

**MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
TUESDAY JANUARY 22, 2019, 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.

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

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on December 17, 2018.

Motion by Mr. Gehm, second by Ald. Vitek to accept and place on file minutes of the Liquor Control Commission meeting held on December 17, 2018.

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

4. Recommendation to approve a proposal for a new massage establishment license for P & S Enterprises, Inc., dba Massage Lux located at 921 S Randall Road, St. Charles.

Chief Keegan introduced the owners of Massage Lux. The facility they are looking to occupy is located at 921 S Randall Road. It is a 2800 sq. ft. facility; 1000 sq. ft. will be designated towards massage. He also noted that this is a franchise very similar to Massage Envy or Heavenly Massage. Chief noted that the police department did a very thorough background and that applicant was orderly with their paperwork and material requested.

Motion by Ald. Vitek, Second by Gehm to approve a proposal for a new massage establishment license for P& S Enterprises, Inc., dba Massage Lux located at 921 S Randall Road, St. Charles.

Voice Vote: Ayes: Unanimous; Nays: None. Commissioner Rogina 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”, Section 5.08.090 “License Classifications” of the St. Charles Municipal Code. (Class A2 package license – tasting.)

Chief Keegan explained that the A2 license is a mass merchandiser or grocery license with the requirement being that the licensee has at least 10,000 or more sq. ft. He further explained that a business owner approached the City asking to incorporate a similar model that is seen in Carol Stream and Bloomingdale. The model offers the shopper an

experience other than just coming in a purchasing groceries, fine wine, or produce. Shoppers can visit a tasting bar or order food. Single servings of wine, spirits and beer are allowed in those municipalities. Once a patron is vetted to be of age can have the beverage while they shop. Chief Keegan mentioned that the Blue Goose has an outdoor patio and grilling area and that liquor consumption and sales would be allowed outside as long as they follow best practices that have been codified.

Additionally, Chief Keegan said that under State Statute this type of activity is allowed at grocery stores, but is not allowed where goods such as jewelry, clothing, etc., are sold. Chief Keegan explained that he spoke with several other municipalities and the State Liquor Commission and recommends in favor of this ordinance modification to retain the successful businesses in St. Charles and attract potential new businesses.

Ms. Zollers asked if this would apply to Meijer or Jewel.

Chief Keegan indicated that he spoke with other municipalities, the State Liquor Commission, and based on some of the training he's been a part of, the State frowns on alcohol sales where merchandise is sold. He doesn't think it would ever rise to the level of Meijer or Costco as it wouldn't be in the spirit of what's been put in place by the State.

Ald. Silkaitis expressed his concerns about the concept, the biggest one being the selling of spirits. He said it would not be something he would approve. Additionally, Ald. Silkaitis said he is concerned with how the age limit will be enforced, and how to keep patrons from passing alcohol to someone under age.

Ald. Vitek said that she is comfortable with the concept. Additionally, she has attended some tastings and never noticed any unruly behavior. She said she sees it as an opportunity for businesses to showcase products and remain competitive.

Paul Lencioni (300 S 2nd Street, St. Charles) addressed the commission and explained his concept in more detail. He stated that the idea is for a retailer to gain the customers' respect and change how they see the experience of having a meal with a more advanced, elevated concept. More of culinary experience since food is the center of most of our celebrations in America. Mr. Lencioni stated that he is looking for an opportunity to show elevated expertise and cultural experiences.

Ms. Zollers said that she is familiar with the wine bar at Whole Foods, but that you don't shop and drink. It's the shopping element she is most concerned with.

Mr. Gehm asked what the intent of the designated seating area is and if it was to prevent customers from wondering around the store. Mr. Gehm noted that he's seen this at the Standard Market in Naperville and asked again if customers would stay within the seating area.

Chief Keegan noted that the overall area of the seating area cannot encroach on more than 5%, and stressed that this is a model from some suburbs east of here. The spirit of

this is not to put a bar in a grocery store, but make the experience of shopping, the food element, and tastings work in concert with one another.

Ms. Zollers asked for clarification regarding the designated seating area and questioned if you have to stay within the seating area?

Chief Keegan stated that you can leave the seating area and shop.

Motion by Ald. Vitek, second by Gehm to recommendation approval of an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications” of the St. Charles Municipal Code. (Class A2 package license – tasting.)

