

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 7****Title:**

Recommendation to approve a Proposal for a 2 a.m. Liquor License Late Night Permit for Ed's Basement, Located at 219 W. Main St., St. Charles.

Presenter:

Police Chief James Keegan

Meeting: Liquor Control Commission**Date:** February 16, 2021

Proposed Cost: \$

Budgeted Amount: \$

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

Ed's Basement has been operational since June 30, 2020. Their original liquor license application indicated they wanted a 2 a.m. permit. Later, when they appeared before the Liquor Control Commission and City Council, they decided to request a 1 a.m. permit and they were issued the same. Ed's Basement owners are now requesting a 2 a.m. permit which will be effective upon ratification from the City Council.

There have been no known problems at this establishment and the police department does not oppose this request.

Attachments *(please list):*

Minutes from meetings for approval of the original late-night permit

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a proposal for a 2 a.m. Liquor License Late Night permit for Ed's Basement, located at 219 W. Main St., St. Charles.

MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, FEBRUARY 18, 2020, 3:00 PM
2 E MAIN STREET

1. Call to Order.

The meeting was called to order by Liquor Commissioner Rogina at 3:00 pm.

2. Roll Call.

Members Present: Ald. Pietryla, Ald. Stellato, F. Zollers, R. Gehm
Absent: None

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on January 20, 2020.

Motion by Gehm, second by Pietryla to accept and place on file minutes of the Liquor Control Commission meeting held on January 20, 2020.

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

4. Recommendation to approve a Proposal for a new Class G1 Liquor License Application as well as a 2 am Late Night Permit for Mad Ape, LLC dba Alter Brewing Company, located at 12 S. First Street, St. Charles.

Chief Keegan indicated that this is the second location for Alter Brewing. Since the St. Charles location is under construction, approval of the application is contingent upon any Fire Department and Building & Code Office reviews. He directed attention to the details in the packet, and said that there are City Code issues which are pending resolution. Chief Keegan recommends approval of the requested license.

Motion by Stellato second by Pietryla to recommend advancing this application to City Council.

Roll Call: Ayes: Zollers; Pietryla; Gehm, Stellato. Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

5. Recommendation to approve a Proposal for a new Class E1 Liquor License Application for Project Mobility for a Long Table special event to be held on July 11, 2020.

Mayor Rogina shared that Project Mobility has, in prior years, obtained temporary liquor licenses for their Hops for Hope event, and has done a great job with that event.

Chief Keegan explained that the revised date for this event is Sunday, July 12, 2020, from 3-7 pm, which is a better date for the City, Police Department, and involved restaurants.

The coordinator, Katharine Reda, has partnered with McNally's, La Mesa, Gia Mia, Alter Brewing, Vintage 53, and Kilwin's. She has experience in working with the City in Hops for Hope, and the City also has experience with Plaza events during Unwind Wednesday. This event will take place in the First Street West Plaza, which is still under construction.

Motion by Gehm second by Zollers to recommend advancing this application, with amended dates and times, to City Council.

Roll Call: Ayes: Zollers; Pietryla; Gehm, Stellato. Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

6. Recommendation to approve a Proposal for a new Class B1 Liquor License for Osteria Trulli, located at 210 Cedar Street, St. Charles.

Chief Keegan shared that this location was formerly Romano Mercato, and is the second location for this restaurant, which will serve Southern Italian cuisine.

Motion by Stellato second by Pietryla to recommend advancing this application to City Council.

Roll Call: Ayes: Zollers; Pietryla; Gehm, Stellato. Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

7. Recommendation to approve a Proposal for a new Class C1 Liquor License Application as well as a 1 am Late Night Permit for El Elle Sea, LLC dba Ed's Basement, located at 219 W. Main Street, St. Charles.

Chief Keegan shared that this petition was advanced from the January Liquor Control Commission Meeting. These owners operate two similar establishments in the Chicago suburbs. For this new location, they are working through outstanding issues with the Fire Department and Building & Code Office, and the petitioners are aware that those need to be fully resolved before the similar license will be issued. There are future plans for a commercial kitchen in the back of the building. The petitioners will live on site, above the business. The planned opening timeframe is early March.

Motion by Zollers second by Gehm to recommend advancing this application to City Council.

