

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JULY 17, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Pietryla, Zollers, Gehm Spellman

Absent: None

3. Motion by Ald. Pietryla, second by Ms. Zollers to accept and place on file minutes of the Liquor Control Commission meeting held on June 19, 2023.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

4. Motion by Ald. Pietryla, second by Ms. Spellman to accept and place on file minutes of the Liquor Control Commission Execution Session meeting held on June 19, 2023.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

5. Motion by Ald. Pietryla, second by Ald. Gehm to approve a Proposal for an E1 Liquor License Application for Alter Brewing & Kitchen as part of the Chicagoland Tour De Cure taking place in Pottawatomie Park on August 12, 2023.

Chief Keegan informed the commission that this event will benefit the American Diabetes Association. Chicago Race Management will oversee the event and onsite security will oversee the beer tent, which is sponsored by Alter Brewing. The cycling race route is still being developed. There will be no runners or electric bikes.

Mary Agnes Zellmer of the American Diabetes Association introduced herself. The race was previously held at RiverEdge Park. The liquor supervisors are American Diabetes Association employees. All dispensing of alcohol will be done by Alter Brewing employees. The beer tent will be fenced and adults over age 21 are allowed to enter.

This event was previously approved by the Park District Board and there will be no sales of alcohol. One drink coupon will be provided to each race participant as part of the entry packet.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

6. Motion by Ald. Pietryla, second by Ms. Spellman to approve a Proposal for a New Class E-1 Temporary Liquor License and Road Closure for St. Patrick's Church for September 9, 2023.

Chief Keegan explained that this event is similar to a past event which has been held successfully. There is also a road closure being requested.

Mike Zak, the church event coordinator, explained that food trucks will be on the closed street to provide food. Pollyanna will provide two Basset certified servers to dispense alcohol.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

7. Discussion Regarding a Complaint of Violation and Hearing Notice for Spotted Fox Ale House, located at 3615 E. Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, William Hannah, Finance Director 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 Finance Director 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. As of the date hereof, the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, by and through its employees, officers and/or agents, committed the following offenses in or upon the licensed premises at 3615 East Main Street, St. Charles, Illinois:

OFFENSE

Failure to timely pay the City alcohol tax and late fee for the tax period ending May 31, 2023, due June 1, 2023, as prescribed by, contrary to and in violation of (i) Section 508.250(23) of the St. Charles Municipal Code, and (ii) Section 3.42.09 of the City Council's Alcohol Tax Ordinance.

OFFENSE

Failure to timely pay the fine and costs imposed by the Order issued and dated June 27, 2023, pursuant to Section 5.08.320 of the St. Charles Municipal Code, served upon Licensee on June 29, 2023, said Order attached hereto as Exhibit "A".

3. As of the date hereof, St. Charles Sports, LLC d/b/a Spotted Fox Ale House is operating under a Class B liquor license and a 1:00 a.m. late night permit issued by the City of St. Charles, said license expiring on April 30, 2024.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to (i) Sections 5.08.250(23) of the St. Charles Municipal Code, the Liquor Control Act of 1934 and Section 349.09 of the City's Alcohol Tax Ordinance, and (ii) Section 5.08.320 of the St. Charles Municipal Code.

5. That the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, 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.

WHEREFORE, the Petitioner, William Hannah, Finance Director, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against St. Charles Sports, LLC d/b/a Spotted Fox Ale House as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has not yet been received.

Bill Hannah shared that the previous order for Spotted Fox included provisions to ensure that fines would be paid on time. If all payments were made on time through January 2024, half of the fines, equaling \$750, were to be deferred. The May alcohol tax returns due June 30, 2023 were paid on July 3, 2023. The fines from the June 29, 2023 order were to be paid by July 7, 2023 and were paid on July 13, 2023. The fine from the order, including the additional \$750, plus the \$150 alcohol tax late fee, were paid in full on July 13, 2023.

The licensee representative, Marwan Taib, stated that he was unable to pay the fine on time because July is a slow sales month and he could not afford it. Also, the local restaurant manager did not have the correct form. Mr. Taib recapped the alcohol tax fees and late fees paid in 2023. He explained, as was done on June 19, that the business is experiencing financial problems. He elaborated at length about the challenges of his business. He is committed to making the business successful in St. Charles.

Commissioner Vitek assured Mr. Taib that staff follows through to uphold ordinances because it is their duty to do so, equally across all businesses. The City supports Spotted Fox in their efforts to generate more revenue through a modified business plan, as has previously been proposed by Mr. Taib. St. Charles is a business-friendly community and want Spotted Fox to be successful.

Further discussion will be conducted in Executive Session.

8. Public Comment - none

9. Executive Session

Motion by Ald. Gehm, second by Ald. Pietryla to enter executive session at 5:01 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

The regular meeting resumed at 5:16 pm.

10. Adjournment.

Motion by Ald. Gehm, second by Ald. Pietryla to adjourn the meeting at 5:16 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ald. Gehm, Ms. Zollers, Ms. Spellman. Nays: None. Absent: None. Abstain: None. Mayor Vitek did not vote as Commissioner.

Motion Carried

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