

COUNCIL WORKSHOP ITEM

ITEM: An Ordinance Creating a Non-Restaurant Facility Liquor License
DATE: February 11, 2002
PREPARED BY: Carol Conforti, Liaison to the Liquor Commission
PURPOSE: To adopt an ordinance creating a new liquor license classification

DISCUSSION:

Attached find a draft ordinance establishing a "Non-Restaurant Facility" liquor license classification. This ordinance was drafted in response to a request from a potential business owner who is looking to open a comedy club in the Village and serve liquor in conjunction therewith. As drafted, the licensee would not have to comply with the strict food service/dining requirements that are currently established by other classifications contained the Liquor Control Ordinance. This license would authorize the sale of alcoholic liquor wherein the primary business is a non-restaurant live performance facility.

The Economic Development Commission, Tourism & Events Commission and Liquor Commission have reviewed the comedy club business proposal and have provided their comments concerning the creation of this new license classification. Materials related to their discussions are attached hereto for your information. The Downers Grove Liquor Commission also recommended at their meeting of February 7, 2002, that the attached ordinance be forwarded to the Village Council for their review and consideration.

The attached ordinance would create a new Class "C-1" Non-Restaurant Live Performance Facility liquor license classification which authorizes the retail sale of alcoholic liquor for consumption on the premises at a business with live performances by amateur or professional entertainers, such as comedians, magicians and actors, where less than 60% of the food and beverage sales are derived from food, *subject to the following conditions:*

- a. Sales of alcoholic beverages shall be limited to Non-Restaurant Live Performance Facilities.
- b. Alcoholic beverage sales shall authorized only during, or one hour before and after regularly scheduled performances.

This license shall be limited to one in number and the proposed annual fee is \$750.00.

ATTACHMENTS:

AN ORDINANCE ESTABLISHING A NON-RESTAURANT FACILITY LIQUOR LICENSE
Recommendation of the Downers Grove Liquor Commission
Minutes of the Downers Grove Liquor Commission: December 6, 2001; January 3, 2002; February 7, 2002
Correspondence from the Economic Development Commission dated January 21, 2002
Minutes of the Tourism & Events Commission – January 14, 2002
Correspondence/background materials provided by Annivar Salgado - Mainly Comedy

RECOMMENDATION:

It is requested that the Village Council consider this matter at their Workshop meeting of February 26, 2002 and place this matter on the Active Agenda for approval on March 5, 2002.

cc: Downers Grove Liquor Commission
Dan Blondin, Village Attorney
Steve Rockwell, Dir. of Economic Development
Lisa Wisner/Mary Scalzetti, Tourism & Events Commission
Annivar Salgado, Mainly Comedy

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ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A NON-RESTAURANT FACILITY LIQUOR LICENSE

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 3-3 of the Downers Grove Municipal Code is hereby amended as follows:

3-3. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Act.* The Illinois Liquor Control Act of 1934, as now or hereafter amended.
- (b) *Alcoholic liquor.* Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes. Beverages sold as beer, ale or other designation commonly applied to malt beverages containing more than one-half of one percent of alcohol by volume shall be presumed to be alcoholic liquor for purposes of this Chapter.
- (c) *Catering Business.* A business which provides and serves alcoholic liquor at locations not owned or leased by the catering business for consumption at such location.
- (d) *Catered event.* A dinner, banquet, party or other similar event at which alcoholic liquor is provided for consumption on the premises by a Catering Business.
- (e) *Club.* A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable comfortable use and accommodation of its members and their bona fide guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of employees for cooking, preparing and serving food and meals for its members and their bona fide guests. Provided, the sale or offer of alcoholic liquor for sale to the public by the club, except as provided in Section 3-32 of this Chapter is not permitted, and further provided, that the affairs and management of the club shall be conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent or employee of the club shall be paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. The term club shall not include any "men's or women's club" as defined herein.
- (f) *Contracted theater rental.* A prearranged function in which an entity enters into a rental agreement or contract for the use of a theater for events, private film viewing/critique and/or theatrical, musical or live performances.
- (g) *Fashion show.* The modeling, showing or other presentation of lingerie or other garments for the purpose of entertaining or for sale of the garment, where the person so modeling the garment appears in a nude or semi-nude state.

(h) *Hotel*. A building or group of buildings used in conjunction with one another as a lodging facility providing sleeping accommodations for compensation to travelers and guests, whether transient, permanent or residential and in which one hundred or more rooms are provided for such purpose.

(i) *Liquor product identification sign*. Any sign, including any placard, banner, poster, streamer, balloon or other attention getting device, which is designed or used to advertise, promote or identify a particular brand of liquor. This includes, but is not limited to, those signs commonly referred to as "beer signs" and may involve electronic or neon displays.

(j) *Men's or women's club*. An establishment which offers entertainment where any person may appear in a nude or semi-nude state, or offers the customer a role playing interaction, including but not limited to servers, hosts, hostesses, dancers, singers, models or other performance artists, or an establishment which offers customers role playing interaction.

(k) *Nude or nudity or a state of nudity*. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast; or, a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

(l) *Semi-nude*. A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

(m) *Non-Restaurant Live Performance Facility*. A business with live performances by amateur or professional entertainers, such as comedians, magicians and actors, where less than 60% of the food and beverage sales are derived from food.

(nn) *Original package*. Any bottle, flask, jug, can, barrel, keg, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

(oo) *Private function*. A prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a an area designated and used exclusively for the private party, function or event.

(pp) *Regularly scheduled motion pictures or films*. Motion pictures or films scheduled to be shown at previously arranged and advertised times and open to the general public. Regularly scheduled motion pictures or films shall not include any motion pictures or films shown as a result of a contracted theater rental, as defined in this section.

(qq) *Recreational facility*. A building or area in which the primary business is to provide, by membership or user fee or both, a place in which the public may participate in a sport or engage in physical fitness activities, including but not limited to volleyball, tennis, racquetball or handball clubs; bowling alleys; and health clubs. Provided, such facilities shall include an area in which service of food prepared on premises is provided, including hot or cold sandwiches or other similar foods.

(rr) *Restaurant*. Any public place kept, used, maintained, advertised or held out to the public as a place where the primary business is the service of meals, and where meals are actually and regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals for its customers. The mere availability and service at any premises of cold sandwiches, hors d'oeuvres or other similar foods will not, standing alone, be deemed sufficient to constitute such premises a restaurant within the meaning of this paragraph, it being the intent of this paragraph that the primary business conducted on premises to be licensed as restaurants hereunder shall be the service of meals.

