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

August 7, 2003

## **I. CALL TO ORDER**

Chairman Mochel called the meeting to order at 6:33 p.m.

## **II. ROLL CALL**

**PRESENT:** Ms. Gerloff, Mr. Kubes, Ms. Summers, Mr. Barnett, Ms. Dietrich,  
Mr. Durkin, Chairman Mochel

**ABSENT:** None

**STAFF:** Staff Attorney Ann Marie Perez, Liaison to the Liquor  
Commission, Carol Conforti, Recording Secretary Karen Mudra

**OTHERS:** Mohamed Murad, Rawia Murad, Robert Capone, Gregory Lynn,  
Jennifer Gallery, Debra Eybers, Court Reporter

Chairman Mochel welcomed and introduced the new members of the Liquor  
Commission: Mr. Sean Patrick Durkin, Ms. Kelly Dietrich, and Mr. Robert Barnett.

## **III. APPROVAL OF MINUTES**

**MS. GERLOFF MOVED TO APPROVE THE MINUTES OF THE JUNE 5, 2003  
LIQUOR COMMISSION MEETING AS PRESENTED. MR. KUBES  
SECONDED.**

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

**Nay:** None

**Abstain:** Mr. Barnett, Ms. Dietrich, Mr. Durkin

**MOTION CARRIED: 4:0:3**

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Chairman Mochel reminded everyone that tonight's meeting is being recorded on Village owned equipment. Staff is present to keep minutes for the record and a court reporter is present to take minutes verbatim.

**IV. APPLICATION FOR LIQUOR LICENSE**

Chairman Mochel stated:

"A part of tonight's agenda is to conduct a public hearing for liquor licenses. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner"

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"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. Staff is also present for purposes of summarizing the proceedings."

**Marzoy Corporation, d/b/a White Hen Pantry, 4946 Main Street**

Chairman Mochel said the applicant is seeking a Class "B-2-C" beer and wine liquor license. He asked that those present representing the applicant come forward and be sworn in.

Mr. Mohamed Murad, President of Marzoy Corporation; Rawia Murad, Secretary of Marzoy Corporation; and Robert Capone, Store Counselor for White Hen Pantry franchise stores in this area, were sworn in by the Court Reporter.

Mr. Murad said he would like to operate a White Hen Pantry and sell beer and wine at the store. He said based upon his previous experience he hoped that he would be granted a liquor license.

Ms. Summers noted the Mr. Murad is listed as the liquor manager for the establishment. She asked about his liquor handling experience. Mr. Murad said he has been a district

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manager for Speedway supermarkets and has operated 10 stores, 6 of which sold alcohol. Mr. Murad said he was also an instructor for Speedway for the Techniques of Alcohol Management program. He taught 10 classes all together. Mr. Murad said he did not have any alcohol violations during his employment with Speedway. He said his rules were very strict and they were strictly enforced. In order to avoid any problems, he instructed Speedway employees to card everyone under the age of 40 years old. He added that he worked for Speedway for five years.

Ms. Summers asked if Mr. Murad had a set schedule for training employees. He said he has a meeting scheduled with store employees on Saturday, August 9<sup>th</sup> at which time he plans to emphasize carding for alcohol and tobacco sales, watching for second party sales and checking ID's, etc. He explained that he wants to train the employees and address any potential problems prior to the time he takes over the store on August 26<sup>th</sup>.

Ms. Summers asked what Mr. Murad would do if an employee is involved in an alcohol violation, i.e. selling alcohol to a minor. Mr. Murad said the individual's employment would be terminated immediately and the employee would be responsible for the consequences of the law. Ms. Summers asked if this policy is documented in writing in Mr. Murad's employee manual. Mr. Murad said that it would be.

Mr. Kubes asked Mr. Murad why he wanted to open a business in Downers Grove. Mr. Murad said Downers Grove is well established, growing community. The area is well kept and well maintained and he said he would like to live here with his family.

Mr. Kubes asked Mr. Murad if he has other stores. Mr. Murad replied no.

