

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, February 2, 2017

I. CALL TO ORDER

Chairman Strelau called the February 2, 2017 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Mr. Jacobson, Ms. King, Mr. Krusenoski, Chairman Strelau

ABSENT: Mr. Austin, Ms. Pietrucha

STAFF: Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney Dawn Didier

OTHERS: Joel Orth, Aaron Orth, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the January 5, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the January 5, 2017 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The first order of business is to conduct a public hearing for a liquor license application. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available liquor licenses within 60 days."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) discussion by the Commission, 4) comments from the public, and 5) motion and finding by the Commission."

Beggars Pizza - 417 63rd Street

Chairman Strelau stated that the next order of business was an application hearing for OTWN, LLC d/b/a Beggars Pizza located at 417 63rd Street. She stated that the applicant was seeking a Class "R-2", beer and wine, on-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Joel Orth was sworn in by the court reporter. Mr. Orth introduced himself as part owner and liquor manager for Beggars Pizza.

Chairman Strelau asked the applicant to present its case.

Mr. Orth stated that he wanted to offer beer and wine to his customers in the new Beggars Pizza which is a 40-45 seat, dine-in and carry-out restaurant.

Ms. King asked about the location. Mr. Orth replied that the location was the former Barone's Pizza.

Ms. King noted that Mr. Orth has previous experience in liquor handling. Mr. Orth replied that he held a liquor license for Aurielo's Pizza in Lockport for 5 years which had a full-service bar.

Ms. King asked Mr. Orth if there were any liquor related violations in Lockport. Mr. Orth replied no.

Ms. King asked Mr. Orth to what he attributed his liquor serving success in Lockport. Mr. Orth replied training staff is important and that he held meetings on a regular basis. He stated that staff was also instructed to monitor customers. He noted that managers and over 21 staff would be responsible for liquor service.

Ms. King stated that he would be working 60+ hours a week. Mr. Orth replied yes. Ms. King asked who would be present in his absence. Mr. Orth replied one of three managers.

Ms. King asked how many staff will be hired. Mr. Orth replied there will be 3 managers and 15-20 part-time employees. Ms. King asked if anyone would be under 21. Mr. Orth replied only delivery people, cooks or busboys.

Mr. Orth advised that customers will have to approach the counter to get beer or wine. He stated that they do not plan to have servers. He stated that there will always be someone 21 or over stationed at the counter who will check identification, ring up the purchase and deliver alcohol to the customer.

Ms. King asked if the register prompts the employee to enter the customer's date of birth for an alcohol sale. Mr. Orth was not sure of Beggars point of sale software but would ask if there is the capability to add that option.

Mr. Krusenoski asked if Beggars was a franchised operation. Mr. Orth replied yes. Mr. Krusenoski was pleased that Mr. Orth had liquor experience and asked him what capacity he served at Aurielo's. Mr. Orth replied he was the owner and held the license for 5 years.

Mr. Krusenoski noted that Mr. Orth anticipated 5% in liquor sales on the application forms. He stated that is a very small portion of revenue and could be very costly if there were a violation. He stated that owners set the tone and tenor for proper liquor service and cautioned him to not sell to anyone underage.

Mr. Krusenoski stated that the Commission always hears "I don't know" when an employee is asked why they served a minor during a controlled buy. He stated that they work in an environment that lacks stress on the importance of liquor sales.

Mr. Jacobson stated that Mr. Orth's history has been good. He noted that any violation could be costly.

Mr. Jacobson reviewed the manual and suggested that Mr. Orth make a change to the General Guidelines. He noted that someone over 21 was to ring up alcohol sales and asked him to replace the language that someone over 21 *will* or *must* ring up sales. He also recommended that the language that they will monitor "under 21" employees so they do not give away any alcohol be changed to they will monitor "all" employees so that they do not give away alcohol.

Mr. Jacobson asked if all employees will be BASSET certified. Mr. Orth replied yes. Mr. Jacobson suggested that the manual should reflect that requirement under "Staff Responsibilities".

Mr. Jacobson stated that unless they have a good system and training in place, the gray areas could cause them problems. Mr. Orth thanked Mr. Jacobson for his comments and advised he would incorporate his suggestions into the manual.

Mr. Clary advised that Downers Grove is serious about liquor service and cautioned Mr. Orth not to lapse in any employee training. He wished Mr. Orth luck.

Chairman Strelau stated that she received an email from staff containing Mr. Orth's BASSETT certification after the packet originally went out. She asked if Lockport required that servers have certified training. Mr. Orth replied no. Ms. Kuchynka noted that the State is now requiring BASSETT training. Mr. Jacobson noted various counties throughout IL have yet to require it by a date certain. Ms. Kuchynka recalled a map that the State put out with all the counties and due dates for certification compliance. Ms. Kuchynka stated that it was not a requirement during the time Mr. Orth operated the Lockport location.

Chairman Strelau asked staff if the Code has been amended to allow delivery of more than one drink per person. Ms. Kuchynka replied yes. She stated that provision was amended with the Happy Hour provisions when Downers Grove adopted the State law.

Chairman Strelau asked if there was a limit to how many drinks were delivered to a person at any one time. Ms. Kuchynka was unsure. She stated that bottles of wine and pitcher of beer/margaritas must be delivered to two or more people per local ordinance. Ms. Kuchynka advised she would get further information about the number of drinks allowed.

Chairman Strelau stated that their ability to be successful in serving liquor will be determined by the tone and tenor set at the restaurant. She stated that everyone should understand the importance of carding, not serving minors or not over serving patrons. She wished them luck.

Chairman Strelau stated that staff sent another email to the Commission that Beggars will not accept the vertical identification. Ms. Kuchynka confirmed the manual was amended.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, annual fee, Certificate of Occupancy, employee certifications and dram shop insurance.

Chairman Strelau asked for comments from the public. There were none.

Mr. Krusenoski asked when they anticipated opening. Mr. Orth replied March 1st.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-2" liquor license application.

MR. JACOBSON MOVED TO FIND OTWN, LLC D/B/A BEGGARS PIZZA LOCATED AT 417 63RD STREET, QUALIFIED FOR A CLASS "R-2", BEER AND WINE, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Mr. Jacobson, Mr. Clary, Ms. King, Mr. Krusenoski, Chairman Strelau
 Nay: None
 Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

VI. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka referred to the January month end report which noted the Mayor's intent to issue licenses to Nossa Brazilian Grill. She anticipated an April opening after their commercial remodel work.

Ms. Kuchynka stated that she provided the Commission with an updated Liquor Classification Chart.

Ms. Kuchynka stated that she provided the Commission with information from the ID Checking Guide that has detailed information about the new Illinois Drivers Licenses.

Ms. Kuchynka noted that compliance tests have begun and noted a number of tests have been passed. She advised the Commission that there was one violation which hearing will be held in March.

VII. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that she was expecting submittal of an application and anticipated hearing two applications in addition to the disciplinary hearing set for the March meeting.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Mr. Jacobson moved to adjourn the February 2, 2017 meeting. The meeting was adjourned by acclimation at 6:50 p.m.

