

Approved 2/5/04

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

January 8, 2004

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mr. Barnett, Ms. Dietrich, Mr. Durkin, Ms. Haider, Ms. King, Mr. McInerney, Chairman Kubes

ABSENT: None

STAFF: Staff Attorney Beth Janicki-Clark, Liaison to the Liquor Commission Carol Conforti, Recording Secretary Karen Mudra

OTHERS: Robert Kartholl, Surinder Jain, Shashi Jain, Michael Sodaro, Elizabeth Sodaro, Court Reporter

III. APPROVAL OF MINUTES

MR. DURKIN MOVED TO APPROVE THE MINUTES OF THE DECEMBER 4, 2003 LIQUOR COMMISSION MEETING AS PRESENTED. MR. BARNETT SECONDED.

VOTE: **Aye:** Mr. Durkin, Mr. Barnett, Ms. Dietrich, Ms. Haider, Ms. King, Mr. McInerney, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Chairman Kubes 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 Kubes 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, if necessary, 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. A secretary is also present for purposes of summarizing the proceedings."

Pinch of Thyme Personal Chefs, Inc. d/b/a Let’s Go Bistro, 970 Warren Avenue

Chairman Kubes said the applicant is seeking a Class “R-1” restaurant liquor license. He asked that those present representing the applicant come forward and be sworn in.

Michael Sodaro, President/Owner/Manager, and Elizabeth Sodaro, Secretary, of Pinch of Thyme Personal Chefs, Inc. were sworn in by the court reporter.

Mr. Sodaro said they started their business, A Pinch of Thyme Personal Chefs, Inc., five years ago as a personal chef service. He explained that he went to his clients' homes and prepared meals for them. Now the Sodaro's wish to expand their business and in order to do so, they have obtained commercial space in the new Station Crossing Development in downtown Downers Grove. Mr. Sodaro said their primary business would be preparation and sale of carryout foods. However, they also plan to teach cooking classes and host private parties at the store and they would like to be able to sell beer and wine on those occasions and to provide it to patrons who chose to consume their meals on premises. Mr. Sodaro said they would also have a small retail area in which they will sell specialty foods items and kitchen gadgets that are featured in their cooking classes.

Mr. Sodaro said the store would be open for lunch and dinner Monday through Friday. The menu is different every day, but repeats each week with specials added. In addition there are extensive dinner party menus. They will be open for classes, dinner and/or parties on Saturday nights. They will be closed on Sunday. Mr. Sodaro said they would be at a disadvantage if they could not offer wine with the gourmet food served at their dinner parties and therefore they have decided to apply for a liquor license.

Operating the store will be Mr. and Ms. Sodaro's full time occupation. The store will not be open unless one of them is on the premises. Ms. Sodaro will serve as the back-up liquor manager.

Ms. Sodaro said both she and Mr. Sodaro have professional food service training. Mr. Sodaro is a graduate of the culinary school at Kendall College in Evanston. She explained that foodservice is his second career. He was previously a chemical engineer at Argonne. Ms. Sodaro took the restaurant management program at the Cooking and Hospitality Institute. Mr. Sodaro added that he also received alcohol training while at the culinary school.

Mr. Barnett said he was impressed with the Sodaro's application packet. He complimented them on a unique concept and wished them good luck.

Ms. Haider said she was excited about the addition of their new business at Station Crossing. She asked if they had a copy of their wine list and beer menu. Mr. Sodaro said they have not finalized their alcohol menu. Currently, they are in the process of talking with distributors. He added that they would have a small wine list.

Mr. Durkin complimented them on an impressive application packet and he wished them the best of luck.

Ms. Dietrich asked when they plan to open. Mr. Sodaro said they hoped to open between January 24th and 31st. She complimented them on their comprehensive alcohol manual.

Ms. King said their application materials had answered all of her questions. She wished them the best of luck.

Mr. McInerney said he liked the inclusion of quarterly refresher training in their liquor manual. He wished them good luck.

