

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

Thursday, October 5, 2017

**I. CALL TO ORDER**

Chairman Strelau called the October 5, 2017 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Mr. Clary, Ms. Flanagan, Mr. Jacobson, Ms. Pietrucha, Ms. Toerpe, Chairman Strelau

**ABSENT:** Mr. Krusenoski

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

**OTHERS:** Avani Patel, Bijal Patel, Patricia Vlahos, Sam Vlahos, Doug Bruser, Tom Sisul, Jim Weyrick, Janice Weyrick, Tessa Zemgulys, Rodney Ramos, Brittany Fore, Kerry Romack, Michael Thomas, B. Murtz, Bob Caset, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the August 3, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the August 3, 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 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."

**Downtown Food Mart - 4946 Main Street**

Chairman Strelau stated that the next order of business was an application hearing for Preet One, Inc. d/b/a Downtown Food Mart located at 4946 Main Street. She stated that the applicant was seeking a Class "P-2", beer and wine, 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 Ms. Bijal Patel were sworn in by the court reporter.

Chairman Strelau asked the applicant to present its case.

Avani Patel stated that they were seeking a beer and wine license for a convenience store.

Ms. Kuchynka advised that they currently hold a P-2 liquor license at the Fairview Mart & Tobacco under a different corporation, with the same owner. She noted that they have a clean control buy history.

Chairman Strelau asked for questions from the Commission.

Ms. Toerpe asked staff the history of the license holder who operates there now. Ms. Kuchynka replied that the current operator had one failed control buy in the past 5 years.

Ms. Toerpe noted the prominent location of the store in the downtown area and asked what their plan was to limit youngsters from purchasing liquor. Avani Patel replied that the vertical license will not be accepted.

Ms. Toerpe asked who will serve as liquor manager. Avani Patel replied that her sister, Bijal, will serve as liquor manager. Ms. Bijal stated she has experience working at the Fairview location.

Ms. Toerpe asked Avani to elaborate on her liquor handling experience. Avani Patel replied that she has 13 years of liquor handling experience. Ms. Toerpe asked Avani if she had ever been involved in a violation. Avani replied no.

Ms. Toerpe asked how many employees they plans to hire. Avani Patel replied 3-4, including herself, her sister Bijal, her husband and her father.

Ms. Toerpe asked about their hours of operation. Avani Patel replied they will be open 7 AM to 10 PM daily with the exception of Sunday from 8 AM to 9 PM.

Mr. Jacobson stated that the application materials looked good. He advised that the Village will randomly test them using underage agents trying to purchase liquor.

Ms. Flanagan had no questions.

Ms. Pietrucha welcomed them.

Mr. Clary stated that they have been in Downers Grove and noted how important it is to follow protocol. He stated that it was important for them to continue to follow rules and strictly enforce their policies.

Chairman Strelau asked how long Fairview Mart & Tobacco has held a liquor license. Avani Patel replied almost 4 years. Chairman Strelau noted that they have a good deal of experience and hoped that they would bring that to the Main Street location.

Chairman Strelau stated that management sets the tone and tenor of the establishment and hopes that their experience serves them well.

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 a Certificate of Occupancy, executed lease, satisfactory background checks, receipt of the annual fee, liquor liability insurance and receipt of any new employee certifications.

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-2" liquor license application.

**MR. CLARY MOVED TO FIND PREET ONE, INC. D/B/A DOWNTOWN FOOD MART LOCATED AT 4946 MAIN STREET, QUALIFIED FOR A CLASS "P-2", BEER AND WINE, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. TOERPE SECONDED.**

**VOTE:**           **Aye:**           Mr. Clary, Ms. Toerpe, Ms. Flanagan, Ms. Pietrucha, Mr. Jacobson, Chairman Strelau,

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

**Pierce Tavern - 5135 Main Street**

Chairman Strelau stated that the next order of business was an application hearing for Bar on Main, LLC d/b/a Pierce Tavern located at 5135 Main Street. She stated that the applicant was seeking a Class "R-1", full alcohol, 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. Sam Vlahos and Ms. Patricia Vlahos were sworn in by the court reporter. Mr. Vlahos introduced himself as co-owner and liquor manager of Bar on Main, LLC. Ms. Vlahos introduced herself as co-owner.

