

**AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING**

**TUESDAY, FEBRUARY 16, 2016
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET**

1. Call to Order.
2. Roll Call.
3. Motion to accept and approve the minutes of the January 19, 2016 Liquor Control Commission meeting.
4. Recommendation to approve a proposal for a class B liquor license for Brown's Chicken, located at 1910 Rt. 38, St. Charles.
5. Recommendation to approve a proposal for a class F-1 BYBO liquor license for Liu Brothers Bistro located at 1554 E Main Street, St. Charles.
6. Recommendation to approve a proposal for a Class E1 liquor license for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 25, 2016 – 12:00 noon to 6:00 p.m.
7. Recommendation to approve Class B and C Late Night Permit Requests (1:00 a.m. and 2:00 a.m.) for FY16/17 renewal period.
8. Discussion regarding Citation and Hearing Notice for Acquaviva Winery LLC.
9. Other Business.
10. Public Comment
11. Executive Session (5 ILCS 120/2 (c)(4)).
12. Adjournment.

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JANUARY 19, 2016**

1. Opening of Meeting

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: Police Chief Keegan, Atty. John McGuirk, Mark Koenen, Tina Nilles

3. Motion to accept and approve the minutes of the December 21, 2016 Liquor Control Commission meeting.

Motion by Mr. Gehm, second by Ald. Payleitner to accept and approve the minutes of the December 21, 2015 Liquor Control Commission meeting.

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

4. Recommendation to approve a proposal for a class B liquor license for McNally's Group, LLC to be located at 109 W Main Street, (former Valley Lodge Tavern).

Chief Keegan: This is a proposal for a class B liquor license for McNally's Group, LLC to be located at 109 W Main Street (former Valley Lodge Tavern). A member of the ownership group is here tonight. This is a long standing business that was in St. Charles both at The Office and moved westward to a site that they are currently moving back to. After a brief hiatus the Valley Lodge Tavern has transferred the site location to the applicant. The Police Department took a look at the application material, visited the site and met with the ownership group. They've requested a 1:00 a.m. late night permit. I can say from their previous stay in St. Charles they were definitely a crown jewel to our downtown business district. Their paperwork is in order and Mr. Shay Clark is here tonight.

Mr. Gehm: I assume everything will be back to how it was with floorplans, etc.

Mr. Shay Clark: There are some cosmetic changes and it will look absolutely beautiful, we have some new equipment in our kitchen. We've taken advantage of this downtime to spruce it up.

Ald. Payleitner: As far as the floorplan, it's all the same?

Mr. Clark: Yes.

Ald. Lewis: A lot of chatter around town on having you back – people are excited.

Chrmn. Rogina: I echo what the Chief says and evidence speaks for itself.

Motion by Ald. Payleitner, second by Ald. Lewis to recommend this to Government Operations Committee tonight for approval of a proposal for a class B liquor license for McNally's Group, LLC to be located at 109 W Main Street, (former Valley Lodge Tavern) and move it forward tonight to Government Operations Committee.

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

5. Recommendation to approve a proposal for a class D liquor license for St. Charles Hotel Partners, LLC d/b/a Hilton Garden Inn located at 4070 E Main Street.

Chief Keegan: This is a proposal for a class D liquor license for St. Charles Hotel Partners, LLC d/b/a Hilton Garden Inn located at 4070 E Main Street. Attorney Mr. Dean Maragus is here representing Hilton Garden Inn. This is a corporate name change as well as a new ownership. The D license is a site license with a banquet facility and restaurant. The site license encompasses both the banquet facility and the restaurant. There's no change in the business or floor plans.

Mr. Dean T. Maragus from the law firm of Maragus & Maragus: I am representing the Hotel Partners LLC. We've kept the same General Manager, Peter Ehrenberg and the plans remain the same and we're ready to move forward.

Chrmn. Rogina: Hilton Garden has been a long standing business here in this community with no problems.

Chief Keegan: We're familiar with the manager on record and it's a very well run business.

Mr. Gehm: If everything remains the same it's just because of the name change and ownership?

Mr. Maragus: Yes.

Motion by Ald. Payleitner, second by Lewis to recommend this to Government Operations Committee tonight for approval of a proposal for a class D liquor license for St. Charles Hotel Partners, LLC d/b/a Hilton Garden Inn located at 4070 E Main Street.

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

6. Coordination of licensing efforts and occupancy – Information Only.

Chrmn. Rogina: We've had conversation here, at committee, and council about the whole process of liquor applications, how does it relate to occupancy, how does it relate to questions of occupancy, etc. and I want to commend both Chief Keegan and Chief Schelstreet who are here tonight with other members of the staff to talk about this process and how the two come in.

Chief Keegan: This is a quick overview this evening. If you would go to your packets and look at the second checklist of filling out liquor licenses. This process starts with Tina who runs the whole backend of this process. This is what she gives to an applicant that is required by the City. Any questions on legality of the code, she usually calls me first. If I don't know, I call Atty. McGuirk, and Mark gets the ball rolling to make sure we're all on the same page. Items 1 through 9 are the application material. This is the paperwork piece to make sure they have BASSET, a lease, articles of incorporation, Dram shop insurance.

Ald. Lewis: It says Dram shop insurance or a letter from insurance agency of a proposed quote. I understand that if they are not open yet, but when you issue the license do you look at a standard policy?

Chief Keegan: Yes, once it goes through the three committees (liquor, committee, council) it sits in queue and once they pay and establish their license has been vetted, Tina makes sure they have an occupancy permit, have BASSET, signed lease, everything that's on this list.

Ald. Payleitner: Number 6 – copy of site plan (seating diagram); also what I look for if there are extra rooms that are identified as to use. Usually an architecture drawing will show all of that, but I want to make sure it's just more than seating.

Chief Keegan: I know some people in the applications take it to a different level than others and we need to be cognizant of this in moving forward. We try to do the best we can but some folk, such as, one establishment came in without a signed lease but a letter of intent. They didn't want to put the cart before the horse and spend a lot of money in doing some buildouts if they didn't know they could obtain a liquor license. Sometimes you may see an intent for a lease or a quote on Dram shop insurance because they're testing the waters to see if they're going to get a liquor license before they move forward and call an architect, etc.

Chrmn. Rogina: That seems to be common practice throughout the burbs that licensees will go for a liquor license knowing that if it's accepted, they still have work to do. But knowing that they get denied for some reason, why go through all this extra pain and suffering because I'm not

going to get it. And so we're clear on this point, the granting of a liquor license never trumps the fact that occupancy wins out at the end of the day.

Chief Schelstreet: If you refer to Mr. Vann's submittal here or the one we include, what I would like to discuss is the Chapter 34 Review. It's very common for us or Ms. Tungare to receive a call from a perspective business person. Hey I'm very interested in moving my establishment to St. Charles and I'm looking at 123 W Main Street and I would like to find out what is required. So staff assembles, and it doesn't cost anything, and everybody gets together and they walk around and we say okay if you're looking for this sort of an occupancy, then you will have to consider the facts that you need a fire alarm, sprinkler system; and then Economic Development goes through all the programs that the City offers for that. Then all the issues that could be required if they choose to go forward are identified. That is where we're seeing some say okay I could have some significant costs here if I do want to come; so before I move on... that's where a lot of that can be generated.

Chrmn. Rogina: Okay this conversation took place last week and I think there's some merit in this argument. Can it be that once in a while, that someone might be hesitant or appear at council committee to recommend a liquor license because of just the nature of the totality of the circumstances surrounding this occupancy? Let's not hide anything – let's talk about the Arcada.

It's an old building with a lot of issues and so we, in part, parcel all this which might be the granting of the license and the occupancy, and so forth. So I do see in some respects when people are dealing with alcohol, people do get a little nervous and I for one get nervous once in a while. The point is well taken and as a commission, how do we deal with that.

Chief Schelstreet: There are two paths this can go down. If it's a new business there are a number of steps. First and foremost are plans. We need to have accurate detailed plans from professional people; requirements of stamps from engineers from all sorts of things, such as, the swing of doors, to weighted corridors which means that certain separation walls have to be rated for 1 to 4 hours to separate occupancies. This is an in-depth program with many steps and it's not unusual for a business to submit plans, we review the plans, send them back because we are going to have questions, please offer us further details on a, b, c as happened in this circumstance of the Arcada, and then we have to wait for them. It goes back and forth. Once we do have those plans then we do site inspections; we call them new construction inspections. One of the Fire Prevention Bureau inspectors will go out and say here's what on the plan, here's what is reviewed and that doesn't match. We work through that; or yes this matches and once all the requirements of the code have been met, then a certificate of occupancy will be issued.