Chairman Kubes reviewed the floor plans for the establishment with Mr. Sodaro. The front entrance is on Warren Avenue across from the Main Street train station. A self-service freezer with prepared frozen foods/specialty foods and soda will be located in the front of the store. The wine will be stored in a locked wine cooler behind the cash/wrap area. There will also be retail shelving in the front of the store for the kitchen gadgets, etc. which they plan to sell. There are twenty seats in the dining area. The cooking class kitchen area is behind the retail area. There is additional dry storage and freezer space in

the back and there will be another locked cabinet in the back for the extra alcohol inventory.

Chairman Kubes clarified that all alcohol would be consumed on premises and none would be for carry out. Mr. Sodaro agreed. Mr. Sodaro said he wants to serve alcohol during cooking classes or when patrons come in for lunch, dinner or a party. He added that he believes it is unlikely that patrons would attempt carry alcohol outside the store because beer will be served in open bottles or cans and wine will be served in glasses. Mr. Sodaro agreed to provide an alcohol menu to the Commission when it is finalized.

Chairman Kubes reminded the Sodaro's that the Class "R-1" liquor license requires a 60/40 food versus alcohol sales revenue split. Mr. Sodaro said his alcohol sales would not come close to 40%.

Chairman Kubes asked how the classes and parties would be handled. Mr. Sodaro said if there are no classes or parties in session, regular dinner or lunch patrons could dine-in. Mr. Sodaro anticipated that most dining in would be done at lunchtime, because most evenings there would be a class or a party in session.

Chairman Kubes asked who would serve alcohol other than Mr. Sodaro and his wife. Mr. Sodaro said there will be five employees, some will be kitchen help and they will not serve alcohol; however, there may be additional counter help that would sell alcohol. Mr. Sodaro assured the Commission that anyone who sells alcohol would be 21 years or older.

Chairman Kubes complimented Mr. Sodaro on his alcohol-training manual.

Mr. Durkin asked if the parties and/or classes would be conducted within the regular business hours listed for the establishment. Mr. Sodaro replied no. He explained that the hours of operation listed on the menu are the hours for retail portion of the establishment and typical classes or dinner parties will go beyond the normal 8:00 p.m. closing time, until 9:30 p.m. or 10:00 p.m. Mr. Sodaro said all cooking for retail sales would be completed by 6:00 p.m. each day. At 6:00 p.m. the establishment begins to prepare for the cooking classes or parties that may be scheduled for the evening.

Mr. Durkin asked if patrons would be allowed to dine-in for dinner at the store. Mr. Sodaro replied yes, if there are no classes or parties in session.

Chairman Kubes asked if the outside doors would be locked at 8:00 p.m. when class is in session. Mr. Sodaro replied yes.

MR. BARNETT MOVED TO FIND PINCH OF THYME PERSONAL CHEFS, INC. D/B/A LET'S GO BISTRO, 970 WARREN, QUALIFIED FOR A CLASS "R-1" LIQUOR LICENSE. MS. KING SECONDED THE MOTION.

VOTE: **Aye:** Mr. Barnett, Ms. King, Ms. Dietrich, Mr. Durkin, Ms. Haider, Mr. McInerney, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Chairman Kubes thanked Mr. and Ms. Sodaro and wished them success in their new business.

Akashdeep International, Inc. d/b/a Shikara Restaurant & Ashiana Banquets 1620 75th Street

Chairman Kubes said the applicant is seeking a Class "R" restaurant liquor license. He asked that those present representing the applicant come forward and be sworn in.

Mr. Robert Kartholl, attorney representing Akashdeep International, Inc., introduced Mr. Surinder Jain, President/Owner/Manager, and Ms. Shashi Jain, Vice President/Owner of Akashdeep International, Inc. Mr. and Mrs. Jain were sworn in by the court reporter.