Mr. Kubes asked how many employees Mr. Murad expects to have. Mr. Murad said currently there are four employees at the store. He added that he is bringing in another employee, who is being trained now to be the Assistant Manager.

Mr. Kubes asked Mr. Murad what percentage of the store's total revenue he expects to receive from alcohol sales. Mr. Murad said he plans to sell alcohol mainly as a convenience to his customers so that they can do all their shopping in one stop at his store.

Mr. Kubes asked what percentage of the store's floor area would be used for alcohol display. Mr. Murad said he has noticed a lot of kids hanging around outside of the store and to avoid problems he does not plan to keep any alcohol on the floor. It will be kept in coolers, which will be locked during the hours which alcohol sales are prohibited. He added that his alcohol overstock would be stored in the back stock room.

Mr. Kubes asked who would be in charge of restocking the alcohol in the coolers. Mr. Murad replied that the manager would restock the coolers. He explained there would be management in the store 24 hours per day. Mr. Murad said he plans to operate the store during the morning hours, another manager will take the afternoon shift and there will be an assistant manager on duty overnight. The assistant manager will also be

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knowledgeable about alcohol sales. Mr. Murad said he has already hired an individual to be the assistant manager, whom he trusts and who has worked for him before.

Mr. Kubes noted that Mr. Murad included an alcohol management course in his application packet. He asked if the course would be part of the store's alcohol handling manual, which is given to employees as part of their training. Mr. Murad replied yes. In addition he said he has alcohol-training videotapes.

Mr. Kubes asked about on-going training for employees after they have received their initial training. Mr. Murad said signs would be posted around the store reminding employees and others of the alcohol sales restrictions. Mr. Murad said employees are constantly reminded about the possibility of "sting operations" and about the consequences of a violation. Mr. Murad explained that he conducts his own "sting operations" to be sure that his employees are carding everyone under 40 years of age for alcohol purchases. He added that any new employees would have to be trained. Mr. Kubes said he was glad to hear that Mr. Murad intends to strictly enforce the rules stated in his liquor manual.

Mr. Barnett thanked Mr. Murad for his interest in Downers Grove. Mr. Barnett noted that convenience stores are frequent targets for second party buys. He asked Mr. Murad how his employees would attempt to prevent second party buys at this store. Mr. Murad said he believes that kids loitering around the store contribute to this problem. He said his employees would be trained to watch the activities going on inside and outside of the store. Employees observing minors paying adults to purchase alcohol for them would put a stop to the activity immediately. Again, Mr. Murad said these problems can best be controlled by being aware of what is going on inside and outside of the store. He said monitoring this activity is also necessary for safety and security reasons, as well as for alcohol and tobacco sales. Mr. Murad said the cashier in the store has a wide view of activities in front of the store.

Ms. Dietrich asked if all of Mr. Murad's store managers are over 21 years of age. Mr. Murad replied yes. She asked if it is difficult to find enough over 21 employees to staff the store. She asked if there would always be someone who is over 21 on duty in the store during the hours when alcohol sales are permitted. Mr. Murad replied yes. He added that no one under the age of 21 would be permitted sell alcohol. Ms. Dietrich said that she has noticed several current employees at the store who are under 21. Mr. Murad said that is one of the problems which he will have to handle when he takes over the store. Mr. Capone added that many of the current employees may not be there when Mr. Murad takes over.

Mr. Durkin said his biggest concern is the obnoxious amount of children loitering in the parking lot in front of the White Hen from dusk until dawn. He said he is uneasy parking his car in that lot during certain hours. He asked how Mr. Murad planned to handle the problem of loitering. Mr. Murad said he too felt uneasy on occasion when he left his wife and family in their car in the parking lot. Mr. Murad said he would talk to the teenagers and work with higher authorities to let them know that his store is a place of

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business and he did not want any loitering in the area. If the kids do not leave as requested, Mr. Murad said he would contact the Police Department.

