

**DRAFT**

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

September 6, 2001

**I. CALL TO ORDER**

Chairman Mochel called the meeting to order at 6:27 p.m.

**II. ROLL CALL**

**PRESENT:** Ms. Gerloff, Mr. Kubes, Mr. Sandack, Chairman Mochel

**ABSENT:** Mr. Julian

**STAFF:** Assistant Village Attorney Enza Petrarca, Liaison to the Liquor Commission Carol Conforti, Secretary Karen Mudra

**OTHERS:** Steve Kolliopoulos, Kanella Tsoumbakopoulos, Court Reporter

**III. APPROVAL OF MINUTES**

**MR. SANDACK MOVED TO APPROVE THE MINUTES OF THE AUGUST 2, 2001 LIQUOR COMMISSION MEETING AS PRESENTED. MR. KUBES SECONDED.**

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

**Nay:**            None

**Abstain:**       None

**MOTION CARRIED:**            \*       **4:0:0**

**IV. PUBLIC HEARING FOR LIQUOR LICENSE APPLICATION**

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 an application for a Class "R" liquor license. 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 any decision regarding the issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendation."

"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."

**Atlantis Pizza Pub & Restaurant, Inc. d/b/a Atlantis Pub & Patio, 2001 W. 63<sup>rd</sup> Street**

Chairman Mochel said Atlantis Pizza Pub & Restaurant, Inc. is seeking a Class "R" liquor license.

Representatives from Atlantis Pizza Pub & Restaurant, Inc., Mr. Steve Kolliopoulos, owner, and Kanella Tsoumbakopoulos, manager of Atlantis Pub & Patio, were sworn in by the court reporter.

Mr. Kolliopoulos said he has operated a family restaurant, formerly know as Steven's Restaurant, and served alcohol for ten years at the 2001 W. 63<sup>rd</sup> Street location in Downers Grove. Recently they moved that business to Woodridge in order to expand. However, they decided to keep the lease at 2001 W. 63<sup>rd</sup> Street and open a new restaurant that will serve pizza, ribs, sandwiches, chicken, chops, steaks, etc. Mr. Kolliopoulos added they would like to have a nice outdoor patio dining area behind the building, which would be enclosed to prohibit drinks from being passed out of the area.

The Commission reviewed the floor plan for the restaurant and patio.

Mr. Kolliopoulos said they are familiar with local and federal liquor laws and understand that no one under the age of 21 can purchase or be served alcohol. Mr. Kolliopoulos said he and his restaurant managers have attended or will attend TIPS and BASSETT alcohol training classes and will be certified. Mr. Kolliopoulos said they are aware that South High School is nearby and that there will be young people in the area. He said he will have a large well trained staff to control alcohol sales and ensure that minors are not served alcohol. Mr. Kolliopoulos said he and his staff know the amount an alcohol it takes for a person to become intoxicated and they recognize the signs of intoxication.

Mr. Sandack asked if Mr. Kolliopoulos and Ms. Tsoumbakopoulos have taken the TIPS and/or BASSETT classes. Mr. Kolliopoulos said he has taken the classes and Ms. Tsoumbakopoulos, as well as other employees, will be taking them.

Mr. Sandack asked how many seats the patio will have. Mr. Kolliopoulos replied 36.

Mr. Sandack asked if the menu submitted with their application was a Steven's Restaurant menu or the proposed menu for the Atlantis. Mr. Kolliopoulos said it is a proposed menu for Atlantis and it will be finalized in a few weeks.

Mr. Sandack asked what percentage of the restaurant's total revenue would be derived from the sale of alcohol. Mr. Kolliopoulos said it would probably be 35% or less, based on the menu.

Mr. Sandack asked if there will be bar seating in the restaurant and, if so, would food be available at the bar. Mr. Kolliopoulos said there will be bar seating and food will be available in the bar. Mr. Sandack asked what percentage of seating in the facility is alcohol related. Mr. Kolliopoulos said there will be a total of 145 seats, including restaurant and patio seating. Of that, ten or eleven seats will be at the bar. Mr. Kolliopoulos said the bar would serve coffee and juice in addition to alcohol.

Mr. Sandack pointed out discrepancies between the information for liquor manager listed on the "Application for Liquor License" and the information listed on the "Liquor Manager Application". Ms. Gerloff agreed and added that the address listed on the "Outdoor Sales Application" was also incorrect. Ms. Conforti noted their comments and said that she would see that the applications are corrected.

Mr. Kubes asked where the patio would be located and where the entrance would be. Mr. Kolliopoulos said the patio is on the east side of the restaurant and patrons will enter through the restaurant entrance on the south side of the building to reach the patio. Mr. Kubes and Mr. Kolliopoulos reviewed the floor plan. Mr. Kolliopoulos said that the patio is enclosed by fencing and landscaping designed to prohibit alcohol from being handed out of the patio dining area. Mr. Kubes asked if the patio will be covered. Mr. Kolliopoulos replied no.