Roll Call: Ayes: Vitek, Gehm; Nays: Silkaitis, Zollers. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

Commissioner Rogina noted, for the record, that he is in support of the concept.

6. Recommendation to approve Site Plan Modifications for The Blue Goose Supermarket located at 300 S 2nd Street, St. Charles.

Chief Kegan mentioned that this particular item doesn’t require Commission or Committee action, per city code, but in the interest of being transparent and advancing this with the concept that was just presented he wanted to bring it forward this evening. He also noted that Mr. Lencioni provided an internal and external site drawing and as well as a business plan.

Mayor Rogina stated for the sake of transparency that they go back to the previous item. The recommendation was split on amending the ordinance. The Mayor verified with Chief Keegan that the Liquor Commissioner has the right to approve site modifications without approval of even the City Council. He noted that this is for information only. The Mayor also mentioned that the ordinance would have to be passed by City Council in order for this concept, customers coming in buying at a tasting counter or walking around the store, to move forward. A site modification is per the Liquor Commissioner.

Chief Keegan said that it’s been included on both agendas, Liquor Control Commission and Government Operations Committee, because absent the approval process of the ordinance modification just presented, the site modification is a moot point.

7. Recommendation to approve and Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.130 “License – Hours of Sale” of the St. Charles Municipal Code. (Class A, F, and G – hours of sale.)

Chief Keegan explained that he’s had conversations with several business owners who have expressed their concerns with the 10:00 pm cut off time for package liquor sales. He looked at neighboring municipalities and only Geneva mirrors the 10:00 pm cut off time. He stated that this ordinance modification would have all establishments, with the

exception of those with a late night permit, closing at the same time. He also noted it would keep us competitive in the market place. The Chief said that having everyone on equal footing helps him and the officers with enforcement.

Mr. Gehm indicated that he agreed with this cut-off time to keep it consistent, and asked how many licensees we have in those classes.

The Chief said that there are 4 BYOB, 1 G license, and 25-30 package stores.

Motion by Mr. Gehm, second by Ald. Vitek to Recommend the approval of an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.130 “License – Hours of Sale” of the St. Charles Municipal Code. (Class A, F, and G – hours of sale.)

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

8. Recommendation to approve a proposal for a new class B1 liquor license including a 2:00 am late night permit for Flagship on the Fox, located at 100 S. Riverside Avenue, St. Charles.

Chief introduced Steve Mayer who is opening Flagship on the Fox. He said Steve has a lot of experience with bars/restaurants in Chicago. Steve’s background has been vetted a site visit was done and will be a nice addition to our downtown.

Mr. Gehm asked how much space Flagship on the Fox will occupy. Steve answered that they will have 6400 sq. ft. of space, and the second tenant will have 5600 sq. ft.

Motion by Ald. Vitek to second by Mr. Gehm to Recommend the approval of a proposal for a new class B1 liquor license including a 2:00 am late night permit for Flagship on the Fox, located at 100 S. Riverside Avenue, St. Charles.

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

9. Recommendation to approve a proposal for a new class B1 liquor license including a 1:00 am late night permit for Jay’s & N Inc., dba Pub 47, located at 1890 W. Main Street, Suite B1, St. Charles.

Chief Keegan said that the establishment has been running for approximately 2 years and that the current owner has put together an asset inventory sale to the petitioner, Jason Agoston. Jason will operate as Pub 47 and will do a dba change to Throwbacks Lounge in about 90 days.

Jason Agoston addressed the Commission requested a change to a 2:00 am license opposed to 1:00 am. He mentioned that the space next door to Pub 47 will be opening up in about a year, and he may consider moving into that space.

Mr. Gehm asked about the operation of a small brewery in addition to Pub 47. Mayor Rogina said he checked on that and it's going to be craft beer, not an actual brewery.

Ald. Silkaitis noted that there is a one year wait for video gaming. Mr. Agoston indicated that he is aware.

Motion by Ms. Zollers, second by Ald. Vitek to Recommend the approval of a proposal for a new class B1 liquor license including a 1:00 am late night permit for Jay's & N Inc., dba Pub 47, located at 1890 W. Main Street, Suite B1, St. Charles.

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

10. Public Comment.

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

12. Adjournment.

Motion by Mr. Gehm, Second by Ald. Vitek to adjourn the meeting at 5:04 pm.

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