

**MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
TUESDAY, FEBRUARY 19, 2019**

1. Call to Order.

The meeting was convened by Liquor Commissioner Rogina at 4:30 pm.

2. Roll Call.

Members Present: Ald. Vitek, Ald. Silkaitis, Fran Zollers, and Robert Gehm

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on January 22, 2019.

Fran Zollers asked about item number 5 on the January 22, 2019 minutes and if a tie would be considered as “motion carried”. Commissioner Rogina said that it was a tie vote, and would accept striking “motion carried” from the minutes if all agree.

Motion by Mr. Gehm, second by Ald. Vitek to accept and place on file amended minutes of Liquor Control Commission meeting held on January 22, 2019.

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

4. Recommendation to approve a new E1 Temporary Liquor License for the St. Charles Breakfast Rotary Club annual Tri-City Craft Brew Festival to take place at Lincoln Park in St. Charles on June 8, 2019 from 12:00 pm to 5:00 pm.

Chief Keegan introduced Alessandro Vasquez from Brew Avenue Events the representative for the Tri-City Craft Brew Festival. Chief Keegan also indicated that the proper protocol has been followed.

Ald. Silkaitis asked if there will be one or two police officers at the event and noted there was conflicting information in the packet. Chief Keegan said that due to the growth of the event they recommended a second officer, but they originally asked for one on their application.

Ms. Zollers asked what role Brew Avenue Events has with the Festival. Mr. Vasquez indicated that he is the event organizer and brings craft beer knowledge, brewery relations and works directly with smaller breweries. In addition he handles the social media and marketing aspects of the festival.

Commissioner Rogina stated that they have been a sort of model for fests in St. Charles that have gone on without a glitch. Chief Keegan agreed that they handle things very well.

Motion by Mr. Gehm, second by Ms. Zollers to recommend the approval of a new E1 Temporary Liquor License for the St. Charles Breakfast Rotary Club annual Tri-City Craft Brew Festival to take place at Lincoln Park in St. Charles on June 8, 2019 from 12:00 pm to 5:00 pm.

Roll Call: Ayes: Unanimous; Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

5. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for Pizzeria Neo located at 31 S 1st Street, St. Charles.

Liquor Commissioner Rogina read the complaint violation for the record.

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. In the months of November, 2018, December, 2018 and January 2019, the Licensee, Pizzeria Neo, Inc., by and through its employees, officers and/or agents committed the following violations of the St. Charles Liquor Code:

OFFENSES

(Count I)

Failed to pay alcohol tax in the amount of \$1,519.44 for the tax period ending on November 30, 2018, and presented insufficient funds check in the amount of \$1,519.44.

(Count II)

Failed to pay alcohol tax for the period ending on December 30, 2018, which was due on January 31, 2019.

3. At the time of the above violations, Pizzeria Neo, Inc. was operating was operating under a Class B liquor license issued by the City of St. Charles.

4. That the acts detailed in Section 2 and 3 of this Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.08.270 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934 and in violation of Section 3.42.090 of the Alcohol Tax Ordinance.

5. That the Licensee, Pizzeria Neo, Inc., 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. Commissioner Rogina acknowledged that an arraignment form was received and Pizzeria Neo admitted guilt, but asked for a hearing in mitigation to give an opportunity to present

evidence to minimize any penalty. The Commissioner said it can be done today or if further time is needed for them to prepare he would give them until next month.

Guy Sorrentino (31 S. 1st Street, St. Charles) President, Pizzeria Neo. Mr. Sorrentino explained that they have been in business for almost 10 years and haven't had any incidents. The manager wrote the check, but did it for the total sales of the company, not the alcohol sales; historically it's \$600 - \$1000. Mr. Sorrentino thought the manager was paying the alcohol tax every month. When he noticed the error that was made on the alcohol tax he contacted Kim Diehl to take care of the outstanding balance and late fees. Mr. Sorrentino indicated that the manager now knows the proper way to fill out the form and that he is to do it monthly. Mr. Sorrentino said he will be more on top of it moving forward.

