

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
TUESDAY, FEBRUARY 17, 2015**

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, Deputy Chief Huffman, and Tina Nilles

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on January 20, 2015.

Motion by Mr. Gehm second by Ald. Payleitner to accept and place on file minutes of the Liquor Control Commission meeting held on January 20, 2015.

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

4. Discussion of proposed code revisions for Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” to go before committee for recommendation to City Council.

Chrmn. Rogina: We are back here tonight to have final discussion of the proposed code revisions for Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” which I would like to see go before committee and then to City Council in the next couple of weeks. This has been a long road and the work of the Police Department has been outstanding in working with all of us.

Chief Keegan: We are at the breaching of not only taking this to committee and council but we are in this period of time for liquor license renewals. We’ve done a lot of outreach with this, whether it’s a bar, restaurant, package liquor. DC Huffman and I have worked on this extensively and I think we are there. We have a couple of discussion points today and most of these changes we have talked about at previous Liquor Commission meetings and have either

been implemented or will be. I will go through the document again and hit the new additions since the last time we met due to the outreach comments we've received.

Table of Contents (pg 1) a new section has been created 5.08.085 "Issuance of License and Restrictions". This was codified in a different part of the ordinance but was brought forward and gave it its own subsection number. We brought it in front of the alpha/numerical licenses A through F so that each and every license that comes before you will be either here, you'll see, you'll talk to, and have the ability to approve it. This language was in a different part of the code, Section E, and we brought it forward for awareness. So anything that comes before you, you have the authority to approve, modify, etc.

Ald. Lewis: We are advisory only – correct?

Chief Keegan: You are but the licenses's eligibility are approved by the City Council but there is a recommendation or advisory practice that takes place here with the five of you.

Chrmn. Rogina: That was made cleared to me by Ald. Martin back a year ago when we were first creating the Liquor Control Commissioner. He said the commissioner has the ultimate authority or with the respect to approval by City Council and we have two members right here who has the authority to approve a license; but this commission is another set of eyes and ears to move things forward. So we are a powerful group to make recommendations to the Council.

Chief Keegan: You are the first step in that vetting process. On page 6 it talks about subsequent offenses, which most of these offenses will be codified, where the first offense is set at a certain amount and subsequent offense will have a minimum fine amount thereafter. That's to attack those that keep committing the same violations. This also affects Dram Shop insurance as well.

On page 7 there is some minor language on background process to incorporate the fees up front for the smaller fee licenses such as BYOB and some other temporary licenses.

Tina: For these new smaller fee licenses (BYOB) will I be charging double the fee for first time applicants as I currently do for all other licenses which in this case of BYOB would be \$500 for the first year and then \$250 for all years after?

Chief Keegan: That is what the standing practice is – yes.

Chrmn. Rogina: And also noted that after 6 months into our fiscal year the double fee process is waive and a new licensee only has to pay the standard fee.

Tina: Yes.

Chief Keegan: On page 9 Section 5.08.085 is the language that was moved to the front end of all the codified liquor codes A through F.

DC Huffman: In reference to the Class B licensing we've not changed anything since we last convened. On page 12 we did add language for a Class D7 license which authorizes the sale of wine and beer at the Steel Beam Theatre with specific mention of a non-for-profit organization. The creation of this license was in response to some outreach from Steel Beam Theatre in reference to the license fee they could operate under was set at \$1,000. This sets the fee lower to \$500 based on the fact that it is a non-for-profit and the service of the alcohol is restricted to times that there are theatre productions and they don't service alcohol as much as the other licenses do either.

Chrmn. Rogina: Also note that the only other non-for-profit that it fell into line with was D4, the Moose, and they have a full service bar there (beer, wine, spirits) and their D4 license is \$1,000. This \$500 license seems to fall in line with our BYOB which is \$250 for beer, wine, spirits and \$100 for beer and wine.

Ald. Lewis: Did Steel Beam have a license in the past?

DC Huffman: No.

Ald. Lewis: So we always had this category but they never have bought a license?

Chrmn. Rogina: No, we had a category of D4 and this refers to clubs with a full service bar. This D7 is a new creation for non-for-profit status and given her downtown location would give her an opportunity to grow her business.

Ald. Lewis: Now with this license a non-for-profit theatre can sell beer and wine?

DC Huffman: Yes specific to that location at 111 W Main Street.

