

**MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, OCTOBER 19, 2020, 4:30 PM**

1. Call to Order.

The meeting was called to order by Commissioner Rogina at 4:32 pm.

2. Roll Call.

Present: Ald. Pietryla, Ms. Fran Zollers, Mr. Robert Gehm

Absent: Ald. Stellato

3. **Motion to accept and place on file minutes of the Liquor Control Commission meeting held on September 21, 2020.**

Motion by Mr. Gehm second by Ald. Pietryla to accept and place on file the minutes of the Liquor Control Commission meeting held on September 21, 2020, as amended.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None. Commissioner Rogina did not vote as Commissioner. **Motion Carried**

4. **Recommendation to approve a Proposal for a D-10 Liquor License Application for Urban Air, Located at 2732 E. Main Street, St. Charles.**

Chief Keegan explained that Urban Air is seeking a D-10 liquor license, an amusement park type license, similar to Funway in Batavia. The facility is located in Foxfield Commons Shopping Center. Urban Air would like to expand their café to include liquor service. Service of alcohol would be confined to the café area only.

Kevin White, the General Manager of the facility, was present to answer questions.

Commissioner Rogina had the opportunity to visit Urban Air and he was impressed with the options they have for kids and adults. Commissioner Rogina verified with Mr. White that they will be serving beer and wine only.

Ms. Zollers asked if the franchise name is Playville, LLC or if just the St. Charles location is Playville, LLC. Kevin White answered that it's the franchise name. Chief Keegan explained that their dba is Urban Air.

Ms. Zollers asked how they will monitor to make sure alcohol is only consumed by adults. Chief Keegan stated that it's the responsibility of the Café Manager and employees of the Café space to monitor consumption.

Commissioner Rogina asked if the comparable establishments, Funway & Chuck E. Cheese, have liquor licenses. Chief Keegan confirmed that they do have liquor licenses.

Kevin White, General Manager of Urban Air, 2732 E Main Street, St. Charles. Mr. White stated that they have a corporate policy across all Urban Air locations, if you have a wrist band and you purchase alcohol the band is removed. If adults would like to participate in the activities they should do that prior to purchasing alcohol. Mr. White explained that there is signage throughout the location explaining the policy.

Motion by Mr. Gehm, second by Ald. Pietryla to Recommend the Approval of a Proposal for a D10 Liquor License Application for Urban Air, Located at 2732 E. Main Street, St. Charles.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None. Commissioner Rogina did not vote as Commissioner. **Motion Carried**

5. **Recommendation to approve a Proposal for an A1 Liquor License Application for MP's Liquor, Wine & Beer, Located at 201 W. Main Street, St. Charles.**

Chief Keegan stated that the petitioner would like to open from 10:00 am to 10:00 pm, 7 days a week, for package liquor sales, alcohol, wine and spirits, not to be consumed on site. The petitioner owns similar stores in Batavia and North Aurora. Chief Keegan spoke with both the Batavia and North Aurora Police Chiefs. There was a violation at the Batavia location in 2018. The applicant did plead liable to the ordinance violation and the subsequent proceeding at the Liquor Commission. North aurora has had no issues. The petitioner's application provided a business plan, floor plan, and his basset training and dram shop are in order. The applicant, Pratik Patel, was present to answer questions.

Mr. Pratik Patel, 387 Bristol Drive, Carol Stream, IL stepped forward to answer questions.

Ald. Pietryla stated that the background check and Mr. Pratik's interaction with the officer concerns him.

Mr. Gehm stated that he is concerned with the questions and answers given regarding the incident that happened in Batavia in 2018 and the prior incident's mentioned. Mr. Gehm said that he wants to ensure there are good corporate citizens upholding the values of the City of St. Charles. One of Mr. Gehm's concerns is the location of the liquor store in such a prominent area of Downtown St. Charles. Another concern is that there is a lot of family activity in the area surrounding the store.

Commissioner Rogina mentioned that many years ago there was a liquor store in the downtown area on 2nd street.

Ms. Zollers stated that she doesn't take the infractions of the petitioner lightly and agreed that the downtown location is concerning.

Commissioner Rogina said he understands the concerns of the Commissioners and most likely the same concerns will come up at the Government Operations Committee meeting later in the evening. The question is if any and all these activities preclude someone from being granted a liquor license subject to them abiding by the rules and regulations of the City of St. Charles and the ordinance.

Atty. Peppers stated that the totality of all the violations he would leave to the decision of the body if it precludes a moral character decision, but they would not preclude a license. The State has given them 2 licenses as well as North Aurora and Batavia. St. Charles can analyze this as they see fit and decide. In terms of the exact requirements of what our statute provides and what the State provides it does not preclude them.

Commissioner Rogina explained that we like to think past events don't predict future activity. We do take violations very seriously. The concerns are very legitimate. Commissioner Rogina wanted to get on the record that those factors don't necessarily predict your ability to conduct a good business in Downtown St. Charles.

Atty. Peppers stated that the concerns raised by the Commission and probably by the Council are within their purview and authority. The burden is on the petitioner to rehabilitate themselves or rebut the presumption of that character. It's up to the petitioner to provide some clarity about his past and what to predict for the future.

The petitioner, Mr. Patel, had no comment.

Chief Keegan stated that he had a stern conversation with Mr. Patel about the expectations of a licensee in the City of St. Charles and what we view as zero tolerance behavior, which includes the underage sale to minors. Chief Keegan mentioned that he spoke with the property owner, who is aware of the concerns, and he is going to be present at the Government Operations Committee meeting later in the evening. The property owner and his father occupy the 2nd floor of the building. He's supportive of the application.

Chief Keegan said he talked with the Chiefs from both Batavia and North Aurora and there haven't been any violations since the incident in 2018. The Chief stated that having a liquor license is a privilege, not a right, and as easy as it can be given, it can be taken away. The St. Charles Police Department takes the responsibility very seriously.

Commissioner Rogina noted that despite the violation in Batavia, the petitioner still continues to operate, much like some establishments in St. Charles that have received violations.

Mark Koenen stated that there are no use problems from a zoning point of view for this establishment. There is currently a wine store in Fox Island Square that falls under the same zoning. The parking lot around the property is partially owned by the City of

St. Charles and privately owned. We do not hold a lease for the private part of that, but the property owner currently allows people to park there without any conflict.

Motion by Ald. Pietryla, second by Ms. Zollers to Not Recommend the approval of a Proposal for an A1 Liquor License Application for MP's Liquor, Wine & Beer, Located at 201 W. Main Street, St. Charles.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None. Commissioner Rogina did not vote as Commissioner. **Motion Carried**

6. Public Comment.
7. Executive Session (5 ILCS 120/2 (c)(4)).
8. Adjournment.

Motion by Mr. Gehm, second by Ald. Pietryla to adjourn the meeting at 4:58 pm.

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

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