

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, DECEMBER 19, 2016**

1. Call to Order.

The meeting was convened by Liquor Commissioner Rogina at 4:30 p.m.

2. Roll Call

Members Present: Liquor Commissioner Rogina, Robert Gehm, Ald. Payleitner, Ald. Lewis, and Chuck Amenta

Absent:

Others Present: Mark Koenen, Atty. John McGuirk, Police Chief Keegan, Tina Nilles

3. Motion to accept and place on file minutes of the Liquor Control Commission meetings held on November 21, 2016.

Motion by Mr. Gehm second by Mr. Amenta to accept and place on file minutes of the Liquor Control Commission meeting held on November 21, 2016.

Voice Vote: Ayes: unanimous, Nays: none. **Chrmn. Rogina** did not vote as Chairman. **Motion carried.**

4. Recommendation to approve a proposal for a new Class B liquor license for Brunch Café to be located at 172 S 1st Street, St. Charles.

Chief Keegan: This is a recommendation for the new Brunch Café to be located along the business district of 1st Street. The proprietor/applicant is here tonight. This is a breakfast/lunch facility that operates currently in Fox River Grove, Huntly, McHenry and Roselle and are looking to expand their operations to their fifth restaurant here in St. Charles. They are not requesting a late night permit but it's a full class B license from 6:30 a.m. to 2:30 p.m. The license approval will be contingent upon Building Code Enforcement and occupancy permit. It's currently being built out with a January 2017 opening.

Andy Zatos, 172 S 1st Street, St. Charles: We are planning to open the week of January 23.

Chrmn. Rogina: We're happy to see a restaurant of your ilk and background come to St. Charles.

Mr. Gehm: Welcome to St. Charles and am awaiting your opening.

Ald. Payleitner: My question is on the Sunday times for the liquor license, that won't be 6:30 a.m.?

Chief Keegan: I haven't talked to the applicant in that regard and will go over that off-line.

Chrmn. Rogina: My recollection is 10:00 a.m. on Sundays with some exceptions that have already been passed by the City Council where you can serve at 8:00 a.m. for Mother's Day and a few other occasions, and during the week it's 7:00 a.m.

Ald. Lewis: I'm curious if you ever see yourself being open later than 2:00 a.m.; if you would have private parties in the evening?

Mr. Zatos: We offer them such as a baby showers. All of my restaurants do.

Ald. Lewis: So even though you close at 2:00 p.m., you could be open for a private party in the evening, or would it be open to the public in the evening?

Mr. Zatos: We book banquets or events – they would be private.

Mr. Amenta: We look forward to see you being here.

Motion by Mr. Gehm, second by Ald. Lewis to recommend approval of a proposal for a new Class B liquor license for Brunch Café to be located at 172 S 1st Street, St. Charles.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

Chief Keegan: A point of clarification that this license is allowed to stay open until midnight if you do have a party to Ald. Lewis' point; seven days a week and I'll discuss with you the Sunday hours.

5. Recommendation to approve a proposal of a Massage Establishment for Spa Elysian located at 457 Dunham Road, Ste. 118, St. Charles, IL.

Chief Keegan: Ashley Pilarski is here for Spa Elysian. This business is looking to occupy a multi-use building at 457 Dunham Road. Ashley currently performs some skin care and ancillary health services. She is looking to bring on a massage therapist. It will be an appointment only type of facility which is exempt from the secondary supervision piece. We vetted her background and site and feel confident in moving this forward to the Government Operations meeting tonight.

Ashley Pilarski, 457 Dunham Road, Ste. 118, St. Charles.

Chrmn. Rogina: How long have you been in business in working with skin related issues and health care?

Ashley: I opened in May, 2016.

Mr. Amenta: If a license is granted, keep in mind you would have to have a license therapist to perform massage therapy. Everything else looks straight forward to me.

Ald. Lewis: I'm confused as to why you're asking for a license if you only do facial treatments and wax?

Ashley: I'm trying to hire a massage therapist to work in the spa.

Ald. Lewis: And when this person is hired, it will be by appointment only?