Mr. Kartholl said Mr. and Mrs. Jain are developing the former Grove Theater property on 75th Street. They plan to operate an Indian restaurant and banquet facility on the site. Mr. and Mrs. Jain currently and for some time have owned and operated the Viceroy Restaurant in Lombard. Mr. and Mrs. Jain are experienced in alcohol service as they have held a liquor license for many years at the Viceroy Restaurant without incident. The Downers Grove restaurant will be similar to the Viceroy. Mr. Kartholl submitted the floor plans and application packet for Downers Grove restaurant. He added that the food versus alcohol ratio at the new restaurant is expected to be 95% food sales and 5% alcohol sales.

Mr. Barnett welcomed Mr. and Mrs. Jain. Mr. Barnett asked Ms. Conforti if the Class "R" license allows alcohol service at a banquet facility. Ms. Conforti replied yes. She explained that Downers Grove does not have a separate liquor license for banquet facilities.

Mr. Durkin commended Mr. and Mrs. Jain for taking over the former Grove Theater. He asked about the seating capacity for the restaurant and banquet facility. Mr. Jain said the restaurant will seat approximately 120 and the banquet facility will seat approximately 600. Mr. Durkin asked when they are scheduled to open. Mr. Jain replied they hope to open at the end of May or June. Mr. Durkin asked if Mr. Jain already has bookings for the banquet facility. Mr. Jain said he has some tentative bookings; however, he is waiting until everything is finalized with the establishment before confirming them. Mr. Durkin wished Mr. and Mrs. Jain the best of luck.

Ms. Dietrich asked if the Jain's plan to continue operating the Viceroy Restaurant in Lombard. Mr. Jain said the Viceroy Restaurant would remain open; however, he would

not manage it. There would be another manager on site. Mr. Jain said he would be managing the Downers Grove restaurant.

Ms. Dietrich asked if there would be a walk-up bar or a service bar in the banquet facility. Mr. Jain said it would be a service bar and servers would bring the alcohol to the guests. Ms. Dietrich said she found their liquor-handling manual to be thorough and she wished them good luck.

Ms. King and Mr. McInerney wished the Jain's success in their business.

Chairman Kubes asked Mr. Jain how long he has owned the Viceroy restaurant. Mr. Jain said they opened a restaurant in Villa Park in 1986. They later closed that facility and opened a larger restaurant, the Viceroy of India Restaurant, in Lombard in 1993. Mr. Jain said they are now expanding their business to Downers Grove.

Chairman Kubes asked if Mr. Jain has had professional alcohol training. Mr. Jain replied yes. He added that his assistants would also be professionally trained.

Chairman Kubes reviewed the floor plan with Mr. Jain. He asked for clarification of the "knee wall" shown on the dining room photo. Mr. Jain said it is a partial wall that does not extend to the ceiling.

Chairman Kubes asked where the alcohol would be stored. Mr. Jain said alcohol would be kept in a storage room in the back of the facility.

Chairman Kubes asked if there would be one service bar for the restaurant and the banquet facility. Mr. Jain said there would be a service bar in the restaurant and another in the banquet facility; however, there would be no bar seating at either.

Chairman Kubes commented that the menu looks delicious. He asked if the Jain's understood the requirements of the 60/40 food versus alcohol split. Mr. Jain replied yes.

Chairman Kubes advised the Jain's and the Sodaro's, who were still present, that Downers Grove has a control buy program. All acknowledged that they were aware of the program.

Mr. Durkin asked if the Jain's were making any changes to the exterior of the building. Mr. Jain said the building was undergoing a "facelift". Mr. Durkin asked if SMJ Universal Management was Mr. Jain's company. Mr. Jain replied yes.

Chairman Kubes asked for a recommendation from the Commission on this application.

MR. BARNETT MOVED TO FIND AKASHDEEP INTERNATIONAL, INC. D/B/A SHIKARA RESTAURANT & ASHIANA BANQUETS 1620 75TH STREET, QUALIFIED FOR A CLASS "R" RESTAURANT LIQUOR LICENSE. MR. DURKIN SECONDED.

