

Approved 7/12/01

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COMMITTEE ROOM
801 BURLINGTON AVENUE**

June 7, 2001

I. CALL TO ORDER

Chairman Brown called the meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Gerloff, Mr. Julian, Mr. Mochel, Chairman Brown

ABSENT: None

STAFF: Village Attorney Daniel Blondin, Liaison to the Liquor Commission Carol Conforti, Secretary Karen Mudra

OTHERS: Brian Sweeney, Brad O'Brien, Kent Ebersold, Mark Baresel, Bruce Johnson, Tim Splitt

III. APPROVAL OF MINUTES

MR. MOCHEL MOVED TO APPROVE THE MINUTES OF THE MAY 3, 2001 LIQUOR COMMISSION MEETING AS PRESENTED. MR. JULIAN SECONDED.

VOTE: **Aye:** Mr. Julian, Mr. Mochel, Ms. Gerloff, Chairman Brown

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

IV. SPECIAL EVENT LICENSE APPLICATION HEARINGS

Chairman Brown made the following statement:

"A part of tonight's agenda is to conduct a public hearing for a special event liquor license. For the benefit of all present, I would like to state that this Commission does not determine the issuance of any liquor licenses. We may at the end of each hearing, make a finding of 'qualified' or 'not qualified' with respect to each applicant. 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"

"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) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

"A court reporter is present and will take the proceedings verbatim. A secretary is also present for purposes of summarizing the proceedings."

North Beach Downers Grove, LLC d/b/a North Beach, 1121 B Butterfield Road

Chairman Brown said that North Beach is seeking a special event liquor license to hold a two-day "Block Party" on August 17 and 18, 2001 in the west portion of the North Beach parking lot.

Mr. Brian Sweeney and Mr. Brad O'Brien, owners of North Beach, were sworn in by the court reporter. Mr. Sweeney said that North Beach has held this type of outdoor special event three times in past years. Although, they did not have the event last year, Mr. Sweeney said they would like to have the "Block Party" again this year. He said they plan to enclose a 125-foot by 100-foot section of their parking lot just west of North Beach for the party and they would enclose the area with a double row of snow fencing placed four feet apart. Mr. Sweeney said the Liquor Commission suggested that they use this type of double fencing the first year that they held the block party. He said that this configuration has worked well to prohibit individuals from passing alcohol out of the fenced area and they intend to use the double fence again this year.

Mr. Sweeney explained that guests would be carded as they enter the North Beach facility, and if they choose to attend the block party they would enter through the North Beach patio. Guests would be carded again as they entered the block party area. He added that there will be a five-dollar cover charge to enter the block party area because they plan to have live entertainment. Tickets will be sold at the block party, which can be redeemed for food and beverages at the event. Mr. Sweeney said the party is scheduled for Friday, August 17, 2001 from 5:00 p.m. to 12:30 a.m., and on Saturday, August 18, 2001, from 4:00 p.m. to 1:30 a.m.

Mr. Sweeney said beer and iced alcoholic tropical drinks would be available in the block party area, both of which will be dispensed and served by regular North Beach bartenders. Mr. Sweeney said the North Beach kitchen would provide the food for the block party, including pizza, hot dogs, bratwurst, chips, etc. In addition soft drinks will be available. Tables and chairs will be provided for seating in the block party area and games will be set up for those who wish to participate. Mr. Sweeney said Clearwater Hot Tubs, a neighboring business, will set up a hot tub

at the event for demonstration purposes; however, no one would actually use the hot tub. Mr. Sweeney said that North Beach security personnel and two off-duty Downers Grove police officers would provide security for the event. Mr. Sweeney said the event has worked well and been incident free in the past.

Chairman Brown asked if there would be continuous music at the event. Mr. Sweeney replied yes. He said they would use recorded music between live performances. Chairman Brown recalled that there was some concern in the past that noise from the party would disturb neighbors in the area. Mr. Mochel noted that there are no residential areas in the vicinity of North Beach. Chairman Brown agreed. He wondered why noise from the event was a concern in the past. Mr. Sweeney said the first year that they held the event the stage faced south toward I-88 and noise was a concern for residents across the highway. However, this year, Mr. Sweeney said that the stage would face north toward an industrial park.