Chairman Strelau asked the applicant to present its case.

Mr. Vlahos stated that they are seeking a full liquor, on-premise consumption liquor license for a pub style restaurant in downtown Downers Grove. He stated that they will feature craft beer, cocktails and craft food in a family-oriented restaurant.

Chairman Strelau asked for questions from the Commission.

Mr. Clary asked if this was a second location. Mr. Vlahos replied yes. He stated that they currently operate the Fuller House in downtown Hinsdale.

Mr. Clary asked what enticed them to open a restaurant in Downers Grove. Ms. Vlahos replied that they grew up in the Downers Grove area and were enrolled in the local school district. Mr. Vlahos added that they have wanted to locate in Downers Grove for the past few years and were able to strike a deal for the property.

Mr. Clary asked how long they have operated the Fuller House. Mr. Vlahos replied 2 ½ years. Mr. Vlahos stated that they have had no violations.

Ms. Pietrucha stated that the alcohol guide was well done. She asked what the penalty would be if employees sold to a minor. Mr. Vlahos replied that they would remove the drink from the table and immediately terminate the employee. He stated that they enforce a one strike policy.

Ms. Flanagan asked what security they will have in place. Mr. Vlahos replied that they do not have general security and rely on the management staff. He stated that if there is a problem they will escort someone out or call the police. He stated that their design is more upscale than a bar and they have not had issues at their current establishment.

Ms. Flanagan asked how employees are trained for security. Mr. Vlahos stated that employees are instructed to get a manager if there are problems. Ms. Vlahos stated that they will refuse service to customers if they appear intoxicated.

Mr. Jacobson stated that the location is good. He asked if they had previous experience in the food and beverage industry prior to opening the Hinsdale restaurant. Mr. Vlahos replied that the family owns the Brooks Wood Fire Pizza restaurants. He stated that there are 7 locations and that they hold liquor licenses in Lombard, Naperville and Wheaton.

Mr. Jacobson asked when they plan to open. Mr. Vlahos replied early 2018.

Ms. Toerpe asked if they will have a brick oven at this location. Mr. Vlahos replied yes. Ms. Vlahos added that in addition to brick oven pizza, they offer hand packed burgers and smoked meats. She stated that they will also have craft beers, craft cocktails and wine.

Ms. Toerpe asked if they have a Designated Driver Program or offer transportation if someone is intoxicated. Mr. Vlahos replied that they have a house Uber account. He added that Uber rides are virtually immediate so they can get a ride for customers relatively quick.

Chairman Strelau stated that they have outlined many businesses which have been successful. She cautioned them that another location might be a lot to manage. She stated that management sets the tone and tenor on the importance of proper liquor service.

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, receipt of the annual fee, Certificate of Occupancy, liquor liability insurance and receipt of employee certifications.

Ms. Kuchynka stated that the applicant will also be applying for an outdoor liquor license in the future. She advised that the outdoor café area will require execution of a License Agreement for use of the public right-of-way. She stated that since they will not be open in time before the season ends on November 15<sup>th</sup>, she will inform Community Development to send them an application for a 2018 Temporary Use permit as well.

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 "R-1" liquor license application.

**MR. JACOBSON MOVED TO FIND BAR ON MAIN, LLC D/B/A PIERCE TAVERN LOCATED AT 5135 MAIN STREET, QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. TOERPE SECONDED.**

<b>VOTE:</b>	<b>Aye:</b>	Mr. Jacobson, Ms. Toerpe, Mr. Clary, Ms. Flanagan, Ms. Pietrucha, Chairman Strelau
	<b>Nay:</b>	None
	<b>Abstain:</b>	None

**MOTION CARRIED: 6:0:0**

Motion carried.

**Mission BBQ - 1570 Butterfield Road**

Chairman Strelau stated that the next order of business was an application hearing for Mission BBQ Downers Grove IL, LLC d/b/a Mission BBQ located at 1570 Butterfield Road. She stated that the applicant was seeking a Class R-2, beer and wine, 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. Doug Bruser was sworn in by the court reporter. Mr. Bruser introduced himself as the Director of Operations for Mission BBQ in the Chicagoland area.