There is one other way, which this has happened in the past, where we have an existing business. When business moves out a tenant, the building owner has the building and wants to move a tenant in and there are outstanding violations – whether it be from the fire or building departments – this happened both ways. When the liquor license comes through for signature, we don't sign because there are outstanding violations that need to be corrected.

Ald. Lewis: When a new business opens at the Arcada and it's also a change of use, such as at McNally's where the use has not changed. I think there would be more situations when its completely changing to a restaurant that doesn't have a kitchen in it.

Chief Schelstreet: It's a much more in-depth situation type of examination and because staff has done this, we are also sensitive to one of the conversations we had that obviously we know is the Arcada and it's a historical building, so that could bring in the Historical Commission if you decide you want to change something that might alter the outside of the face of the building or anything that might be covered under the Historical Preservation Commission during the Chapter 34 Review, they would be advised of that.

So if you want to put in, for example, a kitchen exhaust system and perhaps discharge in a sensitive area, those folks would be advise that this could become an issue. How they choose to proceed is up to them, but we would give them that information.

Ald. Payleitner: I understand 100% that you need to know every level of detail of doors opening, electric, etc.; but for me are some real detail drawings I still have big questions on, but the ones drawn on paper they say here's a party room, this is a reception area – that is what I would say is part of the business plan – not necessarily a site plan but a business plan so we know what the use will be. The details I trust you on 100% but I would like to see when it says indoor site plan it would be how many people they will be squeezing in and is there an outdoor or private party room.

Chrmn. Rogina: To that point and Ald. Lewis' point, it's all coming here and I ask the question, how does staff assure commissioners, aldermen, and the mayor that the granting of a liquor license here, based upon requirements, does not impede anyway, shape, or form; or does not necessarily answer questions that you still have to have answer? It's at the staff level, therefore, occupancy is not going to come before the commission or before the city council?

Chief Keegan: It's an administrative function through our staff.

Ald. Lewis: I see what you're saying but I had a wonderful meeting with several of the fire department guys and Bob Vann and once this license is granted, and if he doesn't get this done this year, does it just linger out there year after year until he finally gets his permits?

Chrmn. Rogina: Or to a question that Ald. Payleitner asked me off-line, he/she decides they're going to change things, I got my license, I'm going change things and it's not going to be a restaurant now; it's going to be a bar. We've learned our lesson on that one, but how does that play into everything. To her question, they have to go through the process again, would they not?

Chief Keegan: That's two parts, for example. If an applicant comes in, such as, Ray's on the west side or Charleston on the River or even McNally's group; folks like that who are restaurant owners and have a proven track record – they've done it before; they might have the overhead

and the know-how to let it float a couple of months where they obtained a liquor license and with the buildout process it's going to take a couple of months.

Fast forward to Title House, those proprietors are first time operators that didn't have the capital or maybe didn't want to invest in the risk, so they wanted to come here first. You are going to see different folks with different business models, and different ideas and experience sometimes; but the fact remains the same whether it's Title House who comes in first before they even seek a building permit or maybe Ray's where they wait out a couple of months. They're still going to have to go through that vetting process because there's going to be some sort of buildout/permit.

What I worry about are folks that come in and don't change anything and it's status quo and we sit on it – that's a red flag. If someone comes in and there's nothing really to do with a permit or what we're talking about tonight, before Tina actually issues that license, we're going out to give it one more look and have one more set of eyes on it to make sure it matches.

Chuck: It's fair to say that each liquor license is contingent upon them satisfying your requests regardless of what the City Council may do or our recommendations may be?

Chief Schelstreet: For new businesses I would say that's a certainty for construction because we have an in-depth process. I agree with Chief Keegan, we do not have a business license in St. Charles. That would be something that causes me concern, for example I will use someone who is a non-liquor establishment. We do fire inspections with every business in town every year. Last year it was hobby shop and this year it's a body shop. We go on calls for owner investigations and when did the body shop move in. There are possibilities for certain issues as Chief Keegan described to arise.

Mark Koenen: A comment on Ald. Lewis' question regarding the timeline and duration that a permit is valid for when someone comes in to get a license but they have to do a buildout? If the Liquor Commission supported by Government Operations and City Council says yes we'll give you a liquor license contingent on some buildout; that's a license with a finite period. All licenses expire in St. Charles at the end of our fiscal year April 30. So if you give that approval now, before April 30, there is a vetting process that goes with license extensions.

Ald. Lewis: So if it's granted now and it's not open by May 1, he has to start the process over?

Mark: They would have to reapply.

Chief Keegan: They need to also make a decision with their business plan. Do they want to proceed with their license now in January/February knowing it's going to be renewed at the full price at May 1 – we don't pro-rate our licenses. So if someone is going to be building out for the next 2-3 months and are not going to be turn-key ready, we've had that discussion with a couple of applicants, as of late, where come April 30 your license expires and you have to renew again. So, do you want us to push you along and open for two months knowing you have to renew your license and go through the whole process two months down the road. Is that fair to say Tina?

Tina: Yes, with the caveat that we do not pro-rate our licenses but anyone who comes in after the second half of our fiscal year (October 31) we don't double the license fee as we do for all first time liquor applicants. In that case we charge them the standard license fee for instance \$1200 vs. \$2400 because six months later they will renew their license for a new fiscal year at the price of \$1200. They get a break, per se, but in essence the double fee is collected because of the turnaround of the renewal period after they have first applied.

Chrmn. Rogina: If it's below 6 months the fee is always double the number. I have one more question. We recommend the license and Council grants the license whether they open up or not. There's another process with the State of Illinois after we've given them the paperwork here locally.

Chief Keegan: This body precedes over three licenses: massage, tobacco, alcohol. Massage and tobacco runs in reverse. The folks are granted a state tobacco license first. They come in to the City to get a license through our vetting process and the same thing with a massage license. You have to be a masseuse through the Illinois Department of Professional Regulations first in order to get a massage site license here in St. Charles. Alcohol related you have to have a local license first, so it's a completely different process. Once you get that local license issued from us, you have proof of that license and take it down to the Thompson Center to get a state license. Some municipalities run fiscal, others run calendar year. They have to show a hard copy of the City's license, so the vetting and application process is very important.

To get back on task, the first page is what Tina passes out to the applicant on the front end (checks and balance system). The page regarding the background checklist; here's my role in what happens from the Police Department. My officers/staff look at the material from the applicant. If there are any questions with any common code language or with their business plan, I work hand-in-hand with Mark and Tina and get that ironed out in advance. We look at their background, paperwork, BASSET, lease, site plan – we make sure they have the character, ability, and knowledge to be a responsible license holder in the City. As far as anything with code of what they can do in the building itself, fire depression systems, exhaust hood, anything with egress/ingress – the Fire Department does those calculation loads on what the maximum amount of folks are allowed in the establishment. Police does not do that. I make sure they meet our code as far as their ability to possess a license. If I have questions I ask counsel, Mark is a good resource, but oftentimes once that license is vetted through the Liquor Commission and onto committee/council, the backend stuff is done by the city departments. We have a lot acronyms here that might appear foreign to you, but they are checks and balances to make sure everything is in order. We not only look at criminal character, it goes beyond the fingerprints. They have to sign waivers to make sure they are who they say they are. We just don't rely on the name and we query every database we can to ensure their credibility is beyond reproach.

Ald. Payleitner: Tell us more about the Illinois State process?

Chief Keegan: Once in a while we have a state violation, such as, if they come in and their lines aren't sanitized for their tappers, or mixing spirits, or were sited under a state violation, we want

to make sure that besides having another establishment in another community, we also check with the state.

Robert: What does the acronym TLO stand for?

Chief Keegan: That's the Terrorism Liaison Office – just making sure that's there's no outstanding issues. I-CLEAR is a state database run by the City of Chicago and State Police and it's a fingerprint database for criminal history.

Ald. Lewis: You fingerprint managers, is that difficult to keep track of? I would think they go through managers frequently; so do they just send their new manager over?

