

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MARCH 16, 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, and Tina Nilles

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on February 17, 2015.

Motion by Mr. Gehm second by Ald. Amenta to accept and place on file minutes of the Liquor Control Commission meeting held on February 17, 2015 with requested amendment by Ald. Payleitner.

Ald. Payleitner: On page 7 change sentence to read "I think it's up to us, as a commission, to use our discretion to determine if a person needs alcohol to enhance their business."

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

4. Discussion of a proposal for a Class B liquor license for Shima's Sushi to be located at 2400 E Main Street, St. Charles (former Sushi Yama Restaurant).

Chrmn. Rogina: The documents speak for themselves and I ask the owner to come forward.

Nobuo Kotake: I am representing for Mr. Tadashi who owns the restaurant in Campton Hills called Shima's Sushi who opened there 3 years ago. We found that a restaurant in St. Charles closed (Sushi Yama) and we are going forward to open Shima's Sushi there as well. It will be a family base restaurant very similar to the one in Campton Hills. I will be working the lunch crowd business and Mr. Tobashi will handle the dinner business. In the future, we are looking to expand our menu to pizza/hamburgers to cater to children who come in with family that do not want to eat sushi. It may give children a good experience to try something different while they have their pizza.

Chrmn. Rogina: I have eaten at Shima's Sushi at Campton Hills which is very good and am glad to have your business come to St. Charles.

Ald. Lewis: On his application he has marked he has done business in St. Charles – should that be corrected?

Chrmn. Rogina: Yes that will be corrected before moving onto committee as this current business is in Campton Hills.

Ald. Lewis: Do you have a holding bar in this restaurant?

Mr. Notake: It is just a small service bar.

Chief Keegan: Shima's Sushi's paperwork is in order and I visited the site in Campton Hills. That is a well-run establishment and I recommend moving this forward to committee.

Motion by Mr. Amenta, second by Ald. Payleitner to recommend a Class B liquor license for Shima's Sushi to be located at 2400 E Main Street, St. Charles (former Sushi Yama Restaurant) to go before committee/council.

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

5. Discussion of a proposal for a Class B liquor license for Salsa Verde to be located at 1850 Lincoln Highway.

Mr. Arechiga and brother, 1850 Lincoln Highway, St. Charles: Our business has been here in the community for a year now and our clientele keeps asking when are we going to have margaritas and beer and that's what brings us here today. We want to add that option to our patrons. We are a very family oriented restaurant. We open at 11:00 a.m. and close at 9:00 p.m. daily.

Chrmn. Rogina: Again, another good restaurant here in St. Charles and recently won a Chamber Image Community Award.

Mr. Arechiga: Yes we are grateful for that and like being in St. Charles.

Chrmn. Rogina: As for the Class B liquor they are specifying they are interested in bottle beer and margaritas.

Ald. Lewis: My concern is that even though you want only beer and margaritas, you are going to get a full blown liquor license that is good until midnight. It covers all aspects of what you want to do and you have a drive-through window. We have one other establishment in town with a drive-through which is Portillo's and they sell only beer and they are a B license.

Tina: A Class B license allows a business to have a full range of alcohol, beer, and wine and it's that business choice to sell whatever they want.

Mr. Arechiga: We would like to have this license just to have that option. We don't have a bar in our restaurant. We want the option to sell beer and margaritas only and not complicate our menu with more.

Ald. Lewis: You are somewhat of a fast food restaurant, people come up and order, wait for their number and food to be called to pick up their order.

Mr. Arechiga: At our other locations it works that you order a margarita or a beer and serve it to them; very simple process.

Ald. Lewis: There has to be someone 21 years of age to serve?

Mr. Arechiga: Yes. We are family owned and all BASSET certified.

Ald. Lewis: Explain the operation of your Yorkville restaurant?

Mr. Arechiga: We've been open there since 2012. We are not a stand-alone building. We are located in a strip mall and don't have a drive-through. When a patron's food/drinks are ready, their number is called and they pick up their food at the counter window.

Chrmn. Rogina: You mentioned Portillo's and they have a B license – I'm intrigued by your concern since there is this precedent in St. Charles.

Ald. Lewis: I didn't vote on that one. I'm not business unfriendly and am not throwing businesses out of town. We've had other businesses recently who wanted to open liquor establishments with a drive-through and I've been firm on my resolve in saying no. I think this is going in the wrong direction that you have a drive-through and want a liquor license.

Chuck: How does this correlate in this situation with Portillo's? They're not selling alcohol through the drive-through.