(rs) *Retail sale*. The sale for use or consumption, and not for resale.

(st) *Role playing interaction*. An arrangement, service or program where a server, host, hostess, dancer, singer, model or other performance artist, engages a customer in a meeting or conversation involving, depicting, participating in, or relating to any "specified sexual activities" as defined and set forth in Section 8-79(g).

(iii) *Sale.* Any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and not for resale, including all sales made by any person whether as principal, proprietor, agent, servant or employee, and including, but not limited to, all of the following acts when done for consideration:

- (1) The selling of liquor.
- (2) The delivery of liquor, without additional charge, with a meal or with entertainment or the providing of samples of liquor as part of a promotion or sales device of any kind.
- (3) The dispensing of liquor.
- (4) The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises.
- (5) The pouring of liquor.
- (6) The providing of "set-ups" containing alcoholic liquor.

"Sale" shall not include:

- (1) a person acting in the privacy of his home
- (2) where liquor is provided as part of a religious ceremony; and
- (3) to private functions as defined herein that are held by the host and where the guests are not charged for the liquor consumed.

(iv) *Service Bar.* The sale of liquor at a restaurant for consumption on the licensed premises in conjunction with the service of food, to customers seated at tables. A service bar shall not include, and shall specifically exclude, any counter, bar, lounge, waiting area or similar arrangement where liquor is sold to, or consumed by, customers who are not seated at a dining table.

(v) *Theater.* A facility within the Central Business District as that term is defined in the Downers Grove Zoning Ordinance, regularly used for showing motion pictures/films or conducting theatrical, musical or live performances or events with a seating capacity of 900 or more persons. (Ord. No. 244, § 1; Ord. No. 1741, § 1; Ord. No. 1749, § 1; Ord. No. 2388, § 1; Ord. No. 2450, § 1; Ord. No. 2541, § 1; Ord. No. 2735, § 1; Ord. No. 2847, § 1; Ord. No. 3164, § 1.)

NOTE: For state law as to definitions, see Ill. Comp. Stat., Ch. 235, § 5/1-3 et seq.

SECTION . That Section 3-13 of the Downers Grove Municipal Code is hereby amended as follows:

3-13. Classification of licenses.

Such licenses shall be, and are hereby, divided into the following classes:

(a) Class "A" package liquor licenses, which shall authorize the retail sale on the premises specified, which shall not include premises of less than three thousand six hundred square feet, of alcoholic liquor in packages with the seals unbroken, only, and not for consumption on the premises, except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of packaged liquor is the main or principal business and/or in locations where the principal business is that of a drug store or grocery store, including those grocery stores referred to as "convenience stores."

(b) Class "B" beer and wine licenses as follows:

(1) Class "B-1" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

(2) Class "B-2" beer and wine licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises,

except that wine tasting shall be permitted on such premises. Such licenses shall be only authorized in locations where the sale of beer and wine is the main or principal business and/or in locations where the principal business is that of a drug store or grocery store, including those grocery stores referred to as "convenience stores".

(3) Class "B-3" beer and wine licenses shall authorize the retail sale of beer and wine with meals for consumption on the premises where the major business is that of a restaurant, as defined herein, with full kitchen facilities for on-site preparation of meals, and which is open for business for a single daily period between the hours of 11:00 A.M. and 3:00 P.M., and for a single period on Sundays between the hours of 12:00 Noon and 4:00 P.M.

(c) Class "C" club licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a club as defined herein.

(d) Class "C-1" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the major and primary business is that of a Non-Restaurant Live Performance Facility. Provided, the sale of alcoholic beverages shall be authorized only during, or one hour before and after, regularly scheduled performances.

(de) Class "D" restaurant licenses as follows:

(1) Class "D-1" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(2) Class "D-3" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises by service bar only, where the major and primary business is that of a restaurant located in a retail or freestanding structure and having a guest seating capacity, excluding outdoor areas, of not less than seventy-five.

(3) Class "D-4" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises; and the retail sale of beer and wine only in original packages, unopened only, and not for consumption on the premises, subject to the following:

a. The licensed premises shall have a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

b. Retail liquor sales for off-site consumption shall be limited to beer and/or wine produced on the licensed premises, such as a micro-brewery.

c. For any new license issued after July 1, 2000, not more than forty percent (40%) of food and on-site beverage consumption sales shall be derived from alcoholic liquor.

(4) Class "D-5" restaurant licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant located in the Concentrated Central Area as defined in the Downers Grove Zoning Ordinance, and having a guest seating capacity, excluding outdoor areas, of not less than sixty but not more than one hundred twenty four.

(ef) Class "E" transition licenses as follows:

(1) Class "E-1" transition licenses shall be issued only for premises which were licensed by DuPage County for the retail sale of alcoholic liquor immediately prior to the annexation to the Village of the territory on which such premises are located; provided, however, that within three years of initial issuance of a Class "E-1" license,

a. The licensed premises must comply with the requirements for the issuance of a retail liquor license in the Village;

b. The licensee must apply for and receive such a license, or if no license of the necessary classification is available, the Liquor Commissioner may issue an "E-2" license as provided herein; and

c. The licensee must thereafter comply with the limitations of the license applied for and issued.

(2) Class "E-2" transition licenses shall be issued only for premises which were issued an "E-1" license and which comply with the requirements for issuance of a retail liquor license in the Village. Such license shall state limitations on liquor sales and required seating, if applicable.

(f) Class "F" hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not less than one hundred twenty-five operated as an integral part of the hotel.

(g) Class "G" recreation facilities licenses as follows:

(1) Class "G-1" recreation facility license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a recreational facility having a guest seating capacity, excluding outdoor areas, of not less than thirty-five.

(2) Class "G-2" recreation facility license shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises in a recreational facility of not less than 16,000 square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five.

(h) Class "H" publicly owned golf course license shall authorize the retail sale of beer and wine for consumption on the licensed premises in a facility located on a golf course owned and operated by the Downers Grove Park District.