Tina: My corporate license holders are very good about doing that as they have a licensing department; the stand-alone licensees not so much. At renewal time when I get the applications, I will cross check names on the application to see if they are different. Also when I send out the renewal applications, I do mention that any new managers in their establishments need to come in to be printed and I catch them that way as well.

Chief Keegan: Mr. Lee Roupus was here today from Illinois Liquor Commission and revisited some guidelines to the group that attended. We talk about fingerprinting of managers and we now have a new automated process called LiveScan where prints are done digitally and sent electronically to State Police – it cuts down on response time. There's a lot of work that goes into doing a background of vetting tobacco, massage, alcohol, not to mention some of the behind scenes administrative tasks – it's cumbersome but we do it for a reason to make sure we have good businesses in town.

Chrmn. Rogina: I did step into this meeting today for a while and I think we are developing a strong relationship with our licensees thanks to both the chiefs here and their staff. Moving forward we are in a very good position.

Ald. Lewis: Do I have to recertify myself? I got my BASSET training last year.

Chief Keegan: BASSET was never a state requirement until this coming year. It starts July 1 2016 and the enforcement period starts January 1, 2017. They are now only good for three years where before it was a lifetime certification. Cook county is the only county that has made it mandatory, Kane has not as of yet, but St. Charles has always made it mandatory and we expanded it to include those that oversee alcohol service, those that pour and deliver it. If you touch it or see it, we want you BASSET certified.

Chief Schelstreet: Ald. Payleitner had brought up the floorplan on how many tables and that's important to us because of how occupancy loads are determined. Is it going to be fixed seating meaning booths or moveable seating – cocktail tables with chairs? That will drive how many people can be on the floor. Once we determine how many people are acceptable based on that calculation we then look at the existing exits if they can handle that load. Now for the building in questions, we're not only going to look at the doors that get out of the specific club but also

look at the stairwells because we now have to add in the flow coming off the balcony – they're going down and then you have the flow coming out of the main entrance. We're going to check all of that to make sure that those exit ways can handle it, they're wide enough, they have the proper ratings. That's what went back to Mr. Onesti – good drawings showing dimensions for the space, all ratings are maintained including ratings on the stairwell doors. We do recognize the age of the building and its previous uses. Sometimes that can be a benefit as in the sprinkler protection was installed when the dance group was up there and sometimes because the age of the building we do need to call for additional detail. The pace that this moves is up to the business owner. We'll review whatever they give us expeditiously as possible; however we need you to submit the plans.

Chrmn. Rogina: We can issue a license contingent upon meeting building code, liquor code, any city ordinance so that at the end of the day we can give the nod to someone and say we can give you a license but you got a mountain to climb here.

Chief Schelstreet: As we started the discussion, one of the things that Tina does look for is the certificate of occupancy when applicable.

We are happy to take any elected official or committee member and escort them through any facility that they have questions about. It's a 100% transparent process and we're more than happy to show it to you and answer any questions about process or code.

Bob Gehm: We recommend the approval of a liquor license but they have a mountain to climb because they need occupancy to open and also need a state license; so in order for them to open they need all three of these items to be in good standing before they can serve one drop of alcohol.

Chief Keegan: We require both state and city license to be posted at all times.

Ald. Lewis: For the state license they can apply for a state license now and apply for a license now?

Chief Keegan: They can.

Ald. Lewis: So they got both licenses without anything every being...

Tina: On rare occasions a new business will want to fast track to get their licenses in order to be ready to open up when the time arrives and they need proof of a city license to submit to state. I will make a stamped copied license to give to them to help assist them to get their state license processed, but they can't open until I give them their original license that has a City seal on it.

Ald. Lewis: What about temporary occupancy – can they get their license for that?

Chief Schelstreet: Temporary occupancy is for stocking, e.g., a liquor store, we can issue a temporary occupancy so they can put their items on the shelf but not to let the public in.

Atty. McGuirk: They can only get the premise ready – not entertain the public.

Chief Schelstreet: Generally they are waiting for finishing tasks to be complete like exit lights to be installed, fire extinguishers to be hung, uncomplicated things. All of the life safety issues would already be resolved.

Tina: I would like clarification when I say site plans on my check points, I am just getting a drawing of the seating, table, bar structure, a.k.a. seating diagram. I receive some plans done up professionally while others could be sketched on a napkin.

Ald. Payleitner: As long as the information is on there and attached to the license that I can refer back to – I'm good with that. There's no reason for them to go the added expense.

Chief Keegan: Some have asked me whether you need to be a St. Charles resident or not. Our code states they need to be a resident or be an LLC (Limited Liability Corporation) and that is done through the Secretary of State's office through Articles of Corporation. Anyone who has a business especially with Dram Shop insurance, you are not going to want your house or assets to be held in peril, so most of our applicants do not reside in St. Charles and that is allowed in our code as long as they're an LLC or corporation.

Ald. Lewis: I've learned through this process of applying for these liquor licenses with our staff, that they all want to open them up yesterday. I feel it takes a great amount of time from staff to do what the applicant is asking for, they jump through hoops and run circles to try and get it all done; then it sits there. I'm concerned about this "rush" process. It seems everything that's coming before us is it has to be done next week. I don't know if it's fair to staff to put that rush through on all these liquor licenses. There is a process and a reason for the process and it's reasonable. I don't know how we address this urgency to them always having to open up yesterday.

Chief Schelstreet: I respond to this as the exact situation we have across the street. The business owner drives the speed of the process. Both departments live and die by customer service. We try to do the absolute best we can and do what we need to do; however, if we have more plans to review than that's where it stops.

Chrmn. Rogina: At the end of the day you have a raised a good point. It's a great balancing act between allowing the free market to work and the resident's demand for their community to provide safety and regulations so that everything is running smoothly. So whose caught in the middle here? Staff and elected officials and that's the way it is. Your point is on target but it's a great balancing act in trying to find the appropriate amount of regulation and at the end of the day not to be accused of not being business friendly.

7. Other Business

8. Public Comments – none.

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

10. Adjournment

Motion to adjourn by Mr. Gehm, second by Ald. Lewis at 5:21 p.m.

Voice Vote: Ayes: Unanimous; Nays: none. **Motion carried.**



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a Class B Liquor License for Brown's Chicken Located at 1910 Rt. 38, St. Charles

Presenter: Chief Keegan

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (2/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is an application request for a new Class B liquor license for Brown's Chicken located at 109 W Main Street. This will be a standard class B license with liquor being stopped by midnight. All paper work is in order, background checks have been completed by the Police Department as well as fingerprints have been taken, and BASSET certification is complete.

Attachments: *(please list)*

Liquor License Application (front page)
Background Check
Site Plan and Business Plan
Menu

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a proposal for a Class B liquor license for Brown's Chicken located at at 1910 Rt. 38, St. Charles.

For office use only:

Agenda Item Number: 4

Date: 2/1/16
☒ New Application
☐ Renewal Application

CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSIONER
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



City Retail Liquor Dealer License Application (rev. 12/13) Non-Refundable

Ordinance 5.08.050.A1

Application must be completed in full

Incomplete applications will be rejected

Business Type: Circle one

Individual

Partnership

☒ Corporation

Other

Business Name DBA: Browns Chicken

Sales Tax # 46-0738880

Business Address 1910 Rt 38

Business Phone # 630-584-2411

Contact Person Noel Esbjorn

Title owner

Phone # [REDACTED]

If Corporation, Corporate Name NLHM Inc.

Corporation Address 2441 Mayfield Dr Montgomery IL 60538

Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: Yes ☒ No

If yes, list address of business

Full Name, include Middle Initial Noel Esbjorn E.

Title owner

Birth Date [REDACTED] Birthplace IL

Driver's License # [REDACTED]

Home Phone # [REDACTED]

Home Address [REDACTED] Montgomery IL 60538

Full Name, include Middle Initial

Title

Birth Date Birthplace Driver's License #

Home Phone #

Home Address

Full Name, include Middle Initial

Title

Birth Date Birthplace Driver's License #

Home Phone #

Home Address

Type of Establishment: ☐ Package ☒ Restaurant ☐ Tavern ☐ Hotel/Banquet/
Arcada/Q-Center ☐ Other

Check as Applicable to ☐ Holding Bar [5.08.010-F] ☐ Service Bar [5.08.010-O] ☐ Live Entertainment [5.08.010-H]
Type of Establishment: ☐ Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:

I am planning on adding more food. Such as Burgers
Grilled Chicken and salads. Would like to add Beer and wine
as a fast casual dine-in

Initial: Liq Comm

Police Chief

Police Department



Memo

Date: 2/10/2016

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation-Liquor Establishment

The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the below mentioned establishment.