After reviewing the North Beach liquor manual included in the Commissioners' packets, Ms. Gerloff asked if it was written expressly for the block party or if it applied to the entire facility. Mr. Sweeney said the manual was for the over-all operation of North Beach. Ms. Gerloff said according to the manual it appears that individuals must be 21 to be admitted to North Beach. She asked if anyone under 21 is allowed in North Beach. Mr. Sweeney explained that North Beach is often rented out for private parties and individuals who are under 21 are allowed to attend private events. He added that guests who are under 21 receive a wristband when they enter the facility to identify them as minors. Mr. O'Brien added that no one under 21 would be allowed in the block party area.

Ms. Gerloff said that according to Mr. Sweeney's comments as stated in the minutes from a North Beach disciplinary hearing before the Liquor Commission on May 4, 2000, it appeared that children and those under 21 were permitted in North Beach. According to the minutes it did not appear that North Beach was exclusively for adults over 21. She asked Mr. Sweeney to clarify their policy. Mr. Sweeney said that identification is checked at the main entrance to North Beach and children accompanied by their parents are admitted. Ms. Gerloff suggested that they revise their manual to more accurately reflect the practices at North Beach. Mr. Sweeney agreed.

Ms. Gerloff referred to the minutes of the May 4, 2000 disciplinary hearing which state that Mr. Sweeney said that his security staff was intimidated by the size of the crowd of 300 people. At that time there were two managers and 8 to 10 support staff on duty. Ms. Gerloff noted that Mr. Sweeney is anticipating a crowd of 400 to 500 people for the block party and that security for the event was not mentioned in the packet of information that the Commission members received. Ms. Gerloff asked what security is planned for the event. Mr. O'Brien and Mr. Sweeney said they would have two off-duty Downers Grove police officers at the event in addition to their own security personnel.

Ms. Gerloff asked how guests will enter the block party area from the current North Beach outdoor patio. Mr. Sweeney said they would remove an eight-foot section of the patio wall to allow access to the block party area.

Ms. Gerloff asked how the beer would be served. Mr. Sweeney said beer would be purchased with tickets and served in 12-ounce plastic cups, no pitchers.

Ms. Gerloff asked how they plan to limit their guests to 400 to 500. Mr. Sweeney said that in the past they have never had that many guests; however, they plan to monitor the number of the guests that attend. Mr. Mochel asked if they have made plans to accommodate a crowd of more than 500. Mr. Sweeney said they could comfortably accommodate more than 500 guests utilizing the indoor and outdoor facilities. Mr. O'Brien said in the past the outdoor area has been too large for the number of guests that attended, except during peak hours. Ms. Conforti added that North Beach must apply for a temporary use permit for this event and at that time Code Enforcement will advise them of occupancy limits for the area.

Mr. Julian asked if Mr. Sweeney and Mr. O'Brien will participate in the event. They replied that they will attend and manage the event. Mr. Julian asked if staff members working this event have worked at past block parties. Mr. Sweeney said four employees working this party have worked at a previous block party. Mr. Julian asked if they felt their employees would need additional training before working the block party. Mr. Sweeney replied no. He added that the employees are experienced and working the block party is almost easier than their normal duties.

Mr. Julian asked if past block parties provided any challenges that need to be addressed. Mr. Sweeney said the previous events have run without incident and they do not plan to make any significant changes this year. The biggest change will be in the games that are offered. Mr. Sweeney said the general layout and food for the block party will be the same as in past years.

Mr. Mochel advised Mr. Sweeney and Mr. O'Brien to update their liquor manual to include a reminder to watch for red on an Illinois driver's license when checking identification as it indicates that the licensee is under 21 years of age.

Mr. Mochel asked the height of the double fence that will enclose the block party area. Mr. Sweeney said they plan to use four to five-foot high orange plastic snow fencing placed in a double row with approximately four feet between the rows.

Mr. Mochel asked how the tropical drinks will be dispensed. Mr. Sweeney said North Beach personnel will dispense the tropical drinks and the beer.

Chairman Brown asked how much they plan to charge for a 12-ounce draft beer at the block party. Mr. Sweeney replied \$3.00. Chairman Brown asked if drinks would be sold for the same price inside as they are outside. Mr. Sweeney replied yes. Chairman Brown asked Village

Attorney Dan Blondin if it would be permissible to charge a different price for drinks inside and outside. He replied yes. Village Attorney Blondin explained that as long as the drink prices remained in effect all day, he did not believe a different price for drinks outdoors would violate the ordinance.