Ald. Lewis: Do they have the requirement of having to get a state license also?

Tina: They would be treated as a regular licensee and have to do all the requirements that apply.

Ald. Lewis: Do they have to have an inventory of what they have on hand?

DC Huffman: They have to purchase the alcohol through license distributors by the State of Illinois.

Ald. Lewis: So Steel Beam understands they have to go through the processes like any other restaurant/tavern?

DC Huffman: Yes.

Ald. Payleitner: Someplace like Fox Valley Repertoire would fall under the Pheasant Run umbrella?

DC Huffman: Yes, liquor is sold under the Pheasant Run license.

One other piece on page 21 under paragraph F, we'll be adding the D7 license to define the hours in which they can serve. D7 is a new license and nowhere else does it define the hours of service.

Chief Huffman: On page 13 I would like to draw attention to E-5 which is the Harley Davidson license. There was discussion on the PUD (Plan Urban Development) between the City and Zylstra. We looked at what was in place at that time and in 2011 Fox River Harley Davidson bought this location from Zylstra. This particular establishment has three other Harley Davidson dealerships in the Greater Chicagoland area: Paletine, Villa Park and Countryside. That purchase took place in 2011 and this ordinance was drafted with the E-5 language. We are very confident that we should leave this language in place. We are, through attorneys, looking at the PUD language in making sure there aren't any conflicts, but the 20 days that are specified in the E-5 language were negotiated and agreed to when this was codified and altered in 2011. It would be my recommendation to keep this status quo.

Ald. Payleitner: It goes with the PUD then?

Chief Keegan: The PUD is a different piece that actually happened with the prior ownership six years prior and we are working this out with Atty. McGuirk.

Atty. McGuirk: We had a conference with Harley's attorney along with Russ Colby and Rita Tungare. It appears the special events and the PUD are referring to some language that we used previously in the zoning ordinance. Long/short of this is they may not be in violation of any of this. We need to get an idea of what they do out there, analyze it. It should be okay.

Chrmn. Rogina: In my observation they are quite a good neighbor and offer up many charitable events.

Chief Keegan: I also did a site visit to Harley dealership and we've had no police incidents whatsoever at their establishment since its opened. Secondly the business proprietor has quadruple the sales in the last three years. They are a good corporate partner to the City, they work well with us and a lot of the events they do are for non-for-profit and give back to the community.

Ald. Payleitner: What comes to mind is the MMA event that was asked for and ultimately we didn't get. We still have control of things like that?

Chief Keegan: We had a discussion with the dealership group on this and they were not aware of the stance our City had on this particular type of event out there. We received good confirmation from the ownership that they wouldn't be pursuing events like that in the future. Of the suburbs I mentioned where they have other dealerships, we are the most restrictive of his four locations. Two don't have any restrictions and have 365-day liquor licenses.

On page 14 the E-6 piece, I just want to make everyone aware of this. Because we are in the permit renewal season, I want to point out that we do have the availability for some of these folks in town that opt for just a midnight license; they have the ability to apply for an E-6, as long as they give us a 45-day notice and its \$100 per event they are allowed up to four events per year to do this as long as they follow the review process. In talking with some of the proprietors in town, I've discussed this and it's a good option for some of them.

Moving to the F licenses. I met again with the owners in question and looked at the past practices of what's been going on. I know there is some concern from at least one to the constituents in front of me about the strength of these ordinances and making sure that all bases were covered. That's why I added Section 5.08.085 to make sure that anything moving forward will be in front of the five of you, then onto Committee and then Council.

Under F-1 and F-2, I went and met with LaVita and talked with both managers and about 95% of the people that do use spirits at LaVita, store them in lockers. They are not currently using the BYOB bag, they don't have Dram Shop insurance or BASSET certifications. I feel strongly that what we've done to codified regulations and Dram Shop is a big piece of it. They're a small business and we are using this structure similar to what we do with the A licenses (package liquor stores) there will not be any consumption past 10:00 p.m. Anything moving forward will come before you for review. I feel good that we have some good procedures in place. I left it alone because I didn't want to penalized or restrict what some of the businesses are currently doing.

Ald. Lewis: Tell me why a vapor shop will not be able to apply for an F-2 license? I know we have the right to say no, but why would we say no if we allow it in other establishments?