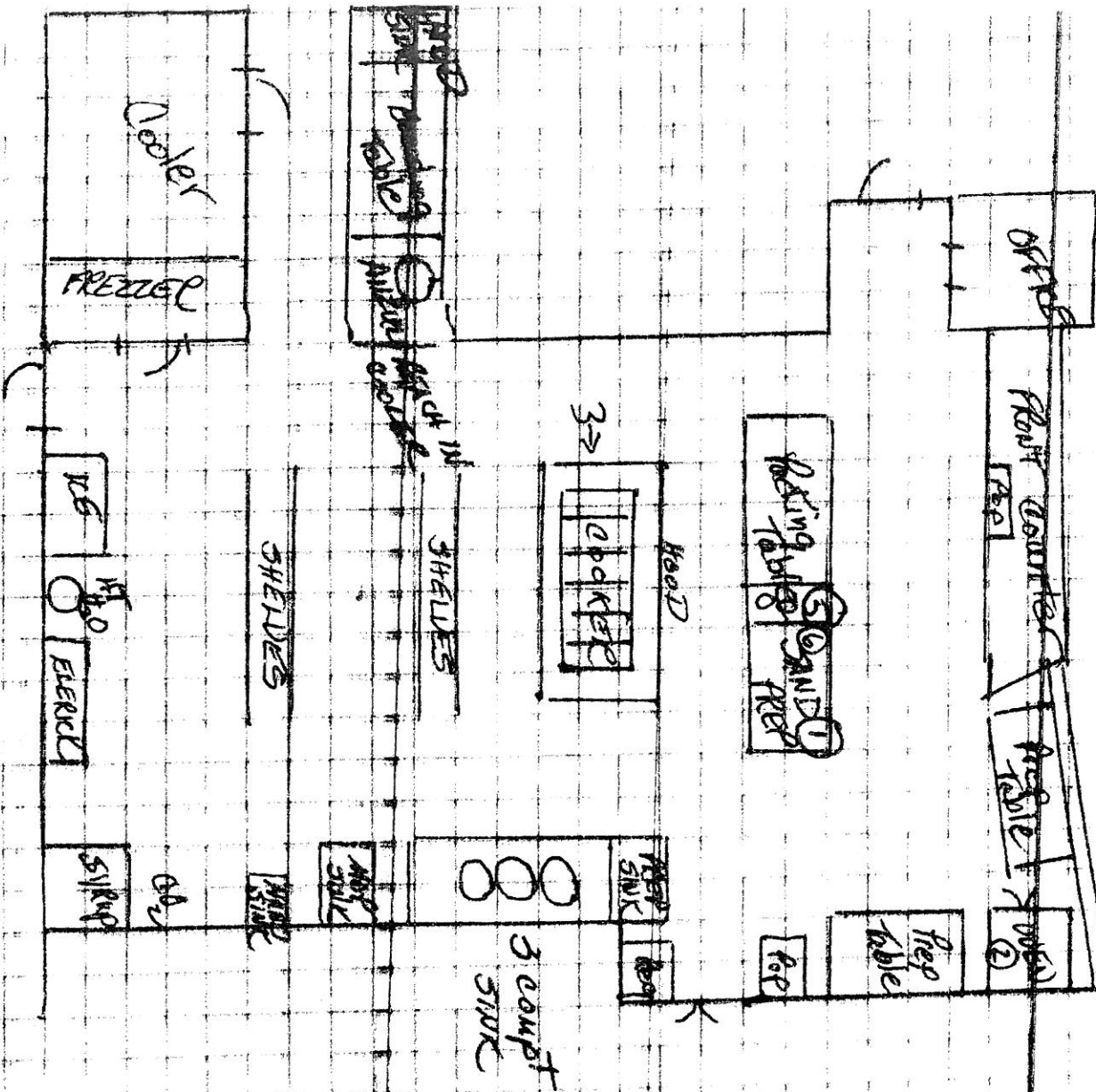
Pursuant to procedure and protocols, a detective was assigned to conduct a background investigation into Browns Chicken and Pasta located at 1910 Lincoln Highway as part of their plans to expand their business model. As part of this background investigation, we reviewed both the site location/floor plans and the corresponding applicant and the associated business plans.

We found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with liquors sales and on-site consumption, subject to City Council approval.

Thank you in advance for your consideration in this matter.

NLHM Inc./dba Browns Chicken & Pasta Class B 1910 Lincoln Hwy.

Beaver's Kitchen at Chandler, Ill.





January 24, 2016

To City members of St. Charles

RE: Brown's Chicken proposed upgrade plan

Brown's Chicken, located at 1910 St. Route 38, Lincoln Highway, St. Charles, IL, would like the opportunity to modify its current fast food concept. We are proposing a fast-casual concept creating a better dine-in experience for our customers. This includes food delivery to the tables by staff, revised menu options including salads, Buffalo wings, ribs, beer and wine. We would also like to add televisions around the restaurant playing sports or other events to create a more favorable dining experience for our customers. Our core business of chicken would not change. This currently includes drive through, carry out and catering. The added option of video gaming would only enhance this new fast-casual concept for us and is also the trending style for the restaurant industry. Our business would also increase in volume if this concept is approved. We are hopeful that the Prairie Crossing development will be an economical improvement for the west side of St. Charles as well.

Thank you



Tim Kennefick

President



ST. CHARLES

1910 State Route 38

(630) **584-2411**

Phone Ahead & Receive



6 FREE

Corn Fritters

For any order \$10 or more

Offer Valid Until 9/21/16.

CHICKEN and/or TENDERS

	Individual	1 SIDE	2 SIDES
2 pc. with biscuit		5.49	6.99
3 pc. with biscuit		6.99	8.49
4 pc. with biscuit		8.49	9.99

Individual Chicken Choices: leg, thigh, wing & tender; breast .80 extra

	Family	Chicken and/or Tenders only
6 pc. 3 Biscuits, 1 side	16.99	9.99
8 pc. 4 Biscuits 2 sides	23.49	12.99
10 pcs. 4 Biscuits 2 sides and 12 Corn Fritters	27.99	16.24
12 pcs. 6 Biscuits 2 sides	29.99	19.49
16 pcs. 8 Biscuits 3 sides	39.99	25.99
20 pcs. 8 Biscuits 3 sides	45.99	31.99

Family served with Large Sides.

SIDE CHOICES

INDIVIDUAL 1.89 LARGE 3.99

- ☐ Cheesy Potatoes ☐ Mashed Potatoes ☐ French Fries ☐ Mac n' Cheese
☐ Mostaccioli ☐ Baked Beans ☐ Corn on the Cob ☐ Broccoli & Cheese
☐ Cinnamon Apples ☐ Cole Slaw ☐ Onion Rings ☐ Corn Fritters

SPECIALITIES

Corn Fritters	Ind. 1.89	Large 3.99
Onion Rings	Ind. 1.89	Large 3.99
Gizzards	1/2 lb. 4.99	1 lb. 8.99
Livers	1/2 lb. 4.99	1 lb. 8.99
Mushrooms	1/4 lb. 2.69	1/2 lb. 4.99 1 lb. 8.99
Okra	1/4 lb. 2.69	1/2 lb. 4.99 1 lb. 8.99
Boneless Wings	5 pc. 3.99	12 pc. 9.49
Whole Wings	5 pc. 5.99	12 pc. 13.99

(Pick your sauce: BBQ, Buffalo, Jerk, Hot or Ranch)

PASTA

	LARGE	BOWL
Mostaccioli Marinara	3.99	5.99
Macaroni & Cheese	3.99	5.99
Baked Mostaccioli	4.99	7.99
Biscuits	ea. .69	6/ 3.99
Breadsticks	ea. .69	6/ 3.99

**COOKED FRESH
TO ORDER**

DINNERS

1/4 lb. Shrimp Dinner	6.99
2 pc. Beer Batter Cod	7.99
2 pc. Breaded Catfish	7.99
1/4 lb. Shrimp & 1 pc. Fish ...	9.99

Dinners Include: Individual Side & Biscuit.

