

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IA

Title:

Presentation of a Recommendation from Police Chief Jim Keegan to Approve a Proposal for a Liquor License Change Request for The Painted Vine Cellar, LLC, located at 1 W Illinois Street, Unit 110, St. Charles, from a D-8 license to an F-2 BYOB (Bring Your Own Beverage) License.

Presenter:

Police Chief Jim Keegan

Meeting: City Council

Date: February 20, 2018

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** (*if not budgeted please explain*):

This is a request from the owners of the Painted Vine Cellar, LLC located at 1 W Illinois Street, Unit 110, St. Charles, to change their liquor license from a D-8, which authorizes the retail sale and consumption of both beer and wine at an arts and entertainment studio, to an F-2 BYOB (Bring Your Own Beverage) liquor license.

After evaluating their business and its plan during their first year of operation, the owners are requesting both the Liquor Control Commission and City Council amend their license.

Pursuant to this item being presented at the City Council Meeting on Tuesday, February 20, 2018 to seek approval; it will be brought before the Liquor Control Commission meeting scheduled at 4:30 p.m., the same day.

Attachments (*please list*):

Memo, Application

Recommendation/Suggested Action (*briefly explain*):

Presentation of a Recommendation from Police Chief Jim Keegan to Approve a Proposal for a Liquor License Change Request for The Painted Vine Cellar, LLC, located at 1 W Illinois Street, Unit 110, St. Charles, from a D-8 license to an F-2 BYOB (Bring Your Own Beverage) License.



Memo

To: Liquor Control Commission

From: Chief James Keegan

Date: January 31, 2018

Re: Liquor License Classification Change Request – The Painted Vine Cellar, LLC

Currently, the owners and operators of this establishment utilize a D-8 license which authorizes the retail sale and consumption of both beer and wine at an arts and entertainment studio. The license and classification was approved by City Council last year. After evaluating their business and its plan during their first year of operation, the owners are requesting both the Liquor Control Commission and City Council amend their license to an F-2 BYOB (Bring Your Own Beverage). They requested their new license be limited to wine only; however, there is not a classification at this time for only wine. The F-2 would best suit their request.

There have been no reported issues or problems with the business and this license is currently in use at La Vita. It authorizes the carry in of beer, wine, and spirits into a commercial business and place of public accommodation where social interaction takes place. Alcoholic beverages are not allowed to be sold and can either be stored away in a secured locker (for repeat customers) or carried away with stringent limitations such as:

- The beer, wine, or spirits are carried and unopened;
- No more than one bottle of wine/spirits not exceeding seven hundred fifty milliliters (750 ml) and no more than a 6-pack of beer may be carried in per patron at any one time;
- At the licensee's discretion, the licensee may require the beer, wine or spirits to be opened and served by the licensee, and the licensee may charge a corkage or setup fee for that service;
- Proof of dram shop insurance;
- Carry-in alcohol may only be consumed outside if the licensee has also obtained an outside adjunct license;
- Patron may remove one, unsealed and partially consumed bottled of wine/spirits for off-premise consumption and any sealed bottles/cans of beer. Partially consumed bottles of wine/spirits or sealed bottles/cans of beer must be removed from the premises securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag or stored away in a secured locker and not for public distribution or consumption;
- Carry-in/store licensees shall be liable for violations of this chapter in the same manner as the holder of any other classification of liquor license, including, but not limited to, violations for service to minors and the over serving of patrons;
- Illinois BASSET alcohol seller/server certification or equivalent training is required for at least one person who is on duty at all times that alcoholic liquor is allowed to be carried into the premises;



- The hours of operation for a Class F-2 license holder are the same as those prescribed for a Class A license holder in Section 5.08-130A of this chapter;

I recommend in the favor of the aforementioned reclassification.

Chief Keegan

Date: 1/21/18
(x) New Application

CITY OF ST. CHARLES

LIQUOR CONTROL COMMISSIONER
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



City BYOB License Application (rev. 9/15)

☒ Class F1 - Wine Only \$150
☐ Class F2 - Wine & Spirits \$250

Application must be completed in full

Incomplete applications will be rejected

Business Type: Circle one Individual Partnership Corporation Other LLC

Business Name The PAINTED VINE CELLAR, LLC Sales Tax # _____

Business Address 1 ILLINOIS ST, UNIT 119, ST CHARLES, IL 60174 Business Phone # 331-422-7301

Contact Person John Kessler Title MANAGING DIRECTOR Phone # _____

If Corporation, Corporate Name N/A

Corporation Address _____
Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: _____ Yes ☒ No
If yes, list address of business _____

Full Name, include Middle Initial John J Kessler Title MANAGING PARTNER

Birth Date _____ Birthplace Chicago Driver's License _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial CAROLYN LONGO KESSLER Title MANAGING PARTNER

Birth Date _____ Birthplace Chicago Driver's License # _____ Home Phone _____

Home Address _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Type of Establishment: () Restaurant () Hotel/Banquet/ ☒ Other PAINT STUDIO

Check as Applicable to Type of Establishment () Live Entertainment [5.08.010-H] () Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:

PAINT STUDIO THAT TEACHES OUR CUSTOMERS TO PAINT ON CANVAS, GLASS, AND WOOD. PROFESSIONALLY INSTRUCTED ART CLASSES.