(i) Class "I" catering license shall authorize the sale of alcoholic liquor in connection with the operation of an off-site catering business that serves alcoholic liquor in connection with the catering of foods for private functions and for consumption only on the premises where the food is catered. The sale of alcoholic liquor shall be incidental to the food service and if the catered event does not qualify as a private function, a special event license shall also be required for the location of the catered event. No cash bar shall be permitted. No alcoholic liquor shall be served at a single location for more than eight (8) consecutive hours. A licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the location of each event the licensee has catered within the Village and the number of hours for which liquor and food were served at such events during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

(j) Class "R" restaurant license shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant. Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(k) Class "R-1" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant. Provided, not more than forty percent (40%) of food and beverage sales shall be derived from alcoholic liquor. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

(l) Class "T" theater licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a theater, subject to the following conditions:

a. Sales of alcoholic beverages shall be limited to contracted theater rentals.
b. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.

c. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.

d. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.

e. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.

f. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.

g. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

(Ord. No. 244, § 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 2945, § 1; Ord. No. 2996, § 1; Ord. No. 3050, § 1; Ord. No. 3164, § 2.)

SECTION 3. That Section 3-14 of the Downers Grove Municipal Code is hereby amended as

follows:

3-14. Term; fees.

- (a) The term of each license issued hereunder shall be from July 1 to June 30.
- (b) The fee for the various classes of licenses shall be as follows:

License	Annual Fee
"A"	\$ 1,400.00
"B-1"	975.00
"B-2"	750.00
"B-3"	285.00
"C"	335.00
"C-1"	750.00
"D-1"	2,550.00
"D-3"	1,650.00
"D-4"	2,550.00
"D-5"	2,550.00
"E-1"	2,500.00
"E-2"	2,550.00
"F"	2,550.00
"G-1"	975.00
"G-2"	2,550.00
"H"	975.00
"I"	700.00
"R"	2,550.00
"R-1"	975.00
"T"	700.00

(c) Except as provided herein, there shall be no refund or proration of the license fee for any portion of a year prior to issuance or during which licensee ceases to engage in the business of selling alcoholic liquor. For any license issued on or after the first day of January of any year, the license fee shall be prorated by dividing the fee set forth in subsection (b) by twelve and multiplying the resulting sum by the number of months, or parts thereof, remaining in the license year.

(d) For any change in classification issued on or before the first day of January of any year, the licensee shall be awarded a credit in the amount of the license fee previously paid by licensee in same license year for the same establishment.

(e) The annual fee shall be due and payable June 30 in each year. No licensee shall continue to engage in the business of selling alcoholic liquor unless such fee has been paid.

(f) All required fees shall be paid at the time of issuance of the license after approval by the local Liquor Commissioner pursuant to Section 3-12 of this Chapter. All such fees shall be forthwith deposited with the Village Treasurer.

(g) It is the intention of the Village to review and, if justified, adjust license fees annually based upon the costs and expenses incurred by the Village to administer this section. Provided, however, nothing herein shall require such review nor impair or prohibit any adjustment in fees as may from time to time, be approved by the Council. (Ord. No. 244 §§ 5, 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2167, § 4; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 3050, § 2; Ord. No. 3377, § 1.)

SECTION 4. That Section 3-15 of the Downers Grove Municipal Code is hereby amended as follows:

3-15. Limitation on number of licenses.

The number of licenses in each classification as defined in Section 3-13 which it shall be lawful to issue shall be limited so that the licenses in force and effect at any time shall not exceed the following numbers:

Class "A" package liquor licenses not to exceed seventeen in number.

Class "B-1" beer and wine restaurant licenses not to exceed twenty-five in number. Effective July 1, 2000, no further Class "B-1" beer and wine restaurant licenses shall be issued unless issued as a renewal.

Class "B-2" beer and wine packaged liquor licenses not to exceed ten in number.

Class "B-3" beer and wine licenses not to exceed three in number.

Class "C" club licenses not to exceed six in number.

~~Class "C-1" non-restaurant live performance facility shall not exceed one in number.~~

Class "D-1" restaurant licenses not to exceed thirty-six in number. Effective July 1, 2000, no further Class "D-1" restaurant licenses shall be issued unless issued as a renewal.

Class "D-3" restaurant licenses not to exceed nine in number. Effective July 1, 2000, no further Class "D-3" restaurant licenses shall be issued unless issued as a renewal.

Class "D-4" restaurant licenses not to exceed two in number.

Class "D-5" restaurant licenses not to exceed four in number. Effective July 1, 2000, no further Class "D-5" restaurant licenses shall be issued unless issued as a renewal.

Class "E-1" transition licenses shall not be limited in number.

Class "E-2" transition licenses shall not be limited in number.

Class "F" hotel licenses shall not be limited in number.

Class "G-1" recreation facility licenses not to exceed one in number.

Class "G-2" recreation facility licenses, not to exceed one in number.

Class "H" publicly owned golf course license, not to exceed one in number.

Class "I" catering licenses, not to exceed four in number.

Class "R" full alcohol restaurant licenses shall be unlimited in number.

Class "R-1" beer and wine only restaurant licenses shall be unlimited in number.

Class "T" theater licenses, not to exceed one in number.
(Ord. No. 244, § 4a; Ord. No. 284, § 1; Ord. No. 356, § 2; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1395, § 1; Ord. No. 1465, § 2; Ord. No. 1741, § 21; Ord. No. 2246, § 2; Ord. No. 2541, § 8; Ord. No. 2735, § 1; Ord. No. 2861, § 3; Ord. No. 3050, § 3.)

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

[comedy]



Village of
DOWNERS GROVE
ILLINOIS

Civic Center
801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500

TDD 630.434.5511
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CBD Redevelopment Office
1015 Curtiss Street
Downers Grove
Illinois 60515
630.434.5940
FAX 630.968.6346

Fire Department
Administration
3900 Highland Avenue
Downers Grove
Illinois 60515-1506
630.434.5980
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Police Department
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

Public Works Department
5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

Department of
Social & Health Services
842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
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February 11, 2002

The Honorable Brian Krajewski
Mayor and Liquor Commissioner

Re: Draft Ordinance Establishing a Non-Restaurant Facility Liquor License

Dear Mayor Krajewski:

On Thursday, February 7, 2002, at a regular meeting of the Downers Grove Liquor Commission, the members made a recommendation concerning the creation of a new classification of liquor license. The following finding was made:

MR. KUBES MOVED TO RECOMMEND THAT THE DRAFT ORDINANCE CREATING A NON-RESTAURANT LIVE PERFORMANCE FACILITY LIQUOR LICENSE CLASSIFICATION BE SUBMITTED TO THE VILLAGE COUNCIL FOR CONSIDERATION AND APPROVAL. MR. SANDACK SECONDED.