SEAFOOD

FISH SANDWICH

Cod or Catfish	4.99
----------------------	------

SHRIMP

1/4 lb.	4.99
1/2 lb.	9.99
1 lb.	18.99

VALUE MENU

Sandwich w/side & 16 oz. Drink

\$5.49

- Hot Dog • Italian Meatball
- Maxwell Polish • 2 Chicken Minis
- Italian Sausage • 2 BBQ Pulled Pork Minis

Chicken w/side & 16 oz. Drink

\$6.49

- Leg & Thigh w/ Biscuit • 2 Tenders w/ Biscuit
- Breast w/ Biscuit • Chicken Sandwich
- 3 Wings w/ Biscuit • Reg. BBQ or Spicy
- 5 Boneless Wings w/ Biscuit

Sandwich w/side & 16 oz. Drink

\$7.49

- Chicken Bacon Ranch • Beef & Sausage
- Chicken Parmesan • BBQ Pulled Pork
- Italian Beef • Cod or Catfish

PICK ANY SIDE:

Mashed Potatoes • French Fries • Baked Beans
Corn Fritters • Cole Slaw • Broccoli & Cheese
Mac & Cheese • Mostaccioli • Onion Rings
Corn on the Cob • Golden Mushrooms (2oz)

Prices & items subject to change without notice.

SANDWICHES *Made* THE CHICAGO WAY

Add cheese or peppers 50¢

	6"	9"
Italian Beef	\$5.79	\$7.99
Italian Sausage	\$3.99	\$5.59
Beef & Sausage Combo	\$6.49	\$8.99
Meatball Sandwich	\$3.99	\$5.59
The "Chicago Way" Hot Dog	2.79	
Maxwell Street Polish	3.99	
BBQ Pulled Pork	4.49	
BBQ Pulled Pork Mini	1.99	

Chicken Sandwich	4.49
------------------------	------

Regular, BBQ or Buffalo

Chicken Parmesan	4.99
Chicken Bacon Ranch	5.49
Chicken Mini	1.99

Regular, BBQ or Buffalo

See Other Side For More Menu Items



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Proposal for a Class F-1BYOB Liquor License for Liu Brothers Bistro Located at 1554 E Main Street, St. Charles
Presenter:	Chief Keegan

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (2/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is an application request for a new class F-1 BYOB liquor license for Liu Brothers Bistro located at 1554 E Main Street. Mr. Kai Yin Cheung is now the new owner to this establishment and plans to run this establishment in the same manner as the former owner, who sold the business to him. Mr. Cheung is requesting a BYOB for his patrons to be allowed to bring in beer and wine to complement their meals. All paper work is in order, background checks have been completed by the Police Department as well as fingerprints have been taken, and BASSET certification is complete.

Attachments: *(please list)*

Liquor License Application (front page)
Background Check
Site Plan
Menu

Recommendation / Suggested Action *(briefly explain):*

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

<i>For office use only:</i>	<i>Agenda Item Number: 5</i>
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Date: 2/4/16
☒ New Application

CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSIONER
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



City BYOB License Application (rev. 9/15) Class F1 - Wine Only \$150
Class F2 - Wine & Spirits \$250

Application must be completed in full Incomplete applications will be rejected

Business Type: Circle one Individual Partnership Corporation Other _____
Business Name LIU BROTHERS BISTRO Sales Tax # 4205-7965
Business Address 1554 E MAIN ST Business Phone # 630-797-5155
Contact Person KAI CHEUNG Title MANAGER Phone # [REDACTED]
If Corporation, Corporate Name LPD INC

Corporation Address _____
Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: Yes ☒ No
If yes, list address of business _____

Full Name, include Middle Initial KAI YIN CHEUNG Title MANAGER
Birth Date 07/19/82 Birthplace [REDACTED] Driver's License [REDACTED] Home Phone # [REDACTED]
Home Address 226 PRESOTT AVE, ELGIN IL 60124

Full Name, include Middle Initial _____ Title _____
Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____
Home Address _____

Full Name, include Middle Initial _____ Title _____
Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____
Home Address _____

Type of Establishment: ☒ Restaurant () Hotel/Banquet/ () Other _____

Check as Applicable to Type of Establishment () Live Entertainment [5.08.010-H] () Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:
CHINESE RESTAURANT WITH DINE-IN AND CARRY OUT SERVICE.

Initial: Liq Comm _____
Police Chief _____

Police Department



Memo

Date: 2/10/2016

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation-Liquor Establishment

The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the below mentioned establishment.

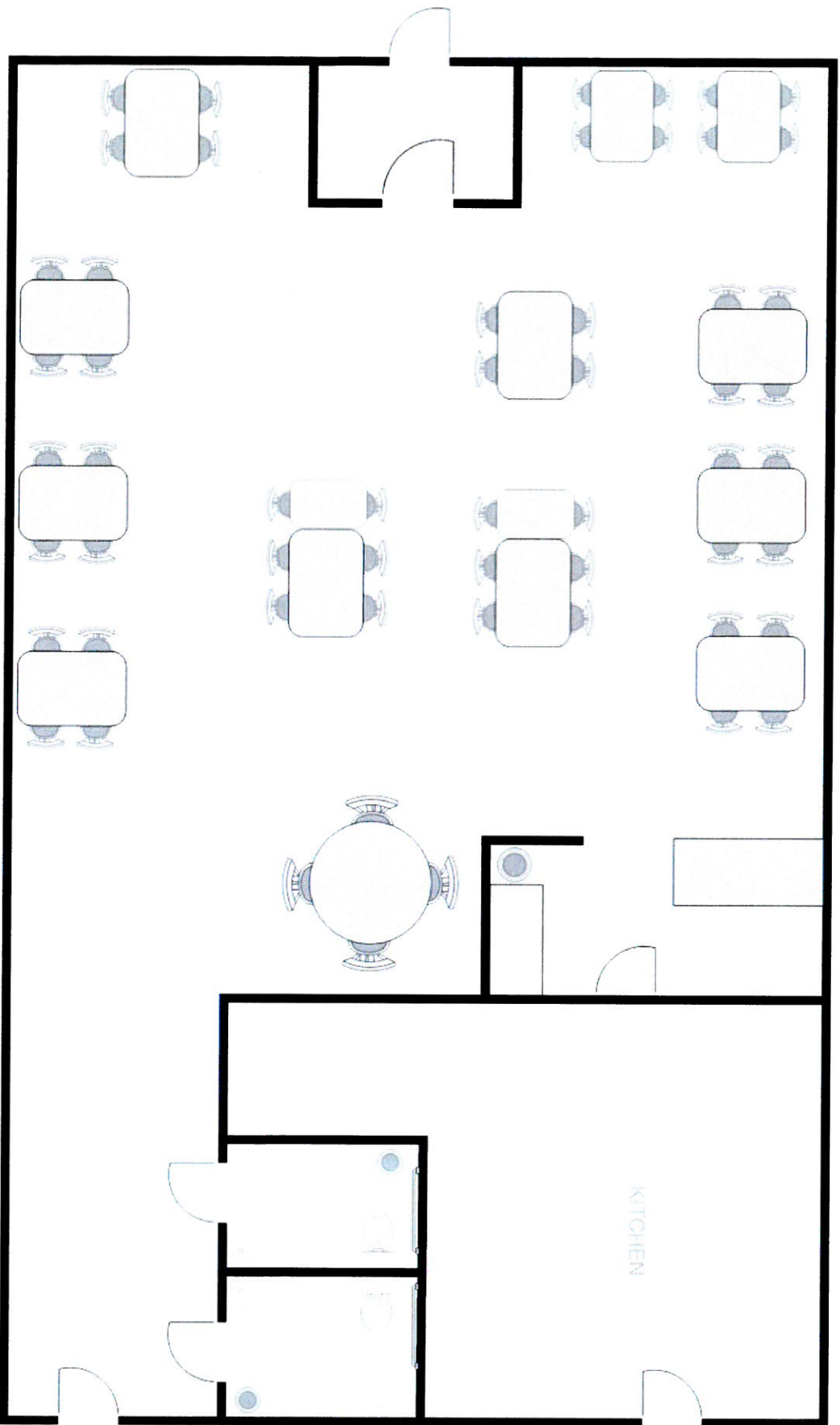
As is customary procedure, a detective was assigned this investigation and reviewed both the site location/floor plans and the corresponding application material.

