

IV. PUBLIC HEARING FOR FLOOR PLAN/CONCEPT CHANGE

Chairman Mochel said that this meeting is being recorded on Village owned equipment, a secretary is present to take minutes for the record and a court reporter is present to take the minutes verbatim. Chairman Mochel made the following statement:

“ A part of tonight’s agenda is to conduct a public hearing on a request for a floor plan/concept change. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of a request for proposed changes. The Commission may at the end of each hearing make a finding or recommendation with respect to the request for changes. 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 a decision regarding the approval or denial of the proposed changes presented this evening.”

“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 to take the proceedings verbatim and a secretary is also present for purposes of summarizing the proceedings.”

Pizza Capri n/k/a Bambaleo, 5141 Main Street

Chairman Mochel said that Riga Toni, LLC d/b/a Pizza Capri/Isabella, located at 5141 Main Street, is requesting a change in floor plan/concept.

Mr. Eddie Nahlawe, general manager of Riga Toni, LLC and Mr. Abu-Taleb, a member of Riga Toni, LLC, were sworn in by the court reporter and addressed the Commission. Mr. Nahlawe said that they have survived the recent downtown Downers Grove construction and they would like to modify their establishments in an attempt to satisfy the dining desires and needs expressed by the community. He said the Mayor has already approved combining Pizza Capri and Vivaldi into a new restaurant called Isabella. He added that they would also like to convert the space formerly occupied by Pizza Capri to a new Mexican restaurant, Bambaleo.

Mr. Nahlawe said that on many occasions Downers Grove residents have expressed an interest in having different types of restaurants in the downtown area, specifically a Mexican restaurant. Mr. Nahlawe said after reviewing their restaurant operation, they felt they that with minimal

changes to their establishment they could accommodate the residents' desire for a Mexican restaurant. He added that they are seeking the Liquor Commission's support for this change.

Chairman Mochel and Mr. Julian asked Mr. Nahlawe to explain what type of changes they plan to make. Mr. Nahlawe said the physical changes would be minimal. The colors and motif in the restaurant will be changed, but there will be no structural changes. He said the service bar in the front dining room at Pizza Capri would be enlarged. They plan to move six tables that are currently located in the front area of the restaurant to a newly acquired dining area at the back of the restaurant. An enlarged service bar will replace the tables that were in the front of the restaurant. Mr. Nahlawe said the kitchen layout will remain the same and it will continue to serve both Isabella and Bambaleo as it has served Pizza Capri and Vivaldi in the past. He added minimal changes would be made in the kitchen to accommodate the new menu.

Mr. Nahlawe said the floor plan change they are requesting is the acquisition of 150 to 200 square feet in the proposed dining room for Bambaleo.

Chairman Mochel noted that the diagram submitted shows only eight seats at the bar in Bambaleo, however, other information indicates that there will be ten seats at the bar. Mr. Nahlawe clarified that there will be ten seats at the bar. He explained that tables will be moved from the front area of the restaurant to the back of the dining room and a service bar with ten stools will be located in the front of the dining room. He added that the façade, entrance and vestibule would remain the same.

Mr. Sandack commented that he visited the Isabella restaurant and it looks fantastic. He asked if the changes made to Isabella were only changes in décor. Mr. Nahlawe replied yes. He added that they removed some dividers to make the area more open and spacious; but nothing else was changed. Mr. Sandack clarified that the floor plan changes that the Commission is reviewing tonight are the changes being made to the former Pizza Capri. Mr. Nahlawe replied yes.

Mr. Sandack asked if the menu included in the application packet is a tentative menu. Mr. Nahlawe replied yes.

Mr. Sandack asked if Mr. Nahlawe planned any changes in alcohol training/handling policies and procedures. Mr. Nahlawe said the only training changes would be to accommodate any changes in the Ordinance. He said their training manual has worked well and they have passed all the control buys attempted at their restaurants. Mr. Nahlawe said they keep tight control over the service of alcohol and their staff is reminded at their daily meeting to card anyone who appears to be under thirty years of age.

