

**MINUTES  
CITY OF ST. CHARLES, IL  
LIQUOR CONTROL COMMISSION MEETING  
MONDAY, APRIL 21, 2014**

**1. Opening of Meeting**

The meeting was convened by Liquor Commissioner Rogina at 4:22 p.m.

**2. Roll Call**

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

**Absent:** Chuck Amenta

**Others Present:** Interim Police Chief Huffman, Mark Koenen, Atty. John McGuirk, and Tina Nilles

**3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on February 18, 2014**

Motion by Ald. Payleitner, second by Mr. Gehm to approve minutes of the February 18, 2014 Liquor Control Commission Meeting.

**Voice Vote:** Ayes: Unanimous; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

**4. Consideration of a recommendation of a new Class B liquor license for Riverside Pizza & Pub to be located at 102 E Main Street, St. Charles (former Pi's location).**

**Chrmn. Rogina:** Steve Nilles is present tonight along with his partner, Jay Berg. There are also two additional partners – Mark Bridges and Steve Polizzi who are not here. We will be recommending consideration of this liquor license to the Government Operations Committee on May 5<sup>th</sup>.

**Steve Nilles, Property Owner of 102 E. Main Street, St. Charles:** We are looking to open a sit down / takeout delivery /pizzeria / pub. We have submitted the application for your approval.

**Chrmn. Rogina:** You have provided a very thorough summary of what you intend on doing. We'll open the floor for questions.

**Aldr. Payleitner:** Just a comment: I applaud the thoroughness of your proposed plan, and appreciate the expertise and experience you are bringing in.

Motion by Mr. Gehm, second by Ald. Payleitner to recommend a new Class B liquor license for Riverside Pizza & Pub to be located at 102 E Main Street, St. Charles (former Pi's location).

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

**Chrmn Rogina:** Congratulations – now this will go before the Government Operations Committee on May 5, and then before the City Council for final approval on May 19. We welcome you to St. Charles and we wish you nothing but the best.

**5: Recommendation to approve Class B&C late night permit requests for FY14/15 to City Council for final approval.**

**Chrmn Rogina:** This item will go before City Council tonight. These are now all base B and C licenses with late night permits. These permit requests represent ~43% of all B and C licenses that we have. There are a total of 58 permits and 24 out of 58 have applied for late night permits. We are starting out as a brand new school year so I recommend we start from scratch and issue these late night permit requests.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend approval of Class B&C late night permit requests for FY14/15 to City Council for final approval.

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

**Mayor Rogina:** City Administrator, Police Chief and myself will be having another meeting in May with the licensees to try and set the tone for a good year for which we are all on the same page in trying to work for a fun, vibrant downtown with reduced chaos.

**6. Discussion regarding Citation and Hearing Notices for:**

- a. Alley 64
- b. Rookies
- c. St. Charles Bowl
- d. Thirsty Fox
- e. WalMart

**Chrmn. Rogina:** I will be calling each of the licensees forward on the citation notices that Chief Huffman has issued. As your establishment is called forward, I will read the violation, and you can enter a plea. If you disagree with the charges or plead not guilty, we will set a date for a future hearing. If you plead guilty you will have the opportunity to speak to the commission. I intend to have one executive session at the end for all five of these petitions.

**Alley 64:** Has not arrived yet, did not contact the Mayor's office, will circle back.

**Rookies - 1545 W. Main St., St. Charles**

**Chrmn. Rogina:** For the record on or about February 27, 2014 at approximately 8:50 p.m., the licensee, BK & MM Ventures, LLC (Rookies 1, All American Pub & Grill) by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 1545 W Main Street, St. Charles, IL – offense was serving alcoholic liquor to a person under the age of 21 years of age.

**Bob Karras, 655 Oak Lane, So. Elgin and Mike Mandus, 244 S. 17<sup>th</sup> St. Charles, IL**

We are aware of this happening and plead guilty and on a side note we do take our liquor license very seriously and not serving to minors. We have nine locations and this is something we take very seriously. Our record is not spotless but has been fairly clean for St. Charles.

**Chairman Rogina:** I would concur with your record. You have had two offenses: one in December 2011 – sale of alcohol to a minor and in October 2012 harboring sale of alcohol to an intoxicated person. We appreciate you have come forward here tonight.