We found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with on-site consumption, subject to City Council approval. The BYOB license (F-1) is further strengthened by both Basset training and liquor liability insurance.

Thank you in advance for your consideration in this matter.

Liu Brothers Bistro-Class F-1:

1554 E. Main Street



Liu Brothers
Chinese Bistro

1554 E MAIN ST
ST CHARLES IL 60174

(Not to scale)

APPETIZERS

POT STICKERS 6PC GROUND PORK WITH VEGETABLES	4.95
FRIED EGG ROLLS VEGETABLE	2.95
FRESH SHRIMP SPRING ROLLS 2 PC	4.95
PEPPER & SALT CALAMARI	4.95
FRIED CHICKEN WINGS 4 PC	3.95
CRAB RANGOON 4 PC	2.95
MIXED CHICKEN LETTUCE WRAPS 2 PC	4.95
BACON & VEGETABLE SKEWERS 4 PC	3.95

SOUPS & SALADS

WON TON SOUP	3.95
VEGETABLE BEEF SOUP	4.95
HOT & SOUR SOUP	2.95
SEAFOOD & SIZZLING RICE SOUP	5.95
CHICKEN SALAD ROASTED WHITE MEAT CHICKEN OVER MIXED GREENS WITH OUR LEMON GRASS DRESSING	6.95
TUNA SALAD LIGHT PAN-FRIED TUNA OVER MIXED GREENS WITH OUR LEMON GRASS DRESSING	8.95

LIU BROTHERS NOODLE SOUP MEALS

BBQ PORK & NOODLE SLOW ROASTED PORK, VEGETABLES, SWEET CORN & BOILED EGG IN OUR HOMEMADE BROTH	7.95
CHICKEN NOODLE ROASTED WHITE MEAT CHICKEN WITH VEGETABLES, FRESH CILANTRO & GREEN ONIONS	7.95
BEEF NOODLE SLOW COOKED CUBED BEEF, VEGETABLES, FRESH CILANTRO & GREEN ONIONS IN OUR BROWN BROTH	8.95
SEAFOOD NOODLE JUMBO SHRIMP, SCALLOPS, MUSCLES, VEGETABLES & SWEET CORN IN OUR HOMEMADE BROTH	10.95
VEGGIE NOODLE MIXED VEGETABLE IN OUR CLEAR BROTH	6.95

LIU BROTHERS
SPECIALTY ENTREES

BASIL CHICKEN	9.95
ORANGE BEEF	10.95
HONEY GLAZED WALNUT SHRIMP	11.95
PEPPER & SALT SHRIMP	11.95
SHRIMP WITH BLACK BEAN SAUCE	11.95
PEPPER & SALT FISH	11.95
SWEET & SOUR FISH	11.95
HOMESTYLE FISH WITH BROWN SAUCE	11.95
GARLIC SCALLOPS	13.95
PAN FRIED SEA BASS	14.95
HOME STYLE BABY BACK RIBS	8.95

LIU BROTHERS
TRADITIONAL FAVORITES

SESAME CHICKEN	9.95
ORANGE CHICKEN	9.95
SWEET & SOUR CHICKEN	9.95
CHICKEN WITH BLACK BEAN SAUCE	9.95
MONGOLIAN CHICKEN	9.95
MONGOLIAN BEEF	9.95
SWEET & SOUR SHRIMP	11.95

VEGETABLE ENTREES

TOFU WITH SZECHWAN SAUCE	7.95
DRY COOKED STRING BEANS	7.95
SAUTEED SPINACH	6.95
GARLIC BABY BOK CHOY	6.95
SZECHWAN EGG PLANT	7.95

RICE & CHOWMEIN

CHICKEN	6.95
BEEF	6.95
SHRIMP	7.95
HOUSE COMBINATION	8.95

LUNCH MENU

11AM-2PM

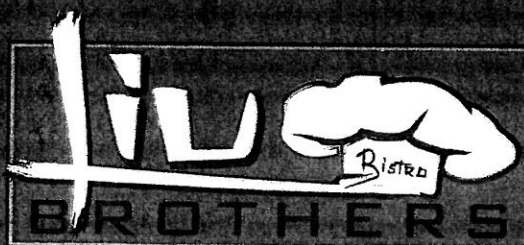
ALL LUNCH ENTREES INCLUDE STEAMED RICE AND YOUR CHOICE OF OUR
FRIED EGGROLL OR A CRAB RANGOON

SESAME CHICKEN	6.95
ORANGE CHICKEN	6.95
SWEET & SOUR CHICKEN	6.95
CHICKEN WITH BLACK BEAN SAUCE	6.95
SESAME CHICKEN	6.95
KUNG PAO CHICKEN	6.95
MONGOLIAN CHICKEN OR BEEF	6.95
SHRIMP WITH SNOW PEAS	7.95
SZECHWAN SHRIMP	7.95
MONGOLIAN SHRIMP	7.95

BEVERAGES

COKE PRODUCTS, INCLUDING FREE REFILLS	2.25
ASSORTED CHINESE TEA	1.25

LIU BROTHERS BISTRO USES ALL FRESH INGREDIENTS AND ABSOLUTELY NO MSG.



1554 EAST MAIN STREET
ST. CHARLES, IL 60174



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Proposal for a Class E1 Liquor License for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 25 12:00 noon to 6:00 p.m.
Presenter:	Chief Keegan

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (02/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

The St. Charles Breakfast Rotary Club is requesting to host a Tri-Cities Craft Brew Fest in Lincoln Park on June 25th, 2016, from 12:00 to 5:00pm and obtain an E-1 License (Non-for profit). The event sponsor is currently working with a 3rd party event company, Brew Avenue Events, to facilitate this event and has experience in dealing with non-for-profit organizations in the western suburbs.

In addition to the aforementioned liquor license request, the event sponsor has been in contact with the Park District and secured the date in question for the event. The Park District is holding off on permitting the applicants request until the City issues the appropriate liquor license. Any street closures, the use of barricades, City electric or City personnel will be absorbed by the Event sponsor. The sponsor will also be instructed to be in contact with all the affected businesses in the immediate area as well as area residents.

The Police Department conducted a background investigation and site visit of the event sponsor/event company. Pending City Council approval, the police department found no evidence of derogatory behavior.

Sale of a "punch pass", credentialing the service of alcohol using a regulator (18 3-oz portions are allowed per punch pass) was discussed. A small souvenir type cup will be distributed with the sale of the "punch pass" and this is an over age-21 event, expected to draw an adult crowd and be dispersed well in advance of our evening dinner rush within the downtown area.

Attachments: *(please list)*

Liquor License Application; Background Check, Site Plan

Recommendation / Suggested Action *(briefly explain)*:

Recommendation to approve a proposal for a class E1 liquor license for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 25 12:00 noon to 6:00 p.m.

For office use only:

Agenda Item Number: 6

NON-REFUNDABLE

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



For Office Use

Received: 2/5/2016
Fee Paid: \$ 50.00
Receipt # 883986

Check # 3177
CS Barrett

CITY LIQUOR DEALER LICENSE APPLICATION CLASS E1 – NOT-FOR-PROFIT LICENSE CLASS E3 – KANE COUNTY FAIR

Pursuant to the provisions of Chapter 5.08, Alcoholic Beverages, of the City of St. Charles Municipal Code regulating the sale of alcoholic liquors in the City of St. Charles, State of Illinois and all amendments thereto now in force and effect.

The undersigned hereby makes application for a Liquor Dealer License, Class E1 – Not-For-Profit License or E3 – Kane County Fair
Commencing SAT, JUNE 25 and ending SAT, JUNE 25
Time Starting NOON and ending 6 P.M.
Location of Event LINCOLN PARK

Name of Business ST. CHARLES BREAKFAST ROTARY CLUB
Address of Business 218 ILLINOIS AVE. STC (BARRETT HOME ADDRESS) Business Phone (630) 330-2260
Is the Applicant a Not-For-Profit Organization? YES, REGISTERED 501 C
Authorized Agent CURT BARRETT Title EVENT COORDINATOR
Has Applicant had a Class E1 License in the previous 365 days? NO If YES, on what date:
Does Applicant have Dram Show Insurance? YES If YES, attach evidence of insurance.