Mr. Sandack asked when the changes would be made to Pizza Capri. Mr. Nahlawe said they hoped to make the changes during the month of November.

Mr. Kubes noted that they would now have two separate bars, one in Bambaleo and one in Isabella. Mr. Nahlawe replied yes. However, he clarified that there have always been two bars, one in Vivaldi's and a small service bar in Pizza Capri that will now be expanded.

Mr. Kubes wondered if Bambaleo would have full alcohol service because their liquor manual specifically mentions "drinking beer and wine with meals." Mr. Nahlawe said they are applying for a full alcohol liquor license, although they may modify their license to serve beer and wine only at a future date. Mr. Nahlawe added that the liquor manual would be corrected to indicate full alcohol service.

Mr. Kubes noted that the license application indicates that Margaret Abu-Taleb would be the liquor manager. Mr. Nahlawe clarified that he will be manager of the establishment and liquor manager. Mr. Kubes asked Mr. Nahlawe about his prior experience. Mr. Nahlawe said he is licensed to serve alcohol and has eleven years experience as a liquor manager. Mr. Kubes asked if they plan to conduct alcohol training for other staff members or if the staff is already trained. Mr. Nahlawe said the entire management staff is trained in alcohol service and they will be re-trained when Bambaleo opens.

Mr. Kubes asked if their menu would list the different types of alcoholic beverages that will be offered. Mr. Nahlawe replied yes.

Mr. Kubes noted that hours for alcohol service were not listed under "General Guidelines" in the liquor manual; however, they are listed on a separate page in the manual. Mr. Nahlawe agreed. Mr. Kubes noted that the carding procedures in the liquor manual seemed to be in good order; however, he suggested that a list of acceptable types of identification and a sample photo of each be included in the manual. Mr. Nahlawe agreed.

Mr. Kubes asked if employees would be required to sign a daily liquor log to remind them of their responsibility to follow proper alcohol service procedures. Mr. Nahlawe said managers meet with their employees each day before their shift begins and they remind them of proper alcohol service procedures and of the specific date that they must watch for that day to determine whether a customer is over 21. Mr. Kubes suggested that Mr. Nahlawe also post a perpetual calendar in the restaurant indicating that date. Mr. Nahlawe said they currently have the calendar posted.

Mr. Kubes asked if food would be available at the bar seating in Bambaleo. Mr. Nahlawe replied yes. Mr. Kubes asked if bar patrons would be limited to the ten seats at the bar or if standing would be permitted at the bar. Mr. Nahlawe said there would be no standing in the bar area.

Mr. Kubes said he feels the training manual is fine, especially with the suggested revisions.

Chairman Mochel said that the Commission has been informed of the change from Vivaldi to Isabella and they may have a few questions on that change as well. Mr. Nahlawe agreed. Mr. Julian added that although questions may be asked concerning changes at Isabella, the Commission would only be reviewing the floor plan/concept change for Bambaleo.

Ms. Gerloff said she has grave concerns about the manner in which Riga Toni, LLC went about applying for this floor plan/concept change. She said that the Downers Grove Liquor Control

Ordinance, Section 3-18.1, lists specific information, including a revised floor plan, that is required if a licensee wishes to request a change in floor plan/concept. She noted that the application packet for Pizza Capri/Bambaleo included only a rough sketch of the proposed layout instead of a proper floor plan. She said she found the sketch inaccurate and difficult to follow, as it does not appear to correspond to the blue print plans of Pizza Capri that were included in the packet.

Mr. Nahlawe reviewed the drawings with Ms. Gerloff and identified the area for the proposed expansion of the dining room at Bambaleo. He said there would be five tables located in that area.

Ms. Gerloff noted that Mr. Nahlawe has referred to the bar in Bambaleo as a service bar and he also has referred to ten seats at the bar. She said it was her understanding that there was no seating at a service bar, it was only used as an area where waitstaff picked up alcohol orders for delivery to customers at their tables. Mr. Nahlawe explained that the bar in Pizza Capri is a service bar; however, when the restaurant is converted to Bambaleo the service bar will be expanded and changed to a bar with customer seating for ten. Ms. Gerloff said she asked for clarification because the diagram does not supply necessary information about seating arrangement or capacity.

