

**APPROVING A RESTAURANT-FULL LIQUOR LICENSE FOR FLOGA LLC,  
D/B/A THE FLAME, 209 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS.**

**WHEREAS**, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, the City regulates the sale of alcoholic beverages within the City’s corporate limits pursuant to Chapter 38 of the City’s Municipal Code; and

**WHEREAS**, Floga LLC, d/b/a The Flame (the “Applicant” or “Licensee”) applied for a Restaurant-Full Liquor License (the “Application”) for the property located at 209 E. Lincoln Highway, DeKalb, Illinois (the “Property” or “Premises”); and

**WHEREAS**, the City’s corporate authorities find that it is in the City’s best interests to approve the Application for the protection of the public health, morals, and welfare; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The recitals to this resolution are true, material, adopted, and incorporated as Section One to this Resolution.

**SECTION 2:** The City’s corporate authorities approve the Application and authorize the issuance of a liquor license, Restaurant-Full, to Floga LLC., for the Premises at 209 E. Lincoln Highway, DeKalb, Illinois (the “License”), subject to the following terms and conditions:

1. After issuance, the License shall be subject to all provisions of the City’s Municipal Code, including those provisions pertaining to the term of an initial issuance of liquor license, renewal of liquor license, and similar provisions, unless specifically waived by this Resolution.
2. The City Council expressly authorizes the Liquor Commissioner to approve specific regulations of the uses of the Premises within the Business Plan and Premises Plan, either as initially approved or as later amended by the Liquor Commissioner.
3. The License shall be subject to the following conditions precedent to final issuance:
  - a. Applicant shall be required to obtain and maintain at all times a Fire Life Safety license for the Premises;
  - b. Applicant shall be required to adhere to the occupancy limit, once established;
  - c. Applicant shall be required to successfully pass all background investigations;
  - d. Applicant shall obtain a State of Illinois liquor license prior to commencing liquor operations;
  - e. Applicant and its employees must successfully complete a Certified Alcohol Server Education Program that is accredited as a Basset Program by the State of Illinois prior to the date on which Applicant and its employees start serving, preparing, or selling alcohol;
  - f. Applicant shall operate the Premises in compliance with all applicable laws, regulations, codes, and ordinances; and

- g. Applicant shall collect and remit all taxes required under applicable federal, state, and local laws and ordinances.
4. The License shall be deemed to permanently include the following restrictions:
- a. The Property shall comply with all applicable laws, regulations, and the City's Municipal Code, ordinances, rules, and regulations.
  - b. The Property shall comply with applicable requirements and parking restrictions provided by the City's Unified Development Ordinance.

**SECTION 3:** The City's corporate authorities authorize and direct City staff to: (1) issue the License upon Applicant's satisfaction of the conditions precedent provided by Section Two of this Resolution; and (2) prior to Applicant's satisfaction of the conditions precedent, to issue a conditional license, which may be used to obtain any required federal or state licensure.

**SECTION 3:** City staff are authorized and directed to issue a license upon satisfaction of the conditions precedent to issuance, and to thereafter enforce the terms of said license. Pending completion of those items, a conditional license shall be issued. Said conditional license may be utilized to obtain any required federal or state licensure and may be relied upon by any superior governmental body.

**SECTION 4:** This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, this resolution shall supersede state law in that regard within its jurisdiction.

**SECTION 5:** This resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 23<sup>rd</sup> day of October 2023 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. Barnes. Nay: None.



  
COHEN BARNES, Mayor

ATTEST:  
  
Ruth A. Scott, Executive Assistant