Requirements of a Class E1 – Not-For-Profit License

1. The Class E1 license fee is \$50.00 per day.
2. A minimum of three (3) liquor supervisors shall monitor liquor service during all times of operation. **Please provide a list of all supervisors with this application.**
3. Liquor supervisors shall be members of the organization holding the license.
4. Beer and/or Wine are the only alcoholic beverages to be sold.
5. Hours are restricted to 12 noon to 11:00 p.m.
6. Licensee must rope/fence off the licensed premises.
7. Are children/minors permitted in the licensed premises? Y/N
8. Each patron **must wear a wristband** after having identification checked for legal alcohol consumption age.
9. A sign limited beer and/or wine consumption to the roped off area must be conspicuously displayed at all times.
10. **Each server of alcohol must be BASSET certified – need copy of BASSET certification.**
11. A copy of site plan diagram to include roped area shall accompany this application.
12. All security/police resources needed shall be attached to this application with approval of the Chief of Police before final issuance by Liquor Commissioner.

CURT BARRETT
TOM TARVIS
ANGELO BRAVOS

Affidavit

State of Illinois)
County of Kane)

I/We, the undersigned, being first duly sworn, say that I/we have read the foregoing application and that the statements therein are true, complete, and correct and are upon my/our personal knowledge and information and are made for the purpose of inducing the City of St. Charles to issue the Liquor Dealer License, Class E1 to me/us for the location hereinbefore indicated; that I/we will not violate any of the laws of the United States, the State of Illinois or the City Ordinances of the City of St. Charles.

Signed: Curt Barrett Signed: _____
Sworn to before me this 5th day of February, 2016.
Notary Public: Deborah A. Graffagna




ENDORSEMENT OF THE LIQUOR CONTROL COMMISSION

Approved: _____ Date: _____ Chief of Police: _____
Approved: _____ Date: _____ Liquor Commissioner: _____

Police Department



Memo

Date: 2/11/2016
To: Chief Keegan
From: Ofc. B. Tynan #353 
Re: "Tri-Cities Craft Beer Festival" E1 liquor license application

Applicant
Barret, Curtis J
St. Charles Breakfast Rotary
218 Illinois Ave.
St. Charles
DOB: 04/14/1970

On 020916 I spoke with St. Charles Breakfast Rotary Club Public Image Chair Curt Barrett regarding the club's E1 liquor license application. The application is for a one day craft-beer festival tentatively scheduled from 12 p.m. to 6 p.m., June 25 in Lincoln Park.

The rotary club is a service organization that helps different causes locally and nationally. Because the club is a 501(c) 3, it must hold fundraisers to be successful. The club has been looking for a different type of fundraiser, and noticed that with the explosion of the craft-beer industry, several cities locally have had success with craft-beer festivals. Barrett cited several cities - Naperville, Wheaton, Lisle and Aurora - where similar events have been held recently.

Barrett stated that in his research of these events, he found that parks are generally where they are held. He stated the event will target and attract an upscale clientele, "not kids or people looking to get smashed for cheap." He stated the \$45 ticket price would be enough to deter those who aren't enthusiasts or connoisseurs. The idea is to have attendees enter the park in one location (S/W corner). There, an ID station will be set up, and attendees will be given a neck lanyard that holds a punch card with 18 punches and a souvenir glass. Attendees then would visit several different brewery stations (as many as 30 may be in attendance), which would fill the glass to the 3-oz mark with which ever brew the patron requests. The punch card is punched by the brewery, and once 18 punches are made, the patron no longer can be served. Food vendors will be available, too, although specific vendors have not been identified at this point. No minors will be allowed in the park, and there will not be any package sales.

After meeting with the city's building and code department, Barrett stated it was clear the Rotary needed a third-party vendor to act as event manager that could assist with the logistics, layout and business plan. The Rotary hired Brew Avenue Events, which determined the layout (attached), and wrote the business plan (attached) of the event.

Barrett stated he was aware of the specifics of this license, and plans to have plastic fencing up around the park, as well as colored bracelets for attendees. The three listed

supervisors from the Rotary are aware of the need to be BASSETT certified. Barrett stated all three will have the certification prior to the event, and Brew Avenue will have three supervisors on scene, too.

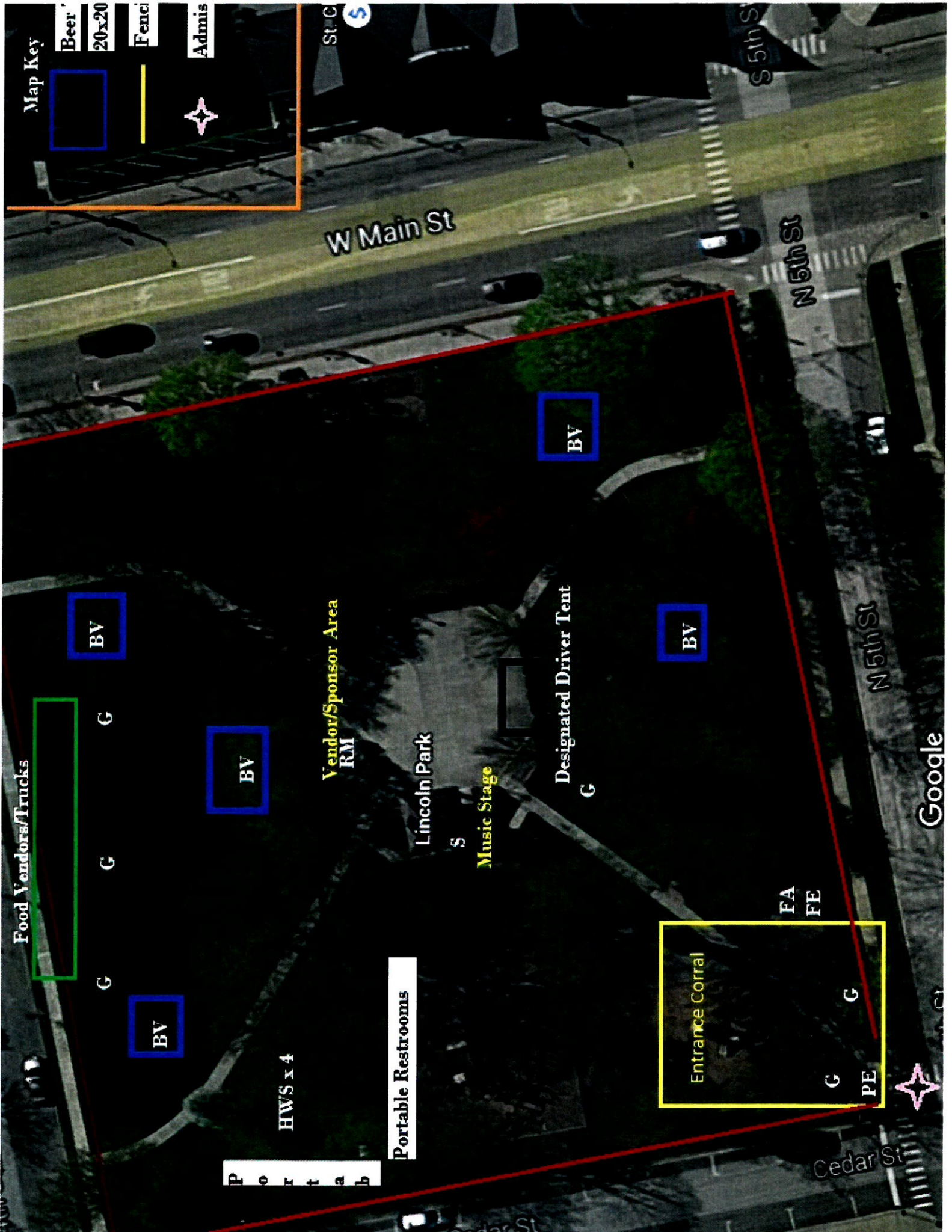
Barrett stated he is estimating 1,000 people to be in attendance, based on similar events in the area. He stated the Naperville event grew to 4,500 in its fourth year last year. Some advertising will be done locally, and the Rotary should have a good idea approximately two weeks before the event how many will attend.

In an email conversation with Brew Avenue Founder Alessandro Vazquez, he stated he has worked with other vendors in the area either as a consultant or staff, but recently started his own company. As such, the company has not done any events to date. This event would be the first produced by the company. I contacted the city of Naperville, where Vazquez worked with Lou Dog Events on several previous events. The mayor's office confirmed Vazquez did work with Lou Dog, but they did not have any further information on him.