Chairman Brown noted that North Beach has held this type of party for several years without incident.

When asked about their plans to advertise the event, Mr. Sweeney said they would post flyers and banners in North Beach. Ms. Gerloff asked if they plan newspaper ads to promote the event. Mr. Sweeney replied no. He explained that they plan to rely on "word of mouth" advertising by regular patrons.

MR. JULIAN MOVED TO FIND NORTH BEACH DOWNERS GROVE, LLC, D/B/A NORTH BEACH, 1121 B BUTTERFIELD ROAD, QUALIFIED FOR A SPECIAL EVENT LIQUOR LICENSE FOR AN OUTDOOR PARTY ON AUGUST 17 AND 18, 2001. MR. MOCHEL SECONDED

MOTION: Aye: Mr. Julian, Mr. Mochel, Ms. Gerloff, Chairman Brown

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Downers Grove Rotary Club

Chairman Brown said the Rotary Club is seeking a special event liquor license for an outdoor Oktoberfest on September 21 and 22, 2001 to be held in the Village-owned parking lot east of the old Grove Premium building.

Mr. Kent Ebersold, Rotary Club Service Director and President-elect, and Mark Baresel, Rotary Club member, were sworn in by the court reporter.

Mr. Julian stated that he is a Rotarian and after checking with Village Attorney Blondin, it was determined that his participation in this hearing and vote would not constitute a conflict of interest.

Mr. Ebersold explained that the Rotary Club maintains an endowment fund which they would like to fund as quickly as possible in order to be able to give something back to the community. Thus, he suggested that the Rotary sponsor a fun event, which would bring people together in the downtown area and generate money for their endowment fund. He said they decided to have an

Octoberfest because they wanted to have a family-oriented event and one that could be scheduled at a time when there were not a lot of other events going on in the Village.

Mr. Ebersold said tents and equipment for the event will be provided by the same rental company that has provided equipment for the Naperville Rotary Octoberfest for the past five years. Mr. Ebersold said they are seeking a two-day special event liquor license for Friday, September 21, 2001 and Saturday, September 22, 2001. He said they plan to use a completely enclosed big top tent with clear windows similar to those used for weddings. Portable restrooms will be located outside the main tent. Mr. Ebersold added that they are seeking corporate sponsorship for the event to provide visibility for local businesses and to provide additional revenue.

Mr. Ebersold said they wanted food to be a part of the fest and they have made arrangements with Downers Grove based Cuisine Courante Catering, owned by Tim and Lynn Splitt, to provide a substantial food menu for the event. Mr. Splitt is a member of the Downers Grove Rotary.

Mr. Ebersold cited his past alcohol service experience as a Northern Illinois University campus-wide marketing representative for Miller Brewing Company. While planning large events for the Miller Brewing Company, he said he learned the importance of serving alternative non-alcohol beverages. Mr. Ebersold said they plan to offer Rotary bottled water and soft drinks at the Octoberfest.

Mr. Ebersold said that on Saturday from 11:00 a.m. to 3:00 p.m. the Rotary plans to set aside time for "Kids at Octoberfest" offering kid-pleasing menus and entertainers for children and their parents to enjoy. Mr. Ebersold said they would like the event to be fun for everyone and they will have different types of music throughout the fest provided by DJ's and bands, including some polka and German bands.

Mr. Ebersold said he feels certain that the Rotary can make this an enjoyable successful event for the entire community. He added that the Rotary Club has operated the Heritage Festival Beer Garden for the last two years and will do so again this year.

Chairman Brown and Mr. Ebersold reviewed the floor plans for the event. He explained that the layout in the Commissioners' packets was a preliminary layout used to illustrate that they plan to use banquet tables and chairs for seating. Mr. Ebersold said they will work with Code Enforcement personnel to establish the placement of entrances and exits to the tent and they will revise the floor plan accordingly.

Ms. Gerloff said that she finds the floor plan map unacceptable in its present form. She said she would like a map showing the exact location of the tent and detailing exits, entrances and traffic flow in and around the event. She noted that although they are expecting 1,000 to 5,000 people to attend the event, the map indicates seating in the tent for 736. She asked if fest activities will take place outside the tent. Mr. Ebersold said the entire event would be held inside the tent.

Only the restroom facilities will be located outside the tent.