Ashley: Yes, it's by appointment now and it will be by appointment for them as well.

Ald. Lewis: Then your therapist will be the one that will show up within minutes to do this?

Ashley: I require at least an hour which is posted on my website when people want to book an appointment. If it's going to be the same day they need to call to make sure we're going to be there. They can't just walk in because the door will be locked and it's just one room in a suite.

Ald. Payleitner: I'm questioning the diagram we got.

Chief Keegan: It's a multi-unit building.

Ashley: It's called In-Style Salon & Spa Suite, so everyone in there has their own room. Where it says entry, there are two doors that lock and a number pad that at certain times of day the inner door is also locked and we have to buzz people in and every tenant has their own space with their own locked door. During the rush hours the door is open but automatically locks in the evening and unlocks in the morning.

Chrmn. Rogina: Looking at this diagram there appears to be several similar type businesses; do you cross market with some of your competitors or are they complementary.

Ashley: Everyone else there does hair. I'm the only esthetician. I do have a neighbor that I think does massage, but she is a cosmetologist that does hair and nails. I'm pretty sure I'll be the only one who will have a massage therapist. It's somewhat of a "beauty" facility.

Ald. Lewis: Going back to getting a license for the massage therapist, are you anywhere close to finding one?

Ashley: I've started looking and had a couple of interviews, but told them I had to get approved before they can start working/scheduling appointments.

Ald. Lewis: In your space can you only do one or the other?

Ashley: There is only one client in my space at a time.

Ald. Lewis: So if there is a massage scheduled, you won't be able to have a client there?

Ashley: Correct, only one client allowed in the room at a time.

Ald. Payleitner: You'll be there?

Ashley: Only if I have a client. There's no lobby. There are chairs to wait in the hallway, but our doors are locked.

Mr. Gehm: It will either be yourself doing your work or your massage therapist at any one time.

Motion by Mr. Amenta, second by Gehm to recommend approval of a proposal of a Massage Establishment for Spa Elysian located at 457 Dunham Road, Ste. 118, St. Charles, IL.

Roll Call: Ayes: Gehm, Payleitner, Amenta; Nays: Lewis. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

6. Recommendation to approve a proposal of an event "Wine Down Winter" for Shakou LLC, 112 W Main Street, St. Charles.

Chrmn. Rogina: We have laid the foundation for this for quite a while and it's right that it's finally before us after a lot of conversation among a variety of people.

Chief Keegan: This has been a work in progress for at least a year and a half. Jenna is also here from the Downtown St. Charles Partnership. About a year and a half ago Ed came in and talked to the Special Events Committee and Mayor Rogina and we started looking at this proposal. He has done something similar to this at his Libertyville restaurant location and have expanded to future markets such as Park Ridge, Barington, Arlington Heights and St. Charles.

Restaurant Week ends on March 3 and March 4 is the Saturday following Restaurant week and a week before St. Patrick's Day. Ed has been working the local businesses and the Partnership to showcase downtown; not restaurants/taverns but service and retail locations. He is looking to host an event that he will sell in advance similar to what was done for the Craft Beer Festival, advance ticket sales through his portal on his website. There would be a credentialing step on the day of the event where participants would come to Shakou on the west side of St. Charles or Townhouse Books on the east side. We're still working through the details of a passport or what they would actually get when they walk around these local businesses. Shakou in cooperation with these businesses, will serve a small wine portion – 1-1/2 ounces at each location and the folks that sign up/register will visit the locations similar to a passport concept where they'll go business to business for the 4-hour duration. At the end of that which culminates at 5:00 p.m. we hope the people will visit our restaurant/taverns downtown. This has been successful event in Libertyville. We've looked at our liquor code and so long as the indemnification is there for

Dram Shop insurance and BASSET training at all locations, we feel this is an event that will work for us in our downtown business district. Keep in mind this is more of a concept discussion and still working through the details. If as a Commission you do want to move forward with this to approve the concept, we will work out the missing details as not all locations are specified as to who will participate.

Edward Hartigan, 312 W Main Street, St. Charles.

