

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MAY 18, 2015**

1. Call to Order.

The meeting was convened by Mayor Pro Tem Jo Krieger at 4:35 p.m.

2. Roll Call

Members Present: Jo Krieger – Mayor Pro Tem, Robert Gehm, Ald. Payleitner, Ald. Lewis, and Chuck Amenta

Absent: Chrmn. Rogina

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 March 16, 2015.

Motion by Ald. Payleitner second by Lewis to accept and place on file minutes of the Liquor Control Commission meeting held on March 16, 2015.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

4. Recommendation to approve a proposal for a Class D7 (non-for-profit) liquor license for Steel Beam Theatre located at 111 W Main Street, St. Charles.

Chief Keegan: There are seven distinct individual licenses on the agenda. I would like to start with a D7 license, which is a new license created in our last updated liquor code, and that is for non-for-profit Steel Beam Theatre at 111 W Main Street. The background was conducted by members of the Police Department, also conducted a site visit and the application is in order and there is a favorable recommendation from the Police Department for issuance of this license.

Motion by Mr. Gehm, second by Lewis to recommend approval of a proposal for a Class D7 (non-for-profit) liquor license for Steel Beam Theatre located at 111W Main Street, St. Charles.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman. **Motion carried.**

5. Recommendation to approve a proposal for a Class F-1 BYOB liquor license for E&S Fish Company located at 311 North 2nd Street, Ste. 103, St. Charles.

Chief Keegan: This is a reclassification of licensure; it's an F-1 BYOB (Bring Your Own Beverage) for E&S Fish Company. This too is an application that the detectives conducted a background on, visited the site, and I met with the owner and spoke about the provisions. What's important with this and the following two classifications is these are regulations that the City is putting in place, they are not licensure. We're calling them F-1 and F-2 licenses respectively; but the government practices of BYOB, the state does not issue a state license unlike a traditional liquor license. There is no service from the establishment, these are folks that are bringing in their own beverages and we are putting regulations in place such as Dram shop insurance and BASSET training that are going to help us to be consistent with best practices are followed moving forward.

Motion by Mr. Gehm, second by Amenta to recommend approval of a proposal for a Class F-1 BYOB liquor license for E&S Fish Company located at 311 North 2nd Street, Ste. 103, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

6. Recommendation to approve a proposal for a Class F-1 BYOB liquor license for Liu Brothers Bistro located at 1554 E Main Street, St. Charles.

Chief Keegan: This too is an F-1 BYOB practice for Liu Brothers Bistro. Once again detectives conducted a background investigation, did a site inspection, and I spoke with the owner and found no problems with a recommendation of a license moving forward.

Ald. Lewis: All of these have provided their Dram Shop insurance to you?

Chief Keegan: Yes they have.

Motion by Mr. Gehm, second by Ald. Payleitner to recommend approval of a proposal for a Class F-1 BYOB liquor license for Liu Brothers Bistro located at 1554 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

7. Recommendation to approve a proposal for a Class F-2 BYOB liquor license and tobacco license for LaVita Cigar Inc. located at 2015 Dean Street, Unit 4, St. Charles.

Chief Keegan: This F-2 BYOB is for LiVita Cigar and this is a BYOB regulation as well that

involves beer, wine, and spirits. What's important to note is that about 95% of the folks that consume on site have locker storage there at the facility. Detectives did a background on the applicants, site inspection, and I have spoken with the owner. We have a favorable recommendation of moving forward with this.

Motion by Mr. Amenta, second by Gehm to recommend approval of a proposal for a Class F-2 BYOB liquor license and tobacco license for LaVita Cigar Inc. located at 2015 Dean Street, Unit 4, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

8. Recommendation to approve a proposal for a Class B liquor license for The Finery & Blacksmith Bar to be located at 305 W Main Street, St. Charles (former The Copper Fox).

Chief Keegan: This is a recommendation for a B restaurant license for The Finery & Blacksmith Bar to be located in the old Copper Fox building at 305 W Main Street. Background was initiated by members of the Police Department and included in that background is a site visit and there is a favorable recommendation from the Police Department on the issuance of the Police Department.

Ald. Lewis: They have already rented the place – right?

Chief Keegan: There is a lease and inside the establishment as we speak doing some remodeling, but not open for business yet.