Mr. Durkin noted that Mr. Murad leases the White Hen property. He asked if the property owner and the other business owners in the mall agreed that was undesirable to have kids loitering in the parking lot. Mr. Murad said the owner of the cleaning establishment in the mall has contacted the White Hen corporate office to develop a plan to keep the kids from loitering in the parking lot. Ms. Conforti said that recently the landlord of the property made an agreement with the Downers Grove Police Department giving them the authority to come on to the property and issue tickets for skate boarding, skating, etc. Mr. Durkin asked if the police would issue tickets for loitering. Ms. Gerloff said there are signs posted in the parking lot prohibiting loitering. Ms. Conforti said the police have the authority to go on to this property and issue tickets for skateboarding and skating violations. Mr. Murad added that he is concerned about his employees' safety and he does not want problems with kids targeting his employees.

Mr. Durkin asked if Mr. Murad's hours at the store will follow a set schedule and if he operates other stores. Mr. Murad said this store is his primary business and he does not have any other businesses. Mr. Murad said he would not have a set schedule, however, he would put in as many hours as are necessary. Mr. Durkin said he wanted to be sure that Mr. Murad would be an active participant in the store. Mr. Murad said that he would be a "hands on" manager.

Ms. Gerloff said she was surprised to learn that for five years Mr. Murad was in charge of Speedway's liquor management at six stores and that he taught liquor management to Speedway employees because he did not list any previous experience on his application for liquor manager. She asked if Mr. Murad has had any formal alcohol training. Mr. Murad said that Speedway sends employees through a Tobacco and Alcohol Management (TAM) class. Mr. Murad said he had to pass their test. He added that only qualified individuals were chosen to teach the class.

Ms. Gerloff noted that the White Hen corporate office has a wonderful alcohol training video. She suggested that he use it as he trains new employees. Mr. Murad said he has the video.

Ms. Gerloff asked if Mr. Murad's wife would be working at the store. Ms. Murad replied that she would help when she could; however, her priority is her three children.

Ms. Gerloff said she visited the store this afternoon to verify that the floor plan submitted with the application was accurate. She noted that the dark window coverings made it almost impossible to see into or out of the store. She asked if Mr. Murad planned to keep the window coverings down at night. Mr. Murad said he plans to remove them completely. Mr. Capone said the window coverings were only intended to be used for limited time periods during the day when the sun was shining directly into the store making it difficult to see, melting chocolates, etc.

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Ms. Gerloff asked if Mr. Murad intends to keep the current employees. Mr. Murad said if any of the employees wish to stay he would like to work with them. Ms. Gerloff warned Mr. Murad that there are rumors that some of the employees are involved with the teenagers who loiter in the parking lot.

Ms. Gerloff asked where Mr. Murad planned to keep alcohol when it is not in the coolers. Mr. Capone said there is a large locked back room that is not accessible to customers. She asked if the back exit would be locked. Mr. Capone said the back doors of the stores are kept locked for security reasons. He added that most deliveries are made through the front doors of the store.

Ms. Gerloff asked if the alcohol coolers would be locked during hours when alcohol sales are prohibited. Mr. Murad replied yes. Ms. Gerloff wished the Murads great success.

Chairman Mochel noted that many times the reason cited for selling alcohol to a minor is that the clerk looked at the individual's driver's license and miscalculated the age. He said that an under 21 Illinois driver's license has a red background and red lettering on the face of the license. He asked Mr. Murad to emphasize that information in his liquor manual. If the license is red, no age calculations are necessary, alcohol should not be sold. Mr. Murad agreed. He said his store would not accept a red under 21 driver's license as identification for an alcohol purchase. Mr. Murad said there would also be a calendar on the counter stating the valid date of birth for an alcohol purchase each day.

Chairman Mochel asked about Mr. Murad's assistant manager and his liquor handling experience. Mr. Murad said the assistant manager, whom he hired, operated a family owned restaurant which served alcohol. Chairman Mochel asked if the assistant manager would be in the store when Mr. Murad was not present. Mr. Murad said there would be management in the store 24 hours a day.