VOTE: Aye: Mr. Kubes, Mr. Sandack, Ms. Gerloff, Mr. Julian

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

This motion can be found in the February 7, 2002 minutes of the Liquor Commission (attached).

Very truly yours,

Marilynn Gerloff, Chairman pro tem
Liquor Commission


VILLAGE OF DOWNERS GROVE

cc: April Holden, Village Clerk

a\recommend.l-c\non-rest-lic.amd

Village of
Downers Grove Web site
<http://www.vil.downers-grove.il.us>

Info Line
630.434.6800

VI. NEW BUSINESS

Ms. Conforti said she was contacted recently by Mr. Annivar Salgado, an individual who wanted to open a comedy club at 63rd and Main Street in a store formerly occupied by a hobby shop. Ms. Conforti said he wanted to know how the Liquor Commission felt about the possibility of creating a liquor license specifically for an entertainment facility. Ms. Conforti explained that liquor licenses in Downers Grove are usually contingent upon the availability of food service. However, she said that Mr. Salgado does not want to serve food at the club, other than snack items and drinks. Ms. Conforti explained that at the Funny Bone, a similar type comedy club, patrons pay a cover charge in addition to a two-drink minimum. Patrons then watch a comedy show, snack on "munchies" and leave when the show is over. Ms. Conforti said Mr. Salgado planned to have one show at the club on Thursdays, and two shows each on Friday and Saturday evenings. Mr. Mochel asked if the same show would be repeated on evenings when there are two shows or if two different shows would be performed on the same evening. Ms. Conforti said she did not know. She said currently Mr. Salgado is trying to secure financial backing for the venture and he wanted to gage the Commission's feelings about the possibility of creating a new type of license.

Chairman Mochel said he felt it would be more appropriate for Mr. Salgado to present his concept to the Village Council since they are the body that ultimately decides whether or not to create a new license. Mr. Blondin agreed.

Ms. Gerloff said she thinks a comedy club that offers appetizers and/or dessert with drinks while guests watch a show would do well in Downers Grove.

Mr. Kubes pointed out that if the establishment plans to serve food, the facility under consideration may have to undergo substantial remodeling to accommodate food service and comply with Health Department requirements. Ms. Conforti said Mr. Salgado would prefer not to serve food because he has found that it is a distraction to have people eating sandwiches etc. during a performance.

Mr. Kubes asked if the theater license created for the Tivoli could be used for a comedy club. Ms. Conforti replied no. She explained that in addition to there being only one such license, the theater license is for contracted events that are closed to the general public.

Mr. Blondin pointed out that even if the Liquor Commission was in favor of creating a license for a comedy club, they do not have the authority to do so. He added that the Village Council would have to change the Ordinance before a new license could be created. Mr. Blondin suggested that Ms. Conforti direct Mr. Salgado's request to Steven Rockwell, Director of the Economic Development Commission. Ms. Conforti agreed. She added that she also told him to check with Code Services to determine if the building he planned to use would be appropriate for his purposes. Ms. Conforti said she would tell him that the Liquor Commission has discussed the issue and decided that it would be more appropriate for him to consult with Economic Development Director Steven Rockwell.

Ms. Conforti said the next meeting is scheduled for January 3, 2002 and there are two disciplinary hearings on the agenda at this time.

VII. COMMENTS FROM PUBLIC

A reporter present in the audience asked the name of the comedy club and the name of the owner. Ms. Conforti said the club would be called Mainly Comedy and the owner is Mr. Salgado.

VIII. ADJOURNMENT

MR. KUBES MOVED TO ADJOURN THE MEETING. MS. GERLOFF SECONDED.

The meeting was adjourned by acclamation at 7:07 p.m.

Ms. Conforti said Zahoor Inc. d/b/a Downers Grove Food Mart has forfeited their liquor license and a Class "B-2" license has been issued to the new owner of the Downers Grove Food Mart, AA Mirza Enterprises. She said she helped Mr. Mirza revise his liquor manual and she included portions of the revised manual in the Commissioners' packets.

Ms. Conforti said she also included the list of DUI notification letters that were sent through the month of November 2001. She added that she has not received a list of the DUI's for December 2001.


Mr. Julian noted that Riprocks received a DUI notification letter. Ms. Conforti said that she and Officer Jim Nehls would conduct a training session at Riprocks on Monday, January 7, 2002. She added that Mr. Alex Gatziolis requested the training as a result of receiving DUI notification letters.

Mr. Kubes said that perhaps the Village should consider conducting training sessions for all establishments that violate the Liquor Control Ordinance. If the Commission wished to require training sessions for all violations of the ordinance, Mr. Blondin suggested that some type of formal alcohol training be used rather than having Ms. Conforti conduct the training personally.

Mr. Kubes asked how the control buys are conducted. Ms. Conforti explained that two police officers and an underage special Village employee enter an establishment separately but at the same time. The special employee, who appears to be alone, attempts to order or purchase alcohol while the police officers observe the transaction. Ms. Conforti said although the special employee is to appear to be alone, he is always being observed by the police officers accompanying him.

VI. NEW BUSINESS

Ms. Conforti said that there are no agenda items scheduled for the February, 2002 Liquor Commission meeting at this time.

 Ms. Conforti said that Mr. Annivar Salgado, the individual who expressed interest in obtaining a liquor license for a comedy club that he wanted to open in Downers Grove, has discussed the matter with Steve Rockwell, Director of Economic Development.

Chairman Mochel expressed concern that a liquor license for a comedy club may lead to having a business, which is more of a bar than a restaurant. Ms. Conforti said that she told Mr. Salgado that Downers Grove liquor licenses require alcohol service to be supplementary to food service. Ms. Conforti said there might be alternatives to having the comedy club prepare food on the premises, such as having food catered by Roundheads, a nearby restaurant.

Mr. Julian asked about Mr. Salgado's previous experience. Ms. Conforti said Mr. Salgado is a comedian who she believes currently works for a non-profit organization.