Ald. Lewis: My concern again is they go forward with rental and build-out before they even have their liquor license. We've tried to make it a policy that they come before the Liquor Commission before they start doing all this to eliminate problems that might start up down the line. So I'm disappointed, that once again, it's happen backwards.

David and Juliette Reyes, West Chicago, business location 305 W Main Street, St. Charles.

The lease is contingent on receiving a liquor license and the fact that the Copper Fox had a bar, we are not changing the location of the bar. We are doing just aesthetic changes to the inside. Nothing major has been purchased yet. The kitchen furnishings were there before we even consider the place. So most of what changed has changed by the owner of the building. We understand the process. We're in there painting and lease is definitely contingent on getting a liquor license.

Ald. Lewis: We are trying to send a message that just because the place had a liquor license, it's not automatic that it's going to be the same. One needs to come before us and ask and then go on with their business plan. You had an excellent business plan but didn't see anywhere in there that it's contingent.

David Reyes: Absolutely and we've held out on major purchases because of this.

Motion by Ald. Payleitner, second by Gehm to recommend approval of a proposal for a Class B liquor license for The Finery & Blacksmith Bar to be located at 305 W Main Street, St. Charles (former The Copper Fox).

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

9. Recommendation to approve a proposal for Class A1 liquor license and tobacco license for Depot Liquor 2 to be located at 310 S Third Street (former St. Charles Mini-Mart).

Chief Keegan: This is a recommendation to approve an A1 liquor license and tobacco license for Depot Liquor 2 to be located at 310 S Third Street (former St. Charles Mini-Mart). As part of this process the detectives did a background investigation, site visit, and have a favorable recommendation.

Ald. Lewis: Is this a new owner?

Chief Keegan: Yes and he's not here.

Deputy Chief Huffman: It is a new owner and he did buy the business. I don't know the conditions of why the previous owner sold.

Ald. Lewis: Did the Mini-Mart have a liquor license?

Chief Keegan: No but they did for tobacco.

Ald. Lewis: My concern is the zoning. I would like to be completely sure that the BL zoning can permit a package liquor store. It sits right in the middle of a neighborhood across from a park. Do we want to table this until the owner comes, if we want to check into the zoning?

Mark Koenen: I suggest that you take a vote and contingent on that information, he needs to supply it at the Government Operations Committee meeting before it goes to the next step. Probably should check with Russell Colby on this as well.

Ald. Payleitner: Is there any need to notify neighbors?

DC Huffman: Not contained within the ordinance as far as the liquor license is concerned.

Ald. Payleitner: My concern, along with Ald. Lewis, is that it's in a neighborhood and I know the current business serves the neighborhood. Most of their business is people walking. I would like to hear from the new owner to see if they think there is a call in this neighborhood for this change of business plan.

Ald. Lewis: Right now I know it serves a lot of needs of the junior high kids, they ride their bikes down there, people get their newspaper, milk, bread. It is a convenience type store for the neighborhood. When I read the BL zoning, that's what it talked about that the zoning was for the convenience of the neighborhood. There's a dentist office in there also. I just want to make sure the zoning is correct.

DC Huffman: For the committee we will get the owner here and he can answer your questions.

Ald. Lewis: Is everyone okay with passing it on with those restrictions or should we table it and have him come back here next month?

Mr. Gehm: So it would be the zoning and having the business owner explaining his business plan so that we can move the recommendation onto the next step knowing these questions need to be answer before it's finally approved.

Ald. Payleitner: We don't have much to go on except the application, and I'm not comfortable moving it forward.

All: Agree to table it.

Motion by Mr. Gehm, second by Amenta to table this application for Class A1 liquor license and tobacco license for Depot Liquor 2 to be located at 310 S Third Street (former St. Charles Mini-Mart) to the next Liquor Commission Meeting in June.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman. **Motion carried.**

10. Recommendation to approve a proposal for a standard Class B liquor license for Tiscareno Enterprises, Inc. d/b/a Gina's Subs & Pizza located at 2770 E Main Street (new owner).

Chief Keegan: Recommendation to approve a proposal for a standard Class B liquor license for Gina's Subs & Pizza located at 2770 E Main Street. This is a new owner with an established business in town. The new owners have come in and ask for a change in their business practices. We reviewed the applicant, the site, and have a favorable recommendation back to the Liquor Commission for an issuance of B license.

Ald. Payleitner: Did you say they're looking to change their business practice?

Chief Keegan: Change their business model. They do not currently have an alcohol beverage license and are now seeking a B license for the service of alcohol.