Chairman Mochel asked Mr. Murad what percentage of the total sales revenue did he expect to obtain from alcohol sales. Mr. Murad said his primary business is that of a convenience store and he anticipated that alcohol sales would be 10% to 17% of his total revenue. Mr. Capone said in most White Hen Pantry stores alcohol sales make up approximately 9% to 10% of the total revenue. Chairman Mochel wished Mr. Murad well. He added that he hoped that Mr. Murad would be able to solve the problem of teens loitering in the parking lot because he was concerned that the store would be a target for minors trying to purchase alcohol.

Chairman Mochel asked for a recommendation from the Commission regarding this liquor license application.

**MS. GERLOFF MOVED TO FIND MARZOY CORPORATION, D/B/A WHITE HEN PANTRY, 4946 MAIN STREET, QUALIFIED FOR A CLASS "B-2-C" LIQUOR LICENSE. MR. KUBES SECONDED THE MOTION.**



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Ms. Gallery said the restaurant's revenue is approximately 70% from food and 30% from alcohol. There is only one other Cheeseburger in Paradise store, which is located in Indianapolis. This is a new concept and Downers Grove has been chosen as the location for the second store. Ms. Gallery said the owners anticipate that the revenue breakdown at the Downers Grove store would also be 70/30.

Ms. Gallery said the restaurant is famous for cheeseburgers, but also offers steaks and seafood entrees. She added that there is an extensive children's menu and the restaurant welcomes families.

Ms. Gallery said they hope to open on October 14, 2003.

Ms. Summers said the concept sounds great and the menu is wonderful. She said she thought the restaurant would improve the surrounding shopping center. However, Ms. Summers said she had some problems with their liquor-handling manual. She said it could be bigger and include color photos. She suggested that they contact Ms. Conforti and the Illinois website to obtain better materials. Ms. Gallery explained that the Illinois Restaurant Associate supplies booklets for employees when they conduct the TIPS training and certification classes. Ms. Summers asked if employees would be required to sign for the training materials to indicate that they have received them. Ms. Gallery replied yes.

Ms. Summers asked if alcohol training would be updated on an on-going basis. Mr. Lynn replied yes. He explained that most of the employees were from the Outback Steakhouse, which has an on-going alcohol-training program. Ms. Eybers said every month every new employee must go through alcohol training.

Ms. Summers commented that she was please that the liquor manual stated that the penalty for the sale of alcohol to a minor was termination of employment and that employees were required to sign a document acknowledging that they had received notification of the policy. Ms. Summers welcomed the Mr. Lynn and Cheeseburger in Paradise to Downers Grove.

Mr. Kubes asked Mr. Lynn about his liquor handling experience. Mr. Lynn said has he has been in the restaurant business for 16 years. He was with Brinker International (Chili's), he was a partner in Bloomingdale, Illinois for five years, and he was a partner in Fleming's Prime Steakhouse and Wine for 3 ½ years. Mr. Lynn said all of his experience has been in management of establishments which sold alcohol.

Mr. Kubes noted that their liquor manual stated that servers must be 21 or older to tend bar or take an initial drink order and that only servers over the age of 19 would be allowed to take the secondary drink order. Mr. Kubes pointed out that servers that are 19 years of age are permitted to take the secondary drink order. Mr. Lynn said they do not plan to hire servers under the age of 19 if possible.

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Referring to their liquor manual, Mr. Kubes questioned the consequence for serving a minor, which stated that in the event of an alcohol violation, the \$1,000 Village fine issued to Cheeseburger in Paradise would be paid by the server. Mr. Lynn explained that the company would pay the fine and then try to get the server to reimburse them; however, he acknowledged that it might be difficult because the server's employment would be terminated immediately. Ms. Gallery further clarified that the statement was intended to get the server's attention and illustrate how seriously the company views this violation. Ms. Gallery said she hoped that the stated consequence would heighten the server's level of awareness and encourage them to work harder to avoid the sale of alcohol to a minor.

Mr. Kubes said he was impressed with the other information in their liquor manual; however, he suggested that color photos of acceptable forms of identification should be added. Mr. Lynn agreed and said they have two books on hand with color photos of Id's.

