceedings to discuss any penalties associated with the violation.

8. Public Comment - none

9. Executive Session (5 ILCS 120/2 (c)(4)).

Motion by Ald. Pietryla, second by Ald. Bancroft to enter executive session (5 ILCS 120/2 (c)(4)) at 4:47 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Mr. Gehm, Ms. Zollers, Ald. Bancroft; Nays: None; Abstain: None; Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

10. Resume Public Meeting at 4:54 pm

11. Adjournment.

Motion by Ald. Bancroft, second by Ms. Zollers to adjourn the meeting at 4:55 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Mr. Gehm, Ms. Zollers, Ald. Bancroft; Nays: None; Abstain: None; Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

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