

MINUTES
GOVERNMENT OPERATIONS COMMITTEE
ALD. TODD BANCROFT, CHAIR
TUESDAY, FEBRUARY 20, 2018

1. Call to Order

2. Roll Call

Members present: Bessner, Lewis, Silkaitis, Lemke, turner, Gaugel

Absent: Stellato, Vitek, Payleitner

3. Omnibus Vote - None

4. Police Department

- a. Recommendation to approve and Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 8 “Alcoholic Beverages”, Section 090 “License –Classifications” of the City of St. Charles Municipal Code.

Dept. Chief Mahon: We had a business approach us, 210 Cedar Ave.; which is the name of the business as well as the address. They are looking to start a business that is a small event space for meetings, bridal showers, etc. They are requesting a liquor license so they can have alcohol service at the events. They would have it through a B or C license holder from the City of St. Charles, or a BYOB.

Ald. Lewis: What was the discussion at the liquor commission? I’m confused by this. Can you hold 2 licenses at the same time?

Ald. Silkaitis: It would be 3 licenses. I didn’t like the idea.

Ald. Lewis: I understand what you’re trying to do, but is there some way to simplify this?

Deputy Chief Mahon: It would be one license, along the lines of a special event license. We have some other businesses that have a class B or C license and can dispense liquor. We don’t have one with the BYOB option; basically it’s a liquor license for the premises to allow for liquor service. Originally the ordinance was written to give them the ability to serve alcohol themselves if they wanted to. The owners have indicated that don’t wish to do that. They would work with their clients through a caterer, as is the same with some of our other ordinances where it’s required that the caterer serving alcohol have a valid B or C license with the City. This would allow them to have service at the premises. There are several municipalities that do this; allow the BYOB and are required to have the liability insurance and turn that over to the facility for the service.

Ald. Lewis: I thought with our BYOB you couldn’t hold any other license. What would stop another B or C license holder from deciding they want a BYOB license in addition to their

current license?

Deputy Chief Mahon: The class B license specifically indicates they can sell liquor purchased through a distributor along with the service of their food and it's for consumption on the premises only. They don't have a license that allows for the BYOB. There are some that specifically have a BYOB license, but not the service of alcohol. This is a venue space intended to let the person renting the space have the option of a caterer or to bring the alcohol.

Ald. Lewis: I know what you're telling me. I'd like to see them have one license.

Mayor Rogina: They are having one license.

Ald. Lewis: If I'm having a private event at their place, can they say we want a BYOB so I can bring in my own wine for the event?

Mayor Rogina: No, they couldn't, because the license right now prohibits that.

Ald. Lewis: They could apply for this license.

Mayor Rogina: They aren't going to come in here for a special event and request a new license.

Ald. Lewis: They could apply for a BYOB in addition to their license to accommodate customers renting their space.

Chair. Bancroft: The D9 is really a BYOB option. We have an event space; we're going to let someone bring their own alcohol, that's it. If they don't want a BYOB, but there will be alcohol served, that's when someone with a class B or C license, a separate independent caterer, a St. Charles licensee, separate from the event space comes in.

Ald. Lewis: Does it specify they have to be from St. Charles?

Deputy Chief Mahon: Yes. You have to be a current or valid Class B or C license holder in the City of St. Charles. We also put some other language in to try to narrow it down to this specific type of business. We call it a small event venue, specifically for the purpose of conducting small events. A restaurant wouldn't fall into that category and be able to apply for this D-9 license. Their premises are not for the purpose of small events.

Ald. Lewis: What is the fee for this license?

Deputy Chief Mahon: We have it set as \$500.

Ald. Lewis: Even though they have 2 licenses they don't have to do the BYOB?

Deputy Chief Mahon: They would have 1 license. If they wanted to they could contract with another business in town with a Class B license. It would be a by event basis. The facility

would have the D-9.

