

MINUTES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MAY 21, 2018

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, Ald. Vitek, Ald. Silkaitis and Cliff Carrigan

Members Absent: Robert Gehm

Others Present: Police Chief Keegan, Atty. John McGuirk, Mark Koenen, and Tracey Conti

3. **Motion to accept and place on file minutes of the Liquor Control Commission meeting held on April 16, 2018.**

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

4. Recommendation to Approve a Proposal for a New Class E-1 Temporary Liquor License for a Special Event, a Random Acts Matter Fundraiser, to be held in Mt. St. Mary's Park.

Chief Keegan: This is the 2nd annual event for Random Acts Matter. It's scheduled for September 9th. Lori Georgeson and Rob Mondy are here to answer questions.

Lori Georgeson: This is a community event and we're expecting nearly 450 people participants.

Ald. Silkaitis: Regarding the City Services. What does it mean, refer to command?

Chief Keegan: This is from our Traffic Safety Officer. We try to keep the cost down. There will be a meeting scheduled with the event organizers to go over the hours and ensure that we're on the same page.

Lori Georgeson: We had 2 officers last year. Everyone over 21 was given a band, the area is fenced and we had people at the gate watching. It went very smoothly.

Motion by Mr. Carrigan, second by Vitek to recommend approval of a New Class E-1 Temporary Liquor License for a Special Event, a Random Acts Matter Fundraiser, to be held in St. Mary's Park.

Roll Call: Ayes: Carrigan, Vitek, Silkaitis; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

5. Recommendation to approve a Proposal for a New Class E-1 Temporary Liquor License for a Special Event, “Sunset Cider Stroll” to be held Downtown St. Charles and Mt. St. Mary’s Park.

Chief Keegan: This is the first year of the Cider Stroll. It will take place from 5:00 pm 7:30pm, in Mt. St. Mary’s Park. They are expecting approximately 100 participants. If you aren’t familiar with hard cider, it’s a fall cocktail, apple cider with alcohol.

Jennifer: This will be an adult only event on the bike path targeted towards date night, or girls night out. Participants will walk the bike path into Mt. St. Mary’s Park where they will sample some hard cider and have some snacks.

Chrmn. Rogina: How did you come up with the idea?

Jennifer: So many groups are doing a 5k. We wanted to do something, and came up with this concept. It’s more of a date night. We’d like to keep the event on the trails and bike path and support the local businesses.

Motion by Mr. Carrigan, second by Vitek to recommend approval of an E-1 Temporary Liquor License for a Special Event, “Sunset Cider Stroll” to be held Downtown St. Charles and Mt. St. Mary’s Park.

Roll Call: Ayes: Carrigan, Vitek, Silkaitis; Nays: None. Chrmn. Rogina did not vote as Chair.
Motion Carried.

6. Recommendation to approve an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090 of the St. Charles Municipal Code.

Chief Keegan: This is a housekeeping item. I was approached by the wine exchange that currently has an A5 license, consumption of wine and sale of wine on site. No more than 25% of their sales can be onsite consumption. They would like to offer a small amount a craft beer and spirits.

Ald. Silkaitis: What kind of spirits?

Bob Sommer: Bottles and or craft beer. Not a lot, we’re trying to work with our customers. Some don’t drink wine and we’ve been asked to offer craft beer. Spirits would be an oddity. We won’t be mixing drinks, don’t want to be a bar; possibly we’ll offer whisky or bourbon.

Mr. Carrigan: How will this be monitored to keep within 25% of your sales.

Keri Foster: It’s all monitored, it’s very limited. We’re trying to establish a customer base.

Mr. Carrigan: It will need to be monitored. How will you monitor this?

Chrmn. Rogina: This question will most likely be brought up at council committee this evening. Will you monitor this, and if we request, show the books?

Chief Keegan: How do we safeguard ourselves regarding sections of our ordinances referring to a percentage?

Bob Sommer: We will only have a handful of beers, certain craft beers, very limited.

Motion by Mr. Carrigan, second by Vitek to recommend approval an Ordinance Amending Title 5, Entitled “Business Licenses and Regulations” Chapter 5.08, “Alcoholic Beverages”, 5.08.090 of the St. Charles Municipal Code.

