

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5g

Title:

Recommendation to approve Late Night Permits for Class B and C Liquor License Holders of the City of St. Charles for FY 2018/2019

Presenter:

Jim Keegan, Chief of Police

Meeting: Government Operations Committee

Date: March 19, 2018

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 license holders for calendar year 2018-19. 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 a.m. or 2:00 a.m. late-night permit on an annual basis.

As a means of comparison from last year, there are 26 late-night permit requests this year.

20 B licenses

6 C licenses

12 locations are requesting to stay open until 1:00 a.m.

14 locations are requesting 2:00 a.m. permit requests

Three businesses from last year did not request permits

A 'Salute (closed)

Los Burritos (midnight only)

Pub 47 (midnight only)

Please see the associated material for further information.

Pursuant to this item being presented at the Government Operations Committee meeting on Monday, March 19, 2018 to seek approval; it will be brought before the Liquor Control Commission at a meeting scheduled at 4:30 p.m., 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 2, 2018 for final approval.

Attachments *(please list):*

Memo, Late Night Permit Holder Liquor License Renewals

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve Late Night Permits for Class B and C Liquor License Holders of the City of St. Charles for FY 2018/2019



Memo

To: Mayor Raymond Rogina, Liquor Commissioner
From: James Keegan, Chief of Police
Date: March 8, 2018
Re: Late Night Permits/2018-19

Pursuant to city code, I have summarized police responses (see attachment) requiring written documentation by the police department and any action taken from the Liquor Control Commission during the last calendar year (2017). 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.

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 attached spreadsheet. I consider each licensed business in “good standing” with the City.

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.

FY 2018/2019 LATE NIGHT PERMITS

Business	Address	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		X		X	2			
Alibi Bar & Grill	12 N 3rd Street	X			X	6	6		1
Alley 64	212 W Main Street	X			X	13	4		
Main Street Pub	204 W Main Street	X			X	2	2		
Club Arcada	105 E Main Street	X		X					
Cooper's Hawk	3710 E. Main	X		X					
Crazy Fox	104 E Main Street	X		X					
Dawn's Beach Hut	8 N Third Street	X			X	1			
Dawn's Boatyard (Voodoo Rm)	214 W Main Street		X		X				
Filling Station	300 W Main Street	X			X				
Global Brew	2100 Prairie Street		X	X		1			
McNally's	109 W Main Street	X		X		1	1		
Northwoods – Evergreen	1400 W Main Street	X			X	1	1		
Pizzeria Neo	31 S 1st Street	X		X		1			
Pub 222	222 W Main Street		X		X	3	2		
Puebla Modern Mexican	51 S 1st Street	X		X					
Riverside Pizza	102 E Main Street	X			X				
Rookies (BK & MM)	312 W Main Street	X			X	2			
Rox City	100 W. Main Street	X			X	2			
Shakou	312 W Main Street	X		X					
Spotted Fox Alehouse	3615 E Main Street	X		X		1			
St. Charles Bowl	2520 W Main Street		X	X		1	1		
Tap House Grill	3341 W Main Street	X		X		2	1		
The House Pub	16 S Riverside		X		X	1	1		
The Office	201 E Main Street	X			X				
Vintage 53	162 S 1st Street	X		X					
Total:		20	6	12	14	40	19	0	1