Reviewing the floor plan for the restaurant, Mr. Kubes asked how many bars the restaurant would have. Ms. Gallery said there would be one fixed bar. Mr. Kubes noted that they are also applying for a Class "O" liquor license for alcohol sales and consumption in an outdoor seating area. Ms. Gallery said servers would bring alcohol from the restaurant to serve patrons in the outdoor seating. Mr. Lynn said guests would be seated in the outdoor area by rotation just as they are inside the restaurant.

Mr. Kubes asked if a fence would surround the outdoor seating area and if access to the area would only be through the restaurant. Mr. Lynn replied yes. However, there will be an emergency exit in the patio.

Mr. Kubes asked Mr. Lynn if he thought the establishment would be able to comply with the 60/40 food versus alcohol revenue split required with a Class "R" liquor license. Mr. Lynn replied yes. He said he anticipated that their food versus alcohol revenue split should be 70/30.

Mr. Kubes asked Mr. Lynn why they decided to locate in Downers Grove. Mr. Lynn said Downers Grove is a great place to be. The traffic on Butterfield is phenomenal.

Mr. Barnett wished the representatives from Cheeseburger in Paradise the best of luck.

Ms. Dietrich clarified that the exit gate in the patio area was an emergency exit only. Mr. Lynn agreed. Ms. Dietrich asked how high the fence would be around the patio. Mr. Lynn said it is approximately 36" high; however, if the Village requires a higher fence they will change the height.

Mr. Durkin asked if the section in their liquor manual titled "Consequences for Serving Under 21" was really a scare tactic. Mr. Lynn said the statement regarding immediate termination and the \$75 fine issued to the server by the Village were factual. However, Ms. Gallery agreed that the server's requirement to pay the \$1,000 fine, which the Village issues to company, was included as a scare tactic. Mr. Lynn said that statement

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was added to emphasize the seriousness of the violation and to make servers more aware of it.

Mr. Durkin asked the amount of the average guest check, including alcohol, at Cheeseburger in Paradise. Mr. Lynn replied \$11.50.

Mr. Durkin and the Commission reviewed the floor plan for Cheeseburger in Paradise. Mr. Durkin noted that the outdoor seating area would face the parking lot. He asked if they planned any landscaping for the area. Ms. Eybers said they intend to rent some palm trees/plants and put them out in the patio area. Ms. Gallery said there would be 8 or 9 feet of sidewalk between the patio and the parking lot.

Mr. Durkin wished the representatives from Cheeseburger in Paradise the best of luck.

Ms. Gerloff commented that Ms. Gallery's opening remarks were very complete and well organized. However, Ms. Gerloff said she found the map difficult to read. She asked where the alcohol would be stored. Mr. Lynn said there is a locked room for alcohol storage. He added that the keg cooler is locked as well.

After visiting the future site of the restaurant, Ms. Gerloff said it appeared that the current structure took up the entire site. Mr. Lynn said they plan to move the front wall back creating more space in the front of the store for the patio. He said moveable glass garage style doors would be installed along the front of the building.

Ms. Gerloff said their menu and concept is very exciting and she thought they would be a sure winner. She commented that people in Downers Grove are already excited about the restaurant.

Chairman Mochel said he was pleased that their liquor manual stated that the red "under 21" driver's license, valid or not, was not an acceptable form of identification for alcohol service.

Chairman Mochel asked if there would be access to the patio through the glass garage doors along the front of the building when they are open. Mr. Lynn said there would be access to the area; however, all patrons are seated by a host or hostess and he did not anticipate patrons moving from one seating area to another. Mr. Lynn added that the patio is not an area for congregating, it has table seating the same as the indoor dining room.

Chairman Mochel asked how the patio would be monitored to ensure that drinks are not passed over the fence and out of the area. Mr. Lynn said the restaurant has a five person management staff. Mr. Lynn said management views having and maintaining a liquor license as a high priority and consequently they closely monitor the restaurant to avoid violations.



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Mr. Patel's sign maker said he would be in on Monday, August 11, 2003 to meet with Mr. Schiedler of the Code Services Department regarding some problems with the sign. Ms. Conforti said there is a contract for the sign and it should be ordered shortly. She added that there is a smaller sign in the window. However, Ms. Gerloff said she did not know how it could be seen with all the cigarette posters in the window.