Chief Keegan: They can and these are really for small businesses and to have a BYOB it's really for the business who can't afford or have the volume of business to justify a full fledge liquor license. If you get a BYOB license the state does not license a BYOB; there is only a local liquor license issue. The state has told us they don't get in the business of regulating BYOB; so if we do nothing, anyone without any restrictions can do whatever they want to. A place like a vapor shop can't sell past 10:00 p.m., they have to go through BASSET training and get Dram Shop insurance. The business plan and model of those who want to pursue BYOB; the three in town that are doing it; it's such a small piece to their business that they do it as a convenience to their customers not making any money. They're losing money from pursuing a full blown license. That vapor shop would have to come forward and do a background, come in front of the Liquor Commission and go through the different procedures and processes that we've outlined.

Ald. Lewis: And if they're a successful business, on what grounds would we be able to deny them one? My issue with the spirits, hard liquor, with an F-1 license it is written that my husband and I could go in and have dinner at a BYOB place and if I decide I'm not hungry and don't want to eat, I can't share that bottle of wine with him as the way its' written; but I can walk into a social club, for profit legitimate business, with no food involved at all for anybody at any time, and I can drink hard liquor all afternoon. It's seems to be unfair to the other BYOB places

who are very restrictive and we have another place that is whatever you want whenever you want it until 10:00 p.m. It doesn't make sense to me.

Chief Keegan: Once again we tried tailoring this to the practices that are already in place obviously with more restrictions and sanctions in place like having BASSET and Dram Shop insurance, the BYOB carry out bag; but the place we're talking about with the F-2 licensure, the hours of sale or consumption are very restricted, the vast majority of those that are there consuming are securing their spirits or wine in a rented locker. I was there three times and watched for a duration in the parking lot and didn't see anyone coming/going with any alcohol to speak of.

Ald. Lewis: I believe you. This place is not a problem in our community. I just don't know how I'm going to deny that going forward to other businesses.

Chrmn. Rogina: If you're worry denying businesses going forward, do you want to just grandfather LaVita and prohibit any other future descriptive type of places like this, social club if you will, from existing in St. Charles.

Ald. Lewis: That would be my first preference.

Chrmn. Rogina: I would have a problem with that simply as we as a Liquor Commission or even as a Council, but here in St. Charles we sell alcohol and charge a 2% tax. What I'm trying to say is I would be leery in putting some kind of ordinance down that prohibits certain things. Again, someone can come before us with a business model and we can look at it and say we don't like this aspect of the model and have some grounds to say we deny it, but just to have a blanket prohibition that makes me nervous more than anything else. Right now we have nothing and like Chief said we have a place like LaVita with no Dram Shop insurance.

Ald. Lewis: Why do we make such an ordeal that people have to be eating everywhere else we have a license. For the four years that I've been on this Council, by golly that kitchen better be open serving food. Now, all of sudden, we need no food whatsoever and you can bring in anything you want. I don't understand how we got from that point and I can't go into a restaurant and have a glass of wine when my husband is eating, but I can go over there and share in a bottle of wine. What's the difference? Why are we restricting restaurants?

Chuck Amenta: I think it's a preceded attention of what's going on. At 11:00 p. m. at a tavern if a kitchen is not open, maybe the assumption is that alcohol is being consumed for the sake of being drunk. At a cigar shop, a glass of scotch or brandy with a cigar isn't being abuse, perhaps, it is an after dinner drink to calm down or relax from the day, etc. Maybe it's the intention. I'm not agreeing/disagreeing, I'm just thinking out loud, perhaps it's the attention of what the patron is doing and what their end goal is. If it's to have a glass of scotch after a long day of work with some friends, as opposed to 10:30 at night doing shots to get drunk. Maybe I'm looking at the two extremes.

Chrmn. Rogina: If I may say you and I have been in a bar in St. Charles where we've had a drink and there's been no food around.

Ald. Lewis: Correct, I don't have to order food to go into have a drink, but in a BYOB place I have to order food to be able to have a drink out of that bottle the way this is written; but yet I can go somewhere else...