Roll Call: Ayes: Zollers; Pietryla; Gehm, Stellato. Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

8. Recommendation to approve a Proposal for a new Class B1 Liquor License Application for Southern Café, located at 1590 E. Main Street, St. Charles

Chief Keegan stated that the location is in Stone Creek, formerly Tin Cup Pass. The petitioner operates two other similar establishments. The business plans to open at 6:30 am, and the City's Code does not allow liquor service until 7:00 am, so there will be no alcohol available for the first half hour the business is open. The building is being rehabbed. There are build-out issues, so any approval is contingent upon both the Fire Department and Building & Code Office sign-off. Opening date is planned for late April.

Motion by Stellato second by Gehm to recommend advancing this application to City Council.

Roll Call: Ayes: Zollers; Pietryla; Gehm, Stellato. Nays: None. Commissioner Rogina did not vote as commissioner. **Motion Carried.**

9. Motion by Gehm second by Pietryla for the Commission to recess until 4:00 pm.

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

10. The meeting was reconvened by Liquor Commissioner Rogina at 4:00 pm. All Commissioners and legal counsel are present.

11. Discussion Regarding multiple Tobacco Citations and Hearing Notices for Al Tijara, LLC d/b/a Smoke Plug located at 2728 E. Main Street, St. Charles.

The complaint of violation is brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local cigarette license issued or impose a fine upon by reason of the Complaint of Violations filed by the Police Department of offences at the establishment of Al Tijara, LLC d/b/a Smoke/Vape located at 2728 East Main Street, St. Charles. Commissioner Rogina read the Citation dated February 6, 2020.

Patrick Crimmins, attorney for the petitioner, the City and Police Chief, stated that the intent is to present a disposition for the Commission's approval and then continue the matter until the next meeting for a mitigation hearing. The intended disposition is that the defendant would plead guilty for the 2019 matters set forth today as well as the 2020 matter. The business has been closed as of February 17, the employees have been terminated, and the business owner is willing to take a suspension until the date of mitigation. There are no other agreements in place, and this is a "blind plea".

Defendant's counsel, Stavri Vako, asks to change the previous "not guilty" plea to a "guilty" plea for all three violations (including five offenses). He would like to schedule a mitigation hearing on March 16, 2020 at 4:30 pm. There will be new information presented at the mitigation hearing. There will be a new business plan which includes training for employees, and the Commission requested this plan to be submitted in advance of the mitigation hearing, on or before March 9. The business intention is to reopen, if permitted by the Commission.

Commissioner Rogina takes very seriously these allegations of selling to a minor on multiple occasions. Because of the existing vaping crisis among our youth, it's important that the new plan is clear and signals intent to eradicate that problem. The mitigation hearing will happen on March 16, 2020 at 4:30 pm.

12. Continuation of an Administrative Hearing Regarding Massage Establishment Citation and Hearing Notice for Summer Spa, 1550 E. Main Street, St. Charles

**MINUTES
CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
ALD. MAUREEN LEWIS, CHAIR
TUESDAY, FEBRUARY 18, 2020**

1. Call to Order

The meeting was called to order by Chairman Lewis at 7:16 pm.

2. Roll Call

Present: Ald. Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, and Bessner.

Absent: None

3. Administrative

- a. Fuel Tax Receipts December 2019 – Information Only
- b. Video Gaming Statistics January 2020 – Information Only

4. Omnibus Vote

Items with an asterisk (*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

5. Police Department

- a. **Recommendation to approve a Proposal for a new Class G1 Liquor License Application as well as a 2 am Late Night Permit for Mad Ape, LLC dba Alter Brewing Company, located at 12 S. First Street, St. Charles.**

The liquor license application and information for Mad Ape, LLC was presented to the Committee. This is the first full restaurant concept for Mad Ape, LLC. The issuance of the liquor license is contingent upon a successful buildout and receiving occupancy permits. The owners indicated to the Committee Members that they aren't sure if they are going to stay open until 1am or 2am, but have applied for a 2am permit.

This item advanced from Liquor Control Commission Meeting earlier in the evening with a vote of 4 – 0.

Motion by Ald. Stellato, second by Ald. Bessner to recommend the approval of a Proposal for a new Class G1 Liquor License Application as well as a 2 am Late Night Permit for Made Ape, LLC dba Alter Brewing Company, located at 12 S. First Street, St. Charles.

Voice Vote: Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

Motion Carried

- b. **Recommendation to approve a Proposal for a new Class E1 Liquor License Application for Project Mobility for a Long Table special event to be held on July 11, 2020.**

The license application and paperwork for the Project Mobility Long Table Event was presented to the Committee. It was noted that the date of the event was changed from Saturday, July 11, 2020 to Sunday, July 12, 2020, and will take place from 3:00 pm – 7:00 pm in the West Plaza. There are several restaurants involved and they are currently working on a rain date. Wristbands will be given to participants and there will be no restriction to people using the Plaza.