DRAFT

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

February 7, 2002

I. CALL TO ORDER

Ms. Gerloff called the meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Gerloff, Mr. Julian, Mr. Kubes, Mr. Sandack

ABSENT: Chairman Mochel

STAFF: Liaison to the Liquor Commission Carol Conforti, Secretary Karen Mudra

OTHERS: Annivar Salgado, Commissioner Michael Gilbert

III. APPOINTMENT OF CHAIRMAN PRO TEM

In the absence of Chairman Mochel, Ms. Gerloff requested a motion to appointment a Chairman Pro Tem for this evening's meeting.

MR. SANDACK MOVED TO APPOINT MS. GERLOFF TO ACT AS CHAIRMAN PRO TEM FOR THE FEBRUARY 7, 2002 MEETING OF THE LIQUOR COMMISSION. MR. JULIAN SECONDED.

Vote: **Aye:** Mr. Sandack, Mr. Julian, Ms. Gerloff, Mr. Kubes

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

VI. APPROVAL OF MINUTES

MR. JULIAN MOVED TO APPROVE THE MINUTES OF THE JANUARY 3, 2002 LIQUOR COMMISSION MEETING AS PRESENTED. MR. KUBES SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Ms. Gerloff said that the agenda for this evening's meeting is to discuss changes to the Liquor Control Ordinance. She explained that at the December 2001 Liquor Commission meeting, the Commission received a request for their opinion on a proposal from Mr. Annivar Salgado for a comedy club he wished to open in Downers Grove. At that time the Commission discussed the idea briefly and decided to turn the matter over to the Economic Development Commission for their review. Ms. Gerloff said the Economic Development Commission discussed the proposal at their January 2002 meeting and also asked the Tourism and Events Commission to review the proposal. Opinions from the Economic Development Commission and the Tourism and Events Commission have been forwarded to the Liquor Commission. Ms. Gerloff asked Ms. Conforti to summarize that changes to the Liquor Control Ordinance made by the draft ordinance creating a liquor license for a non-restaurant live performance facility.

Ms. Conforti explained that after receiving Mr. Salgado's comedy club proposal, she discussed the matter with the Mayor and they decided to ask some of the Village's advisory boards review it. Ms. Conforti said that the Economic Development Commission and the Tourism and Events Commission reviewed the proposal and minutes from their meetings have been included in the Liquor Commission's informational packet.

Ms. Conforti said that Mayor Krajewski requested her to have a draft ordinance prepared creating a liquor license appropriate for a comedy club. In response to that request Village Attorney Dan Blondin prepared the draft ordinance included in the packet this evening. Ms. Conforti explained that the draft ordinance would create a new non-restaurant live performance facility liquor license. She explained that this new license classification was drafted as Mr. Salgado desired a liquor license for a comedy club and currently there is no license for which he could apply. Thus, the Village is considering creating a new license to accommodate his needs.

Ms. Conforti explained that the draft license will create a license for alcoholic beverage sales at a facility with live performances by amateur or professional entertainers, such as comedians, magicians and actors, where less than 60% of the food and beverage sale are derived from food. Ms. Conforti said these requirements are the opposite of the 60/40 food versus alcohol sales revenue split required for a restaurant liquor license. This ordinance change would allow the licensee to sell alcohol where *less than* 60% of the revenue is from the sale of food.

Ms. Conforti said the ordinance would create a new Class "C-1" liquor license, which would authorize the retail sale of alcoholic liquor for consumption on the premises where the major and primary business is that of a Non-Restaurant Live Performance Facility. She pointed out that the language in the draft ordinance is intentionally as non-restrictive as possible and other than limiting the sale of alcoholic beverages to during, and one hour before and one hour after a regularly scheduled live performance, there are no other specific restrictions as to the days and hours that alcohol could be sold. Because the sale of alcohol would be tied to performances, the

licensee would have the flexibility to set the hours of business and performance times. Ms. Conforti pointed out that the ordinance would create only one Non-Restaurant Live Performance facility license.

Regarding Section 3-14 of the Ordinance concerning fees, Ms. Conforti said she is in the process of determining an appropriate annual fee for this license. She said this new license differs from other licenses in that the hours of operation for a non-restaurant facility will be less than that of other licensees. She asked the Commission's opinion on any other requirements, they would like to impose on the new license classification, such as, reporting requirements, participation in the control buy program, etc. She explained that these factors would affect the administrative cost of the license and calculation of an appropriate license fee. She asked Commission members for their questions or concerns about the ordinance and said that after the adequate discussion, she hoped they would be able to make a motion as to whether or not to it should be forwarded to the Village Council for their approval.

Mr. Julian noted that the draft ordinance contains only two basic changes to the current Liquor Control Ordinance. One is the addition of the definition of "Non-Restaurant Performance Facility". Although, he did not feel that it was overly restrictive, he wondered if it was necessary to designate specific types of entertainers (comedians, magicians and actors) in the definition. Secondly, he noted that the draft ordinance limited the hours of alcohol service at Non-Restaurant Live Performance facilities to during and one hour before and after regularly scheduled performances. He noted that there would be three performance on some evenings and said that he felt the before and after timeframe would be sufficient. Overall, Mr. Julian said he felt the additions to the ordinance were very simplistic and he did not feel it was necessary to make the ordinance any more detailed.

In response to Mr. Julian's comment concerning the definition of Non-Restaurant Live Performance facility, Ms. Conforti asked if the Commission wished to specify the types of live performances permitted. If not, she agreed that the language in the draft ordinance might be a bit limiting. In order to allow more flexibility, Mr. Julian suggest that the definition be rephrased to state "A business with live performances by amateur or professional entertainers, such as, but not limited to, comedians, magicians and actors..." Ms. Conforti noted his comment.

Regarding the restriction to serve alcohol "...one hour before and one hour after regularly schedule performances," Ms. Conforti said she believed it was the intention to prohibit the establishment from being able to sell alcohol for long periods of time, i.e. six hours before a performance or at any other time that a performance is not scheduled. Mr. Julian said the spirit of the ordinance seems to be to confine alcohol sales to the timeframe of performances. Ms. Conforti agreed. Mr. Julian said that he was comfortable with the simplistic changes made by this draft ordinance.

