

MINUTES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, APRIL 6, 2020, 4:30 PM
2 E MAIN STREET

1. Call to Order.

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

2. Roll Call.

Present In Person: Pietryla

Present By Phone: Stellato, Gehm, Zollers

Absent: None

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on February 18, 2020.

Motion by Pietryla, second by Gehm to approve the meeting minutes.

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

4. Recommendation to approve a Proposal for an E4 Liquor License Application for Pollyanna Brewing Company's Summer Soiree Event taking place on July 18, 2020 at 106 S Riverside Avenue, St. Charles.

Chief Keegan explained that Pollyanna Brewing Company is requesting to host this event in City Parking Lot *Second Court*, from 3:00 pm to 11:00 pm. All ages may enter, but identification will be required for all over 21 intending to consume alcoholic beverages and a wristband will be given to those who qualify. There will be security and fencing to protect the area. All fees for any signage, barricades, City electric, or City personnel will be absorbed by the Event sponsor. This business is based in Roselle and there have been no prior issues.

Motion by Pietryla, second by Zollers, to approve the recommendation for a new class E4 Liquor License Application for Pollyanna Brewing Company's Summer Soiree Event taking place on July 18, 2020 at 106 S Riverside Avenue, St. Charles, contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.

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

5. Recommendation to approve a proposal for a new class New E1 Liquor License for D & G Brewing for the St. Charles Craft Beer Festival taking place on May 30, 2020 in Lincoln Park.

Chief Keegan shared that St. Charles breweries, Riverlands Brewing Co. and D&G Brewing, are requesting to host a St. Charles Craft Beer Festival in Lincoln Park on Saturday, May 30, 2020, from 12:00 to 5:00 pm and obtain an E-1 License (not-for-profit). Proceeds will benefit Project Mobility, a 501c3 organization. All fees for any street closures, the use of barricades, City electric or City personnel will be absorbed by the Event sponsor. This is the first year for this event; however, the model is expected to follow that of the Craft Brew Fest hosted by St. Charles Rotary in past years. Due to the expected number of participants, approximately 1,500, two police officers will be required to work this event. This is an over age-21 only event, expected to draw an adult crowd. All attendees will be ID'd and wristbands will be issued, as appropriate.

Motion by Pietryla, second by Stellato, to approve the recommendation for a new class New E1 Liquor License for D & G Brewing for the St. Charles Craft Beer Festival taking place on May 30, 2020 in Lincoln Park, contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.

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

6. **Recommendation to approve a proposal for an new class E-4 Temporary Liquor License and a Loudspeaker Application for a Special Event, Unwind Wednesdays, to be held on the First Street Plaza.**

Chief Keegan described this recurring event. It authorizes consumption of beer, wine or alcoholic liquors on City property, specifically both First Street Plazas. This temporary license request is for a series of fourteen (14) events to be held on Wednesday evenings from 5-8 p.m. starting June 3 through September 2, 2020. The businesses participating in this event include McNally's Traditional Irish Pub, Gia Mia, Alter Brewing, and La Mesa. Za Za's has been contacted and opted out, with no stated concerns. New this year, the St. Charles Business Alliance is requesting First Street be closed from Main Street to the opening of the parking garage. This will allow safer access across the street for participants to enjoy both plazas. The performers will be stationed closer to the street in an effort to be visible from Main Street.

As in past years, those 21 and over who wish to consume alcohol on the plaza will be required to provide proper identification and will receive a wristband once their credentials are verified. The St. Charles Business Alliance will coordinate four security guards to be stationed throughout the event footprint and set up barricades and stanchions around the perimeter. This is the fourth year for this request. No problems were reported in prior years for this event.

Motion by Pietryla, second by Zollers, to approve the recommendation for a new class E-4 Temporary Liquor License and a Loudspeaker Application for a Special Event, Unwind Wednesdays, to be held on the First Street Plaza, contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.

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

7. Recommendation to approve Late Night Permits for Class B, C and G licenses of the City of St. Charles for FY 2020/2021, effective June 1, 2020.

