

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

Thursday, April 6, 2017

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**PRESENT:** Mr. Jacobson, Ms. King, Ms. Pietrucha, Mr. Krusenoski, Chairman Strelau

**ABSENT:** Mr. Austin, Mr. Clary

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

**OTHERS:** Malorie Alcantar, Joseph Alcantar, Kary Connolly, Curt Selby, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the March 2, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the March 2, 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 next 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."

**Tacochela - 2321 Ogden Avenue**

Chairman Strelau stated that the first order of business was an application hearing for Tacochela, DG, LLC d/b/a Tacochela located at 2321 Ogden Avenue. She stated that the applicant was seeking a Class "R-2", beer and wine only, on-premise consumption liquor license and a Class "O" outdoor 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. Joseph Alcantar and Ms. Malorie Alcantar were sworn in by the court reporter. Ms. Alcantar introduced herself as the liquor manager and owner of Tacochela.

Chairman Strelau asked the applicant to present its case.

Ms. Alcantar stated that Tacochela is a fast casual restaurant. She stated they offer dine-in, carry-out and delivery service. She stated that they offer fresh Mexican food and would like to serve beer and wine to their guests.

Chairman Strelau asked for questions from the Commission.

Ms. Pietrucha asked Ms. Alcantar to elaborate about her liquor handling experience. Ms. Alcantar replied that she has been serving alcohol since she was 21 and has a total of 8 years of liquor handling experience.

Ms. Pietrucha asked about Eluissa and asked if that was her most recent experience. Ms. Alcantar replied yes and that she was a bartender and server there. She noted that neither she nor the establishment had any violations.

Mr. Alcantar stated that he owned and operated Eluissa and held a full liquor license in Old Town Chicago.

Mr. Jacobson stated that the application packet looked good and was pleased that they did not have any past violations. He wished them luck.

Mr. Krusenoski asked about the layout and asked them to explain the fast-casual concept. Ms. Alcantar replied that there will be no servers. She added that customers will have to approach the front counter to order food and liquor, take their beverages and food and seat themselves at a table.

Mr. Krusenoski stated that he noticed that they open at 8 a.m. and asked if they serve breakfast. Ms. Alcantar replied yes. Mr. Krusenoski asked if they plan to serve beer at 8 a.m. Mr. Alcantar replied no and added that they plan to start serving beer in the afternoon.

Mr. Krusenoski asked how many people will be able to sell alcohol. Ms. Alcantar replied that they will have a total of six cashiers, all who will be over 21 and BASSET certified. She stated that she, her husband and Angel Guzman will serve as managers.

Mr. Krusenoski asked if they are the owners. Mr. Alcantar replied yes. He stated that they currently own a chain of other restaurants that do not serve liquor and are familiar with the restaurant business.

Mr. Krusenoski stated that procedures typically go wrong when the vertical identification is provided or identification is not asked for during a controlled buy. Mr. Alcantar replied that they operated a 500 seat restaurant with 20 servers on the floor and stated that they have never served a minor.

Mr. Krusenoski stated that all it takes is an employee to work in an atmosphere where they do not take liquor serving seriously and it is up to owners to set the tone and tenor and talk to their employees daily.

Mr. Alcantar stated that they have a zero tolerance policy.

Ms. Alcantar stated that it is their policy to card everyone who orders alcohol.

Mr. Krusenoski asked where the restaurant is located. Mr. Alcantar replied it was an old tobacco/coin shop in the plaza across from the Culver's on Ogden Avenue.

Ms. King stated that the application looks in order. She asked if Chicago conducted control buys. Mr. Alcantar replied yes and stated that the street they operated on had a number of bars. He stated that there was a lot of youngsters around and noted that they were checked regularly. He stated that in 2009 they had to close due to the market crash.

Ms. King asked about their policy on the number of drinks a customer can be served when they approach the counter. Ms. Alcantar replied that one drink will be served per person. She stated that they anticipate their alcohol sales to be low. She stated that if a customer wished to have another, they will need to return to the counter to re-order and purchase another.

Ms. King asked if they listed the fine and penalty amounts in their manual if they fail the control buy program. Ms. Alcantar replied that she would update and add that to the manual. She stated that employees will be responsible for fines and a failure will result in termination.

Chairman Strelau asked what their biggest challenge was in operating a 500 seat, two-story restaurant and maintaining a perfect record. Ms. Alcantar noted that all employees had prior liquor handling experience and they had a professional mixologist and sommelier that helped to educate staff not only about alcohol but with carding too. She stated that everyone was held accountable and in fear of losing their jobs. She stated that they were lucky with good employees that carried out their responsibilities.

Chairman Strelau stated that it appears they have a very good handle on operating a restaurant. She wished them luck.

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 receipt of dram shop insurance. Chairman Strelau asked for comments from the public. There were none.