Mr. Sandack said he is receptive to the concept presented in the draft ordinance and believes it is a positive idea, with which the Commission should go forward. However, he said he felt that perhaps the ordinance should be tightened up a bit. He pointed out that the petitioner is seeking a comedy club. He suggested that perhaps the ordinance should be more specific and create a

"comedy club" license because, although he understands the petitioner's proposal and feels it is a good concept, there are many different possible interpretations of "live performance". Ms. Gerloff agreed that the current draft ordinance gives the Village a great deal of leeway. She asked what if all the performers at the comedy club were not comedians, such as a magician, etc. Mr. Sandack agreed; however, he said he did not want the ordinance to allow too much flexibility. Mr. Sandack summarized that he feels the current draft ordinance is a good start and that he is totally in favor of this concept. He said he looks forward to hearing from the petitioner.

Ms. Gerloff asked Mr. Sandack's opinion of the language in the ordinance pertaining to alcohol service regulations. Mr. Sandack said he is basically comfortable with the language and understands that alcohol sales will conclude one hour after the performance, although that too could be tightened up a little.

Mr. Kubes noted that the new license classification specifies a "non-restaurant live performance facility"; however, he wondered what would occur if the petitioner does plan to serve some food. He asked if this would be in conflict with the ordinance. Ms. Conforti pointed out that the ordinance does not require that the licensee serve food; however, it will allow the applicant the ability to do so. Mr. Kubes wondered if the facility serves food, would it still qualify as a "non-restaurant" facility. Ms. Conforti said yes. She explained that even though the comedy club serves some food, it would not derive a majority of its total revenue from food sales.

Mr. Kubes expressed concern about basing the fee for the new license classification on the number of hours the comedy club would be open and asked if the fee would have to be adjusted if the licensee decided to add or delete performances. Ms. Conforti said that the Village considered this issue when creating the catering license and the theater license because these are specialized in that the establishments only operate during certain times of the week. She said the Tivoli only has alcohol sales during contracted theater events, which may take place only once a month whereas a restaurant licensee has the ability to serve alcohol between the hours of 8:00 a.m. and 1:00 a.m. every day of the week, except Sunday. Ms. Conforti said the fee for the license will be set to cover any staff costs involved in administering the license, i.e. the cost of conducting a control buy, the administrative cost for Ms. Conforti to review the license at the time of license renewal, a portion of the cost to prepare and print Liquor Newsletters and correspondence, etc. However, she added that the fee for a full alcohol license is greater than the fee for a beer and wine only license. Ms. Conforti said she understands Mr. Kubes concerns and she is still in the process of determining an appropriate fee for the license.

Mr. Kubes asked what would happen if the comedy club was open only three nights a week when their license was issued, and then as their business grew, they decided to be open six nights a week. He asked if the ordinance should require them to notify the Liquor Commissioner if they substantially increase their hours and consequently their alcohol service. Ms. Conforti said the current wording of the draft ordinance which confines alcohol service to during and one hour before and one hour after regularly scheduled performances is in itself very limiting and may limit the number of shows the licensee is able to have in one day. She said the licensee would not be having seven shows a day, seven days a week, every other hour, every day. Ms. Gerloff and Mr., Kubes agreed. He added that as long as Village Attorney Blondin is comfortable that

the language in the ordinance is legally adequate, he is satisfied with the language.

Mr. Julian asked if the Commission wants to confine the licensee's ability to serve alcohol to three days. Mr. Kubes and Ms. Gerloff replied no. Mr. Kubes clarified that if the petitioner obtains a license for a club that is only open three days a week, he would like the petitioner to let the Village know when his business needs change and he plans to be open five days a week instead of three. Ms. Gerloff noted that the petitioner's proposal states that he plans to start with certain hours and he plans to expand the hours if business warrants the increase. Mr. Julian said he did not feel the ordinance should contain any constraints on the number of days the establishment could be open. Ms. Conforti said that most of the licensees do advise her of changes in hours of operation, etc.

Ms. Gerloff said she does not feel the annual fee for the non-restaurant live performance facility should be as much as the fee for a full alcohol service restaurant license. However, she feels it should be higher than the fee for a club, such as the American Legion. She said she felt a fee similar to that of the theater license would seem appropriate. Mr. Kubes agreed.

Ms. Gerloff said she is comfortable with the term "non-restaurant live performance facility". She added that she is extremely comfortable with the requirement for alcohol service to be limited to during and one hour before and one hour after the regularly scheduled performances. Ms. Gerloff said she feels the ordinance adequately limits when alcohol can be sold.

Ms. Gerloff asked the Commission members how they felt about including the new Non-Restaurant Live Performance Facility classification in the Village's control buy program. Mr. Sandack said he was in favor of having control buys for the new license classification.

Mr. Kubes asked if the Tivoli is subject to control buys. Ms. Conforti said the Tivoli bowling alley has control buys; however, the theater does not. She explained that because the theater only serves alcohol at contracted events, many of which are by invitation only, it would be difficult to schedule a control buy to coincide with one of these events. Mr. Kubes said he would agree with control buys for the non-restaurant live performance facilities. Mr. Julian concurred.

Ms. Conforti noted that Mr. Salgado's proposal states that he will card 21 and only those 21 or over will be permitted in the comedy club. However, the control buy program can be used to insure that his policy is being carried out. She said it may be somewhat difficult to time the control buys to the evenings when the comedy club is open, but she felt it could be done.

Ms. Gerloff asked if the comedy club would be required to report their sales. Ms. Conforti said no. She explained that their license is not contingent upon meeting the 60/40 food versus alcohol revenue split. Mr. Julian agreed and said he did not see the need for the comedy club to report their sales as restaurants do. Mr. Kubes agreed that there would be no reason to require the comedy club to report their sales.

Ms. Conforti said she felt that tying the limited alcohol sales hours to the performance times would help control the sales. Ms. Conforti explained that Mr. Salgado plans to charge an

entrance fee and require a two-drink minimum, although those "two drinks" do not have to be alcoholic beverages.

Mr. Julian asked if Ms. Conforti consulted other municipalities with similar license classifications in the development of this draft ordinance. Ms. Conforti said she spoke with the Naperville City Clerk about the license for the Funny Bone, a comedy club formerly located in Naperville. She explained that Naperville has a different license structure than Downers Grove in that they have a tavern license as well as a live performance license. Ms. Conforti said the Funny Bone had two licenses, a tavern license and a live performance license, which allowed them to do live performances on site. In addition, the Funny Bone had an arrangement with a neighboring restaurant to provide food service in the event their customers wanted appetizers, etc. Mr. Julian asked if that arrangement was part of their license or if it was an accommodation to their customers. Ms. Conforti clarified that it was an accommodation to their customers; their tavern license did not require food sales. She added that the Naperville City Clerk said they had not experienced any problems with the Funny Bone.