**Ald. Lewis:** I take this offense very seriously serving to underage and it's hard for me to understand why that would ever happen. I want to make people aware of how I feel about this particular offense.

**Rookies:** It is difficult and a daily battle for us. It is not that our servers/bartenders want to serve minors; it is more their inexperience or the naiveté of their youth. It's a daily battle and it can happen to the most experience employee we have. We tell them to card patrons who are 30, even 40 and under if the bartender is in question. The managers do watch, and if they come across a situation where a patron does not have an ID, they take away the drink and refund the money. It's something we take seriously. We do appreciate the wakeup call. One thing we do now for new hires is to make sure they have their BASSET training ahead of time so we don't have to worry about the training after they start. We did suspend the employee. I am not sure about St. Charles, but we have found (at other locations) that when the employee is ticketed and fined for the offense, it is a good deterrent to that happening again.

**Chrmn. Rogina:** This was a State of Illinois compliance check. There are a lot of entities watching here and this is a punishable offense. Rookies, on a positive note, is very popular here in our town. We want to accentuate the positive and hopefully eradicate and minimize to zero opportunities for a mis-step in the future.

**Ald. Lewis:** What time did this happen?

**Rookies:** At 8:50 p.m. This happened at table service, not at the bar. Unfortunately there are less experience servers at the tables than our bartenders who are more experienced.

**LA Manson/St. Charles Bowl - 2520 W. Main St., St. Charles**

**Chrmn. Rogina:** On or about March 21, 2014 at approximately 6:55 p.m., the licensee, L. A. Manson Corporation (St. Charles Bowl), by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 2520 W Main Street, St. Charles, IL an offense in serving alcoholic liquor to a person under the age of 21 years.

**Dorothy Heck, 1740 Margaret Lane, Aurora, IL:** We plead guilty. This should not have happened. We had a new employee who been there about 5 weeks and when this occurred he was terminated immediately. Our policy is zero tolerance on serving minors. That's important to us and it sends a message. Training is important to us and we do a 35 and under carding. Unfortunately this occurred right after an employee found an ID (underage) at our premise and we turned it into the police; but we are a family-type business and it's very important to us that this doesn't happen again and will make sure that it does not.

**Chrmn Rogina:** I want to accentuate the positive and mention that one of your staff caught a minor who falsified an ID and reported it to us. Chief Huffman and I sent a letter out to your establishment to commend you for that. We are throwing in the good with the bad here and so we do accept your plea.

**Alder Payleitner:** We appreciate your zero tolerance policy.

**St Charles Bowl:** We have to be that way especially when you have various ages in there.

**Ald. Lewis:** Are your employees aware of your zero tolerance policy.

**St. Charles Bowl:** Yes they are told this at time of employment.

**Walmart Store: 150 Smith Road, St. Charles**

**Chrmn Rogina:** A representative is not present. They have received notification and are entering a guilty plea. On or about February 27, 2014 at approximately 7:25 p.m., the licensee, Wal-Mart Stores, Inc., by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 150 Smith Road, St. Charles, IL who sold alcoholic liquor to a person under the age of 21 years. This was a state compliance check.

**Thirsty Fox Pub**

**Chairman Rogina:** No plea, but they have asked for a continuance for next month.

Motion by Mr. Gehm, second by Ald. Payleitner for a continuance for Thirsty Fox for next month (May 2014).

**Aldr. Lews:** is there a reason?

**Tina:** They had a big event tonight and did not have ample staff on duty for them to attend.

**Chairman Rogina:** Under advice of legal counsel, they request a continuance to May 19.

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

**Alley 64: 212 W. Main St**

**Chrmn. Rogina:** Since they have not arrived yet, I entertain a motion for a continuance to take this up next month as well.

Motion by Mr. Gehm, no second.

**Attorney McGuirk:** My thought is they are in default. They have been provided with notice. If you want to consider that as a finding of guilty based on their default, we can do that. Since you have another matter next month, you might want to give them another opportunity.

**Chrmn. Rogina:** There is no second to the motion so that would mean we simply go back and find them in default for not appearing. That would be a guilty plea. Are they entitled to come here next month and in affect appeal a decision?