Mr. Krusenoski asked when they plan to open. Mr. Alcantar replied they were seeking to open mid-May. 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. KRUSENOSKI MOVED TO FIND TACOCHELA, DG, LLC D/B/A TACOCHELA LOCATED AT 2321 OGDEN AVENUE, QUALIFIED FOR A CLASS "R-2", BEER & WINE, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JACOBSON SECONDED.**

**VOTE:**        **AYE:**        Mr. Krusenoski, Mr. Jacobson, Ms. King, Ms. Pietrucha, Chairman Strelau

**Nay:**        None

**Abstain:**    None

**MOTION CARRIED: 5:0:0**

Motion carried.

**V.        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 March month end report and advised that Starbucks forfeiture orders were included in the report. She stated that she included information from the Mayor concerning his intent to issue licenses to 3 Corners and All Blue Rotary Sushi. She stated that there were a number of good news articles included in this month's packet.

**VI.       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 the Village received a request from Board and Brush to establish a new license class that would allow consumption of beer and wine at an arts and crafts studio and presented a draft ordinance in the monthly packet for discussion. She stated that Mr. Curt Selby and Ms. Connolly were present to support their request for the creation of the license and asked them to step forward and be seated and asked that they get sworn in by the Court reporter.

Mr. Selby and Ms. Connolly were sworn in by the court reporter.

Ms. Kuchynka stated that the Village does not currently have a license that would allow consumption of alcohol at an art studio. She asked that the Commission discuss the proposed ordinance and vote on whether to forward to the Village Council for consideration.

Ms. Kuchynka asked Mr. Selby and Ms. Connolly to explain their operation and answer any questions from the Commission.

Mr. Selby stated that he and his wife own Board & Brush Creative Studios based out of Hartland, Wisconsin. He stated that the business started in their basement with his wife making wood crafts among friends and felt that they were on to something when many more wanted to participate. He stated their first studio was opened in Hartland in March of 2015 and they were contacted to franchise the operation and loved the concept. He stated they allow independent owners to open their own shops and use their website and designs. He stated that he left his corporate job in August 2015 to help grow the business and manage corporate-owned studios. He stated that they have 70 studios nationwide, with 55 in operation, and 2 in Illinois. He stated that their first corporate studio is in New Lenox which they opened in May 2016. He stated that they are looking to expand their corporate presence.

Mr. Selby stated that he personally manages their 9 corporate sites, 3 in WI, 1 in IL, 5 in IN. He stated that he searches out good people to put into an executive studio manager role and find a location that is convenient to them. He stated that Ms. Connolly will be their manager for the Downers Grove location. He stated that she reached out to them to establish a shop locally. He stated when they met they were in downtown Downers Grove and saw an empty space for rent and called the rental agent and fell in love with the space and the Village.

He stated that their motto is a "wood and wine" workshop. He stated that they teach 3-hour evening workshops from 6:30-9:30 pm. He stated that the Downers Grove location will have 4-5 tables and roughly 24-30 participants with 1 instructor per table guiding the production.

Mr. Selby advised they generally have a small bar area in each studio and a few small refrigerators. He stated they serve beer, wine and soft drinks. He stated that alcohol sales are a minimal, but necessary, part of their business and noted that only about half of the participants order alcohol during a workshop and average 1-2 drinks. He stated that participants are working on sanding, distressing, staining assembling wood and applying custom stencils as part of the process, so there is not a lot of down time. Mr. Selby stated that he was requesting the creation of a license to accommodate the Downers Grove location.

Mr. Selby stated that he would be happy to answer any questions about the business and/or his request.

Chairman Strelau asked for questions from the Commission.

Ms. Kuchynka asked the Commission to ask questions based on the draft ordinance as opposed to questions that would be asked during an application hearing.

Ms. King asked what location they have chosen. Mr. Selby replied the former Just Crumbs.

Ms. King liked the concept of having something to do. Ms. Connolly replied that she felt the area needed something like this after a visit to the New Lenox store. She stated that there are not a lot of activities for residents to do.

Ms. King asked staff if the license should be geared toward an activity or if the Village would prefer a license that may include a salon. Ms. Kuchynka replied that the ordinance was drafted toward crafting activities. Ms. Kuchynka stated that she went to the Bottle & Bottega art studio where you can paint and drink wine. She stated that this license would only include those places where an activity such as woodworking, painting and/or crafting activities were the principal business. She stated that specific guidelines were included that match other existing classifications such as having a service bar only and the activity must be in operation at all times liquor is being served.

Ms. Kuchynka proposed an additional amendment to the draft ordinance to eliminate the ½ hour drinking provision, so as not to limit liquor service at specific times.

Ms. Kuchynka stated that Mr. Selby explained that participants must register for pre-scheduled classes or book a private party. She stated that staff will come 1 hour prior to the workshop, set-up and prepare materials for the class. Mr. Selby noted that if there is a 6:30 class, participants will generally come 6:15-6:20 p.m. He stated that class is done by 9:30, noted that participants do not linger after class and staff is normally out of the store by 10:20-10:30 p.m.

Ms. Kuchynka advised that there are studios coming to the area. She noted that some licensees are offering painting class at licensed premises. She stated that a multitude of crafting activities are listed in the draft ordinance. She stated that the license will be limited to two.