Mark Koenen: Speaking frankly, I don't think we would be having this conversation but for the fact that we have LaVita in St. Charles. So we're trying to craft a code to meet their needs so we don't put them out of business and try and set up some guidelines that we think best protect them and ourselves. If someone else should come in as you suggested, the vapor shop, we have to struggle with that. The only way I see to get around this is perhaps to say we limit the number of F-2 permits to one; and then the City Council would have to make a conscience decision to vote on whether they want to have more than one shop. And, in the future if LaVita should move, close, etc., maybe this goes away if at that time it's the Council's disposition to not allow this in our community. Right now we are trying to accommodate what's there instead of saying you have to stop your business practice altogether. That creates some ill will and certainly is not economic development friendly.

Chrmn. Rogina: Bottom line you said you didn't know how you could deny them, but as a City Council member you can. I don't agree with that, but you can do that.

Ald. Lewis: Of course I can legally do that but where's the fairness in that?

Chrmn. Rogina: Okay, let's go in the other direction. Let's encourage businesses and see what happens, and if something comes up in front of us that smells the wrong way, we start right here and move ourselves along, it will be under review with an extra set of eyes. Right now, for the record, we have three BYOB places in St. Charles.

Chief Keegan: They are small businesses that are offering this as a convenience. Right now there are no regulations so we are trying to strengthen our position and the proprietor's.

Ald. Payleitner: I think it's up to us to use our discretion as to whether I can't seem to enjoy or get the fullness of my vapor product without a six pack; but a cigar can be enhanced.

Chief Keegan: Using LaVita as an example, you are not going to go in there unless you are going to sample tobacco products. The coffee element, or in this case the liquor element, is simply a complement to those that go in there and frequent that establishment and really consume and buy cigars. It's a small piece of their business.

Ald. Lewis: I read in the minutes from a month ago where we talked about entertainment. Is there anything in this new code about entertainment at the BYOBs of the F-2?

Chief Keegan: Going back to the Section 5.08.085 piece, if you read that verbatim, it talks about every element that's brought forward will go in front of the committee here, onto

committee and then council. Whether its entertainment, every piece of someone's business model has to be produced and shared with the City as we are going through their background. Are they a DBA, an LLC, are they incorporated through the Secretary of State office, we need their lease. There is plenty that goes into our background and that will all be brought forward to this commission.

Chuck: I think getting very specific on the things you have done is great. It doesn't discourage businesses but tells them we have our stuff together as a city, therefore, if you're going to operate a business within our city, they too have to have their stuff together.

Ald. Lewis: I'm not going to support an F-2 the way it's written, so let's move on.

Chief Keegan: On page 17, DC Huffman and I had conversation with both the Mayor, Mark, and Tina. Part of being good corporate citizens to our business community is listening. I think the proof will be in the pudding. Everybody who sought a late night permit last year looked at their business model and books and thought perhaps they don't need a full blown late night permit for the entire year but a couple said if you give us something for the big ticket items for events that are busy, such as, the night of our City sponsored St. Patrick's Day Parade, black Wednesday – day before Thanksgiving, and New Year's Eve that would suffice. For example black Wednesday, most of our establishments downtown had a line and this would help to spread out some of the populated areas so that everyone has a chance to stay busy and helps us in our fire code and makes us corporate and busy friendly to some of those who might not want to seek a late night permit throughout the entire year, but gives them some relief in some days where they can hopefully help themselves out and make some money.

These are three days that businesses can have but any other events days would go through the current process in place of requesting 45 days in advance of an event which through the E-6 permit allows for four days.

Chuck: To clarify, it doesn't say this, but a business cannot opt to say that we're going to close on normal time on New Year's Eve, but will use that extra day for another day?

Chief Keegan: Correct.

Ald. Lewis: Is there any longer a 3:00 a.m. standard for New Year's Eve?

Chief Keegan: No that was some old language, but we are now 2:00 a.m. seven days a week.

On page 19 lists the fee structure which includes the D-7 and F-1/F-2 fees. Page 20 shows F-1/F-2 to have the same closing hours as all Class A licenses close at 10:00 p.m. All licenses must stop serving alcohol at their designated closing time of their license/permits but can continue to serve strictly food only. If we walk in after closing hours with evidence of a beer bottle or other alcohol out on the bar/tables they would be in violation of that. Often people are in their establishment cleaning up or taking inventory, but no alcohol is to be present.

Ald. Lewis: I've seen reference to an outdoor permit. Is there a permit to be able to serve alcohol outside?

Chief Keegan: It's not a permit, but when a license has a patio that is fenced in – I'll let DC Huffman address this.