Joe Tiscareno: Yes, we are keeping the business practice.

Chuck Amenta: Are you looking to have a full bar or just beer and wine?

Joe: A full bar.

Ald. Lewis: Will that be service or actually a bar with seats?

Joe: There's a bar there but they didn't utilize it as much and I want to utilize it and there is a layout in my application.

Motion by Ald. Payleitner, second by Gehm to recommend approval of a proposal for a standard Class B liquor license for Tiscareno Enterprises, Inc. d/b/a Gina's Subs & Pizza located at 2770 E Main Street (new owner).

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

11. Recommendation to approve proposals for nine new Massage Establishment licenses for the following business locations:

- Shangri-La 2015 Dean Street, Ste. 7A
- X-Sport Fitness 238 N Randall Road
- Hong Da Spa 1550 E Main Street
- Massage World 2460 W Main Street
- U-Spa 615 S Randall Road, Ste. 100
- Best Massage 2774 E Main Street
- Oriental Massage, Inc. 2075 Prairie Street
- Lotus Spa 1700 Lincoln Highway
- Spa Vargas Wellness 4051 E Main Street

Deputy Chief Huffman: This is an inaugural request for nine new massage establishment licenses located within the City of St. Charles. For the record I'll read the names and addresses of the applicants:

- Shangri-La 2015 Dean Street, Ste. 7A
- X-Sport Fitness 238 N Randall Road
- Hong Da Spa 1550 E Main Street
- Massage World 2460 W Main Street
- U-Spa 615 S Randall Road, Ste. 100
- Best Massage 2774 E Main Street
- Oriental Massage, Inc. 2075 Prairie Street
- Lotus Spa 1700 Lincoln Highway
- Spa Vargas Wellness 4051 E Main Street

On all these applications a detective has done background checks as well as site inspections, along with code enforcement. Through the review of the background, site plans, criminal histories, Police Department staff has reviewed all the applications and determined that the applications met all the requirements under the City Massage Establishment Licensing code.

Ald. Payleitner: Remind me what the background check entailed?

DC Huffman: That includes a current history check on the applicant (person). It verifies that they meet the requirements under the code, they haven't been convicted of a felony or have any similar massage business license revoked, that they employ massage therapists who are licensed by the State of Illinois, and that they haven't been convicted of any sex offenses of any kind.

Chuck: What recourse does the City and Police Department have if someone does violate their license and then just disappears? Is there any recourse that we can do or if they just up and disappear – they are just gone?

DC Huffman: The way the ordinance is set up its similar to liquor violations where we would site the business owner to come in front of you to answer the violation. You could still enter a judgment against them if they disappear, we could try to find them and hold them accountable.

Chuck: It would be the business owner/license holder that would be penalized, not the individual/employee?

DC Huffman: It would depend on what the violation is. If it's strictly a license violation it would be the business owner (applicant who applied for the license). If it's a criminal matter, both the person who committed the crime as well as the license owner would be cited. It would be two separate processes. A criminal procedure would be different from a license violation.

We currently have two more applications pending that we just received. The Police Department has a list of businesses that we believe provide massage services and some of those businesses we determined to be exempt. We took 32 packets to individual businesses that explained the ordinance and that they had to apply for a license. We have a couple pending but by the next Liquor Commission hearing on June 15, we should have all of them that are going to apply before you and those that don't apply and continue to provide massage services will have to answer to that.

Ald. Payleitner: Can we vote these all together or individually?

Atty. McGuirk: They should be voted on individually.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Shangri-La located at 2015 Dean Street, Ste. 7A, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business X-Sport Fitness located at 238 N Randall Road, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Hong Da Spa located at 1550 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Massage World located at 2460 W Main Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business U-Spa located at 615 S Randall Road, Ste. 100, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Best Massage located at 2774 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Oriental Massage, Inc. located at 2075 Prairie Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for Lotus Spa located at 1700 Lincoln Highway, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

Motion by Ald. Payleitner, second by Amenta to recommend approval for a Massage Establishment license for business Spa Vargas Wellness located at 4051 E Main Street, St. Charles.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

12. Other Business.

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

14. Adjournment

Motion to adjourn by Mr. Gehm, second by Payleitner to adjourn meeting at 5:00 p.m.

Voice Vote: Ayes: Unanimous, Nays: None. Mayor Pro-Tem Krieger did not vote as Chairman.
Motion carried.

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