

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

Thursday, February 6, 2020

I. CALL TO ORDER

Chairman Strelau called the February 6, 2020 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Ms. Flanagan, Mr. Heafner, Mr. Jacobson, Mr. Johnson, Mr. Krusenoski, Chairman Strelau

ABSENT: None

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

OTHERS: Avani Patel, Natvarlal Patel, Raj Patel, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the December 5, 2019 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the December 5, 2019 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 next order of business is to conduct a public hearing for liquor license applications. 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 staff, 5) comments from the public, and 6) motion and finding by the Commission."

Jay's Convenient – 6314 Main Street

Chairman Strelau stated that the first order of business was an application hearing for Adi Arji Food Mart, Inc. d/b/a Jay's Convenient located at 6314 Main Street. She stated that the applicant was seeking a Class "P-1", full alcohol, off-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.

Ms. Avani Patel and Mr. Natvarlal Patel were sworn in by the court reporter. Ms. Patel introduced herself as the manager and stated Mr. Patel was the president of Adi Arji Food Mart, Inc.

Chairman Strelau asked the applicant to present its case.

Ms. Patel stated that her brother is in the process of purchasing the existing Jay's Convenient and would like to obtain a full liquor license for the business. She stated they operate two other businesses in Downers Grove and stated that that this will be their third family-owned business.

Chairman Strelau asked the names of the two other businesses they operated. Ms. Patel replied Downton Food Mart near the Burlington train station and Fairview Food Mart on 75th Street & Fairview Avenue.

Chairman Strelau requested questions from the Commission.

Mr. Clary stated that he was familiar with their locations. He asked if they both had full liquor. Ms. Patel stated that they began with a beer and wine license and upgraded to full liquor.

Mr. Clary asked what size and type of hard liquor they will sell. Ms. Patel replied that they sell all types and sizes. She added that all hard liquor will be stored behind the cash register counter where staff will have to get it for the customer. She stated that they will have beer in the existing coolers.

Mr. Clary asked Ms. Patel if her two other stores had any violations. Ms. Patel replied no.

Ms. Flanagan stated that the manual mentioned that they will have tastings on the premises and asked Ms. Patel who will operate the tastings. Ms. Patel advised that the distributors handle all aspects of the tastings by bringing in the product, setting up the tasting, requesting identification and providing samples.

Mr. Johnson stated that Ms. Patel's brother is taking over an existing location and asked who else will be staffing this location. Ms. Patel replied she will work part time along with her brother, Natvarlal, his wife and her cousin, Raj.

Mr. Johnson stated that the store is open in excess of 100 hours a week. He asked who will be in charge to be the primary point behind the counter and supervising others. Ms. Patel replied her brother.

Mr. Johnson asked if everyone was certified. Ms. Patel replied yes and stated that they provided all three of their BASSET certifications with the application materials.

Mr. Johnson stated that the manual calls for a 2nd form of identification if an initial form of id is questionable. He asked what would be an acceptable 2nd form of id. Ms. Patel replied either a state id or passport.

Mr. Johnson asked if an employee was to inadvertently sell alcohol to a minor, what would be the consequences. Mr. Patel replied that if an employee sells to a minor they would no longer be working at the store or selling alcohol. Mr. Johnson asked if that would apply to a family member. Ms. Patel replied yes and they would not be allowed to work after a violation. She stated that they will lose their job no matter what, even if a family member.

Mr. Krusenoski stated that he did not have a lot of questions as they are currently running two successful convenience stores. He reminded them that even though it is their third location, they still need to remain diligent with safe selling of alcohol. He stated that sharing information concerning the importance of selling responsibly with staff, even family, should not be overlooked.

Mr. Heafner had no questions.

Mr. Jacobson was pleased that they have a good control buy history with the Village.

Chairman Strelau appreciated them opening a third location in Downers Grove.

Chairman Strelau asked about their hours of operation. Ms. Patel replied Monday through Friday 7AM to 10PM, Saturday 8AM to 10PM and Sunday 8AM to 9PM. Ms. Patel stated that during the one hour before liquor sales begin they might lock or put up a chain at the area where alcohol is sold to prevent sales prior to 8AM.

Ms. Patel stated that they plan to purchase a new POS system at the new location which will scan alcohol along with scanning identification. Chairman Strelau asked if they use the scanning system at their other locations. Ms. Patel advised that a new company took over the lottery machines and now they no longer have the option for identification scanning.

Chairman Strelau asked Ms. Patel when they plan to open. Ms. Patel replied at the end of the month or beginning of next month.

Chairman Strelau stated that it seems that they have a firm handle on what it takes to operate. She cautioned them being open the hour before they are allowed to sell alcohol and was pleased that she addressed what precautions she will take.

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 the Certificate of Occupancy, dram shop insurance, the annual fee and satisfactory background checks.