Chief Keegan reminded the Commission that liquor license classes B, C, and G 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 26 late-night permit requests this year. This is an annual process, and several things are considered in the review and recommendation; life safety issues, debts to the City, police activity, ordinance violations, conduct/behavior, warning letters, etc. Chief pointed out the great progress that has been made over the last six years in reducing the number of incidents as well as the partnership with businesses to keep order. No warning letters or ordinance violations were issued in 2019. Most of the police calls are generated by the business vs. by patrons or neighbors.

Due to COVID-19 and the extension of the current liquor license and late night permit term to May 31, 2020, these late night permit approvals would be effective June 1, 2020.

Motion by Pietryla, second by Stellato, to recommend to Council Committee for approval the Late Night Permits for Class B, C and G licenses of the City of St. Charles for FY 2020/2021, effective June 1, 2020.

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

8. Continuation of an Administrative Hearing Regarding Tobacco Citation and Hearing Notices for Al Tijara, LLC d/b/a Smoke Plug located at 2728 East Main Street, St. Charles.

Commissioner Rogina noted that the citations have previously been read into the record. The mitigation hearing scheduled for March 16 was cancelled due to the COVID-19 virus. He recognized the respondent's legal counsel to make Al Tijara's argument.

Attorney Vako reports that the two employees who were involved have been terminated and will not be rehired. Irfam Kahn, the owner, was not present during the violations; he was spending most of his time at a similar business location in Naperville. Lack of attention to the St. Charles store is a primary factor in the violations. In recent months he was at the St. Charles store only one day in each two-week period, and did not have contact with customers. Commissioner Rogina reminded Mr. Kahn that he is responsible for the acts of his employees, and Mr. Kahn agreed. Mr. Kahn will now manage the St. Charles location himself and will not hire any employees in the near future. Other employees will run Mr. Kahn's other stores. A training manual was developed which includes State and Local ordinances and rules. This will be used for training and also will be present with each employee to guide them through the sale process, each time. The manual and rules must cover all tobacco and vaping type products. Mr. Kahn initially reported that he would be opposed to the assistance of having SCPD assist with training. Attorney Vako clarified that it would be encouraged and better if the police were involved. Mr. Kahn agreed that it would be helpful to have the SCPD come into the store to assist with reviewing the City Code.

Exhibit B shows the scan/ID machine that will be used to verify age or entrants to the store and potential purchasers. Chief Keegan said that a proprietor cannot rely solely on this machine. The agent still has responsibility to inspect the ID and ensure it matches the person.

Commissioner Rogina stated that sale to a minor is a “no tolerance issue” in St. Charles. Precedent has been set for closing a business due to sale to a minor. All three of the current citations come under one hearing. He asks how Mr. Kahn will prohibit minors from entering the store. Mr. Kahn reports that the cash counter is at the rear of the store. He perceives that having minors in the store is a violation of the mitigation agreement. Commissioner Rogina reiterated that St Charles cannot tolerate minors entering, loitering, or standing around inside the establishment.

Chief Keegan reported that Mr. Kahn has a location in Huntley which has had complaints of under-age sales, but no violations. No one was cited or arrested. Mr. Kahn’s Naperville store was cited and Mohammed Khan (Irfam’s brother) was the agent in three transactions to minors on Feb 2, 2020. Naperville Police reported that upon their visit to the store, it was crowded with minors, and there was a delay to receive service. Three young men from Oswego and Aurora were stopped on the way out and reported that they visited this particular store because they had heard that minors could purchase. The case is not adjudicated yet. Attorney Vako stated that he was unaware of these violations.

No action will be taken tonight, and there will be an executive session after this hearing. Commissioner Rogina has 10-14 days to issue his ruling, and it will be sent to Mr. Kahn and Attorney Vako. If the license is continued, we will deal with the mitigation plan.

9. Public Comment.

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

Motion by Pietryla, second by Zollers to enter executive session as per 5 ILCS 120/2 (c)(4) at 5:33 pm.

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

Motion by Pietryla, second by Zollers to exit executive session at 5:44 pm.

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

11. Adjournment.

Motion by Mr. Gehm, second by Ald. Pietryla to adjourn the meeting at 5:44 pm.

Voice Vote: Ayes: Unanimous; Nays: None.

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