Mr. Abu-Taleb confirmed that the bar in Bambaleo would be a bar with seating, not a service bar. He thanked the Commission for reviewing their application on short notice and for understanding of the difficulties that their restaurants have faced during the recent downtown construction.

Ms. Gerloff said she could appreciate their situation; however, she also would have appreciated it if they had their paperwork in order prior to being placed on the agenda. She said she does not appreciate coming to an application review hearing and receiving the establishment's training manual, hours of operation and seating capacity five minutes before the meeting begins. She said she feels this information should have been submitted before the application was placed on the agenda.

Ms. Gerloff wondered if Mr. Nahlawe had completed an application to serve as liquor manager of the new restaurant because the Commissioners have not received a copy. Mr. Nahlawe said he would complete the application. Mr. Nahlawe said he appreciated the Commission fitting them into their schedule.

Ms. Gerloff said this seems to be a rush job. She asked if they have started construction on Bambaleo. Mr. Nahlawe replied no. She asked if they have a building permit. Mr. Nahlawe replied no.

Ms. Gerloff asked if they would allow smoking in their restaurant. Mr. Nahlawe said smoking would be permitted in the front area of the restaurant only.

Mr. Julian asked if Riga Toni, LLC is made up of other restaurant-type businesses and if Ms. Margaret Abu-Taleb is President of them as well as of their Downers Grove restaurants. Mr. Abu-Taleb replied yes. He asked Mr. Abu-Taleb how he is involved with the Downers Grove restaurants. He replied that he is a member of the partnership, a manager, and takes a hands-on role at the restaurants. Mr. Julian thanked Mr. Abu-Taleb for the investment his corporation has made in Downers Grove. He said it is most appreciated by the majority of the community.

Mr. Julian asked if the hours of operation would be the same at Bambaleo as they were at Pizza Capri. Mr. Abu-Taleb replied yes. He asked if the training would be the same and if the same waitstaff would serve the new facilities. Mr. Abu-Taleb said they would maintain the same staff because the size of the restaurants will remain essentially the same. In addition they will maintain the same hands-on operating philosophy and continue to follow the laws.

Mr. Julian clarified that one kitchen serves both restaurants. Mr. Abu-Taleb replied yes. Mr. Julian said the structural change seems to be limited to opening the wall to access the new dining room area at the back of Bambaleo. Mr. Nahlawe replied yes.

Chairman Mochel noted that Pizza Capri's hours of operation were noon to midnight on Sunday; however, hours for Bambaleo are listed as 9:00 a.m. to 9:00 p.m. Mr. Nahlawe said Ms. Conforti has explained that the hours of operation for Bambaleo may need to be the same as the hours for Pizza Capri and he assured the Commission that they would be if the ordinance so dictates.

Chairman Mochel thanked Mr. Nahlawe for including a reminder about the red, under 21 Illinois driver's license in their liquor manual.

Mr. Abu-Taleb explained that timing is very important in the restaurant business and if they waited until January or February to reopen, their chances for success would decrease. He said they wanted to apply for this license change as soon as possible so that they can open the new restaurant at least one month before the end of the year during a time when people are likely to be thinking of dining out. Mr. Julian said that he could understand that they wanted to be open for the holiday season.

Ms. Gerloff asked how long it takes to process a change of liquor manager. Ms. Conforti said the change can be handled administratively. She added that background checks must be completed by the Police Department; however, she did not think it would take too long. Ms. Gerloff advised Mr. Nahlawe that this type of paperwork could have been completed prior to the hearing. She said it appears that they are delaying the process themselves by not submitting the required paperwork in advance. Ms. Conforti said tentative approval of the liquor manager can be made before the background checks by state and federal agencies are completed. She added that if a liquor manager applicant is found not qualified, another member of the staff could replace them, and it would not delay issuance of the establishment's liquor license.

Chairman Mochel noted that any recommendation that the Liquor Commission makes is contingent upon receipt of proper background checks, Certificate of Occupancy, etc.

