



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 5e

Title:

Recommendation to approve Late Night Permits for Class B & C Licenses of the City of St. Charles for FY 2021/2022

Presenter:

Jim Keegan, Chief of Police

Meeting: Government Operations Committee Date: March 15, 2021

Proposed Cost: n/a

Budgeted Amount: \$

Not Budgeted:

Executive Summary (if not budgeted please explain):

Per our City Code, the attached memo and spreadsheet memorialize the annual late-night permit request for all Class, B and C liquor licenses holders for calendar year 2021-22. As the City Council is aware, the aforementioned liquor licenses are all licensed until midnight, and permitted per our code to request either a 1:00 am or 2:00 am late-night permit on an annual basis.

There are 23 late night permit requests this year:

- 17 are B licenses (Last year 19)
- 7 are C licenses (Last year 6)
- 7 locations are requesting to stay open until 1:00 am (last year 11)
- 17 locations are requesting 2:00 am permit requests (last year 15)
- Spotted Fox Alehouse changed from a 1:00 am to a 2:00 am late-night permit

The following businesses have decided not to renew their late-night permits:

- Alter Brewing Company
- Main Street Pub
- Vintage 53

The following business has outstanding taxes, fines, and/or utility payments due to the City:

- Spotted Fox Alehouse

Trilogy Entertainment, LLC would be considered for renewal only upon approval of their liquor license application at the City Council meeting scheduled on April 5, 2021.

Pursuant to this item being presented at the Government Operations Committee Meeting on March 15, 2021 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled for 4:30 pm, the same day, to process and move it forward to this Committee. This item will then continue on to the City Council Meeting scheduled on April 5, 2021, for final approval.

Attachments (please list):

Memo, Late Night Permit Renewal Information 2021/2022

Recommendation/Suggested Action (briefly explain):

Recommendation to approve Late Night Permits for Class B & C Licenses of the City of St. Charles for FY 2021/2022



Memo

Date: March 8, 2021
To: The Honorable Ray Rogina, Mayor-Liquor Commissioner
From: James Keegan, Chief of Police
Re: 2021/22 Late-Night Permits

Pursuant to city code, I have summarized police responses (see attachment) requiring written documentation by the police department and/or any action taken from the Liquor Control Commission during the last calendar year (2020). We continue to see progress and a willingness to make St. Charles a “destination” community in regards to our social environment. Within my tenure as the chief of police, I’ve seen consistent growth and development with not only unruly behavior being curbed, but also in positive relationships being forged with bar owners and managers alike. Granted, COVID-19 prompted unprecedented challenges to the dining scene of 2020 but the resolve of 2021 has energized all of us with a sense of both optimism and hope moving forward.

As is customary and mandated within our City Code, each permit request was vetted by the respective city department to ensure compliance with fees, payments, permits, etc. As a means to identify our city code as it pertains to late night permitting, I’ve included the attached ordinance language as a frame of reference. Please see below:

City Ordinance/5.08.095 Late Night Permit

- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late-night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late-night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late-night permit application may result in a delay in issuing said license and permit by May 1 of that year.

- D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
1. Chief of Police
 2. Fire Department
 3. Finance Department
 4. Community Development Department
- E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the late-night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.
- F. Any application and recommendation for a new or renewal of a late-night permit, shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late-night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late-night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late-night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a late-night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor license with the late-night permit shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.

- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late-night permit, and has demonstrated circumstances giving reason to review whether that late-night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
1. Finance Department as it relates to unpaid fees, utilities or city taxes;
 2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
 3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
 5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late-night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.
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Please see the attached spreadsheet for additional information concerning specific permit requests. I recommend in favor of the aforementioned requests as identified in the attached spreadsheet with a caveat concerning outstanding liabilities owed to the City. Although I consider each licensed business in “good standing” with the City, in terms of police related activity, one business was identified as delinquent as it relates to unpaid fees, utilities and City taxes. Because these payments are fluid in nature and sometimes payment is received late, I will present the most updated information at both the Liquor Control Commission and Government Operations Committee Meeting on Monday, March 15th.

As always, I stand ready to answer any questions or concerns you might have in reference to my recommendations. Thank you in advance for your cooperation in this matter.

City of St. Charles

Late Night Permit Renewal 2021/2022

| Business | Address | License # | Class B License | Class C License | 1:00 AM Permit | 2:00 AM Permit | Reports | Arrests | Warning Letters | LCC Violations |
|-------------------------------------|-----------------------|-----------|-----------------|-----------------|----------------|----------------|-----------|-----------|-----------------|----------------|
| 2nd Street Bar & Grill | 221 S Second Street | 8213-1 | | x | | x | 1 | | | |
| Alibi Bar & Grill | 12 N 3rd Street | 8195-1 | x | | | x | 1 | 2 | | |
| Alley 64 | 212 W Main Street | 8253-1 | x | | | x | 9 | 7 | | |
| Cooper's Hawk | 3710 E. Main | 8403-2 | x | | x | | 1 | | | |
| Crazy Fox | 104 E Main Street | 8391-1 | x | | | x | | | | |
| Dawn's Beach Hut | 8 N Third Street | 8284-1 | x | | | x | | | | |
| Ed's Basement | 219 W. Main Street | 8493-1 | | x | | x | 1 | | | |
| Filling Station | 300 W Main Street | 8264-1 | x | | | x | 3 | 3 | | |
| Flagship on the Fox | 100 S. Riverside Ave. | 8459-1 | x | | | x | 2 | 2 | | |
| Global Brew Tap House | 2100 Prairie Street | 8480-1 | | x | x | | | | | |
| La Mesa | 51 S. First Street | 8474-1 | x | | x | | | | | |
| McNally's | 109 W Main Street | 8351-1 | x | | x | | 3 | | | |
| Northwoods – Evergreen | 1400 W Main Street | 8343-1 | x | | | x | 2 | 1 | | |
| R-House | 214 W. Main Street | 8451-1 | | x | x | | | | | |
| Riverside Pizza | 102 E Main Street | 8308-3 | x | | | x | | | | |
| Rookies (BK & MM Ventures) | 1545 W Main Street | 8201-1 | x | | | x | 2 | | | |
| Shakou | 312 W. Main Street | 8315-1 | x | | | x | | | | |
| *Spotted Fox Alehouse | 3615 E Main Street | 8306-1 | x | | | x | | | | |
| St. Charles Bowl | 2520 W Main Street | 8247-1 | | x | x | | | | | |
| Tap House Grill | 3341 W Main Street | 8279-1 | x | | x | | | | | |
| The House Pub | 16 S. Riverside Ave. | 8250-1 | | x | | x | | | | |
| Throwback Sports Bar | 1890 W. Main Street | 8458-1 | x | | | x | 1 | | | |
| The Office | 201 E Main Street | 8214-1 | x | | | x | | | | |
| • Trilogy Entertainment, LLC | 2051 Lincoln Hwy | TBD | | x | | x | | | | |
| | Total: | | 17 | 7 | 7 | 17 | 26 | 15 | | |

*** Outstanding alcohol tax, utility bills, and late fees are required to be paid prior to the issuance of liquor licenses & late night permits.**

• Pending liquor license approval