Ms. Gerloff asked if there was any further discussion. Hearing none, she asked for a recommendation from the Commission regarding submittal of this draft ordinance to the Village Council for their consideration and approval.

MR. KUBES MOVED TO RECOMMEND THAT THE DRAFT ORDINANCE CREATING A NON-RESTAURANT LIVE PERFORMANCE FACILITY LIQUOR LICENSE CLASSIFICATION BE SUBMITTED TO THE VILLAGE COUNCIL FOR CONSIDERATION AND APPROVAL. MR. SANDACK SECONDED.

VOTE:	Aye:	Mr. Kubes, Mr. Sandack, Ms. Gerloff, Mr. Julian
	Nay:	None
	Abstain:	None

MOTION CARRIED: 4:0:0

Ms. Gerloff asked if Mr. Salgado had any comments at this time. Mr. Salgado thanked the Commission for their recommendation. Ms. Gerloff said the Village is open to new businesses and the Commission wished Mr. Salgado well. She explained that once the Village Council approves the new license classification, Mr. Salgado should submit a formal application for a liquor license.

V. OLD BUSINESS

When asked about the approval process, Ms. Conforti said once the minutes for this meeting have been prepared, she will submit them along with the Commission's recommendation and the draft ordinance to the Village Council for their consideration. She said she would also include related background material from the Economic Development Commission and the Tourism and

Events Commission. Ms. Conforti said once the ordinance has been passed and the new license classification created, she will forward an application packet to Mr. Salgado so that he can apply for the newly created license.

Ms. Gerloff said she was glad that Ms. Conforti intended to include related background information from the Economic Development Commission with the draft ordinance when she submitted it for Council consideration. Ms. Gerloff said she felt Mr. Rockwell made some valid points and she wanted to be sure that the Village Council had an opportunity to discuss them.

Mr. Julian and Mr. Sandack both commented that they felt the comedy club concept was a good one.

Ms. Conforti briefly discussed two floor plan revisions included in the Commissioners' informational packets. She said that the Mayor recently approved floor plan changes for Parker's Ocean Grill and Isabella's. She explained that Parker's is remodeling and plans to divide the dining rooms. Isabella's is expanding into an adjacent store, formerly Design Interiors, and they plan to use the newly acquired space for a banquet room. Ms. Conforti said that French doors would divide Isabella's existing restaurant from the new seating area. She explained that expanding an establishment's dining seating usually does not adversely affect their liquor license and typically the Mayor approves this type of floor plan change administratively. The Commission members reviewed the changes to both floor plans.

Ms. Gerloff noted that Code Enforcement had inspected the building that Mr. Salgado wanted to convert into a comedy club. She asked Ms. Conforti if she knew the results of that inspection. Ms. Conforti replied no. She explained that during preliminary discussions with potential liquor license applicants, she advises them to have the building they plan to use inspected by Code Services to be sure that it is appropriate for the intended use. She said whenever, a building is going to be used for a totally different type of business, such as using a former hobby shop for a comedy club, there are potential problems, i.e. adequate bathroom facilities, parking requirements, etc.

Ms. Gerloff asked if Code Services had to approve the facilities before Ms. Conforti could submit the draft ordinance to create a comedy club license to the Village Council. Ms. Conforti explained that Mr. Salgado has not yet applied for the license and thus, the tentative floor plan that he submitted would not apply. She explained that if the building Mr. Salgado had intended to use does not work out, he could apply for the license using a different location.

Ms. Gerloff said she thought one reason Mr. Salgado discussed his proposal with Economic Development was so that they could assist him in finding an appropriate location for the comedy club. Ms. Conforti agreed. She said she learned that after talking with Mr. Salgado, Mr. Rockwell of Economic Development and Mr. Ken Rathje of Planning Services suggested some alternative locations for the comedy club, if the hobby shop location does not work out. Ms. Gerloff confirmed that there would only be a problem with the hobby shop location if it did not meet the Code requirements. Ms. Conforti agreed.

Ms. Conforti said the main concern about the hobby shop location at this time is compliance with parking requirements. Ms. Conforti explained the Village Code has different parking requirements for different types of businesses, i.e. a restaurant with a lounge is required to have 3 parking spaces per 100 square feet of lounge area. She said that if the comedy club were considered a lounge it would be required to provide 150 parking spaces. However, at this time, she is not sure how it will be classified, because there is no comedy club business classification.

Ms. Conforti clarified that it is her understanding that Mr. Salgado would be willing to consider alternative locations for the comedy club if the hobby shop location does not work out. For example, if Code Services were to advise Mr. Salgado that costly renovations would be needed to bring the building up to Code, she felt he would be willing to consider other sites.

Mr. Kubes asked Ms. Conforti if she recently conducted an alcohol service training session at Riprocks. Ms. Conforti replied yes. She explained that she and Officer Nehls conducted a training session for Riprocks' employees including correct carding procedures, local ordinances, and a videotape of local DUI arrests. Ms. Conforti said approximately 30 of Riprocks' staff attended the session, as well as two of the owners. She said she felt it was a very good training seminar and that the staff asked many good questions. Ms. Conforti noted that many of the staff were not aware that in some circumstances, the server could be held personally liable for DUI's.

Mr. Kubes noted that although Riprocks is appealing the Liquor Commissioner's suspension and fine, they appear to be receptive to improving their practices and working with the Village. Ms. Conforti agreed.

VI. NEW BUSINESS

Ms. Conforti said that during the past month, she has had inquiries from several potential applicants. However, she said she has not received any DUI notifications from the Police Department this month and no control buys have been conducted recently. Ms. Conforti said the disciplinary hearing for Fuddrucker's is scheduled for the March 7, 2002 Liquor Commission meeting.

VII. COMMENTS FROM PUBLIC

None.

VIII. ADJOURNMENT

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

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



DOWNERS GROVE
ECONOMIC DEVELOPMENT COMMISSION

Stability, Diversity, Opportunity

Date: January 21, 2002

To: Carol Conforti, Liquor Commission

From: Steve Rockwell, Economic Development

Re: EDC Review of Proposed Comedy Club

As you requested on behalf of the Liquor Commission, the Economic Development Commission reviewed a proposal to open a Comedy Club in Downers Grove. The EDC introduced the topic at its January 9th Board Meeting. The resident's proposal for the Comedy Club was distributed to each Board Member and a discussion followed.