Roll Call: Ayes: Carrigan, Vitek, Silkaitis; Nays: None Chrmn. Rogina did not vote as Chair.
Motion Carried.

6b. **Recommendation to approve an Ordinance Amending Title 5, Entitled “License - Classifications”, 5.08.150, “License – Cessation of Business – Revocation of Licenses – Reduction in Licenses” of the St. Charles Municipal Code.**

Chief Keegan: This was recently a point of discussion. The more it was debated the more confusing it became. I did some research and spoke with Atty. McGuirk. It’s similar to your driver’s license, if you don’t use it for 6 months it doesn’t become invalid, unless it’s revoked you still have a license. I believe there are appropriate remedy’s in place in our city code; and would like to have this removed.

Ald. Silkaitis: I respectfully disagree with you. If you close your business and you still have a liquor License, you lose your license. If your address changes would you still have the liquor license? I think we need something that states if a business is closed you don’t have your liquor license.

Chrmn. Rogina: What we’re taking away is the idea of after the cessation of business we’re not taking away your liquor license.

Ald. Silkaitis: Do we have a business license here in St. Charles?

Chrmn. Rogina No.

Ald. Vitek: I agree with this. This did add confusion. It focuses on closed business. Why make another unnecessary hoop for people to jump through when they are already providing the proper information. I think sometimes a liquor license is looked upon as negative, that’s not necessarily true, it’s a tool for a business.

Mr. Carrigan: Who holds a license?

Chief Keegan: You have to be a resident of St. Charles or hold the liquor liability; 99% of our licensees are an LLC.

Atty. McGuirk: It may be 100%.

Chief Keegan: There are triggers in our code that require floor plans, business plans, etc., be provided. It can’t be changed on a whim.

Ald. Silkaitis: What's to say 6 months later they won't change.

Chrmn. Rogina: You sustain that his license was expired.

Ald. Silkaitis: Yes

Mayor Rogina: You have a driver's license and you can't drive for 6 months, would it be your position that your license is invalid.

Ald. Silkaitis: I think if you close a business you shouldn't come back 6 months later with the same license.

Mr. Carrignon: Do we capture this in other ordinances?

Chief Keegan: Based on the letter of the law when Abby's expanded they were closed for more than 30 days, they maintained their license.

Mark: I believe that the reason it wasn't in the code is because a number of years ago we had a limit to the amount of liquor licenses that could be issued. I asked the chief what would be the best way to monitor this. His answer was; I don't think there is one.

Motion by Mr. Carrignan, second by Vitek to recommend approval an Ordinance Amending Title 5, Entitled "License - Classifications", 5.08.150, "License – Cessation of Business – Revocation of Licenses – Reduction in Licenses" of the St. Charles Municipal Code.

Roll Call: Ayes: Carrignan, Vitek; Nays: Silkaitis. Chrmn. Rogina did not vote as Chair.
Motion Carried.

7. Recommendation to approve a Proposal for a New Class E-8 Liquor License for the St. Charles History Museum, located at 215 E Main Street, St. Charles.

Chief Keegan: This is a newly created license classification for the St. Charles History Museum. It's similar to what's been done with the fairgrounds and the Harley Dealership; there are certain number of licenses allowed per year.

Ald. Silkaitis: Was there a problem getting insurance?

Nancy: No, just some confusion with Foodie Fest, another special license, it didn't proceed. We worked with the police that would cover those special events and our insurance will cover.

Motion by Mr. Carrignan, second by Vitek to approve a Proposal for a New Class E-8 Liquor License for the St. Charles History Museum, located at 215 E Main Street, St. Charles.

Roll Call: Ayes: Carrignan, Vitek, Silkaitis; Nays: None. Chrmn. Rogina did not vote as Chair.
Motion Carried.

8. Discussion regarding Citation and Hearing Notice for the Tobacco and Giftshop, located at 1556 E Main Street, St. Charles, Illinois 60174.

Chrmn. Rogina read the complaint/violation regarding the event that took place at the Tobacco and Gift Shop, located at 1556 E Main Street, St. Charles.