Mr. Kubes asked how long Mr. Kolliopoulos owned the previous restaurant located on this site. Mr. Kolliopoulos said he owned the old Steven's restaurant since 1991.

Mr. Kubes asked Ms. Tsoumbakopoulos if she is currently liquor manager at Steven's and if she will be liquor manager at Atlantis also. Ms. Tsoumbakopoulos said she would be liquor manager at both restaurants. Mr. Kolliopoulos added that there will also be other certified, BASSETT and TIPS trained managers working at the restaurant.

Mr. Kubes asked if the operating manual included with their application was designed specifically for the Atlantis or if it is the Steven's manual. Mr. Kolliopoulos said they began with the Steven's liquor manual and updated it for Atlantis.

Mr. Kubes asked if the hours of services listed in the manual were for the Atlantis. Mr. Kolliopoulos said they have not finalized their hours. It will depend on the volume of their business. He said that if the restaurant is not busy they will close early. However, Mr. Kolliopoulos added that the kitchen would remain open until the facility closes.

Mr. Kubes asked if patrons can order drinks at the bar and bring them back to their table. Mr. Kolliopoulos replied no. He explained that the waitstaff would serve all alcohol.

Mr. Kubes asked if there is a standing area on the patio in addition to the table seating. Mr. Kubes asked if people standing in the patio area will be served by the waitstaff. Mr. Kolliopoulos said they did not plan to have people standing around in the patio area and no one would be served unless they were seated.

Mr. Kubes noted that the bar seating will be less than 20% of the restaurant seating and there are ten or eleven seats at the bar. He asked if individuals would be permitted to wait in the bar until a table is open. Mr. Kolliopoulos said individuals will remain in a waiting area until seating is available, either in the restaurant or at the bar.

Ms. Gerloff expressed concern that Mr. Kolliopoulos's liquor manual does not state the hours during which alcohol sales are permitted in Downers Grove. She noted that the manual merely states "Alcoholic beverages can only be purchased during indicated hours" and referred to "serving alcoholic beverages before or after prescribed hours." Ms. Gerloff said she would prefer that Mr. Kolliopoulos state the hours during which alcohol sales are permitted in Downers Grove in his liquor manual in addition to listing them on the Daily Liquor Log. Mr. Kolliopoulos and Chairman Mochel clarified that a sample Daily Liquor Log is included as part of the liquor manual.

Ms. Gerloff referred to the site plan and asked if there were stand-up counters along the east wall of the dining room. Mr. Kolliopoulos replied no. He explained that there is booth seating along that wall.

Ms. Gerloff asked where Mr. Kolliopoulos plans to keep his supply of liquor. He said it would be stored in a locked cage in his office.

Chairman Mochel, asked Mr. Kolliopoulos to include a reminder in his liquor manual that employees should watch for a license with a red background when checking identification, as it indicates that the licensee is under 21 and no further age calculations are necessary to determine that the individual should not be served. Mr. Kolliopoulos said the following reminder is included on page 5 of the manual, "Under 21 Driver's license has red background on photo." Chairman Mochel thanked Mr. Kolliopoulos.

Mr. Kubes noted that a birth certificate is listed in the liquor manual as an acceptable form of identification. Mr. Kubes said he feels a photo ID should be required. Mr. Kolliopoulos clarified that a birth certificate would only be accepted as a second form of identification. Mr. Kubes said

that he feels a photo ID should always be presented when purchasing alcohol and he asked Mr. Kolliopoulos to include that requirement in his liquor manual. Mr. Kolliopoulos agreed.

Concerning liquor storage, Mr. Kubes asked who will have access to the liquor supply that is in the locked cage. Mr. Kolliopoulos said only the liquor manager or one of the owners will have access to the liquor supply. He explained that the supply of alcohol at the bar is monitored by computer so the liquor manager will always know when supplies need to be replenished. He added that the empty liquor bottles would also be accounted for.

Chairman Mochel asked for comments from the public. Hearing none he asked for a motion.

**MR. SANDACK MOVED TO FIND ATLANTIS PIZZA PUB & RESTAURANT, INC., D/B/A ATLANTIS PUB AND PATIO, 2001 W. 63<sup>RD</sup> STREET, QUALIFIED FOR A CLASS "R" LIQUOR LICENSE. MS. GERLOFF SECONDED.**

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

**Nay:**            None

**Abstain:**        None

**MOTION CARRIED:        4:0:0**

**V.        OLD BUSINESS**

Ms. Conforti said the ILCC denied Riprocks petition for a rehearing. Subsequently Riprocks filed a suit with the Circuit Court. Ms. Petrarca said the Village has 35 days to file an answer plus 10 days to file any additional briefs.