Chairman Strelau asked the applicant to present its case.

Mr. Bruser stated that Mission BBQ is a fast casual barbecue chain restaurant that is based out of Maryland. He stated that they offer smoked meats made fresh daily. He stated that their organization

supports first responders and the military. He stated that they have been operating for 6 years and have donated just shy of \$6.5 million to organizations that support first responders and military personnel.

Chairman Strelau asked for questions from the Commission.

Ms. Toerpe noted Mr. Bruser's extensive liquor handling experience. Mr. Bruser stated that he has been in the full service casual dining industry for 20+ years.

Ms. Toerpe asked if he has any history of violations. Mr. Bruser replied no.

Ms. Toerpe asked where the Mission BBQ will be located. Mr. Bruser replied that it is the former Ruby Tuesday on Butterfield.

Mr. Jacobson asked if there are any other Mission BBQ locations in Illinois. Mr. Bruser replied Downers Grove will be the first Illinois location. He stated that the next location is slated for Gurnee, IL. He stated that he is scouting out three more potential Illinois locations.

Mr. Jacobson stated that the menu looked good. He stated that the application looked good and he was pleased that Mr. Bruser had a lot of experience.

Mr. Jacobson asked when they plan to open. Mr. Bruser replied their target opening is January 15, 2018.

Ms. Flanagan stated that it was great that they were supporting first responders. She had no questions.

Ms. Pietrucha asked how he plans to ensure that he will continue to have zero violation. Mr. Bruser replied that continuous education and keeping liquor sales at a topic of discussion. He added that a manager will be involved in most liquor transactions and is always in close proximity to the register.

Mr. Clary asked what the new term "fast casual" entails. Mr. Bruser replied that they offer a higher element of service than at a fast food restaurant. He stated that customers can get drinks refilled, without having to tip, and keep the price reasonable.

Mr. Clary asked if customers will order both food and beer at the same register. Mr. Bruser replied yes.

Mr. Clary asked how they will be serving the beer. Mr. Bruser replied that they will have 8-10 canned American beers available.

Chairman Strelau asked how many servers they will have. Mr. Bruser replied that they will not have servers, but will have cashiers at 3 registers.

Chairman Strelau asked if they will hire those 21 and older. Mr. Bruser replied they will hire the best candidates. He stated that if a cashier is underage, they will be required to ask a manager to complete any alcohol sales.

Chairman Strelau asked if Mr. Bruser has worked in a community that sends in underage agents to purchase liquor. Mr. Bruser replied he had been in 7-10 locations that were often tested.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka noted that Mission BBQ is applying for both an indoor and outdoor licenses and asked for two recommendations from the group for each license classification. Ms. Kuchynka added that issuance of

the license is contingent upon receipt of a Certificate of Occupancy, satisfactory background checks, receipt of the annual fees, liquor liability insurance and receipt of employee certifications.

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 "O" liquor license application.

**MR. JACOBSON MOVED TO FIND MISSION BBQ DOWNERS GROVE IL, LLC D/B/A MISSION BBQ LOCATED AT 1570 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "O", BEER & WINE, OUTDOOR LIQUOR LICENSE. MR. CLARY SECONDED.**

**VOTE:**           **Aye:**           Mr. Jacobson, Mr. Clary, Ms. Flanagan, Ms. Pietrucha, Ms. Toerpe, Chairman Strelau

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

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.

**MS. PIETRUCHA MOVED TO FIND MISSION BBQ DOWNERS GROVE IL, LLC D/B/A MISSION BBQ LOCATED AT 1570 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "R-2", BEER AND WINE, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.**

**VOTE:**           **Aye:**           Ms. Pietrucha, Mr. Clary, Mr. Jacobson, Ms. Flanagan, Ms. Toerpe, Chairman Strelau

**Nay:**           None

**Abstain:**       None

**MOTION CARRIED: 6:0:0**

Motion carried.