VOTE: **Aye:** Mr. Barnett, Mr. Durkin, Ms. Dietrich, Ms. Haider, Ms. King, Mr. McInerney, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Chairman Kubes and the Commission welcomed Mr. and Mrs. Jain to Downers Grove and wished them good luck.

V. OLD BUSINESS

The Commission resumed their on-going discussion of the 60/40 food versus alcohol revenue split.

Ms. Conforti stated that the Commission has been asked to review the requirements for Class "R" and Class "R-1" licenses, particularly the 60/40 split requirement, to see if it should be revised or replaced to help Downers Grove attract new businesses and retain those that may be having difficulty meeting the current requirements. Ms. Conforti asked the Commission which of the current Class "R" license requirements they would like to retain.

Mr. Durkin said if the 60/40 requirement is eliminated, he believes it is critically important to require establishments to keep the kitchen open and to provide at least a partial late night menu. Chairman Kubes agreed.

Ms. Conforti asked if they wanted the kitchen to remain open until one hour before closing as the Ordinance currently requires. Chairman Kubes and several of the Commissioners said they felt the kitchen should remain open until closing. Chairman Kubes said he would not require a full menu, but some type of menu should be available.

Mr. Durkin said if the Commission recommends a mandatory partial late night menu, he believes that it should be available until 30 minutes to one hour before closing to give patrons an opportunity to finish their food and drinks before the establishment closes. Ms. Conforti said establishments are currently required to provide food up to one hour before closing. Mr. Durkin asked if any of the licensees have complained about the requirement. Ms. Conforti replied no. Chairman Kubes said he did not believe it has ever been an issue; however, he wants to have a definite timeframe included in the ordinance, so that licensees do not close the kitchen earlier.

Chairman Kubes asked the Commission how long before closing they felt the kitchen should be kept open.

Ms. Dietrich said she favors keeping the kitchen open until at least one hour before close of business and she would like a full menu available until the kitchen closes. She said requiring a full menu is important in maintaining the restaurant atmosphere in Downers Grove. She said the requirement would appease those who wished to eliminate the 60/40 split as well as those who feared that Downers Grove might have a bar on every corner if the 60/40 split is eliminated. Ms. Dietrich added that requiring a full menu and limiting bar seating to a maximum of 20% of the establishment's total seating would maintain the conservative aspects of the Ordinance and help restaurateurs who are having a problem meeting the current 60/40 split.

Ms. Dietrich remarked that the Village has never audited current licensees to verify their compliance with the 60/40 split requirement. She said she believes that change is needed.

Ms. Conforti said some licensees have indicated that it is difficult to keep most kitchen staff late to provide a full menu until closing. She noted that Naperville's ordinance requires that the full menu be available until 10:00 p.m. Sunday through Thursday and until 11:00 p.m. on Friday and Saturday. Ms. Dietrich said she would agree to those hours, if the Downers Grove ordinance specified what an acceptable late night menu must include.

Chairman Kubes agreed that it is difficult for some establishments to provide a full menu until closing and suggested that the Commission decide on the types of foods that they consider acceptable for a substantial late night menu.

Mr. McInerney said he believes the 60/40 requirement should be changed because it is impossible to legislate what an establishment's customers will order. He said he believes Downers Grove should pattern their ordinance after Naperville's, which specifies items to be included on the late night menu.

Mr. Durkin observed that one restaurant in Downers Grove serves only chips after the full menu is no longer available and he does not feel that constitutes an adequate late night menu. Chairman Kubes agreed. Chairman Kubes noted that the Naperville ordinance lists specific types of food to be included on a late night menu, i.e. appetizers, sandwiches, snacks, hors d'oeuvres or similar foods. Although Chairman Kubes admitted that it would be difficult to monitor the late night menus, he felt requiring a full menu until closing would present a hardship for licensees. He felt that closing the kitchen one hour before closing would be adequate.

