

MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, APRIL 19, 2021, 4:30 PM
2 E MAIN STREET

1. Call to Order.

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

2. Roll Call.

Present: Mr. Gehm, Ms. Zollers, Ald. Pletryla, Ald. Stellato

Absent: None

- A.** Commissioner Rogina started with items 9-14 on the agenda all of which pertained to an alcohol tax citation and hearing notice. All the establishments paid their alcohol tax prior to the meeting.

Commissioner Rogina stated that City Staff went through a lot over the last number of weeks to organize and determine who is in arrears with their alcohol tax. Several of the establishments were in arrears right up until the last minute before the meeting. After a discussion with the City Administrator, it was decided that it would be good for all to attend the meeting.

Commissioner Rogina read the Citation in to the record and noted that it applied to the following licensees:

- **Mr. A's Prairie Liquor & Wine, located at 1401 Prairie Street, St. Charles**
- **C & A Management Group, LLC, dba, Flagship on the Fox, located at 100 South Riverside Avenue, St. Charles.**
- **Jay's & N, Inc., dba Throwback Sports Bar, located at 1890 W Main Street, St. Charles.**
- **MYD Inc., dba, Mr. Samarai, located at 558 S Randall Road, St. Charles.**
- **Eden on the River, located at 1 West Illinois Street, Suite 160, St. Charles.**
- **St. Charles Sports LLC, dba Spotted Fox Alehouse, located at 3615 E Main Street, St. Charles.**

Commissioner Rogina explained to the licensees that if City Staff hadn't worked as hard as they did to receive payment of their alcohol tax, there would have been no liquor license issued for their establishments on May 1, 2021. The Commissioner said that

when you're charging an alcohol tax, it's charged at the time of sale. That tax is the City's money, it's a pass-through and possibly some establishments used it to float. Good times, or bad times, there should be no excuse for this. The 3% being charged is for the City. Commissioner Rogina explained that a discussion about what, if any, penalties will be administered will take place in Executive Session after the meeting. The licenses will be notified when the decision is made. Commissioner Rogina welcomed anyone who has a question to approach the podium.

Jason Agaston, Throwback Sports Bar – Mr. Agaston explained that during the 14 days he was late he was hospitalized and quarantined. Mr. Agaston said that during the pandemic there are times when people feel ill, and need to quarantine. He asked if there is an option to pay the alcohol tax through an online portal. He noted that while he was hospitalized any payments that required a check were delayed.

Chris Minick stated that the City does not have an option for online payments and noted that payments can be mailed to the City.

Mr. Agaston asked if the City would like envelopes from someone that isn't feeling well that could potentially make someone ill.

Commissioner Rogina stated that alcohol tax payments are due the month following receipt.

Mr. Agaston explained that they use an accountant to ensure that they are submitting correct payments, and not going back and forth fixing small issues.

Commissioner Rogina said that he's proud of what the City has done during the pandemic such as no late fees on utility bills, waiving the liquor licensing fee for certain licensees, and the reduction of late-night permit costs for FY 21/22.

Mr. Agaston said it should be mentioned that he paid for his late-night permit to be reissued, and then received a bill in January for the renewal. The same goes for his video gaming license. He stated that he doesn't understand how that helps with reduction of costs. Additionally, he stated that in these times, 14-days late, an \$8.00 late fee, and then to have to attend a hearing, doesn't seem fair.

Marwan Tiab, Spotted Fox Alehouse – Marwan explained that his situation is unique because he doesn't charge state or local sales tax at the bar. The restaurant absorbs that cost. He explained that the restaurant closed twice during the pandemic and fell behind approximately \$26,000; the City was paid approximately \$25,500. He stated that he's been in St. Charles for 10 years and has never been late before. He stressed that he didn't use the sales tax to float, because they eat the tax.

Commissioner Rogina stated that Mr. Minick and the people in finance are always happy to work with licensees to ensure their working efficiently with the City and abiding by

the rules. He explained that licensees can speak with their aldermen at any time regarding policy, and that the City tries their best to work with licensees.

Commissioner Rogina excused the group from the meeting and thanked them for attending.

Ms. Zollers asked Chief Keegan regarding the service to Puebla Modern Mexican. Chief Keegan said they are still attempting service and they have not yet been served.

3. Recommendation to approve a Proposal for a D1 Liquor License Application for the St. Charles Park District, located at 8 North Avenue, St. Charles.