Ms. Gerloff asked where and how identification would be checked at the fest. Mr. Ebersold said ID's will be checked at the front entrance to the tent and guests who are over 21 will be given age-identifying wristbands at that time. He added that if a guest leaves the tent to go to the restroom, their ID or wristband will be checked when they return to the tent.

Mr. Ebersold said the tent will be placed in the Village-owned portion of the Grove Premium parking lot. Ms. Gerloff asked if the Rotary has obtained permission from the Village to set up the tent on Village property. Mr. Ebersold explained that once they receive their special event liquor license they plan to petition the Village Council for use of the parking lot for the event. Ms. Gerloff asked if they will have a better map at that time. Mr. Ebersold replied yes. He apologized for not having a more detailed map ready for the Liquor Commissioners to review. Ms. Gerloff said she is concerned about traffic flow and crowd control and she would have liked to see a map that shows how they would be controlled at the fest.

Mr. Julian asked what Mr. Ebersold has learned from the Rotary in Naperville and their experience with similar fests. Mr. Ebersold said the Naperville Rotary has shown that they can put together a safe, family-oriented Oktoberfest that benefits the community. Mr. Ebersold said that although it will cost approximately \$24,000 for the Downers Grove Rotary to put on the fest, they are doing so to enable them to give something back to the community. Mr. Julian said that the Rotary Club's past experience operating the Beer Garden at Heritage Festival makes him feel confident that they can operate a successful Oktoberfest.

Concerning crowd control, Mr. Julian said that the Rotary will know the capacity of the tent and they could stop admitting people when they reach peak capacity. Mr. Ebersold agreed.

Mr. Julian asked if liquor will be served during the "Kids at the Oktoberfest" hours on Saturday. Mr. Ebersold replied yes. Mr. Julian suggested that they may want to separate the children's activities in some way from the alcohol service. Mr. Ebersold said the children at Oktoberfest will primarily be with their families. He said he did not feel it would be a problem if the children watched a juggler or a magician, while their parents drank a beer or other beverage with their meal. He explained that the fest will be held in one large tent and it would be difficult to section off an area in which alcohol was prohibited. Mr. Julian asked if Naperville has a separate area for children at their fest. Mr. Ebersold replied no. Mr. Ebersold said their experience with the Heritage Festival Beer Garden has taught them to watch for overservice and he does not anticipate any problems with adults drinking beer in the presence of children.

Mr. Julian asked if the Rotary has any plans to meet with area residents prior to the event to discuss concerns about possible noise generated by the fest. Mr. Ebersold said they would send a letter to area residents informing them of the event and perhaps include a complimentary ticket. However, the site was chosen because it was a quiet area and one in which an event of this type would have the minimum impact on the downtown, parking, etc. Mr. Ebersold said he did not

feel there would be a great deal of overflow noise because the event will take place in an enclosed tent. Because there is some private property in the area, Mr. Julian asked if the Rotary had considered other locations. Mr. Ebersold said they did consider the parking lots adjacent to the library and post office; however, due to the nature of the tent, neither of those areas was appropriate.

Mr. Julian asked if the Oktoberfest will take the place of another Rotary sponsored event. Mr. Ebersold said it may replace the Rotary auction, an event that has been held at Carriage Greens and has raised \$20,000 to \$30,000 in past years. Although, the auction has been scheduled, he said that they might cancel it.

Mr. Julian suggested that Mr. Ebersold contact the Naperville Rotary and other organizations, which have held similar events, to obtain an estimate of the size of the crowd that they might expect. Mr. Ebersold said he estimated that 1,000 to 5,000 people will attend the fest based on the fact that it will be a two-day event. He said that he is aware that the tent has a limited capacity. Mr. Ebersold added that each Rotary member has been asked to sell 25 tickets, which will result in 1,250 pre-sold tickets.

Mr. Julian asked if there have been any problems at the Heritage Festival Beer Garden since the Rotary has been in charge of its operation. Mr. Ebersold said the weather has been their only problem. He said he feels the Rotary has the Beer Garden running smoothly and their members know how to conduct a large event.

Mr. Julian asked how the Rotary uses the funds raised at these events. Mr. Ebersold said they are used for local projects. After being sworn in by the court reporter, Mr. Bruce Johnson, a Rotary member, added that they hope to maintain an endowment fund of \$100,000 to be used for scholarships for local high school students. Currently they give six - \$1,000 scholarships to local high school students; however, they hope to increase the number and/or amount of those scholarships. He added that they contribute to many local community projects, such as food pantries, youth baseball teams, Care and Counseling Center, etc. Mr. Johnson said they also contribute to international projects, such as the campaign to eliminate polio worldwide. However, the majority of the money they raise is given to charitable causes within the community.