Ms. Conforti said the Pint House has changed their name to Callaway's Pint House and today she issued an updated liquor license, which reflects the name change. A revised floor plan for Callaway's was distributed in the Commissioners' packets depicting some minor changes in seating. Although there are no requirements with their liquor license for a certain percentage of the seating to be restaurant seating, they must comply with the regulation that no more than 40% of their revenue is derived from the sale of alcohol. Ms. Gerloff commented that she felt their biggest problem was parking.

Ms. Conforti said the Mayor has approved a floor plan change for the Downers Grove Rotary Club special event scheduled for October. She explained that there has been great interest in this event and the Rotary plans to add an additional tent to provide extra seating and space. The entire event will still be located on Village property. Ms. Conforti said the whole area will be barricaded with 3 to 3 ½ foot French barricades surrounding the entire tent. There will be a

double barricade around the outside porta-potties. There will be snow fencing and space between the barricades to prevent drinks from being passed out of the area. The Rotary plans to control the number of people in the area at all times. Ms. Conforti said maximum occupancy loads will be raised due to the use of the additional tent.

Chairman Mochel said he feels the Rotary knows how to handle liquor at such events because they have operated the beer tent at Heritage Festival for the past two years.

Ms. Conforti said the annual liquor license report was included in the Commissioners' packets. The Commissioners complimented Ms. Conforti on the report.

Ms. Conforti said an individual has contacted her regarding opening a billiard emporium in the building formerly occupied by the Burpee Seed Company on Ogden Avenue. She forwarded correspondence concerning this matter to the Commission. Chairman Mochel asked how the outdoor portion of the building would be used. Ms. Petrarca said the prospective tenant planned to use that area as a European café.

Ms. Conforti explained the billiard emporium would have to apply for a Class "G-1", recreational facility, liquor license. However, because only one Class "G-1" license currently exists, the applicant would have to petition for the creation of another license in that classification and then apply for the newly created license. Ms. Conforti said the process would be similar to the recent creation and issuance of the Class "T" theater liquor license for the Tivoli.

Chairman Mochel expressed concern about having a "pool hall" in close proximity to Downers Grove North High School. Ms. Conforti said she too was concerned about the location. She said she discussed the matter with Ken Rathje, Director of Planning Services, and he said there are no restrictions prohibiting location of a billiard emporium within that distance of the high school. Chairman Mochel said that although it may meet the legal qualifications, he still does like the idea. He said he is concerned that it will attract 18 to 25 years olds and that drinks will be shared with minors. Ms. Conforti suggested asking the applicant about age limits for patrons when they appear before the Commission for their application hearing.

Ms. Gerloff said after reading the correspondence from the potential applicant, she feels the establishment is intended to be open later in the evening, rather than during after school hours. Ms. Petrarca said the owner told her that he wants to attract an older crowd, later in the evening, rather than a young after school crowd. She added that the owner hopes to attract an upscale crowd who appreciates and can afford good beer and fine wine. Mr. Kubes said the prices might keep younger patrons out of the establishment.

Mr. Kubes asked if it is appropriate to review and consider an establishment's liquor license history when they close one establishment and re-open a new establishment in the same location, as in the case of Steven's Restaurant and Atlantis Pub and Patio. Ms. Conforti said it is appropriate. She explained that if an establishment is not in operation for 30 days they are

required to forfeit their liquor license. Ms. Conforti said the liquor license for Steven's Restaurant was forfeited and voided. However, their past history, even though the restaurant has since closed, could be taken into consideration by the Commission.

Ms. Conforti reviewed the liquor license history for Steven's Restaurant Limited. She said Steven's held a beer and wine license since May 1991. In July 1994 they upgraded their liquor license to full alcohol. Ms. Conforti said they passed eleven control buys and failed two. Their license was subsequently suspended for two days. Chairman Mochel asked when the failed control buys occurred. Ms. Conforti said they failed control buys in 1994 and 1995.

Mr. Kubes asked if the Village is still doing control buys. Ms. Conforti explained that they are suspended over the summer, but resume once the school year begins.

Ms. Conforti said that at this time she does not have anything on the agenda for the October 4th meeting.

#### **VI. NEW BUSINESS**

None

#### **VII. COMMENTS FROM PUBLIC**

None.

#### **VIII. ADJOURNMENT**

**MS. GERLOFF MOVED TO ADJOURN THE MEETING. MR. SANDACK SECONDED.**

The meeting was adjourned by acclamation at 7:12 p.m.