**Atty. McGuirk:** We can vacate it at that point and hear their mitigation. That's up to you.

**Chrmn. Rogina:** Since there is no second on this, we will enter a guilty plea on matter of the liquor license for Alley 64. I will read the offense into the record. On or about March 4, 2014, at approximately 2:03 a.m., the licensee, Alley 64, Inc. by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 212 West Main Street, St. Charles, IL – offense was after hours violation – remained open for business and permitted individuals to remain within its premises during hours in which the sale of alcoholic liquor is prohibited. By default we are entering a guilty plea. Does that require a motion?

**Atty. McGuirk:** That's fair. In looking at our notice to them, we indicated (and this is to all of them) if they don't get the arraignment form to us, that at this hearing we would enter a plea of not guilty and set this matter to a later date. So that's the appropriate action.

**Chrm. Rogina:** We are vacating our original position and are entering a not guilty plea by their absence, and scheduling a hearing at a future date per our notice. Are there any questions or comments? We are going to just follow procedure.

**Alderman Lewis:** Can they keep doing this every month?

**Attorney Mc Guirk:** No – we will have a hearing next month. We will send them notice indicating that based on the hearing today that we've enter a plea of not guilty and have set it for another hearing and will provide them with another notice.

## 7. Other Business

**Bob:** I was approach by a board member of the Steele Beam Theatre and they were reviewing the new liquor ordinance we have. They had a question that a \$1,000 license fee is really cost prohibited for the 18 shows they have a year. Just for information is there a special use in our ordinance. I don't know where to point them to look.

**Chrmn. Rogina:** The fact of the matter is that you are not the only person Steele Beam has talked to on that matter. Staff has done a good job on advising them as to the parameters on that. Again the Council can do anything they want with respect to the ordinance but at this point the Council has been in strong support as we established the new liquor ordinance for this year. We'll move forward on that.

**Ald. Lewis:** I appreciate the new owners of the Riverside Pizza but before they get too far into their new restaurant, I'm wondering if there is some way we can suggest or make sure that we don't end up in situations where people buy buildings, start their renovations, put out their press releases, and they haven't even attempted to try and get a liquor license; so we are not coming down at the 11<sup>th</sup> hour as the last thing, but pretty much the first thing they need to get before they get too far into their project.

**Chrmn. Rogina:** My thoughts are if you are a business person who wants to move into a business in a particular locale, especially if they want to sell liquor, you have an obligation to look at all the parameters. With liquor you know you're going to face the City Council to approve that license. It seems they would have an attorney that would advise them of that. I don't know from my perspective that we should be there holding their hand every step of the way. Your point is well taken from the standpoint that sometimes they do things as if expecting it but the City is strong in not providing any expectations. Here are the guidelines you have to follow and if you get to the last vote of the City Council then you are in.

**Mark:** I think you are on task here. If we see something going on it's just a common courtesy to say did you apply for your liquor permit. I don't think we necessarily want to take on an obligation to make sure we assist people in making sure they do it. So we take on some responsibility if we don't tell someone or we're responsible that we did bring them down here conversely as well. It's a common courtesy to help a person out, make sure they have what they need, but if you're in the liquor business, if you don't know that you need a permit, than maybe you're in the wrong business.

**Ald. Lewis:** I agree with you that we don't need to hold someone's hand, but I want to be on record saying just because you buy a building and want to do it for this use, there could be a possibility that wouldn't get a liquor license.

**Mark:** A lot of times people buy a building on contingency so as not to be in that position; sometimes it's relating to zoning or related to a use. There are all types of conditions you can make an offer and proceed on.

**Bob:** Like going before the Zoning Board and saying I want to have liquor and they would say these are the steps you need to do.

**Tina:** To back up Mark's comment, anytime I get a phone call inquiring about liquor, I do tell them these are the steps and of course there is final approval of council.

**Chrmn. Rogina:** At least twice since I've been Mayor in this last year, I've said I can't speak for the City Council in what they would decide as far as your license is concern so I would advise them to have their vote in order before you do anything else.

**Chairman Rogina:** I ask for a motion to move to Executive Session

## **8. Executive Session**

Motion by Mr. Gehm, second by Ald. Payleitner to move into Executive Sessaon at 4:47 p.m. to discuss liquor violations.

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

Motion by Ald. Lewis, second by Payleitner to return from Executive Session at 5:25 p.m.

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

## **9. Adjournment**

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

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