This item advanced from Liquor Control Commission Meeting earlier in the evening with a vote of 4 – 0.

Ald. Payleitner asked that a policy be set up for use of the City's public space. Something similar to what the Park District does. The alderman asked that parameters be set for these types of events.

Chief Keegan answered that there is a group that handles special events at the City and typically there is a 50/50 cost share. There are parameters in place, not a rental fee, but particularly for non-for-profits there is something in place.

Motion by Ald. Stellato, second by Ald. Vitek to recommend the approval of a Proposal for a new Class E1 Liquor License Application for Project Mobility for a Long Table special event to be held on July 11, 2020 and direction to Staff to create a policy for the use/rental of City Public Space.

Roll Call: Ayes: Bancroft, Vitek, Pietryla, Bessner, Stellato, Silkaitis, Payleitner, Lemke, Turner; Nays: None. **Motion Carried**

c. Recommendation to approve a Proposal for a new Class C1 Liquor License Application as well as a 1 am Late Night Permit for El Elle Sea, LLC dba Ed's Basement, located at 219 W Main Street, St. Charles.

The license application and paperwork for El Elle Sea, LLC dba Ed's Basement was presented to the Committee. It was noted that they have a limited menu now but they have plans to include a commercial kitchen in the future. The issuance of the license is dependent on successful completion of permitting. The applicants clarified that they are interested in having a 1 am permit not 2 am.

This item advanced from Liquor Control Commission Meeting earlier in the evening with a vote of 4 – 0.

Motion by Ald. Bessner, second by Ald. Pietryla to recommend the approval of a Proposal for a new Class C1 Liquor License Application as well as a 1 am Late Night Permit for El Elle Sea, LLC dba Ed's Basement located at 219 W Main Street, St. Charles.

Voice Vote: Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

Motion Carried

d. Recommendation to approve a Proposal for a new Class B1 Liquor License for Osteria Trulli, located at 210 Cedar Street, St. Charles.

The license application and paperwork for Osteria Trulli was presented to the Committee. This is the second restaurant for the applicants. The menu consists of seafood, pasta, and southern Italian cuisine.

This item advanced from Liquor Control Commission Meeting earlier in the evening with a vote of 4 – 0.

Motion by Ald. Stellato, second by Ald. Bancroft to recommend the approval of a Proposal for a new Class B1 Liquor License for Osteria Trulli, located at 210 Cedar Street, St. Charles.

Voice Vote: Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

Motion Carried

e. Recommendation to approve a Proposal for a new Class B1 Liquor License Application for Southern Café, located at 1590 E Main Street, St. Charles.

The license application and documents were presented for Southern Café. Southern Café will be located at the new Stone Creek strip mall (formerly Tin Cup Pass). Currently there is an extensive buildout being done of the former Gino's East location where Southern Café will be located. The restaurant will be open starting at 6:30 am; however will not be allowed to sell alcohol until 7 am.

This item advanced from Liquor Control Commission Meeting earlier in the evening with a vote of 4 – 0.

Motion by Ald. Turner, second by Ald. Lemke to recommend the approval of a new Class B1 Liquor License Application for Southern Café, located at 1590 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

Motion Carried

6. Finance Department

a. Funding request Presentation from the St. Charles Business Alliance in the Amount of \$698,000 for Fiscal Year 2020-2021.

Chris Minick, Finance Director for the City of St. Charles introduced Jenna Sawicki the Executive Director for the St. Charles Business Alliance. Mr. Minick stated that the St. Charles Business Alliance was created from a merger of the St. Charles Convention and Business Bureau and the Downtown St. Charles Partnership. The St. Charles Business Alliance is requesting \$698,600 (\$262,000 from SSA1B and \$436,600 from the Hotel/Motel Tax revenue stream). It was also noted that there is going to be a deficit in the Hotel/Motel Tax anticipating the closing of Pheasant Run in the next couple weeks.

Jenna Sawicki presented the following information for the St. Charles Business Alliance.



SCBA PP for funding
2021.pdf

7. Additional Items from Mayor, Council, Staff, or Citizens.

8. Executive Session

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

9. Adjournment

Motion by Ald. Turner, second by Ald. Bancroft to adjourn the meeting at 7:58 pm.

Voice Vote: Ayes: Unanimous; Nays None; Chairman Lewis did not vote as chair.

Motion Carried

:tc

via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov.

Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).