The Board unanimously voted to forward the following:

"The EDC Board endorses the issuance of a liquor license to this comedy club venue in the Village of Downers Grove. Further, the EDC would recommend that the Village evaluate an *"Entertainment Liquor License"* and/or an *Entertainment Tax*. It is the belief of the Economic Development Commission that entertainment venues (Dave & Buster's etc) are certainly a viable and attractive unique additions to our village."

The discussion points are listed below, as is a summary of the Board's major conclusions.

- 1) A Comedy Club supports a recommendation brought forth in Gruen's Comprehensive Economic Development Strategy: to provide high quality evening entertainment to Downers Grove residents. The Comedy Club is unique and would provide entertainment during non-peak hours. It would also attract people from neighboring suburbs to Downers Grove to spend disposable income, which is positive.
- 2) The Board is concerned about the quality of the Club. It hopes that the Club will be well managed, feature talented artists, have a façade that compliments the Village and be well maintained.
- 3) A review of the owner's business plans indicate he does not seem to have an abundance of capital to work with, which could be a problem going forward.



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- 4) An establishment that offers liquor needs to take care to serve the public in a responsible manner.
- 5) Since the Club would only be open three days a week, (Thursday, Friday and Saturday), the Board hopes the site will be properly maintained during the times it is closed.
- 6) The Board briefly discussed the possibility of creating an Entertainment Tax for these types of establishments. However, the Village would need to specifically define what type of entertainment would be eligible for taxes.
- 7) The owner's credentials indicate he does appear to have the experience needed to open and run a Comedy Club. The EDC wishes the owner much success in this venture. If the Comedy Club provides high quality, well run, entertainment, it will be successful. If the Club offers substandard entertainment/management, it will suffer from lack of business and be forced to close.



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DRAFT

**Village of Downers Grove
TOURISM AND EVENTS COMMISSION**

5202 Washington Street, Suite 2

Downers Grove, IL

January 14, 2002

Chairman Dave Humphreys called the meeting to order at 5:00 p.m.

Present: Chairperson Humphreys, Mr. David Dahm, Mr. Frank Fulco, Ms. Patti Marino, Ms. Kathy Nybo, Ms. Ellen Pendola, Mr. John Randall
Staff: Ms. Mary Scalzetti, Ms. Lisa Wisner, Ms. Laura Kestelik

Absent: Mr. Paul Bleuher, Mr. Greg Bollendorf, Mr. Gustavo Hernandez, Mr. Mark Stutz,

Ms. Scalzetti introduced the new Deputy Village Manager Dave VanVooren. Mr. VanVooren spoke briefly about his background and explained the division of duties among the Villager Manager and the two Deputy Village Managers.

APPROVAL OF THE TOURISM AND EVENTS COMMISSION MINUTES

The minutes from the December 17, 2001 meeting were approved as submitted.

PRESENTATION/APPROVAL ITEMS

Approval of FY 02/03 Visitors Bureau Budget – Ms. Wisner explained the majority of the Visitor Bureau Budget is spent on public relations and advertising. She briefly spoke about the division of dollars for advertising programs among the area hotels and the events supported by her budget. Chairperson Humphreys asked Ms. Wisner to explain the dollar amount designated to grants. She explained that dollar amount was given to groups to support their events that would bring in revenues to the area hotels. This year it will be used to run the Corvette Rally. Ms. Marino made a motion to accept the Visitors Bureau Budget; Mr. Dahm seconded, all in favor.

COMMITTEE REPORTS

Events Committee – Mr. Dahm reported that the committee discussed and made recommendations for the stages, portable toilets and the Beer Garden. The recommendation for the stages is North Park, the only company that sent in a bid. The recommendation for the toilets is Hygo-Port, based on past performance and superior equipment. Mr. Dahm reported that after much discussion on the part of the Events Committee, the recommendation is to have the Rotary Club operate the Beer Garden for the 2002 Heritage Festival based on the more detailed, professional proposal, their contributions to the Village and their outstanding past performance. The Tourism and Events Commission discussed and approved the recommendation of the Events Committee to choose the Rotary Club to operate the Beer Garden.

Corvette Committee – Ms. Wisner reported the committee researched other events similar to the Corvette Rally and found no conflicting events that same weekend, therefore the date of the event will be August 30, 31, and September 1. The committee discussed the budget and ways to obtain revenues to run the event. Some suggestions to raise revenue were to charge an entry fee, vendor fees and sponsorship. The committee discussed potential locations for the events over the three-day rally.

Tourism Committee – No meeting held.

STAFF REPORTS

Community Events – Ms. Scalzetti reported that the department is now soliciting sponsors to support the Heritage Festival and booking the entertainment. She also noted an ordinance amendment was being presented to the Village Council in order to remain consistent with the Village's revised purchasing policy, village ordinance 2-79(b)(3) would be amended from \$10,000 to \$15,000 so expenditures of \$15,000 and over would be brought before this commission for an approve recommendation and would then be presented to Council for approval. The ordinance will be amended to reflect this change.

Visitor Bureau – Ms. Wisner reported they have received a record of fifty-one orders for ice sculptures and five confirmed ice carvers for the competition. She noted the advertising for the Ice Sculpture Festival is starting to come out. The suites promotion is also underway. Ms. Wisner distributed an article from Crains showing the decline in occupancy in hotels. The commission briefly discussed this article.

OLD BUSINESS

Mr. Dahm reported the 5K run is still being considered. After more research, a recommendation will be made as to if and when the event will be held.

NEW BUSINESS

Mr. Humphreys reported that the Village has received a proposal by an individual to open a comedy club at 63rd and Main in Downers Grove. This would require the Liquor Commission to amended or create a new type of liquor license to accommodate a business that does not sell food and provides entertainment. Ms. Wisner reported that the Economic Development Commission recommended the Liquor Commission review the application. Mr. Humphreys then opened the room to discussion. There were some questions as to why he couldn't serve food. A suggestion was made that if he didn't have the room or the capital to work out an arrangement with Roundheads. There was some discussion regarding Mr. Salgado's business plan and the proposed location. The Tourism and Events Commission came to a consensus that a comedy club would be a good business for Downers Grove, and recommended that it be further examined by the liquor commission.

ADJOURNMENT

With no further business, the meeting was adjourned. The next meeting date will be Monday, February 11, 2002.