Chrmn. Rogina: I want to emphasize some points: 1) we did start some precedence on this last June at the Craft Beer Festival in Lincoln Park which was a success. 2) You are not looking to make money but talk about the non-profit idea of what you're looking to do here.

Ed: In Lake County we do this in partner with Main Street who purchases the alcohol and gives it to the retail stores who buy it from them. Since this is a new concept here, I was thinking I could endorse the whole thing and cover the majority of the cost through my liquor vendors, purveyors, etc. Rather than showcasing restaurants/taverns which is what restaurant week does; I'm trying to bring focus to downtown St. Charles outside of the bar scene. The restaurants are important to me because we all are trying to grow the restaurant theme in St. Charles. I'm going to look for support from my liquor partners and I will supply and take care of all the overhead, employees will be Shakou BASSET certified and will be at each of the locations. Looking to bring in 1,100 people, which was the number in Lake County, through St. Charles that maybe wouldn't otherwise be visiting St. Charles this time of year.

The blast that I send out through my PR and social media company is not going to center just on St. Charles, but within a radius we come up with based on demographics. A key point is to try to get other people from around the St. Charles area to the marketplace that many not come otherwise. I wanted to focus more on the small shop aspect to give them some awareness and eliminate everyone coming just for the bars. The feedback I've received from people in town is good.

Chrmn. Rogina: In our conversations it would be permitted by a retailer or service provider to give to someone who comes in for a taste of wine a coupon for a future purchase on another date to bring them back.

Ed: The purpose is to give them incentive to come back, so I'm telling them to give people a reason to come back. With a proposed 1,100 people coming, it doesn't give them much time at each location – approximately 25 locations, and it also has to do with the amount of personnel I can provide on a Saturday. I loved to offer it to every retail store but I don't have the staff to cover everyone. I picked a quadrant off and it will be focused on Main Street. To the north I picked State; south Illinois; east Third Avenue; and west Fourth Street.

Chrmn. Rogina: As long as Ed's process is fair with respect of offering the opportunity to be involved in it in some kind of fair fashion, I take that the DSCP endorses this?

Jenna Sawicki, Downtown St. Charles Partnership: Yes, the Partnership is always in favor of any event that will bring people downtown St. Charles to get engaged and we believe that this will accomplish that goal and it also creates cross marketing that goes along with our goals.

Ald. Payleitner: State law prohibits retail and liquor mix; so you cannot sell stuff if you're giving out liquor.

Jenna: Talking to other community groups that we reached out to, it's just a great way to showcase what the downtown has.

Ald. Payleitner: I understand this is a concept right now but will it be beyond that point when it's presented to Council? I would feel more comfortable with more details and a plan laid out and I understand it's a time constraint.

Chief Keegan: If this gets before committee and then Council we will have a delay at that point to get final details worked out before going to Council but we didn't want to move forward if the concept wasn't approved.

Ald. Payleitner: If all 25 stores are serving wine, will each of them need to have a liquor license?

Chief Keegan: There are some variances that are allowed in talking with the State Liquor Control Commission. His employees will be between locations, he is aware that he can't sell retail with liquor, there will be BASSET trained servers, his umbrella of Dram Shop will be for the businesses that will serve, and we'll control the amount of consumption based on the passport system; and each of the consumption points would have a food element. Each of the proprietors would be responsible for some sort of cheese, crackers, or snacks; and as the folks move through the meet & greet there will be a small portion of wine served that is included in the \$20 entrance fee served in a disposable cup and then move onto the next station. The serving amount will vary from 1 to 2 ounces dependent upon the number of service points there will be after the City endorses this.

Chrmn. Rogina: At the craft beer festival there was some sort of food element there?

Chief Keegan: Yes there was and there was a checklist system for a punch card. Will have people check in at the two locations and each wristband will have a sequential number assigned to it and when a person goes into each location, the wristband number will be checked off to ensure there is not an over indulgence of alcohol.

Chrmn. Rogina: Ed is bringing in his own BASSET trained employees to work this event and they can recognize a problem.