Ald. Bancroft: It's one license with a BYOB concept. They have an event space. If someone wants to come in and use the space they have the option of bringing their own alcohol. The only other way they can be served alcohol on the premises is if a third party, class B or C license holders, brings in the alcohol as a caterer.

Ald. Silkaitis: They have three options. They can have a bar, they can have a third party run it, or they can have a BYOB. I think that's too broad.

Deputy Chief Mahon: This came up at the Liquor Commission, the first line of the ordinance; shall authorize sale or delivery of alcohol/liquor. That could allow them to hire a bartender if they like, but this particular business has indicated they won't be doing this.

Ald. Bancroft: It's either BYOB, the event owner themselves through their D-9 authorization provides the alcohol, or Class B or C caterer.

Ald. Silkaitis: If they have a caterer come in can they also have people bring their own in? Can the licenses overlap?

Deputy Chief Mahon: The way the ordinance is worded; it would be an either or, but not both.

Ald. Silkaitis: You couldn't have people bringing in if they are being catered.

Chief Keegan: When we researched our BYOB ordinance, I checked with the Illinois Liquor Commission and the licenses can't be co-mingled. It has to be one or the other.

Ald. Silkaitis: The concept is great. I just think the license is too broad.

Ald. Lewis: The owners are here. You understand that you can't do both at the same time; it's one or the other.

Karen Ramella: Yes, that's correct.

Ald. Lewis: I like the idea, but not all these different licenses. I'd like to send it back to see if something different can be worked out.

Karen Ramella: We don't want to sell alcohol. It would be either BYOB or a caterer.

Chair. Bancroft: Can we request that modification?

Ald. Silkaitis: We talked about that and we said it couldn't be done due to the way it's written. Correct?

Mayor Rogina: I originally said we could remove the word sale. There is a cash bar issue.

This kind of venue exists in a lot of places, to my knowledge we don't have it in St. Charles. It would be nice to have a model here in town.

Ald. Lewis: Is there a kitchen in your facility or will all food be brought in?

Karen Ramella: Correct, we won't be preparing food. They will just rent the space from us.

Ald. Bessner: This D-9 eliminates the need to have to come and apply for a license anytime you want to do an event.

Deputy Chief Mahon: Correct.

Ald. Lewis: Anyone who applied for a D-9 could get 2 licenses.

Deputy Chief Mahon: The D-9 allows for alcohol service at the premises. You would have the option of BYOB or Catered by a Class B or C license holder.

Chair Bancroft: As this is drafted they could also provide the alcohol for compensation at that space. That seems to be one of the bigger issues. If it's either BYOB or caterer to bring it in and those are the options.

Ald. Silkaitis: That's what I would like to do.

Ald. Turner: The people who are renting the space cannot sell the alcohol.

Deputy Chief Mahon: Correct, and it's for private events by invite only.

Ald. Bessner: That eliminates the cash bar?

Deputy Chief Mahon: No. If they contract with a Class B or C license to sell alcohol and they want to have a cash bar the event sponsor can do that.

Ald. Bessner: They can't do it without a D-9.

Mark Koenen: I would suggest, given that this is a new concept, we go back update the code and bring back the code for the D-9 license that identifies what the 2 options are. Sounds like the language will change to remove the sale of alcohol; you'll have a final draft based on your comments tonight.

Chair. Bancroft: Is that okay from a timing perspective?

Karen Ramella: Yes.

Mayor Rogina: I think you all agree this is a fine concept. We just want to iron out the particulars.

Ald. Lewis: Just to clarify, this is a permitted use, correct, on the 1st floor of the building they are in?

Mark Koenen: It's in the downtown area. Do you know what the zoning is?

Mr. Ramella: We did a Chapter 34, everything is in order.

Ald. Lewis: It doesn't have to be retail in that area?

Mr. Ramella: I think the use was personal services.

Mark Koenen: We can confirm that.

Motion by Ald. Bessner, second by Turner to postpone the recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 8 "Alcoholic Beverages", Section 090 "License –Classifications" of the City of St. Charles Municipal Code, and bring back a final draft on March 5, 2018.