Initial: Liq Comm _____

Police Chief _____

B.A.S.S.E.T. TRAINING

Please list employees required to have B.A.S.S.E.T training on this page – include all managers, assistant managers, bartenders, and clerks who are permitted to make alcoholic liquor sales (Include copies of certificates and add another page if needed.)

Name: John Kessler J
First Last Middle
Birth date: 8/5/68
Home Street Address: [REDACTED]
City, State, Zip: ST CHARLES, IL, 60175
Date of Course: 4/4/2016 Place Taken: ONLINE - LEARN 2 SERVE
Certificate Granted: SA-0105312 Expiration: 4/4/2019

Name: CAROLYN Kessler Longo
First Last Middle
Birth date: 05/28/67
Home Street Address: [REDACTED]
City, State, Zip: ST CHARLES, IL, 60175
Date of Course: 4/5/2016 Place Taken: ONLINE - LEARN 2 SERVE
Certificate Granted: SA-0105312 Expiration: 4/5/2019

Name: _____
First Last Middle
Birth date: _____
Home Street Address: _____
City, State, Zip: _____
Date of Course: _____ Place Taken: _____
Certificate Granted: _____ Expiration: _____

Name: _____
First Last Middle
Birth date: _____
Home Street Address: _____
City, State, Zip: _____
Date of Course: _____ Place Taken: _____
Certificate Granted: _____ Expiration: _____

City of St. Charles Retail Liquor Dealer License Application

Important! Application must be completed in full. Incomplete applications will be rejected.

- 5.08.070 (2) If applicant is an individual or partnership, is each and every person a United States citizen? YES
Is any individual a naturalized citizen? NO
If yes, print name(s), date(s) and place(s) of naturalization: _____
- 5.08.070 (3) List the type of business of the applicant: PAZZY ENTERTAINMENT / TEACHING
- 5.08.070 (4) Number of years in business for the above listed type of business: 1 1/2 YEARS
Corporations Only: Date of Certificate of Incorporation: 5/11/2016
- 5.08.070 (6) Location/Address and description of business to be operated under this applied for license: 1 W 2112 NOZZ ST, UNIT 110, ST CHARLES, IL, 60174
- 5.08.070 (6A) Is the premises owned or leased? LEASED
If premises are leased, it is **mandatory** that a copy of the lease be provided and that the lease term exceeds the term of the liquor license requested in this application.
Does it? _____
- 5.08.070 (6B) If premises are leased, list the names and addresses of all direct owners or owners of beneficial interests in any trusts, if premises are held in trust: Shopeen, BELL WARWICK - manager, 77 N 1ST ST, GENEVA, IL, 60134, 630-232-1783
- 5.08.070 (7) Has applicant applied for a similar or other license on the premises other than the one for which this license is sought? YES If yes, what was the disposition of the application? Explain as necessary:
currently hold a D-8 LIQUOR LICENSE TO SELL BEER & WINE BY, WANT TO SWITCH TO BYOB BEER WINE
- 5.08.070 (8) Has applicant (and all persons listed on page 1 of this application) ever been convicted of a felony under any Federal or State law, or convicted of a misdemeanor opposed to decency or morality? NO
Is applicant (and all persons listed on page 1 of this application) disqualified from receiving a liquor license by reason of any matter contained in Illinois State law and/or City of St. Charles Municipal Ordinances? NO
- 5.08.070 (9) List previous liquor licenses issued by Federal Government, any State Government or any subdivision thereof. Use additional paper if necessary.
Government Unit: CITY OF ST CHARLES, IL
Date: 5/10/16 Location, City/State: ST CHARLES, IL
Special Explanations: D-8 LIQUOR LICENSE
- Government Unit: _____
Date: _____ Location, City/State: _____
Special Explanations: _____
- 5.08.070 (9) Have any liquor licenses ever been revoked? NO
If yes, list all reasons on a separate, signed letter accompanying this application.
- 5.08.070 (10) Date of Incorporation (Illinois Corporations): _____
Date qualified under Illinois Business Corporation Act to transact business in Illinois (Foreign Corporations): 5/11/16
- 5.08.070 (11) Has the applicant and all designated managers read and do they all understand and agree not to violate any liquor laws of the United States, the State of Illinois and any of the ordinances of the City of St. Charles in conducting business? YES
- 5.08.070 (A12) **Mandatory:** All individual owners, partners, officers, directors and/or persons holding directly or beneficially more than five (5) percent in interest of the stock or owners by interest listed on page 1 of this application must be fingerprinted by the City of St. Charles Police Department.
Has this been done? YES If yes, date(s) MAY 2016 FOR CURRENT D-8 LICENSE

5.08.060

Mandatory: Has applicant attached proof of Dram Shop Insurance to this application or already furnished it to the City of St. Charles? Yes. If already furnished, date of delivery _____

5.08.230

Is the premises within 100 feet of any real property of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; and/or any military or naval station? NO

