

**MINUTES  
CITY OF ST. CHARLES, IL  
LIQUOR CONTROL COMMISSION MEETING  
MONDAY, MAY 15, 2017**

**1. Call to Order.**

The meeting was convened by Liquor Commissioner Rogina at 4:32 p.m.

**2. Roll Call**

**Members Present:** Liquor Commissioner Rogina, Ald. Silkaitis, Cliff Carrignan, Ald. Vitek, and Robert Gehm

**Absent:**

**Others Present:** Mark Koenen, Atty. John McGuirk, Police Chief Keegan, Tracey Conti, and Tina Nilles

**Chrmn. Rogina:** Welcomed back Bob Gehm, returning commissioner and also welcome officially Ald. Lora Vitek, Ald. Ron Silkaitis, and Citizen at Large – Cliff Carrignan.

**3. Recommendation to approve a proposal for a Class B liquor License application for new owners to take over Taste of Himalayas located at 110 N 3<sup>rd</sup> Street, St. Charles.**

**Chief Keegan:** The petitioner is here tonight and this is a Class B request for a restaurant which is a long standing restaurant in St. Charles. This is a change of ownership and there is no late night permit requested. This is a full service restaurant and bar which includes beer, wine, and spirits.

**Mr. Abhishek Gulati, 1611 Firethorn Street, Bolingbrook, IL, President.**

**Ald. Silkaitis:** On the first page of your application it states: business plan description has grandfathered from previous application. We don't grandfather licenses do we?

**Mr. Gulati:** We were two months delayed and his liquor license was expiring, so he filled out his renewal application before we did and we re-applied for the license.

**Ald. Silkaitis:** So there is a new business plan?

**Mr. Gulati:** They have kept the same plan, everything is staying the same, just the change of ownership.

**Tina Nilles:** The business plan is referenced in the executive summary of this applicant's packet.

**Ald. Silkaitis:** On page 6 – Dram Shop insurance says no.

**Mr. Gulati:** It has been furnished.

**Cliff Carrignan:** Have you owned restaurants before?

**Mr. Gulati:** No, I own a trucking company and other multiple things but this is something that the family was interested in so I took the step to do this and this is my first liquor license as well.

**Ald. Vitek:** Nothing further.

**Robert Gehm:** Nothing further.

Motion by Mr. Carrignan, second by Mr. Gehm to recommend approval of a proposal for a Class B liquor License application for new owners to take over Taste of Himalayas located at 110 N 3<sup>rd</sup> Street, St. Charles to go before committee for recommendation of approval to the City Council.

**Roll Call:** Ayes: Silkaitis, Carrignan, Vitek, Gehm; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

**4. Recommendation to approve WalMart Online Ordering and grocery pickup through [www.grocery.walmart.com](http://www.grocery.walmart.com).**

**Chrmn. Rogina:** In the first paragraph it talks about this concept of curbside pickup and they have been doing curbside pickup of groceries already. It says that although this concept and business practice is not yet permitted within St. Charles, the below mentioned liquor code does allow for this practice with City Council approval. The groceries are not the debate here; we're simply here to talk about curbside pickup of liquor and taking it to the car.

**Chief Keegan:** Pursuant to City Code 5.08.250 Subsection 17 "Licenses – Curb/Drive Through Service. This practice is allowed pursuant to that code language that says with City Council approval. Before us is this concept. We've had a couple of calls from our big box retailers with WalMart than Meijer's will be following close behind. That is to place an order online of the grocery website and once the customer arrives on scene, that order is picked and will be flagged if there is liquor; then a delivery out to the curb where the sale is consummated and if there is liquor involved, that's the step in front of you this afternoon. If you go to page 2 and 3 of the executive summary, this is the procedure material from WalMart.

**Guy Lambesis, Store Manager St. Charles WalMart, 150 Smith Road.**

**Chrmn. Rogina:** When someone places an order online that involves both groceries, staples, liquor, etc.; here in St. Charles we have a 1% sales tax and 2% alcohol sales tax. With some internet sales, cities lose that sales tax but that's not the case here because the sale takes place when that customer comes to the curb and signs off even though they've already run their credit

card. The final signature is the point of sale; so therefore we're getting our 1% sales tax and 2% alcohol sales tax – correct?

**Mr. Lambesis:** Correct, the point of sale is once the customer comes to the curbside, signs for their order, their card is charged and all sales tax is applicable to the City.