Mr. Julian asked if the Rotary members who have been involved in running the Heritage Festival Beer Garden will also be involved in running the Oktoberfest. Mr. Ebersold replied yes.

Mr. Mochel asked for clarification about the position of the tent. Mr. Ebersold said they plan to place the tent facing north and south. Mr. Mochel agreed with that placement because noise from the event would be directed away from nearby residents. Mr. Ebersold added that the position of tent will allow access to and from Washington Street and will not block the alley.

Mr. Mochel asked about the admission charge for the event. Mr. Ebersold said they plan to charge \$5.00 for admission. Mr. Mochel asked if the Rotary has made any provisions for rolling up the sides of the tent in the event of hot weather. Mr. Ebersold said they could place additional white fencing around the tent if the Commission felt another barrier was needed. However, the tent is set up for heating and air conditioning and he does not anticipate the need to open the sides of the tent. He added that the tent also has screened windows for ventilation. Mr. Ebersold agreed that it would not be wise to open the sides of the tent without providing some additional type of enclosure.

Chairman Brown said this appears to be an exciting new event for the Rotary. He asked if the food would be pre-cooked for the event. Mr. Ebersold said there would be a separate 20-foot by 20-foot food service preparation tent. Mr. Splitt, owner of Cuisine Courante, added that the food preparation area would be inspected by the DuPage County Health Department. Chairman Brown clarified that tickets will be sold to be redeemed for food and drinks at the fest. Mr. Ebersold replied yes. Chairman Brown asked if guests would go to service areas for their food and drinks. Mr. Ebersold replied yes. He added that they would not have waitstaff at the event.

Ms. Gerloff asked if all drink containers would be plastic. Mr. Ebersold replied yes.

Ms. Gerloff said she is concerned about traffic flow and she would like to see a more detailed map of the event. Chairman Brown and Mr. Mochel agreed with her concerns; however, they did not feel they were relevant to liquor control for the event. Mr. Ebersold said that the Rotary is also concerned about maintaining proper traffic flow, as it is essential for a successful event. Mr. Ebersold said that Rotary had to make last minutes changes to the traffic flow one year at the Heritage Festival Beer Garden when they realized that the layout was not working.

In conclusion, Mr. Ebersold said that he feels this is an exciting event, which can be done well and will bring more community spirit to Downers Grove.

Mr. Julian noted that the Rotary auction is scheduled for November, he asked if they intend to have the Oktoberfest replace the auction. Mr. Ebersold replied yes.

MR. MOCHEL MOVED TO FIND THE DOWNERS GROVE ROTARY CLUB QUALIFIED FOR A SPECIAL EVENT LIQUOR LICENSE TO HOLD AN OCTOBERFEST ON SEPTEMBER 21 AND 22, 2001. MS. GERLOFF SECONDED

MOTION: **Aye:** Mr. Mochel, Ms. Gerloff, Mr. Julian, Chairman Brown

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

V. OLD BUSINESS

Ms. Conforti said that on June 5, 2001 the Village Council adopted the theater class liquor license provision of the Liquor Control Ordinance. She distributed an updated copy of the Liquor Control Ordinance to the Commission.

Ms. Conforti said that Roundhead's Restaurant transferred from a Class B-1 license to a Class "R" full alcohol liquor license. She added that their patio is almost ready to open.

Ms. Gerloff said that she understood that the Riprocks' appeal hearing before the State Liquor Commission was postponed. Ms. Conforti said the hearing has been scheduled for July 16, 2001.

VI. NEW BUSINESS

Ms. Conforti said she would be on vacation the first week in July and she asked the Commission members if they would be available to meet on July 12, 2001. They replied yes. Ms. Conforti said that tentatively, the application hearing for the Tivoli Theater is scheduled for the July 12th meeting.

VII. COMMENTS FROM PUBLIC

None.

VIII. ADJOURNMENT

MR. MOCHEL MOVED TO ADJOURN THE MEETING. MR. JULIAN SECONDED.

The meeting was adjourned by acclamation at 7:32 p.m.