Ald. Lewis: Right now you can't, but the more you allow it, the more establishments could come forward wanting this.

Chief Keegan: You cannot have an open container in a motor vehicle unless it's a taxi, limo or a recreation vehicle in the state of Illinois.

Chuck: I understand where you see a potential long term situation but I don't know that this establishment or Portillo's falls into that.

Ald. Lewis: I'm just not comfortable with those two factors.

Mr. Arechiga: We take every precaution, our staff is trained, and our margaritas and beer are stored in a separate refrigerator from the other standard beverages that we offer.

Tina: May I make suggestion that they could have their cash register at the drive-through window programmed that would disallow any ringing up of alcohol. This is done at grocery stores already where if you were to walk up to a register with alcohol during closing hours of sale of alcohol the register won't allow it to be rung until appropriate hours of operation and in this case for Salsa Verde they could have it programmed to never allowed alcohol to be rung up at the window cash register at any time of their business hours.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend proposal for a Class B liquor license for Salsa Verde to be located at 1850 Lincoln Highway to go before committee/council.

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

6. Discussion of a proposal for a Class B liquor license for Ram Restaurant Group Inc. d/b/a Abby's to be located at 11 N 3rd Street #2, St. Charles (former Thai Zie Restaurant).

Robert Mondt, Geneva, IL and James McCoy, Naperville, IL: We are looking to open up a breakfast place primarily with the hours of 7:30 a.m to 3:30 p.m. serving traditional American breakfast. We like to offer as part of that, liquor in the morning for the patrons that would be mostly Bloody Marys, Mimosas, and have some craft beers and wine as well for handcrafted cocktails.

Ald. Payleitner: I took the liberty of introducing myself before the meeting and they understood my concern was regarding a willy-nilly floor plan and lack of a business plan and they promise to provide these for the next round.

My other concern was that you can't serve liquor before 10:00 a.m. on Sundays and they are aware of that as well.

Chief Keegan: Alcohol service is allowed to be served at 7:00 a.m. Mondays-Saturdays and 10:00 a.m. on Sundays.

Chrmn. Rogina: And to clarify you will be closing in the afternoon around 3:30 p.m.

Mr. Mondt: Correct but there could be a special case, for instance, where schools do fundraisers and give 10% of their tab for meals purchased and we would possibly do pancakes for dinner and if an adult would want a beer, but we would be very limited hours.

Ald. Lewis: I know you are going to be a breakfast restaurant, but I was surprised to see the number of cocktails on your menu.

Mr. McCoy: We wanted to get away from the focus of just being a rum & coke and have something more to offer in pairing breakfast food items with beer and cocktails.

Ald. Lewis: You stated you wanted Bloody Marys and Mimosas. You have listed martinis, vodka, Irish whiskey base cocktails, etc. Do people really drink this at breakfast and lunch time?

Chrmn. Rogina: I patronized Gabby's before they closed and they had a full liquor bar. Corfu does as well. Those are two breakfast establishments. We don't have many breakfast establishments in our community.

Ald. Lewis: We've have some instances where a business comes before us with one thing and they change over to something else. I just wanted to make sure we have our ducks in a row here.

Chrmn. Rogina: They are clear on what they are proposing and the floor plan and business plan needs work before going on to the next committee.

Ald. Lewis: Do you have any plans to open up late night?

Mr. Mond: No.

Motion by Ald. Lewis, second by Mr. Amenta to recommend proposal for a Class B liquor license for Ram Restaurant Group Inc. d/b/a Abby's to be located at 11 N 3rd Street #2, St. Charles (former Thai Zie Restaurant) to go before committee/council.

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

7. Recommendation to approve late night permits for Class B and C liquor licensees to remain open until 1:00 a.m. and 2:00 a.m.

Chief Keegan: This is a new concept that the City has taken on and we have 22 late night permit renewals for the next fiscal year; 15 of which are 2:00 a.m. and 7 are 1:00 a.m. We looked at our data over the last calendar year not only calls for service, but the types of calls for service. I preference my remarks by saying that we never want to send a message to our proprietors that they don't want to or shouldn't call us because there's a quota numbering system of how many times we go to their establishments. That being said, what I've seen in my short tender here as Chief Police is a definite willingness of the bar owners and establishments, especially in the downtown area, to work with us. I've seen that spirit of cooperation with the business and the police department.