Ms. Gerloff said the Manager of the Downtown Management Board said that there is a rumor that Bamboleo serves alcohol to minors. Ms. Gerloff said she notified Ms. Conforti, who notified the Police Department and they are in the process of checking the validity of the rumor. Ms. Gerloff said the Manager, whose office is next to the patio, informed her that individuals enter and exit the patio area through the gate on Curtiss. Ms. Gerloff added that Ms. Conforti recently sent the manager of Bamboleo's a notice at Mayor Krajewski's request asking them not to allow access to the patio through the Curtiss Street gate if it is not monitored.

Ms. Gerloff added that the umbrellas on the patio have alcohol logos on them, which is in violation of the Ordinance. She said she did not know if there was a new manager or some other lack of communication, but she felt the situation should be corrected.

Regarding the rumor concerning alcohol sales to minors, Ms. Conforti said the Police Department conducted a 3 ½ hour surveillance at Bamboleo during which time they observed several minors; however they were not served alcoholic beverages. The police officers noted that the staff asked patrons for identification before serving alcohol. Ms. Conforti said she spoke to the manager about the alcohol logos on the patio umbrellas. She said the next option would be to start ticketing.

Ms. Conforti explained that the ordinance prohibits the use of liquor product identification signs to attract business to an establishment. She said plain umbrellas could be used near the street and umbrellas with alcohol logos could be placed toward the back of the patio, or in such a way that they would not be visible to anyone outside of the establishment. Ms. Conforti said the Village wants licensees to promote their establishments as restaurants rather than as drinking establishments. She added that drink specials are allowed; however, establishments cannot promote a specific brand of alcohol.

Mr. Durkin asked if these regulations are part of the Village's Sign Ordinance. Ms. Conforti said they are part of the Village's Liquor Control Ordinance.

Mr. Durkin asked if the Liquor Commission created liquor policies. Chairman Mochel explained that the Liquor Commission does not create policy. The Commission reviews draft ordinances concerning alcohol regulation and makes recommendations to the Village Council. The Council then votes on whether or not to adopt the ordinance.

Mr. Durkin asked why the ordinance was amended to prohibit signs with alcohol logos including umbrellas. Ms. Conforti said she believed the amendment was added to encourage establishments in Downers Grove to promote themselves primarily as

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restaurants, rather than as bars. She said that Downers Grove has always been a very conservative community and has never wanted to create a tavern atmosphere.

Ms. Gerloff said the focus of the Village Council has been to maintain the image of restaurants that sell alcohol, but not to promote alcohol and not to look like Downers Grove has a tavern on every corner. Thus, Ms. Gerloff said the Liquor Control Ordinance (Chapter 3 of the Municipal Code) has very clear regulations regarding alcohol related signs. Ms. Gerloff added that the problem of inappropriate patio umbrellas has been on-going with Bamboleo's.

Mr. Durkin suggested that perhaps the problem is cost related. He explained that patio umbrellas are rather expensive and alcohol distributors often supply these umbrellas free of charge. Thus, businesses that are unable to afford umbrellas may have to close a patio if they are not allowed to use free umbrellas supplied by alcohol distributors.

Ms. Gerloff said she thoroughly disagreed. She said restaurants applying for outdoor seating licenses are fully aware that umbrellas with alcohol logos are not permitted. Other licensees comply with the ordinance. However, she said that this particular owner/manager seems to think that he does not have to and this is a problem.

Mr. Barnett asked if Ms. Conforti had reminded the manager of Bamboleo's twice regarding alcohol logos on the patio umbrellas. Ms. Conforti replied yes. Considering the cost of patio umbrellas, Ms. Conforti suggested that the manager put plain umbrellas closer to the street and place the ones with alcohol logos toward the back so they cannot be viewed from outside the establishment. The manager agreed. However, he said that when the umbrellas are taken down, the busboys do not pay any attention to the alcohol logos when they put them up again. Ms. Dietrich and Ms. Gerloff said the management should make sure that the umbrellas are replaced correctly.