Commissioner Rogina explained that he and the commissioners have received copies of the payment dates for Pizzeria Neo and that they have paid late seven times in the past 15 months. These are incidents beyond the 5-day grace period. The Commissioner said the finance department would be happy to provide him with the list of dates and payments. He went on to say they are a staple on the Plaza, they violated the ordinance and staff has been very considerate of the manager.

Ald. Silkaitis went over the various lengths of time the payment was late and said this has been going on for some time. Mr. Sorrentino said that his partner typically handles this and it was an oversight, and will not happen going forward.

Ms. Zollers asked about the December amount and if it's been paid. Mr. Sorrentino said that the amount was based on the wrong sales and went over the amounts for November, December, and January a total of \$2,229.06 which has been paid. Ms. Zollers asked if the \$100 penalty on the \$639.96. Guy wasn't able to answer the question. Kim Diehl clarified that December is the second. Ms. Zollers asked Kim if the \$25 for the NSF was included. Kim said that it was paid.

Commissioner Rogina told Mr. Sorrentino that the decision will be made as to the penalty and he will receive notice in 10 – 14 days.

6. Discussion Regarding an Alcohol Tax Citation and Hearing Notice for Tap House Grill, located at 3341 W Main Street, #3, St. Charles.

Liquor Commissioner Rogina read the complaint violation for the record.

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. In the month of December, 2018, the Licensee, Tap House Grill., by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

OFFENSE

Failed to pay the City alcohol tax for the tax period ending on December, 2018.

3. At the time of the above violations, Tap House Grill was operating under a Class B liquor license issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.08.270 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934 and in violation of Section 3.42.090 of the Alcohol Tax Ordinance.

5. That the Licensee, Tap House 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.

Mark Zick (20374 Park Hill Drive, Deer Park, IL 60010). Commissioner Rogina noted that Mr. Zick entered a plea of guilty and did not want a hearing, however it's imperative that the Commission Members be allowed to ask questions. He noted that the Tap House Grill has paid late 11 times in a 14 month period. He said that the City has been lenient, but finally issued a citation.

Mr. Zick said that they are guilty. He explained that they opened a business in another location and were promised a grant by the Mayor. The new Mayor came in and said it's not a good idea. The money they were expecting from the grant came out of his pocket, and 401k's. He said they are behind, and can't promise that they won't be behind again, but will do their best. He said they love St. Charles and want to stay in the community.

Commissioner Rogina explained that they have to enforce the ordinance because it wouldn't be fair to the businesses that pay on time if they didn't.

Ms. Zollers asked if the December payment has been received. Mr. Zick indicated that he dropped it off with Kim Diehl.

Mr. Gehm asked if the tax is due the month following? Chris Minick, Director of Finance said that was correct. Mr. Gehm asked if they have 30 days to pay the tax, Mr. Minick answered yes.

Ald. Silkaitis expressed his concern regarding what Mr. Zick said about not being able to promise they won't be late again. Mr. Zick said they will do their best and if there is a fine they will pay it. Ald. Silkaitis said they would rather they pay it on time and not be fined.

Commissioner Rogina said that the City is doing the best to be fair and consistent to all license holders.

Ms. Zollers asked if anyone knew what the December (due January) payment was. Kim Diehl said it was around \$1,500.

Commissioner Rogina said that he appreciates them being in St. Charles, and they will receive notice of the penalty in 10 – 14 days.

7. Public Comment.

Motion by Ald. Silkaitis, second by Ald. Vitek to move into executive session as permitted by section 5 ILCS 120/2 (c)(4).

Roll Call: Ayes: Unanimous; Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

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

Motion by Ald. Silkaitis, second by Ald. Vitek to come out of executive session at 5:26 pm.

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

9. Adjournment.

Motion by Ms. Zollers, second by Mr. Gehm to adjourn the meeting at 5:27 pm.

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