Chief Keegan explained that this is a new D-1 license that was recently codified last month. It's a global license encompassing all City Parks, minus playgrounds and the Pottawattamie Park Golf Course. The application was vetted by Atty. Peppers, and the Park District's legal counsel. The site maps for the establishments were included in the packet, the insurance, and basset training has been verified.

Ms. Zollers asked if this keeps the Park District from having to come forward several times per year for events. Chief Keegan stated that as long as it's a private event or an event with a caterer there will be no need for approval. If it's a vendor that does not have a caterers license, and it's not a private event, it would require an E license and it would require approval. The Chief explained that the D-1 license will help to streamline the process.

Motion by Mr. Gehm, second by Ms. Zollers to Recommend the Approval of a D1 Liquor License Application for the St. Charles Park District, located at 8 North Avenue, St. Charles.

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

4. Recommendation to approve a Proposal for a D2 Liquor License Application for Courtyard Marriott St. Charles, Located at 700 Courtyard Dr., St. Charles.

Chief Keegan stated that the Marriott Courtyard has had an ownership and Operating Group change. CCIL associate is the LLC, and GF Hotels is the management company. It's substantially similar to how things are being operated currently.

Ms. Zollers said that she didn't see Basset certification for Ms. Morallis in the packet. Chief Keegan said that he'd make sure we have it before the license is issued.

Motion by Ms. Zollers, second by Ald. Pietryla to Recommend the Approval of a Proposal for a D-2 Liquor License Application for Courtyard Marriott St. Charles, located at 700 Courtyard Dr., St. Charles.

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

5. Recommendation to approve a Proposal for a B1 Liquor License Application and 1am Late Night Liquor Permit for The Graceful Ordinary, Located at 1 E. Main St., St. Charles.

Chief Keegan stated that the Graceful Ordinary will be occupying the former BMO Harris Building which is currently under renovation. The restaurant will occupy 4600 sq. ft. inside and 2200 sq. ft. outside. Total seating is 230 people. The applicant has also applied for a 1am permit.

It was mentioned that the owner of the Graceful Ordinary owned and operated a restaurant in Chicago, Blue 13, which closed due to financial hardship. The ability for Chris Curren to obtain a liquor license was vetted by legal counsel. Chris was very forthcoming during his discussions with Chief Keegan and Atty. Peppers. Mr. Curren has exceptional experience as a corporate chef, his business plan was included as part of the packet.

Commissioner Rogina asked what Mr. Curren would say regarding his past financial issues. Mr. Curren stated that some things were in his control, some were not. He did the best he could to right the situation. He's repaid his debt to the State, worked hard to get reinstated by the Illinois Liquor Control Commission, and works hard to make sure he doesn't make the same mistake twice. He is going to take the necessary steps to ensure this never happens again.

Commissioner Rogina stated that Chris has stirred excitement in the community with what he's offering and the location of the restaurant. The Commissioner stated that he trusts the recommendation of Atty. Peppers and Chief Keegan, and that he feels positive about Chris getting off to a good start in the community.

Mr. Gehm said that as an accountant, his not paying taxes really stood out to him. He stated that the City takes paying their alcohol tax and utility bills very seriously and he wouldn't want a licensee to be jeopardized by not doing that. He acknowledged that some things were out of Chris' control, and emphasized that the alcohol tax is a pass-through, and the money should be paid to the City.

Mr. Gehm asked if the hours will change from what is listed in the packet based upon the 1am late night permit. Chris answered that they want to do events, and have the ability to extend beyond normal business hours. It will be used on a case by case basis.

Chris said that one of the things he learned, addressing the tax situation, is that he will have a separate bank account for sales tax money.

Ms. Zollers asked if everything is settled with the State. Chris answered that everything has been settled.

Motion by Ald. Stellato, second by Mr. Gehm to Recommend the approval of a Proposal for a B1 Liquor License Application and 1am Late Night Liquor Permit for The Graceful Ordinary, Located at 1 E. Main St., St. Charles.

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

6. Recommendation to approve a 1:00 am Late Night Permit, and outdoor dining for Dough Pro's dba Billy Bricks Pizza, Located at 11 N 3rd Street, St. Charles.

Chief Keegan explained that there is a requirement by the City that a Sidewalk Café Permit be obtained. That was taken care of by Billy Bricks through their landlord Terry Grove. The site plan is in the packet.