Although the concept of not allowing alcohol product brand names to be visible from outside of an establishment has been around for some time in the Village, some licensees were getting around the intent of the Ordinance by using patio umbrellas with alcohol logos. Thus, for clarification, Chairman Mochel said the Ordinance was amended to prohibit alcohol logos on signs and umbrellas.

Ms. Gerloff said she brought the subject to the Commission's attention tonight because the Village has contacted Bamboleo's more than once regarding the umbrellas and the situation has continued. Ms. Dietrich and Mr. Durkin agreed that the next step should be to contact the Police Department to enforce the Ordinance.

Ms. Gerloff noted that Bamboleo is located downtown and other establishments can see that they are not in compliance with the Ordinance. She was concerned that Bamboleo's continued disregard for this regulation would set a bad precedent for other licensees.

Ms. Gerloff said she believes that the ordinances are there for a purpose and until they are changed, they should be followed. Mr. Durkin agreed.

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Mr. Barnett asked if the next step would be for Ms. Conforti to officially contact the Police Department and request that they enforce the Ordinance. Ms. Conforti said she would contact Bamboleo's and warn them that if the umbrellas with alcohol logos were not removed, they would be ticketed for an Ordinance violation.

Ms. Summers asked the amount of the fine for such a violation. Ms. Conforti replied \$75 to \$750.

Mr. Durkin noted that Bamboleo's recently installed cherry wood floors in the restaurant. He asked if they had to have a permit to do so. Ms. Conforti said she was not sure, but she would check with the Building Department. Mr. Durkin asked how the Liquor Commission keeps track of floor plan changes. Ms. Conforti said if the Building Department receives a request for a permit from a licensee, they notify her. However, most licensees contact Ms. Conforti directly and ask about the procedure for remodeling an establishment because the Ordinance states that if an establishment changes their floor plan more than 10% they must notify the Liquor Commissioner. Ms. Conforti said when she becomes aware that an owner wants to make changes to an establishment, she requests that they submit their plans in writing for her review. If she feels that it involves a substantial renovation and floor plan change, Ms. Conforti submits a floor plan change request to the Mayor, who then refers it to the Liquor Commission for their review.

Ms. Gerloff noted that some establishments, i.e. Trader's Joe's, change their floor plan often. Ms. Conforti agreed. She added that usually they do not change the size of the liquor department, they only change the displays.

Mr. Durkin noted that Bamboleo's has disregarded the Village's requests to remove the alcohol logo umbrellas and they are doing some inside remodeling for which they may or may not have obtained a permit. He wondered about the Village's system of checks and balances to monitor licensees. Ms. Conforti said she would look into the matter.

Ms. Gerloff said the last time the licensee remodeled the restaurants, changing them from Vivaldi/Pizza Capri to Isabella/Bamboleo, he did inform Ms. Conforti and obtained the necessary permits. However, she acknowledged that management has changed since that time.

Ms. Summers asked about the status of Callaway's Pint House. Ms. Conforti said they are temporarily closed. The owner is considering making some changes to the establishment. Ms. Conforti said she asked the owner to submit his intentions to the Mayor in writing and if warranted, the Mayor would then refer the matter to the Liquor Commission for their review. Ms. Gerloff asked if the owner is aware that an establishment can only be temporarily closed for a period of 30 days before their liquor license is officially revoked. Ms. Conforti replied yes. She explained that the 30-day limit is to prevent licensees from changing ownership or making major changes without notifying the Liquor Commission.

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Ms. Summers asked if Ms. Conforti knew the percentage of Callaway's food versus alcohol revenue split before the establishment closed. Chairman Mochel explained that Callaway's holds a Class "R" restaurant license, which requires that the establishment maintain a 60/40 food versus alcohol revenue split. In the past Callaway's has had a difficult time complying with this license requirement. Ms. Gerloff added that Callaway's has been on probation for six months because they have been unable to meet and maintain the 60/40 revenue split.

Ms. Gerloff recalled that the last time the owner of Callaway's was before the Liquor Commission, he was complaining about the difficulties of meeting the 60/40 split.