Voice Vote: Ayes: Unanimous; Nays: None; Chrmn. Bancroft did not vote as Chair.

Motion carried.

- b. Recommendation to approve a Proposal for a New Class D-9 Liquor License for 210 Cedar, LLC, to be located at 210 Cedar Avenue, St. Charles, Illinois 60174. – Postponed until March 5, 2018.

Chair Bancroft: That was item 4a and 4b.

Deputy Chief Mahon: That's correct. 4b is for the actual license application.

- c. **Recommendation to approve a Proposal for a New Class A5 License for BOKE Enterprises, LLC dba The Wine Exchange located at 1 Illinois Street, Unit 120, St. Charles.**

Deputy Chief Mahon: This is a recommendation to approve a proposal for a new class A-5 license for the Wine Exchange. There is a change of ownership; BOKE Enterprises is taking the business over, same business name, no real change, just the ownership. We conducted a background check on Mr. Sommer the new owner and there are now issues. We're recommending approval.

Motion by Ald. Lemke, second by Bessner to approve a Proposal for a New Class A5 License for BOKE Enterprises, LLC dba The Wine Exchange located at 1 Illinois Street, Unit 120, St. Charles.

Voice Vote: Ayes: Unanimous; Nays: None; Chrmn. Bancroft did not vote as Chair.

Motion carried.

- d. **Discussion to consider a “Site License/Market License” at 1825 Lincoln Highway (93 Octane Nano-Brewery). This concept would be in addition to Urban Counter and the Pride Liquor Store.**

Chief Keegan: Parent Petroleum owns and operates three businesses at the location of Bricher and Rt. 38. The gas station and the adjoining strip mall that was built about 1 ½ years ago. Currently on the eastern portion of the building, is the Urban Counter Restaurant, a class B liquor license. In the center unit there is the Pride Liquor Store, class A liquor license, adjacent to those 2 locations all under one roof, one address, the owners initially were going to have an Italian deli. That concept never materialized. The owners would like to seek a site license for a nano-brewery. It’s one building, one unit all owned and operated by Parent Petroleum.

We have site licenses at Hotel Baker, Q-Center, and Pheasant Run. They would like to incorporate all three concepts under one site license. Each of the three location share bathrooms throuought the building. The reason they are here to seek support of the Government Operations Committee is because they have to obtain their state and federal licenses first before approaching the municipality. There are also some inspections that are conducted by the Kane County Health Department. This did advance forward from the Liquor Control Commission with a favorable recommendation.

Guy Morgano: 1460 Terrance Drive, Naperville

Chris Pecket: 3415 Winnetka Road, Glenview.

Ald. Turner: Can you explain this a bit more.

Chief Keegan: The reason we’re calling this a site license is there are different service points and distribution points under one roof. They have asked the City to change the address; initially it had a Bricher Road address. The state asked that they incorporate the address under one roof; it now has an 1825 Lincoln Highway address. You would have three different concepts under one roof, all owned by the same company.

Chief Keegan: This is similar to Penrose; you can go in and consume a brewed on site beverage, or buy it to go in a growler. This would incorporate brewery operations into both consumption on site, and consumption off site in a sealed container. This is the second brewery to seek licensure. I’ve had ½ dozen conversations in the last year or so. This is a hot topic for some of the distributors everybody wants to brew their own beer. They are popping up in a lot of different suburbs.

Ald. Lewis: Again, I think that we’re dealing with several different licenses under one roof. I have concerns about the preschool right there.

Chief Keegan: We looked at ordinances, for instance in North Aurora that has a similar concept. As far as the school, there are 2 locations there now operated by the Pride, LLC, that distribute alcohol and allow for consumption, this would be under the same roof, same license.

Chair. Bancroft: With the three concepts, is the only connection the fact that you have the common hallway and bathrooms? I'm looking at the site plan, and trying to understand how it will operate.

Guy Morgano: There may be someone there enjoying a beer and may want some food, which would come from the urban counter.