DC Huffman: When a business requests an alcohol license, they should submit their business plan and the layout of the bar that includes an outdoor area and at that time when the license is approved the outdoor area becomes part of the licensed premise.

Chrmn. Rogina: A good example is Neo where they have a fenced in area for their business next to the plaza.

Ald. Lewis: So they don't have to pay extra for their license to have an outdoor area?

Tina: Ald. Lewis may be referring to F-1 license on page 15 where it states "carry-in licensees may only be consumed outside if the licensee has also obtained an outside adjunct license"?

Chief Keegan: That's boiler plate language from best practices from other communities. If that was their intention to have a patio area we would know that at the front end and it would be noted and voted on as part of the approval process. It wouldn't be something done after the fact.

Chuck: What if they were in an expansion process and they go ahead and add a patio or alter their sight plan from what their original intention was. What happens in that case?

Chief Keegan: If it was where consumption and sales take place, we would bring it back in front of the Liquor Commission and the rest of the process.

Chuck: It wouldn't be a re-issuance or permit addition – they would just have to have the approval for the change?

Atty. McGuirk: On the reissuance of a license they don't submit a plan do they?

Tina: This year everyone was asked to resubmit their site plans including outdoor patios.

Mark: If someone was adding onto their business they would have to apply for a building permit which is separate function from the Liquor Commission but it would be reviewed by the liquor commission if there was a need.

Chuck: If someone wanted to change out their business plan from a tavern to a dance club, would that require any seals of approval in the City or are they free to do that?

Chief Keegan: If the liquor code had any changes that were implicated from the change, such as, going from a B license to a C or D license than yes, but if the business model or plan is not substantially changed it would be looked at by a case-by-case basis.

Moving onto page 25 we did strengthen some of our BASSET protocols to require more BASSET certifications and we also brought in, three times, someone from the Illinois Liquor Commission that was well received and a lot of different proprietors' and their staff went through the training that was provided by the City and State. The Police Department has seen good responses in seeing people seek out this training and being well received.

Tina: Do you see this past reach out of BASSET training being repeated in the future like every two years or so? I have received several calls inquiring about this.

Chief Keegan: I can talk with Lee Roupas of the State Illinois Commission about future possibilities.

On page 28 there is a change I want to reference that it is 21 to sell and pour and 18 years of age to deliver. We also added some language for BYOB that it affects the delivery, consumption, and for those that allow the consumption. So if you're not selling it, per se, it's your business and there is some liability if you are allowing people to consume alcohol on your premise.

We also talked about segregated areas such as with patios there is a mixed event that has multiple ages and consumption is allowed if you have a mixed age event as long as the area is segregated and roped off where alcohol is being served, example – Riverfest, or if the area has multiple floors that alcohol be segregated to a different floor.

All of our fees/fines for everything in this code is going to have a \$250 minimum offense with the exception of outside consumption with an open container which starts at \$100 and all subsequent violations are \$250, public urination/intoxication, underage sale, consumption, delivery – all of those will be \$250 which is a strong industry stance but is something we are really trying to set a tone in downtown especially that zero tolerance is a practice that we are going to follow.

On Page 32 where it talks about the TIF district we've been advised by legal counsel to strike out completely all mention of the TIF district description. That is all discussed in the PUD language.

Atty. McGuirk: Assuming all the ordinances are approved, there will still be a 1st Street TIF but we will have a different legal description.

Chief Keegan: That wraps up our revisions that we've been working on for the last several months.

Ald. Lewis: This is an excellent job that you all have been working on for many months and I appreciate your efforts. Would you say with our liquor code that we try to put a license with every need that comes in? Is that a typical way, because I see this never ending? Someone always wants a liquor license for their special little niche. I don't think we can keep doing this. At some point when is enough – enough?

Chief Keegan: We have such a unique stock of businesses in St. Charles and we are a business friendly community; between culture, arts, and theatre in the downtown area, that our code is a little more extensive and broad than most. However if you look at the amount of licenses we have and the amount of businesses; that's one of the reasons we attract so many and we work with them and try to meet in the middle on some of these instances. I looked at different communities and a lot of them are boiler plate ordinances where a lot of the language is consistent but we have a lot of nuances in ours because of the unique establishments.

Ald. Lewis: But when someone says I can't afford this; alright we'll lower the price and then the next person says this and so on. My opinion is we let this settle for a few years.