Ms. King loved the concept.

Mr. Krusenoski stated that he had no problem with the concept or the draft ordinance.

Mr. Jacobson commented on the ordinance. He suggested that the definition be revised to eliminate an extra "and" in the sentence "kept, used, maintained, **and** advertised and held out...." He stated that "including, but not limited to" seems to imply any art or craft activity and wondered if "crafting beer" could be a potential activity. Staff noted that would imply that alcohol is being produced on the premises, which the ordinance does not address.

Mr. Jacobson stated one Class "AS" license provision states that participants can join in by pre-registering, walk-in or attend a "pre-scheduled" class by invitation. He stated that "pre-scheduled" may be unnecessary as the private party would imply that the party was "pre-scheduled" as there was an invitation to the event.

Mr. Jacobson thought the art studio business was a great idea.

Mr. Jacobson asked about the phrase "may include an area where food is prepared on the premises, including....". He wondered if the list of food described should be stricken as it seems unnecessary. Ms. Kuchynka noted that other classifications have that similar language and she was keeping in line with other provisions in the Code.

Ms. Kuchynka advised the Commission that the ordinance will not require food service. She stated that they may offer and/or allow participants to bring in their own. She stated that with the limited class times and the activities involved, food service may not be feasible. Mr. Selby preferred that food service is not a requirement. He stated that they typically have snacks and pre-packaged items available and that participants may bring in their own, but with the nature of the activities it is difficult. Mr. Jacobson asked if there is a need for the food requirement. Mr. Selby stated that they welcome people to bring in food, especially for the private events. He stated that they will have a place to put it. He stated that the extent and the business model portion of their food is pretzels and nuts for snacks. Ms. Kuchynka stated that the classification will read "may include an area" in the event participants can bring in items and/or the facility has some available. She was unsure if certain activities with airborne particles, may cause some concern with the Health Department.

Mr. Selby stated that it was their preference not to serve or prepare food on the premises. He stated that pre-packaged food and snacks generally do not require any special requirements. He stated that they have locations where food is required by the local regulation. He stated that the reality is nobody ever orders food. He stated that their staff is hired to teach workshops. He stated that the participants normally go to dinner before class and hit the area restaurants before they come into the workshop.

Ms. Pietrucha was excited about the business coming to Downers Grove.

Ms. Pietrucha stated she noticed no nudity was allowed. Ms. Kuchynka stated when she was researching different businesses, there were a few that had live nude model painting classes, which will be a prohibited activity of this license class.

Chairman Strelau asked Mr. Selby if they only operate a few nights a week. Mr. Selby replied classes are typically Thursday, Friday and Saturday evenings. He stated they may hold a class on Saturday afternoon and the workshops are based mostly on demand.

Chairman Strelau asked staff if they would like a motion from the Commission. Ms. Kuchynka replied yes. She asked that they move to forward the draft ordinance creating an arts and crafts studio license classification to the Village Council for consideration.

**MR. JACOBSON MOVED TO FORWARD AN ORDINANCE CREATING A LIQUOR LICENSE CLASSIFICATION FOR ARTS & CRAFTS STUDIOS TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. PIETRUCHA SECONDED.**

**VOTE:**           **AYE:**           Mr. Jacobson, Ms. Pietrucha, Ms. King, Mr. Krusenoski, Chairman Strelau  
**Nay:**               None  
**Abstain:**       None

**MOTION CARRIED: 5:0:0**

Motion carried.

Ms. Kuchynka advised the recommendation and minutes would be forwarded to the Village Council for consideration at an upcoming meeting. She stated that she would advise Mr. Selby of the first reading date. She informed Mr. Selby that the ordinance may change at the Council level based on their discussion.

Ms. Kuchynka advised the group that a draft Administrative Fee Regulation was also provided in the packet and that the annual license fee for the Class AS is proposed to be \$2,028/per year. She advised Mr. Selby that the facility will be tested under the Village's control buy program where the police will go in with an underage agent to attempt a liquor purchase.

Ms. Kuchynka stated that she also included an overview of what surrounding communities allow at similar establishments. She stated that some require an on-premise consumption license, some require a BYOB license and some allow BYOB without a license. She stated that staff preferred issuing a liquor license as they will be in control of alcohol that is served to guests and some BYOB communities had indicated that people tend to over serve themselves. She stated that under Section 3-29(a)(1) of the Code, patrons will be allowed to bring in a bottle of wine at the licensed premises, at the discretion of the licensee. She stated they may charge a cork fee. She stated that the licensee will have to maintain control of the wine and that any unconsumed portion of the wine may not leave the establishment. She stated that "cork n go" provisions do not apply, as a register receipt showing a food item must be included in the sealed packaging when a customer leaves with a partially consumed bottle of wine.

Ms. Kuchynka advised the Commission she was unaware when the Council would consider the draft ordinance and would advise them when it was placed on an agenda.

Ms. Kuchynka anticipated a May meeting.

**VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

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

Ms. King moved to adjourn the April 6, 2017 meeting. The meeting was adjourned by acclamation at 7:23 p.m.