Ed: Buying a \$20 band doesn't guarantee you get served the same as the next person. If someone walks in intoxicated at the second stop, they will not be served. They will have to sign a disclaimer stating they are not guaranteed a certain amount of wine.

Ald. Lewis: I'm not at the comfort level I would like to be since I'm just hearing about this now and you all have been talking about it for a year now. I need more time to process this concept before moving forward with it. It will all be retail with no restaurants at all? Twenty-five seems like a large number for downtown. Where would I hit 25 businesses coming through downtown? Are these insurance companies?

Ed: We don't have the list finalized. I did have Jenna provide me with a list of downtown businesses and will use the downtown map as a guideline.

Chrmn. Rogina: To counter that I think your point is 25 equals 25 servings, but the flipside is I think there's heat on the DSCP. They can't support this if we only let 6 or 7 businesses downtown do this. I would hope that 25 businesses would want to do it.

Ald. Lewis: I think you could have a first come, first serve. Maybe there are 50 businesses and we're only letting 25 in.

Chrmn. Rogina: It is going to be limited. He only has so many employees he can make available. You don't agree with the number?

Ald. Lewis: Yes, I think it's too large. I'm trying to see the logistics of getting around on a day like today. Sidewalks aren't even plowed in front of some of these businesses. You would need to make sure these businesses are going to have their sidewalks cleared for this event. I would like to see a lower number than 25; or if you have 25 the ticket could say you are allowed only 15 visits.

Mr. Amenta: How many retailers do you have committed so far conceptually?

Ed: Zero, I've reached out to some of the businesses in town that I know to see if they would be interested. I may end up with five. I don't have anyone committed yet. I know when they first started in Libertyville, it did start out small and has grown over the years in size. I can't answer some of these questions because I'm not at that point yet. I just wanted to make sure this concept was solid and you all were on board so I can start pursuing the businesses. Perhaps this is something that may get tabled until next year because I don't have everything in line yet. To answer the other question about the non-for-profit, the initial idea was to do this through Shakou Parent Program. I would sell the \$20 wristband, get support from liquor vendors, and whatever proceeds I would net, I would then donate to a local charity. I can't promise that until I know if I'll have any profit from this event.

Mr. Amenta: What if any restaurants say they want in on this too; how would that be handled?

Ed: I'm not going to pay for someone else's party. I will be supporting this 100%.

Mr. Amenta: What if they offer to pay into this event? I could see this being a point of contention of not being allowed because you're taking the event on by yourself.

Ed: They could do an event themselves. The idea is to keep this within retail/services. The overlay is going to have a traveler guide from east to west.

Ald. Lewis: Does Libertyville have the same kind of downtown structure with the kind of traffic we have?

Ed: Yes, my restaurant is in on Rt.21 which is a state highway right down the center of downtown.

Mr. Amenta: Will police have extra duty schedule to assist in crossing streets and so forth?

Chief Keegan: Yes, the registration of the number of people will dictate the need of detail for police.

Ald. Lewis: Chief did you contact the State Liquor Commission to get their perspective on something like this?

Chief Keegan: If you look at the language of our E2 license, there is specific language that allows the Liquor Commissioner to do some mandates or provisions up to their discretion.

Ald. Lewis: There is a section that says that even tastings could not be done unless the place has a liquor license, but you're saying because it's going to be a temporary license, that will suffice.

Chief Keegan: Yes.

Ald. Lewis: I just don't want to get into a "Wine Down Something" every weekend. It sounds like a great idea, I like the concept of where this is going, but my concern is that we're going to be wining something down with somebody. I think we need to talk about a limit of how many times we do these kind of things.

Chrmn. Rogina: I heard this in the last two years that we do a great job in bringing lots of people to St. Charles with Riverfest and Scarecrow. Liquor is not the theme to your point and I've heard more from the business side and members of the DSCP have said to me it's nice when you have events where people come downtown and it doesn't include a carnival and mobs of people; just a nice number that we can manage. Our general customers are not stymied or prohibited to come down to our places because of a large mass of people. We do need to find a happy balance.

Ald. Lewis: I listen to the people out in the neighborhoods, the residents, the taxpayers, and I sometimes hear a different opinion.