Signature of Applicant(s)

Corporation Signatures

President::

Secretary:

Signature of Applicant(s)

Individual or Partnership Signatures

State of Illinois)

Affidavit

County of Kane)

SS

I/We, the undersigned, being first duly sworn, say that I/we have read the foregoing application and that the statements therein are true, complete, and correct and are upon my/our personal knowledge and information and are made for the purpose of inducing the City of St. Charles to issue the Retail Liquor Dealer License to me/us for the location hereinbefore indicated; that I am/we are qualified under the ordinances of the City of St. Charles and the laws of the State of Illinois to receive such license; that the answers made to questions in this application are applicable insofar as they relate to the sale of alcoholic liquor at retail. I/We have committed no act (nor omitted performing any act required by law to be performed) that disqualifies me/us to receive, by reason of any matter or thing contained in the ordinances of the City of St. Charles or the Illinois Liquor Control Act, a City Retail Liquor Dealer License for the sale of alcoholic liquor at the address hereinbefore shown. I/We further understand that any misrepresentation or failure to notify the Mayor of any fact requested in this application or omission of any fact pertinent to this application shall constitute good cause for the Mayor to deny this application and/or revoke any license issued pursuant to this application.

I, Tracey Conti, a Notary Public, in and for said County and State, do hereby certify that John Kessler personally known to me to be the same applicant(s), appeared before me this day in person and acknowledged that he/she/they signed the foregoing application as his/her/their free and voluntary act for the use and purposes therein set forth.

Given under my hand and notarial seal this

19 day of January, 2018.

Tracey R. Conti
Notary Public



TO BE COMPLETED BY THE CITY OF ST. CHARLES
ADDENDUM TO RETAIL LIQUOR LICENSE • CITY OF ST. CHARLES DEPARTMENT OF POLICE

Date: _____ Name of Applicant: _____
Name of Business: _____
Address of Business: _____

To Liquor Control Commissioner, City of St. Charles, Illinois

Pursuant to the provision of the City of St. Charles Municipal Code, Chapter 5.08, Alcoholic Beverages, the following guide shall be in effect for the investigation of an applicant for a Retail Dealers Liquor License:

1. Date on which applicant will begin selling retail alcoholic liquors at this location: _____
2. Is the location within 100 feet of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; or any military or naval station? _____
3. If the answer to question 2 is yes, answer the following: Is applicant's place of business a hotel offering restaurant service, a regularly organized club, a restaurant, a food shop, or other place where the sale of alcoholic liquors is not the principal business? _____
If so, answer (a), (b), and (c):
 - a. State the kind of such business: _____
 - b. Give date on which applicant began the kind of business named at this location: _____
 - c. Has the kind of business designated been established at this location for such purpose prior to February 1, 1934, and carried on continuously since such time by either the applicant or any other person? _____
4. If premises for which an alcoholic liquor license is herein applied for are within 100 feet of a church, have such premises been licensed for the sale of alcoholic liquor at retail prior to the establishment of such church? _____
If yes, have the premises been continuously operated and licensed for the sale of alcoholic liquor at retail since the original alcoholic liquor license was issued therefore? _____
5. Is the place for which the alcoholic liquor license is sought a dwelling house, flat, or apartment used for residential purposes? _____
6. Is there any access leading from premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public? (Connection between premises and such other portion of building or structure as is used only by the applicant, his/her family and personal guests not prohibited) _____
7. If applicant conducts or will conduct in the same place any other class of business in addition to that of City Retailer of Alcoholic Liquor, state the kind and nature of such business: _____
8. Are all rooms where liquor will be sold for consumption on the premises continuously lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible? _____
9. Are premises located in any building belonging to or under the control of the State of Illinois or any other political subdivision thereof, such as county, city, etc? _____
10. Are the premises for which license is herein applied for a store or place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food or drinks for such minors? _____
11. It is required by the City of St. Charles that all employees undergo BASSET training. Provide copy of Certificate of training completion. _____
12. From your observation and investigation, has applicant—to the best of your knowledge—truthfully answered all questions? _____
If no, state exceptions: _____
13. Have all persons named in this application been fingerprinted? _____
Fingerprinted by: _____ Date: _____
14. Other necessary data: _____

Investigating Officer: _____

Star Number/Rank: _____

Ward Number: _____

Endorsement of the Chief of Police

Recommended Issuing: Yes _____ No _____ Date _____
Chief of Police: _____

V2016a

TO BE COMPLETED BY THE CITY OF ST. CHARLES

Endorsement of the Liquor Control Commissioner

Recommended Issuing: Yes _____ No _____ Date _____

Liquor Commissioner

Endorsement of the Fire Chief

Recommended Issuing: Yes _____ No _____ Date _____

Fire Chief

Endorsement of the Building Commissioner

Recommended Issuing: Yes _____ No _____ Date _____

Building Commissioner

Endorsement of Finance Director

Recommended Issuing: Yes _____ No _____ Date _____

Finance Director

Approval of the City Council

Approved for issuing: Yes _____ No _____ Vote: Ayes _____ Nays _____

Attested to by City Clerk _____ Date _____