Chrmn. Rogina: I'll turn the floor over to you counsel with the caveat that prior to this hearing today; on the arraignment form submitted by the licensee that liability was admitted of the allegations set forth in the complaint and requested this hearing in mitigation. We'll give him the opportunity to provide any evidence in support of his position and minimize any penalty.

Atty. Earl: My name is Greg Earl I'm an attorney from Geneva, Illinois, 17 N 6th Street. I represent Tobacco and Gifts. With me is the principal owner Anup Singh. He has admitted liability. We have requested this hearing for mitigation circumstances. I can provide this or if you'd rather hear directly from Mr. Singh he'll be happy to answer.

Chrmn. Rogina: Either is fine. You have the right to do this today or you can take some time for the process.

Atty. Earl: We spoke to Atty. McGuirk prior to today's hearing. I don't think we need any time to come back.

Chrmn. Rogina: That's fair.

Atty. Earl: Tobacco and Gifts has been a member of the St. Charles community for over 11 years. This is the first violation. I believe he has taken the appropriate step by admitting the liability. He takes this very seriously and hopes this never happens again. I think there was some confusion during the transaction. Mr. Singh can explain better what happened during the transaction.

Mr. Singh: He asked me do you have this nicotine/electronic cigarette. I take it from the showcase and put it on the counter, and asked him for ID. He just put \$20.00 down and walked out. It's my fault.

Chrmn. Rogina: Would I be correct in assuming that when the transaction took place, would you concede that the property sold to the minor was something in violation of the City of St. Charles ordinance?

Anup Singh: Yes, it was my fault.

Chrmn. Rogina: You received money for the transaction.

Anup Singh: I put the product here; and he put the \$20.00 down. I asked him for ID, he dropped the \$20.00, picked up the product and walked.

Chrmn. Rogina: You never viewed his ID?

Anup Singh: I asked if he had ID, he just put down \$20.00, took it and walked.

Atty. Earl: He never saw his ID, nor did he have a chance to even give the gentleman change.

Chrmn. Rogina: We have been pretty consistent here with respect to first offences as far as penalties. We'll try to do our best to follow president. I want to emphasize the following. We had a conversation here not too long ago, and we were split regarding the following issue. Sale of tobacco to 18, 19 and 20 year olds. There is a big push in this state to change it to 21. I am proponent of leaving it at 18 under a theory that 18 year olds have a right to vote, fight for their country. The problem is if we sell to minors we're defeating that whole argument. We have to be vigilant and make sure that it's not happening here. Secondly, there is also president in this town through this Liquor Commission that when the situation has happened on several occasions we've closed the establishment. I respect the fact that for 11 years you've had no problems. I want to make sure everybody hears my cautionary remarks with respect to second and third situations. Particularly as it relates to minors in our community. Again there is this push, and I'm not happy to see minors getting involved in this. When they are old enough they can make their own decisions, until then we have to protect them.

Ald. Silkaitis: This is the first offence. I agree with what you're saying.

Chrmn. Rogina: There is no need for you to stay because we will go into executive session to render a decision. I have 10 – 14 days to get back to the licensee with our decision. I think I can safely say there is going to be no suspension.

Atty. Earl: Mr. Singh and his wife are the only two employees and they are taking measures to make sure this doesn't happen again. If you are going to be sending out a notice, how will that notice be sent?

Atty. McGuirk: Typically I send the order in an email and I think we serve them as well, correct?

Chief Keegan: Personal service.

Atty. Earl: Very good.

Roll Call: Ayes: Carrignan, Vitek, Silkaitis; Nays: None. Chrmn. Rogina did not vote as Chair.
Motion Carried.

9. Public Comment.

Motion by Mr. Carrignon, second by Ald. Silkaitis to enter executive session at 5:07 pm

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

Motion by Mr. Carrignon, second by Ald. Silkaitis to exit executive session at 5:12 pm

Ald. Silkaitis: I will not be here for the meeting on June 18.

11. Adjournment.

Motion by Ald. Silkaitis second by Mr. Carrigan to adjourn the meeting at 5:15 pm

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