Chief stated that Billy Bricks was licensed last month, and after being in operation realized they would like a late night permit and to expand outside. A late night permit requires approval of the Liquor Commission and City Council. Billy Bricks has been open a few weeks and have had no issues.

Motion by Ms. Zollers, second by Ald. Pietryla to Recommend the approval of a 1:00 am Late Night Permit, and outdoor dining for Dough Pro's dba Billy Bricks Pizza, Located at 11 N 3rd Street, St. Charles.

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

7. Discussion Regarding a Utility Bill Payment Citation and Hearing Notice for Bella Bistro & Wine Bar, located at 3843 E Main Street, St. Charles.

Mark Koenen explained that Bella Bistro & Wine Bar paid their outstanding utility liability and is up to date. Mr. Migo was there earlier in the evening and left when the other licensees were excused. They will be included in the executive session discussion.

8. Discussion Regarding a Utility Bill Payment Citation and Hearing Notice, and Alcohol Tax Citation and Hearing Notice, for Puebla Modern Mexican, LLC located at 305 W Main Street, St. Charles.

Commissioner Rogina explained that although they have tried, the citation has not yet been served to Puebla Modern Mexican, LLC. The Commissioner read the citation into the record, and explained that after consultation with legal counsel the citation will be reissued and the City will attempt to serve it again.

Mr. Gehm asked if it's both alcohol tax and utilities that haven't been paid. Chris Minick confirmed, and stated that no alcohol tax return has been filed therefore it's not certain what amount is due. He also mentioned that it's not clear if they have been open, and that there are utility bills that need to be resolved.

Mr. Gehm asked if there would be an additional month of alcohol tax if they are open and this is brought before the Liquor Commission next month. Chris answered that regardless if they are open, they hold a liquor license, and per the City Code they have to file a tax return even if the tax return is zero.

Ms. Zollers asked if there are alternative methods of service, similar to a summons. Atty. Peppers answered that it will be sent certified mail, and be posted on the door of the establishment.

9. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for ANB Liquor, LLC, dba Mr. A's Prairie Liquor & Wine, located at 1401 Prairie Street, St. Charles.

See item A. above for notes on this discussion.

10. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for C & A Management Group, LLC, dba, Flagship on the Fox, located at 100 South Riverside Avenue, St. Charles.

See item A. above for notes on this discussion.

11. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for Jay's & N, Inc., dba Throwback Sports Bar, located at 1890 W Main Street, St. Charles.

See item A. above for notes on this discussion.

12. Discussion Regarding an Alcohol Tax Citation and Hearing Notice MYD Inc, dba, Mr. Samarai, located at 558 S Randall Road, St. Charles.

See item A. above for notes on this discussion.

13. Discussion Regarding and Alcohol Tax Citation and Hearing Notice for Eden on the River, located at 1 West Illinois Street, Suite 160, St. Charles.

See item A. above for notes on this discussion.

14. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for St. Charles Sports LLC, dba Spotted Fox Alehouse, located at 3615 E Main Street, St. Charles.

See item A. above for notes on this discussion.

15. Public Comment.

As this was Liquor Commissioner Rogina's last meeting, he mentioned the individuals that have been part of the Liquor Control Commission, including City Clerk, Chuck Amenta, Aldermen Silkaitis, Vitek, Lewis and Payleitner, now Stellato and Pietryla, as well as his neighbor and good friend Ms. Zollers.

Commissioner Rogina gave special mention to Mr. Robert Gehm, who he appointed to the Commission 8 years ago, and thanked him for his contributions over the years.

Commissioner Rogina thanked Police Chief Keegan for the partnership he has with the Liquor Commission. Working to establish the community as a functional and exciting entertainment community, instead of a rough and tumble bar community. Commissioner Rogina said that the trend has developed and improved every year, and much of that is because of Chief Keegan's efforts. The Commissioner thanked Chief Keegan for all his hard work and dedication.

Commissioner Rogina thanked Mark Koenen, Chris Minick, and Atty. Peppers for their hard work.

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

Motion by Mr. Gehm, second by Ms. Zollers to enter into executive session under 5 ILCS 120/2 (c)(4) for purpose of discussion penalties.

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

17. Adjournment.

Motion by Ms. Zollers, second by Mr. Gehm to adjourn the meeting at 4:52 pm.

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

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