Chris Pecket: We realize this is a small building, probably less than 3000 sq. ft.

Ald. Turner: How many people would be in the brewery at one time?

Guy Morgano: Looks like there is room for about 24 people, 16 or 18 seats.

Ald. Lewis: What are the hours, are all the hours the same?

Guy Morgano: We have to close by 10:00 pm, by ordinance.

Ald. Lewis: So urban counter also closes by 10:00 pm.

Chief Keegan: It's important to note that the City did approve all three buildings with the one common bathroom location in the back, and the two with cross access all share those bathrooms and have the same hours of operation.

Ald. Turner: Are you looking to see if we want to go ahead with this concept?

Chief Keegan: It's a discussion item; we're looking for a recommendation. To seek this type of approval with the State and Federal Government they would expend a lot of capital. Before they move forward with the investment they would like some assurance that the Council would be interested in approving this type of concept down the road.

Ald. Turner: You would draw up a proposal from our comments here tonight.

Chief Keegan: We did supply a sample ordinance that is modeled after North Aurora. We codified it with our existing code; it incorporates a site license into brewery, package, restaurant and small nano-brewery.

Ald. Lewis: Is there any odor when you brew beer?

Chris Pecket: Similar to baking bread.

Guy Morgano: You can smell the hops.

Ald. Gaugel: Is the intent that more package goods/growlers will leave the premises, or more of a sit down for consumption. The space is limited; you're putting the brewery there that takes up a lot of space. Is your intent to sell more package goods from the nano-brewery, or have it for consumption and that's the secondary.

Chris Pecket: We do want to distribute. We are talking \$250,000 to invest in equipment. That doesn't include the build out, labor, marketing, etc. We're looking at about \$350,000 total. It's substantial.

Guy Morgano: The idea is to package 93 Octane and be able to sell through a distributor, provide tours, and provide growlers as well.

Ald. Gaugel: The floorplan in our packet accounts for the brewing equipment.

Guy Morgano: Yes, it does.

Ald. Lewis: Are you connected to petroleum, or are you renting the space?

Ald. Morgano: The Pride Stores are the retail arm of Parent petroleum, we represent the owners. We own the property, the building; It's all one ownership.

Mayor Rogina: We approved as an organization a large development on Rt. 38 and Randall. It's exciting from my perspective to see the variety going in there, and see the development of Rt. 38.

Chair. Bancroft: This is not a motion?

Chief Keegan: This is strictly a discussion item. At Liquor Control Commission everyone seemed to support the concept.

Mayor Rogina: You can always add something to the agenda. Someone can make a motion to support the concept. I think you're right that a motion supports it, but it's still not final until it goes to City Council.

Chair. Bancroft: I think a motion is a good idea.

Ald. Lewis: I think we have to decide as a body to add it to the agenda.

Mayor Rogina: That's correct. You would move to add an action item to the agenda, then take action.

Motion by Ald. Lemke, second by Bessner to add an action item to the agenda to continue in support of the site license/market license for 1825 Lincoln Highway as a nano-brewery.

Roll Call Vote: Ayes: Bessner, Silkaitis, Lemke, Turner, Gaugel; Nays: Lewis; Absent: Vitek, Payleitner, Stellato. Chair. Bancroft did not vote as chair. **Motion Carried.**

Motion by Ald. Lemke, second by Gaugel to support the concept to have a site license/market license for the 93 Octane Nano-Brewery, in addition to the Urban Counter and Pride Liquor Store for further work by City government officials to draft the final wording.

Roll Call Vote: Ayes: Bessner, Silkaitis, Lemke, Turner, Gaugel; Nays: Lewis; Absent: Vitek, Payleitner, Stellato. Chair. Bancroft did not vote as chair. **Motion Carried.**

Chair. Bancroft. I don't vote as chairman, but I would be in support of this.

5. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

6. Additional Items from Mayor, Council, Staff, or Citizens.

7. Adjournment

:tc