Robert Gehm: You are always going to have someone come up with an idea but with all the work that has been done, being a novice in all this, we've covered at least 95% of the possibilities that we know of today. We are never going to cover all of them. They fit into a class already where it's not exactly what they want, but we want to help.

Ald. Lewis: But when we start lowering our costs because they can't afford it, we're making a special license.

Chrmn. Rogina: I thought about the comparison of Steel Beam and Dawn's Beach Hut when she came in and made the comment about the permit she was applying for was too excessive for her size of business. I see distinctions such as she is asking for a permit at a set price that was agreed upon. In the Steel Beam case I put it in the comparison of BYOB license of beer and wine vs. full spirits. We are talking about just applying for a license and then we add on the non-profit situation and looking at equity – I think that's different than someone wanting to stay open until 2:00 a.m. and here's the deal. To your point about trying to be something for everybody, the Chief hit it on the head, we are an interesting, diverse and business friendly community. I don't mind listening to a situation first and maybe we say no.

Ald. Payleitner: I want to express my appreciation to both Chief Keegan and DC Huffman in taking the effort of face time with our current businesses and got their input and I'm sure that gave them some ownership and understanding of the process as well.

Chief Keegan: I received great feedback on doing that and they were very thankful towards the City. They like the fact that we work with them. The BYOB places didn't know about Dram Shop insurance and the liability they've been entertaining these last couple of years. They didn't know about BASSET and the BYOB bags. We pledge to keep doing these kinds of things.

Chrmn. Rogina: What I admire the most that both you guys, just off the cuff, were able to rattle off and explain everything in this code. You did your homework, came in here and we threw all kinds of things at you, and you were able to respond concisely.

Mark: I would like to add that two years ago the Liquor Commission didn't exist as we know it today. A year ago we made significant updates to the code with centering on the late night permits and licensing fees and made some uniformity. We are not making changes to those

values, these are refinements on the balance of the code. We've done a comprehensive job on bringing about change to the liquor code in these two years. I think we've made a difference. I don't get the grief in my office any more as well as the Mayor about downtown problems and mischievous behavior and a lot of this has to do with our Police Department stepping up to the plate. These code revisions and the actions that this commission has done on enforcing have made a difference. We aren't getting complaints from the transitional neighborhoods where the residential and the bars butt up to each other anymore. All this difficult and tedious conversation has been worth it and we should celebrate this.

Chrmn. Rogina: I would like to move this to committee with a motion prior to that if you want to take an exception to something in the packet but not vote no on the entire packet.

Ald. Lewis: Yes, I would like to move it forward with the comment that we limit the license F-2 to one.

Chrmn. Rogina: The motion is in order that you want to move the entire package to committee and in doing so you want to strike the number of F-2 licenses to one. So if another business wanted to come in for an F-2 license they would not be able to do so?

Ald. Lewis: Yes they could have a cigar place but not with a BYOB.

Chuck: My question is when we vote for this, in due respect, I disagree with the change you wish to make; if my vote is yes, am I agreeing to limit the F-2 license to one?

Ald. Lewis: What if I withdraw my motion and just vote no with my comment?

Chrmn. Rogina: Now you want to make a comment first to put that comment into the record and then move it along to committee as a package?

Ald. Lewis: Often when we see packages, we see comments.

Chrmn. Rogina: Yes I agree that in the package moving forward to committee you want to see your comment that you would like to limit the F-2 license to just one. Right now there is no motion on the floor.

Ald. Payleitner: So if we have one license for the F-2 and we have one license for D-7 which is site specific; do we not still limit the number of our licenses and to increase the number it has to come before us?

Chief Keegan: We have language in the code that states that at no time will the actual number of licenses issued exceed those that have been approved.

Chrmn. Rogina: We can issue a new license at any time that would take our total number of licenses above what we currently have. Maureen is implying that she would like to see us having only one F-2 license and wants that as a comment in the executive summary to the committee

going forward with the package. By the nature of this motion we are not limiting the number of F-2 licenses.

Motion by Mr. Amenta, second by Mr. Gehm to recommend approval of proposed code revisions for Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages” to go before committee for recommendation to City Council.

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

5. Other Business.

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

7. Adjournment

Motion to adjourn by Mr. Gehm, second by Payleitner to adjourn meeting at 5:40 p.m.

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

:tn