## 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 advised that representatives from Downers Grove Sand Club were present to discuss changes to the floor plan and operation. She asked that owner, James Weyrick and his attorney Tom Sisul step forward and be seated. She asked that Mr. Weyrick state and spell his name for the record and be sworn in by the court reporter.

Ms. Kuchynka asked that Mr. Weyrick and Attorney Sisul explain, for the record, the floor plan and operation changes that have been made since the original application hearing before the Liquor Commission in May of 2015.

Mr. James Weyrick was sworn in by the court reporter. He introduced himself as the owner of the establishment. He apologized for not knowing that he needed Liquor Commission approval for the changes to his business.

Mr. Weyrick stated that he has added activities to the establishment keeping recreational activities in mind. He stated that he originally proposed a brew pub in the side room of the establishment which did not come to pass.

Mr. Weyrick stated that he brought in competitive dance groups about a year ago. He stated that lessons are offered to all age groups and practice dances follow once lessons are over. He stated that participants pay at the door and the events are open to the public. He stated most participants belong to the dance community and travel to his facility from all parts of the Midwest. He stated that there are many events throughout the U.S. and these participants use his facility to practice for competitions.

Mr. Weyrick stated that April Prince and Rodney Ramos of the dance groups were present to discuss their activities and clarify or answer questions the Commission may have.

Mr. Weyrick stated that they do not want to make Downers Grove Sand Club a night club. He stated he was made aware of a Facebook post referencing his business as a night club, which has since been removed.

Mr. Weyrick stated that they have a DJ playing music and taking requests on Saturdays. He stated that people do not dance as they do in a night club while the DJ plays.

Mr. Weyrick stated that they have passed numerous control buy tests and pride themselves in carding hard. He stated that they want to ensure that those who drink are of age.

Mr. Weyrick stated that they have been operating for four years at this location. He stated that the business is his life and that he is present from open to close daily to ensure there are no problems at the facility.

Mr. Weyrick stated that they are getting new events at the location and noted they will be hosting an upcoming wedding reception.

Mr. Weyrick apologized for not notifying the Village that he removed the bowling lanes. He stated that they replaced the lanes with the professional dance floor.

Mr. Weyrick stated that he wanted to advise the Commission of other activities that were planned for the future and stated that he would like to add dart tournaments. He stated that they recently began pool leagues and tournaments.

Mr. Weyrick stated that they host charity events at the facility to give back to the community. He stated that they have supported events for breast cancer, autism, Lou Gehrig disease and military veterans.

Attorney Sisul asked Mr. Weyrick if all servers were BASSET certified. Mr. Weyrick replied yes and added that all employees are over 21.

Attorney Sisul asked Mr. Weyrick if they have had control buy tests. Mr. Weyrick replied yes.

Attorney Sisul asked Mr. Weyrick if he ever failed a control buy test. Mr. Weyrick replied no.

Attorney Sisul asked Mr. Weyrick to explain to the Commission about how the floor plan was changed. Mr. Weyrick replied that it is a mostly empty room. Attorney Sisul asked if there were chairs along the walls. Mr. Weyrick replied yes. Attorney Sisul referred to a picture of the room in question which shows people learning to dance. He noted that picture was provided to the Commission in the packet.

Attorney Sisul asked Mr. Weyrick if he understood that if changes are made to the building and/or his operation that he must notify the Village so that they can be kept aware of what activities are taking place in the facility. Mr. Weyrick replied yes.

Attorney Sisul asked Mr. Weyrick if he understood that the change to the floor plan was enough of an alteration that the Commission should have been made aware of to make sure the activities are consistent with what his recreation facility license allows. Mr. Weyrick replied yes.

Ms. Kuchynka advised the Commission of a change in the number of seats at the bars. She stated that as the side room is not always in use, the bar seating cannot exceed 20% of the seating in the rooms that are open. She stated that the original plan indicated 9 stools at the front bar and 12 stools at the court side bar. She stated the new plan indicates 19 stools at the front bar and 16 stools at the court side bar. She advised that a seat count will need to be done and the bar seating amended accordingly. Mr. Weyrick agreed.

Chairman Strelau asked for questions from the Commission.