**Robert Gehm:** This is a great concept for customer service but what's the vetting process for those people who are packing orders that have alcohol included in the order, how do you plan to approach that to make sure they are the appropriate age to handle alcohol?

**Mr. Lambesis:** It's just as it is in the store; you have to be over 21 to sell alcohol and you have to be BASSET trained to serve alcohol. It will be those people picking and taking the orders to the car.

**Robert Gehm:** Those orders are filled within the confines of the store, car drives up, they check their order, sales associated also checks it and at that time ensures if there is alcohol included the right person is distributing it to the customer picking it up?

**Mr. Lambesis:** When they order alcohol online it is explained to the customer that you must be over 21 and you will be asked for state license or ID at the point of sale or the sale will not be permitted. The system allows us, if they are not 21, to take the alcohol off their bill and take it back into the store and charge them for the rest of their order. Also any alcohol in the bag is sealed up with an alcohol label put on the bag so there's no chance of any alcohol going by any of our people.

**Ald. Vitek:** So it sounds like the process you discussed going through the steps is pretty well outlined. My question is are there any periodic monitoring type checks done from us as the City and you as a business manager?

**Mr. Lambesis:** We have trained our assistant manager that whenever alcohol orders are made, they have to signed off on the order.

**Chief Keegan:** The Police Department does compliance checks where we go into businesses and bring someone into the business under the age of 21 to make sure the store is following best practices. We also do inspections from time to time and go in and inspect their licensure and practices, operations etc.

**Cliff Carrigan:** Hours of service, you obviously complied to what the City Code is, but if I place an order before the closing hour and I can't make it until 5 minutes past the hour; what happens then to the liquor?

**Mr. Lambesis:** Our hours of service are form 8:00 a.m. to 8:00 p.m. Any cancel orders get taken back into the store and put back on the shelf.

**Cliff Carrigan:** Did we not turn down a drive-through liquor license in the last year or so?

**Chrmn. Rogina:** Just the opposite, we approved Lundeen's. It hasn't been put into place yet but it was approved.

**Ald. Silkaitis:** Do any of the other WalMart stores sell alcohol through a drive-through?

**Mr. Lambesis:** We have 18 stores that just started this process in the Chicagoland, northern Illinois area. Batavia is the closest one.

**Ald. Silkaitis:** They did get approve for a drive-through?

**Mr. Lambesis:** It's curbside pickup. They pull into the parking spot and we come out.

**Chrmn. Rogina:** My final comment is that all we're doing here is adapting to what's going on in our society. People are buying more things online and I give WalMart credit for that. I suppose the Millennials lead the pack on this thing and personally as a city, with all the protections put in place, we should welcome this as another means of trying to grow WalMart and whoever else comes before us – their business.

**Chief Keegan:** How do you monitor who arrives?

**Mr. Lambesis:** When you pull into the spot, there is a phone number that calls into the store and we also have an online check-in where you can do it on your app.

**Chrmn. Rogina:** You have workers below the age of 21; are you saying that someone that is BASSET train will bring out the order to the car – not a stock person?

**Mr. Lambesis:** Absolutely. The same way as it is done inside the building will be done outside. I have a trainer coming into the store to BASSET train all of our employees so they understand what they are doing with regards to alcohol.

Motion by Mr. Carrigan, second by Mr. Gehm to recommend approval of WalMart Online Ordering and grocery pickup through [www.grocery.walmart.com](http://www.grocery.walmart.com) compliant to Section 5.08.250 City Code to go before committee for recommendation of approval to the City Council.

**Roll Call:** Ayes: Silkaitis, Carrigan, Vitek, Gehm; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

**Mr. Gehm:** This printed material we have, this is the store policy of all the WalMarts that have curbside that allows alcohol sales?

**Mr. Lambesis:** Correct – that's nationwide.

**5. Recommendation to accept and place on file minutes of the April 17, 2017 Liquor Control Commission meeting.**

Motion by Mr. Gehm, second Mr. Carrignan to accept and place on file minutes of the April 17, 2017 Liquor Control Commission meeting.

**Voice Vote:** Ayes: Unanimous; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

**6. Other Business**

**7. Public Comment**

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

**9. Adjournment**

Motion to adjourn by Ald. Silkaitis, second by Mr. Carrignan to adjourn meeting at 4:53 p.m.

**Voice Vote:** Ayes: Unanimous; Nays: none. **Chrmn. Rogina** did not vote as Chair. **Motion carried.**