Its' kind of tough to comb through police activity and really find a direct nexus where an incident stems from. It's pretty easy when you see things on site and there's a violation to be had; but a lot of times we might deal with something after the fact and it's tough to discern where an event took place. That being said that every time there has been an incident, there's been a willingness of the bar owners to try and work with us to try and prohibit that type of

behavior from happening again; albeit it could be an abatement plan or a violation to be had, we've done a lot of proactive measures here. I've had the Liquor Commission from the State here three times to conduct BASSET training and all events were very well attended and I've done a lot of outreach with the liquor establishments as well, and am pleased to make the recommendation that you, as a Liquor Commission move forward on this recommendation to go to committee than council for all the permit requests in front of you to be permitted to operate per their requests.

Robert: I appreciate all your hard work on this but with the ones that have multiple incidents, just being a proactive thing since this is the first time we are going through these late night permits, I was wondering if we could take a look at some of these businesses (Filling Station/Alibi with incidences) that we look at recommending a 1:00 a.m. permit; just throwing it out for discussion.

Chief Keegan: This is something you can entertain for discussion as a commission but that area, specifically, is a high foot traffic area where there is a lot of coming/goings on there and those are some of the more high volume bars for patrons so that's why you see more increase number of police incidents at those establishments.

Ald. Payleitner: Chief Keegan has more than proved himself as far as developing relationships with the businesses and I'm very comfortable and trust his discernment on this issue 100%. He's also proven on the other side that there's no free passes – if someone has to be called out, our Police Department has done that.

Ald. Lewis: I like where you're going Bob with the 1:00 a.m. I think at some point we can't, next year see this grow in numbers, but yet it still stays a 2:00 a.m. permit and we call in our problems. At some point when is it too much and when isn't it? I would like to see the number of incidents go down – not up simply because they called more times.

Chief Keegan: When I talk about a direct nexus to an establishment, it is tough to discern what is a direct nexus – 3rd and Cedar, for example. There's a couple of municipal parking lots there right behind the establishments. So often times these incidents are taken away from the licensed premise, but a patron might tell us there were at a particular establishment and so we tally an incident accordingly.

Talked of an example over the St. Pat's Parade weekend where some bar staff were dressed up in St. Patrick's attire that caused confusion of who were the bouncers and the establishments were asked to have their staff dress accordingly as staff security. All establishments were in complete compliance and did so. This is a positive example of establishment cooperation with the Police Department.

Ald. Lewis: How do these numbers compared to last year with the amount of incidents? Are these numbers up/down/same? Could we get this information?

Chuck: I trust your recommendation on this. I do think it's important to point out these double digits establishments in that high traffic area. I added these numbers up and it totals 49 which is less than one incident a week in a year.

Chrmn. Rogina: This body, as a whole, is certainly familiar with all the different citations to various establishments throughout the whole year – talking citations not incidents. We meted those punishments with your advice and consent. In more than one incident, during the course of the year, the punishment was a reduction for a period of time in the late night license in addition to fines, etc. If now, after we've already issued a punishment, is that double jeopardy? What do we tell a licensee after we've given them a punishment of say a month, for example, where that permit was reduced from 2:00 a.m. to 1:00 a.m.? Now we come along again and take it away for a whole year; when we have in our arsenal in moving forward the opportunity to say to a licensee "I'm taking away your permit for one month, 2 months, depending on the egregious of the offense.

Of these incidents that we are referring to, how many of these were the fault of bar vs. incidents where the bar was actually proactive in calling because they had a rowdy patron. When that happens, it raises in my mind a question of institutional control. I do know my predecessor closed down an establishment for losing institutional control and that's always an option we have as well when someone does that. I'm a big believer in precedence, past practices; and we've gone through this for a full year now, and I'm pleased, all things considered, and we can do better. We have a lot licensees in our downtown area that bring in revenue to our community. Will we tolerate bad behavior – no we won't and this has been articulated many times.

Chief Keegan: I look at every police report and incident. I'm responsible for that and rest assure if there's a liquor violation that is a nexus to a licensee, they will receive a warning letter, some intervention from my office and/or citation from this body. A lot of these might be incidents in nature, but they didn't rise to the level of citing or holding the licensee accountable. If that's the case, rest assure, we'll act on them.

Chrm. Rogina: Could we, per Ald. Lewis' request, bring it before the next committee the comparison of the two years.

Chief Keegan: Yes.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend approval of late night permits for Class B and C liquor licensees to remain open until 1:00 a.m. and 2:00 a.m. and go before committee/council for approval.

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

8. Other Business.

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

10. Adjournment

Motion to adjourn by Mr. Gehm, second by Amenta to adjourn meeting at 5:17 p.m.

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

Motion carried.

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