Ms. Toerpe stated that the establishment seems to be doing well. Mr. Weyrick replied yes. He stated they are now officially debt free and was pleased that they keep growing.

Ms. Toerpe asked what caliber of dancers are coming to learn. Mr. Weyrick replied that they have had winners in the community dancing field that have attended classes.

Mr. Jacobson did not have any questions. He wished them luck.

Ms. Flanagan did not have any questions.

Ms. Pietrucha was pleased that they were doing well. She stated that she read over the list of events. She asked about the Friday "Sip and Shop" monthly event. Mr. Weyrick replied that multiple vendors come in and sell clothing, jewelry, oils, chocolates, purses in the private room where the public can buy various items.

Mr. Clary did not have any questions.

Chairman Strelau asked how they manage the large facility's liquor sales in a family environment. She asked how many employees they have. Mr. Weyrick replied a dozen.

Chairman Strelau asked how many employees are working on any given night. Mr. Weyrick replied six.

Chairman Strelau asked if they find difficult to ensure that they are only serving patrons who are over 21. Mr. Weyrick replied that they have security on staff seven days a week. He stated that those that can drink are carded and receive wristbands. He stated that anyone under 21 will be marked with an "X" on both sides of their hand. He advises his staff that it is their right to re-card anyone they have doubt about. Mr. Weyrick stated that they monitor groups with over and under 21 year olds to be certain those under 21 do not have access to any alcohol.

Chairman Strelau cautioned them to be careful.

Chairman Strelau stated that he may have been focused on his business and had not realized the changes he was doing impact the ordinance. She encouraged Mr. Weyrick to contact staff as he move forward and ask if anything needs to be done.

Ms. Kuchynka advised that she did not believe that Community Development would seek any penalty for them not pulling a permit for the work that was completed at the facility.

Ms. Kuchynka advised that she spoke with Fire Prevention and Mr. Weyrick requested that the occupancy be lowered. Mr. Weyrick replied yes. Ms. Kuchynka noted that the maximum occupancy shall not exceed 400.

Ms. Kuchynka noted that this facility has had issues in the past where the facility evolved in its activities and did not seek approval. She stated that this hearing was conducted to get the activities on the record and discussed before the Commission. She advised that the bar seating will need to be addressed.

Ms. Kuchynka requested that the Commission make separate recommendations concerning the floor plan change and the change to operation.

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

**MR. CLARY MOVED TO RECOMMEND APPROVAL OF THE CHANGE IN FLOOR PLAN.  
MS. TOERPE SECONDED.**

<b>VOTE:</b>	<b>Aye:</b>	Mr. Clary, Ms. Toerpe, Ms. Flanagan, Mr. Jacobson, Chairman Strelau
	<b>Nay:</b>	None
	<b>Abstain:</b>	None

**MOTION CARRIED: 6:0:0**

Motion carried.

**MR. JACOBSON MOVED TO RECOMMEND APPROVAL OF THE CHANGE IN OPERATION. MS. TOERPE SECONDED.**

**VOTE:**        **Aye:**            Mr. Jacobson, Ms. Toerpe, Mr. Clary, Ms. Flanagan, Mr. Jacobson, Chairman Strelau

**Nay:**                None

**Abstain:**            None

**MOTION CARRIED: 6:0:0**

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 Month End Report. She noted that the Mayor has indicated his intent to issue licenses to Cadence.

Ms. Kuchynka stated that the Mayor issued an Order of Forfeiture for Roundheads located at the corner of 63rd and Woodward. She stated that the Nagy's have moved the operation to the Next Round location on 75th Street and changed the assumed name there as they had a larger following with Roundhead's.

Ms. Kuchynka advised the Liquor to Go license has been approved and she anticipated a late October opening.

Ms. Kuchynka advised that Savemax license was approved and they are now open.

Ms. Kuchynka advised she did not anticipate a November meeting.

Ms. Kuchynka stated that Ms. Flanagan was appointed to the Liquor Commission on October 3rd. She welcomed her to the group.

**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 October 5, 2017 meeting. The meeting was adjourned by acclimation at 7:40 p.m.