Ms. Gerloff commended Mr. Abu-Taleb and Mr. Nahlawe for their good record of passed control buys. She noted that they have an impressive record of passing control buy attempts every year for five years.

Mr. Kubes noted the importance of a good employee-training manual. He said it appears that the better employees are trained, the more likely an establishment will pass the control buy attempts. He commended Mr. Abu-Taleb and Mr. Nahlawe on their good record of passed control buy attempts.

MR. JULIAN MOVED TO RECOMMEND APPROVAL A FLOOR PLAN/MOTIF CHANGE FOR RIGA TONI, LLC D/B/A PIZZA CAPRI N/K/A BAMBALEO, 5141 MAIN STREET, PURSUANT TO SECTION 3-18.1 OF THE DOWNERS GROVE MUNICIPAL CODE. MR. SANDACK SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Mr. Nahlawe told the Commission that it has been a pleasure working with Ms. Conforti and that she has been very accommodating and helpful.

V. OLD BUSINESS

Ms. Gerloff commended Ms. Conforti on the Annual Report, which she provided to the Commissioners. She noted that the report stated that "during the upcoming year, staff plans to investigate the possibility of requiring all license holders to convert to the 60/40 split." She asked Ms. Conforti if staff still maintains that goal. Ms. Conforti replied yes. She said they are considering having all licensees comply with the 60/40 split rather than having the so many different license classifications. She said she has been reviewing the administrative aspects of such a conversion and it appears that maintaining and monitoring the necessary documentation would be manageable.

Ms. Gerloff said this hearing would have been an ideal time to convert Bambaleo/Isabella to the 60/40 split. She said she is in favor of converting licensees to the 60/40 split because she feels that it gives the Village much more control.

Ms. Conforti said that although one or two of the current licensees may object to meeting the 60/40 split requirements, converting all licensees is still a staff goal.

Mr. Julian asked if Ms. Conforti has heard from the establishment that was considering opening a billiard room on Ogden Avenue in the former Burpee Seed Company store. Ms. Conforti replied no. She explained that when she last spoke to the owner, she suggested that he contact Code Services to see what type of modifications would be needed to convert the seed store to a billiard room.

Ms. Gerloff asked if the next hearing date has been set for Riprocks. Mr. Blondin said that the briefs have been filed, but the court has not yet ruled.

Ms. Conforti reviewed the contents of the Commission's informational packet. She said a license was issued to Isabella's on October 26, 2001. She also included information on the Red Ribbon Rally and on an order pick-up area that has been added to Hooters on the south side of the building.

VI. NEW BUSINESS

Ms. Gerloff expressed concern about the practice of Commission members receiving information pertaining to agenda items five minutes before the meeting begins. She said that when they receive a new floor plan or liquor manual immediately before the meeting, they do not have time to review the information properly. Ms. Gerloff said she does not understand why all the required paperwork cannot be completed before an establishment is placed on the agenda. She acknowledged that in some cases time is a factor; however, on other occasions, the Commission has rushed to conduct a license hearing, such as the hearing for Callaway's Pint House, only to have the establishment wait six months before they open.

Ms. Conforti explained that in the case of Pizza Capri/Bambaleo, the management wished to close Pizza Capri and open Bambaleo within a month, and for that reason she kept them on the agenda, even though they had not submitted all the necessary paperwork. Ms. Conforti said she did contact them on numerous occasions to request that they submit the paperwork. Ms. Gerloff said she understands the goal of trying to help downtown businesses recover after the lengthy period of construction; however, she feels that there are guidelines that must be followed before they come before the Commission.

Ms. Conforti tentatively set the date of the next meeting for December 6, 2001. She said she has had two inquiries and if the individuals return the necessary paperwork, they could be scheduled for the December meeting.

Ms. Gerloff asked if Ms. Conforti knew why Monical's Pizza on 75th Street has closed. She replied no. Commission members speculated that perhaps there was not enough traffic to sustain the restaurant.

VII. COMMENTS FROM PUBLIC

None.

DRAFT

Liquor Commission Minutes

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VIII. ADJOURNMENT

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

The meeting was adjourned by acclamation at 7:10 p.m.