Vazquez is aware of the requirements of the E1 license, and was emailed a copy of the E1 liquor code.

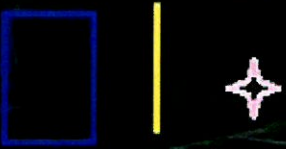
No further action by this officer.

wbt



Map Key

- Beer
- 20x20
- Fence
- Admin



Food Vendors/Trucks

BV

G

G

G

BV

BV

Vendor/Sponsor Area
RM

Lincoln Park

S

Music Stage

Designated Driver Tent

G

BV

BV

FA

FE

G

PE

Entrance Corral

HWS x 4

Portable Restrooms

W Main St

N 5th St

N 5th St

Cedar St

Google



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve Class B and C Late Night Permit Requests (1:00 a.m. and 2:00 a.m.) for FY16/17 Renewal Period
Presenter:	Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (2/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

Ordinance 2014-M-4 amending Chapter 5.08 was approved at the January 21, 2014 City Council meeting to establish fees for Class B and C liquor licensees who would like to extend their operating hours pass the general 12:00 midnight closing time to 1:00 a.m. or 2:00 a.m. closing time.

Attached is a memo of explanation and list of current liquor license holders requesting late night permits that the Police Department recommending approval from this Commission to move forward committee/council approval for FY16/17.

Attachments: *(please list)*

Memo with list of Late Night Permit Requests

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve Class B and C Late Night Permit Requests (1:00 a.m. and 2:00 a.m.) for FY16/17 renewal period.

<i>For office use only:</i>	<i>Agenda Item Number: 7</i>
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Memo

To: Mayor Raymond Rogina, Liquor Commissioner

From: James Keegan, Chief of Police

Date: February 9, 2016

Re: Late night liquor license renewals

The following businesses have submitted renewals of their late night permits. Pursuant to guidelines established in the attached ordinance; I have summarized both police responses requiring written documentation and any action taken from the Liquor Control Commission during the last calendar year (2015). I have also included in this memorandum my recommendation for renewal.

City Ordinance/5.08.095 Late Night Permit

- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late night permit application may result in a delay in issuing said license and permit by May 1 of that year.
- D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
1. Chief of Police
 2. Fire Department
 3. Finance Department
 4. Community Development Department
- E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a



recommendation from the Chief of Police on whether the late night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.

- F. Any application and recommendation for a new or renewal of a late night permit, shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a late night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor license with the late night permit shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.
- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late night permit, and has demonstrated circumstances giving reason to review whether that late night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
 - 1. Finance Department as it relates to unpaid fees, utilities or city taxes;
 - 2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
 - 3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 - 4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
 - 5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.

2015 Activity by Establishment

Business	Number of Police incidents	Written Warnings from LCC	Arrests at or near the Business	Local Order Citations	Liquor Control Commission Violations	Recommendation for Renewal
Mark's Second Street Tavern	3					Yes / 2:00 a.m.
Alibi Bar and Grill	14		4	2		Yes / 2:00 a.m.
Alley 64	19	1	2	1		Yes / 2:00 a.m.
A'Salute	1				1	Yes / 2:00 a.m.
The Beehive	3	1		1		Yes / 2:00 a.m.
Dawns Beach Hut	0					Yes / 2:00 a.m.
Filling Station	5	1	2	1		Yes / 2:00 a.m.
Los Burritos	0					Yes / 1:00 a.m.
McNally's	0					Yes / 1:00 a.m.
Pizzeria Neo	2					Yes / 1:00 a.m.
Pub 222	7		2			Yes / 2:00 a.m.
Puebla	0					Yes / 1:00 a.m.
Ray's Evergreen	0					Yes / 2:00 a.m.
Riverside Pizza & Pub	1					Yes / 2:00 a.m.
Rookies	1					Yes / 2:00 a.m.
St. Charles Bowl	2					Yes / 1:00 a.m.
Shakou	0					Yes / 1:00 a.m.
Spotted Fox	0					Yes / 1:00 a.m.
Tap House	2					Yes / 1:00 a.m.
The House Pub	4	1			1	Yes / 2:00 a.m.
The Office	3					Yes / 2:00 a.m.

Please note that the decision to recommend renewal of the respective late night permit was not based solely on the number of incidents requiring police services, but rather a comprehensive review of the nature of the incidents combined with the willingness of the business to cooperate in abating the issues at their establishment and work with the police department to promote and insure an inviting social experience at their place of business. We in no way want to discourage a liquor establishment from contacting 911 whether they are being proactive in addressing an issue before it escalates or reacting to an issue that necessitated police intervention.

As always, I stand ready to discuss my recommendations with you at your convenience. Thank you for your cooperation in this matter.

Respectfully submitted,

Chief James Keegan



AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Citation and Notice of Hearing for Acquaviva Winery, LLC

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (2/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is a complaint of violation being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local liquor license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police for failure to pay alcohol tax and penalties for the months ending in October 2015, November 2015, and December 2015 in violation of Section 3.42.090 and Section 5.08.250(W) of the St. Charles Municipal Code.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation

Recommendation / Suggested Action *(briefly explain):*

Discussion Regarding Citation and Notice of Hearing for Acquaviva Winery, LLC.

For office use only:

Agenda Item Number: 8

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE LIQUOR)
 LICENSE OF:)
) Case Number 2016-LC-01
 Acquaviva Winery, LLC)

CITATION AND NOTICE OF HEARING

TO: Acquaviva Winery, LLC
214 W. Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on February 16, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.08.320 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local liquor license issued to you or impose a fine upon you, or both, by reason, by reason of the Complaint of Violation filed by the Chief of Police, James Keegan, a copy of which is attached.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND DEFEND. YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. ATTACHED HERETO IS AN ARRAIGNMENT FORM, WHICH IS INCORPORATED HEREIN. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.08.320(A) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILES, AT 630/377-4422.

DATED this 9th day of February, 2016.

Raymond P. Noz

Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: KERRY A. MILLAN at 4:43 PM
_____ on the 10TH day of February, 2016.

CMDR. J. Matlin #315

SUBSCRIBED AND SWORN TO
before me this 16TH day of February, 2016.

APL
NOTARY PUBLIC



STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE LIQUOR)
LICENSE OF:)
) Case Number 2016-LC-01
Acquaviva Winery, LLC)
214 W. Main Street)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois and files this complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.
2. That on or about November 30, 2015, December 31, 2015 and January 31, 2016, the Licensee, Acquaviva Winery, LLC, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

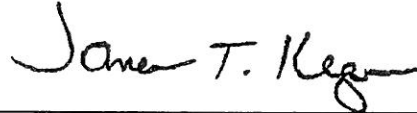
OFFENSE

Failed to pay alcohol tax and penalties for the months ending in October 2015, November 2015 and December 2015 in violation of Section 3.42.090 and Section 5.08.250(W) of the St. Charles Municipal Code.

3. On or about November 30, 2015, December 31, 2015 and January 31, 2016, Acquaviva Winery, LLC was operating under a Class C4 liquor license issued by the City of St. Charles.
4. That the acts detailed in Section 2 of this Complaint of Violation each are prohibited and are in violation of and contrary to Section 3.42.090 and Section 5.08.270 (W) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Acquaviva Winery LLC, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.08.320 of the St. Charles Municipal Code that the Local Liquor Control Commission hold a hearing on this matter and take such action against Acquaviva Winery, LLC as the Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink that reads "James T. Keegan". The signature is written in a cursive style with a horizontal line underneath it.

James Keegan
Chief of Police
City of St. Charles, Illinois

John M. McGuirk
Attorney for the City of St. Charles
Hoscheit, McGuirk, McCracken
& Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, IL 60174
630/513-8700

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

Jane T. Keg

James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 9th day of February, 2016.

Lana K Carr

NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____, as agent for Acquaviva Winery, LLC, being a licensee charged with a violation of Chapter 5.08 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq. at **214 W. Main Street, St. Charles, Illinois 60174**, do hereby enter a plea of:

☐

Guilty, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.

☐

Guilty, I do not request a hearing.

☐

Not Guilty. I request a hearing.

Acquaviva Winery, LLC

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of February, 2016.

Notary Public

**Form can be faxed to 630/377-4440
or e-mailed to the attention of Tina Nilles
at tnilles@stcharlesil.gov
Hard copy must follow by U.S. Mail**