Chrmn. Rogina: I would like to hear with this commission's thoughts are in at least moving this recommendation to Committee tonight for the purpose of further conversation.

Mr. Gehm: I think a wider audience might help to address some of the concerns. I liked the idea that you have already boxed off the area and these are the boundaries and the concept is now the details on how you make this work.

Motion by Mr. Gehm, second by Ald. Payleitner to recommend approval to go before the Government Operations Committee for a proposal of an event “Wine Down Winter” for Shakou LLC, 112 W Main Street, St. Charles.

Ald. Payleitner: I like the concept but before we issue a license I need details.

Chief Keegan: If we get a recommendation to go to Council this evening, we’ll definitely work out the details before going forward to Council for approval.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

Chrmn. Rogina: For the next two items both parties have entered a plea of guilty and do not request a hearing.

7. Discussion regarding Tobacco Establishment Citation and Hearing Notice for 7-Eleven Store #30153 located at 51 Randall Road, St. Charles, IL 60174.

Chrmn. Rogina: Now comes the petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois and files this complaint before the Local Liquor Control Commission of the City of St. Charles and states as follows: 1) The petitioner is the duly appointed Chief of Police 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) On or about November 22, 2016, 7-Eleven Store #30153 was operating under a Tobacco License issued by the City of St. Charles. 3) That on or about November 22, 2016, at approximately 4:50 p.m. the licensee, 7-Eleven Store #30153, by and through its employees, officers, and/or agents, committed the following violation of the St. Charles Tobacco code. That offense sold tobacco to a minor in violation of Section 5.16.070 of the St. Charles Municipal Code. 4) The act detail in Section 3 of the Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. 5) That the licensee, 7-Eleven Store #30153 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.

Chief Keegan: These were compliance checks. There was nothing that brought our attention to these specific businesses other than the fact that we receive grant money from the State and Illinois Liquor Commission and we do these compliance checks periodically where we send minors into both liquor and tobacco establishments to observe compliances with local laws and ordinances.

Ald. Lewis asked if the City would ever consider raising the age of tobacco sales from 18 to 21 years of age. They have done this in Naperville. Discussion took place and end result was to sit back and wait a while as the City does not get many tobacco violations overall. We have stepped up the fine of this violation from \$25 to \$250 plus legal fees which has made an impact on the few businesses that have undergone these tobacco violations.

8. Discussion regarding Tobacco Establishment Citation and Hearing Notice for 3-Star Oil and Food Mart, Inc. located at 1023 West Main Street, St. Charles, IL 60174.

Chrmn. Rogina: Now comes the petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois and files this complaint before the Local Liquor Control Commission of the City of St. Charles and states as follows: 1) The petitioner is the duly appointed Chief of Police 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) On or about November 22, 2016, 3 Star Oil and Food Mart, Inc. was operating under a Tobacco License issued by the City of St. Charles. 3) That on or about November 22, 2016, at approximately 5:40 p.m. the licensee, 3 Star Oil and Food Mart, Inc. by and through its employees, officers, and/or agents, committed the following violation of the St. Charles Tobacco code. That offense sold tobacco to a minor in violation of Section 5.16.070 of the St. Charles Municipal Code. 4) The act detail in Section 3 of the Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. 5) That the licensee, 3 Star Oil and Food Mart, Inc. 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.

7. Other Business

8. Public Comment

Motion by Mr. Gehm, second by Amenta to move into executive session to discuss tobacco violations at 5:27 p.m.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

9. Executive Session (5 ILCS 120/2 (c)(4)).

Motion by Mr. Gehm, second by Ald. Payleitner to return out of executive session at 5:30 p.m.

Voice Vote: Ayes: Unanimous; Nays: none. **Chrmn. Rogina** did not vote as Chair. **Motion carried**

10. Adjournment

Motion to adjourn by Mr. Gehm, second by Ald. Payleitner to adjourn meeting at 5:30 p.m.

Voice Vote: Ayes: Unanimous; Nays: none. **Chrmn. Rogina** did not vote as Chair. **Motion carried.**