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

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 "P-1" liquor license application.

MR. JACOBSON MOVED TO FIND ADI ARJI FOOD MART, INC. D/B/A JAY'S CONVENIENT LOCATED AT 6314 MAIN STREET QUALIFIED FOR A CLASS "P-1" FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Clary, Ms. Flanagan, Mr. Heafner, Mr. Johnson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

V. NEW BUSINESS

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

Ms. Kuchynka provided the Commission with a draft ordinance concerning an amendment to the Class G liquor license related to the Park District Golf Course. She stated that Class G license allows for the sale and service of beer and wine only. She stated that the Park District is planning to remodel the clubhouse and has requested an amendment to allow for the sale and service of full alcohol.

Ms. Kuchynka stated that the Park District would not have to reapply for the license and stated that staff would handle the changes to the license administratively with the new serving responsibilities. She stated that she would review the liquor handling manual and change the face of the license.

Ms. Kuchynka advised that the Park District can sell on the greens by way of a motorized food and beverage cart.

Ms. Kuchynka stated that full alcohol will be served to accommodate patron requests and noted that the bar will not be expanded. She stated that the Mayor, Village Manager and Village Attorney toured the site and discussed the matter with the administrators of the facility. She asked for the Commission to discuss the matter.

Chairman Strelau asked the Commission for their comments concerning the proposed ordinance.

Mr. Jacobson was concerned with the language that "no more than one motorized food and beverage cart should be on the course and in operation at any time". He stated that was ambiguous in that a cart could be parked in lieu of being on the course and serve liquor from other areas.

Chairman Strelau stated that she understood the need for a recommendation by the Commission but asked about how the license would be handled administratively. Ms. Kuchynka replied that the ordinance change needs to go before the Council for approval, however, the actual changes to the license and updates by the licensee can be handled administratively.

Mr. Krusenoski asked staff if it was safe to assume that the Park District Board met and was on board that the matter would be discussed by the Village. Ms. Kuchynka replied she believed so, however, she did

not have anything directly in writing from the Park District at this time concerning the request, but wanted to bring it before the Liquor Commission to discuss the matter further.

Mr. Krusenoski stated that, philosophically, he had no objection to it.

Chairman Strelau asked who the Liquor Manager is at the golf course. Ms. Kuchynka replied Ken McCormick. Chairman Strelau asked if he was who requested the change. Ms. Kuchynka replied she was unsure which Park District representatives were present at the tour of the clubhouse.

Mr. Johnson asked Mr. Jacobson to explain his concern about the beverage cart and asked if he thought that one cart was insufficient for the facility. Mr. Jacobson stated that the language was unclear about how many carts could be out on the course, and not in actual operation. He stated that the on-course beverage operation is limited to one cart, but another can be sitting doing nothing.

Mr. Krusenoski asked if there was any reason to be concerned with the number of carts operating and wondered why the Village would want to continue restricting the number of carts. Ms. Kuchynka stated that in the past they did not have a golf cart selling beer and wine on the course and was amended to allow them to do so. She believed that restrictions were put in place at the time the class was amended.

Mr. Jacobson would move to remove the sentence limiting the number. Mr. Krusenoski agreed.

Chairman Strelau stated that the course could use two carts. She stated that when the leagues play and they are busy, service is hindered.

Chairman Strelau asked if they want to make their recommendation based upon the fact that there has been formal approval by the Park District Board. The group agreed. Ms. Kuchynka stated that she would proceed presenting the item to the Village Council once she received documentation from the Park District in writing.

Chairman Strelau asked for a motion from the Commission to forward the ordinance to the Village Council for consideration.

MR. CLARY MOVED TO RECOMMEND TO FORWARD THE DRAFT ORDINANCE CONCERNING THE CLASS G LIQUOR LICENSE AMENDMENT TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Clary, Mr. Jacobson, Ms. Flanagan, Mr. Heafner, Mr. Johnson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

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 month end report. She advised the Commission that amendment allowing outdoor beer and wine sales for brewing facilities was passed by the Village Council.

Ms. Kuchynka stated that she provided the Commission with the 2020 classification chart which was updated to reflect the change in fees effective January 1st. Chairman Strelau asked staff how much the fees have gone up. Ms. Kuchynka replied 3% and noted that increase was not limited to liquor licenses but an across the board Village- wide fee increase.

Ms. Kuchynka advised the Commission that RBK vacated the premises and noted that the license will be forfeited due to the voluntary closure of the business.

Ms. Kuchynka advised that there will be a March 5th meeting.

Mr. Krusenoski asked if there are any upcoming disciplinary hearings. Ms. Kuchynka replied that fourteen of licensees passed the most recent tests on January 20th.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. Clary moved to adjourn the February 6, 2020. The meeting was adjourned by acclamation at 6:57 p.m.