Mr. Barnett asked if the Commission ever holds exit interviews, possibly in conjunction with the Economic Development Commission, to determine why a licensee has forfeited their license, what their problems were, why they closed their establishment, etc. Mr. Barnett said that as a member of the Liquor Commission, he would like to know if an establishment closed solely because it could not meet the 60/40 revenue split. Ms. Conforti said at this time there are no exit interviews. She said currently when applicants contact her initially, she refers them to the Economic Development Commission regarding suitable locations.

Ms. Gerloff said Mr. Barnett's idea for exit interviews was very good. She noted that Naperville recently changed their full liquor license 60/40 food versus alcohol revenue split requirement because their licensees were unable to meet it. Ms. Gerloff said the Class "R" license is a relatively new license classification in Downers Grove; however, the only licensee that has been unable to meet the requirements thus far has been Callaway's.

Ms. Gerloff said Callaway's has always had a problem meeting the 60/40 split in spite of all the help that Ms. Conforti provided. She added that everyone was aware that meeting the 60/40 split was a problem for Callaway's and that it was the reason that they were placed on probation. Ms. Gerloff explained that the Commission put Callaway's on probation and gave them 6 months to correct the problem, rather than revoking their liquor license immediately. Ms. Gerloff noted that from the very beginning Callaway's never met the 60/40 revenue split requirement.

Mr. Barnett said it appears that the nature of the site may have contributed to Callaway's inability to meet the 60/40 split. The restaurant clearly has a pub environment and a relatively small seating capacity.

Mr. Durkin asked if the Commission would put a licensee, who was succeeding financially, out of business because they were not in compliance with the 60/40 revenue split requirement. Ms. Conforti replied yes. She said that all potential licensees are informed of the license requirements when they submit their application.

Ms. Conforti explained that Downers Grove has always been a conservative community. Because they wanted to keep the restaurant image, Downers Grove decided to require a

**DRAFT**

60/40 food versus alcohol revenue split to keep the dining and food requirement. Prior to the 60/40 requirement, Downers Grove had stricter regulations, which required 125 dining seats in order to obtain a full liquor license. Ms. Conforti and Ms. Gerloff pointed out that the ordinance was changed to allow smaller establishments to obtain a full alcohol license. Ms. Gerloff said that by the time of the license application hearing, new applicants are well aware that they must meet the 60/40 revenue split to obtain and maintain a Class "R" liquor license.

As background, Chairman Mochel explained that the Village began noticing that they were not getting any new restaurants in Downers Grove because in order to operate a really successful restaurant, owners felt they must serve alcohol. Eventually the Village allowed alcohol to be served in restaurants as long as it was incidental to the dining experience. There were no taverns within the Village limits. Although there have been changes in the Liquor Ordinance over the years, Chairman Mochel said the community at large still does not favor bars/pubs/taverns in Downers Grove.

Ms. Gerloff said eventually there will be an Irish pub in downtown Downers Grove and it will have a bar, but it will also have a large restaurant.

Mr. Durkin said as a banker, it appears that the Village could put an otherwise successful establishment out of business by revoking their liquor license. Chairman Mochel agreed but reminded Mr. Durkin that licensees know from the beginning that they must meet and maintain a 60/40 revenue split in order to obtain and keep a liquor license.

Mr. Barnett observed that licensees fail for different reasons and when a license forfeiture occurs; he would like to hear the reasons from the licensee.

**VI. NEW BUSINESS**

Ms. Conforti said the next meeting is scheduled for September 4, 2003.

Ms. Summers asked when Carlucci's Restaurant was going to open. Ms. Conforti said they should open at the end of August, 2003.

Ms. Conforti said she distributed updated copies of Chapter 3 and updated copies of the Liquor Commission roster to all members. Members submitted changes to the roster.

Ms. Perez said since there are seven members on the Liquor Commission, two members can meet without violating the Open Meetings Act.

Ms. Conforti welcomed the new members of the Commission and offered to meet with any of them prior to the next meeting if they wished to do so.

**VII. COMMENTS FROM THE PUBLIC**

None

**VIII. ADJOURNMENT**

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

The meeting was adjourned by acclamation at 8:05 p.m.