Mr. Barnett recalled that Mr. Kopsis of the Downers Grove Chamber of Commerce said the Chamber would conduct a survey of business owners in Downers Grove regarding their feelings about the 60/40 split. He asked if Ms. Conforti had received the results of the survey. Ms. Conforti replied no. She explained that because of the recent changes in the structure of the Liquor Commission, the Chamber of Commerce decided to delay the survey until the new Commission had an opportunity to review and comment on the requirement.

Mr. Barnett said he would like the ordinance to require structured alcohol training.

Mr. Durkin asked how violations of the late night menu requirement would be handled. Ms. Conforti said they would be handled as a violation of the Liquor Ordinance and the licensee could be fined up to \$1,000. Mr. Durkin asked if the Liquor Commission would hold a disciplinary hearing for such violations. Ms. Conforti replied yes. Chairman Kubes added that because there is no control buy program for food, a formal complaint would have to be filed with the Village before the matter would be brought before the Commission.

Ms. Dietrich asked if anyone could file a formal complaint if they observe a violation of the Liquor Ordinance. Chairman Kubes replied yes. Ms. Conforti added that undercover officers would follow up by visiting the establishment to verify the validity of the complaint.

Mr. Durkin said if the ordinance is changed, it should specifically state the time to which the kitchen must remain open, the type of late night menu that is required and the time to which the late night menu must be available. Mr. Durkin said he believes that licensees and applicants would comply with the ordinance if it is specific and if they understand that these requirements must be met in order to obtain and maintain a liquor license in Downers Grove.

Mr. Barnett observed that although providing a late night menu may be somewhat burdensome, it provides licensees with an opportunity to increase food sales.

Ms. Dietrich agreed. She added that she felt it was important to establish some way to monitor and enforce the ordinance, as she believed that the failure to do so was one of the problems with the current requirement. Ms. Conforti acknowledged that the Village never professionally audited licensees to verify that the 60/40 sales revenue information provided by the licensee was true and accurate.

Ms. Conforti explained that if the ordinance were changed, new applicants would be required to provide a regular menu and a late night menu as part of their application packet if the establishment is scheduled to remain open after 10:00 p.m. on weeknights or 11:00 p.m. on Friday and Saturday nights. She added that many licensees close well within the Village's prescribed hours and the late night menu requirement may not apply to them. Ms. Conforti said the ordinance could be structured to "grandfather" current licensees or they could also be required to provide a late night menu, if applicable. This documentation could be required as part of their license renewal.

Ms. Conforti suggested keeping the following requirements for a Class "R" or Class "R-1" liquor license: that the majority/primary business of an establishment with a Class "R-1" or Class "R" license be that of a restaurant; that the bar seating should be limited to 20% of the establishment's total seating.

Mr. Barnett asked if the 60/40 percentage requirements could be removed from the current ordinance and if a component could be added stating that a late night menu must be provided if the establishment is open after 10:00 p.m. Mr. Barnett said he does not favor "grandfathering" existing licensees with regard to the new requirements. He said existing licensees should be subject to the new requirements upon renewal of their license. Mr. McInerney agreed.

Chairman Kubes pointed out that the Village currently has many different liquor license classifications; however, only a few, i.e. the Class "R" and Class "R-1", require the 60/40-revenue split. Ms. Conforti added that Class "D-5" brew pub licenses issued after January 1, 2000 are also subject to the 60/40 split requirement and even though none have been issued since January 1, 2000, that section of the ordinance would also have to be changed if the 60/40 split reference is eliminated.

Chairman Kubes asked the Commissioners if they wanted to eliminate the 60/40-split requirement for the Class "D-5", Class "R" and Class "R-1" liquor licenses. Mr. Barnett, Mr. Durkin, Ms. Dietrich, Ms. King, and Mr. McInerney said they were in favor of eliminating the 60/40 split. Ms. Haider was undecided.

Chairman Kubes asked if the Commissioners wished to change the percentage requirement or eliminate it completely.

Mr. Barnett clarified that if the ordinance is restructured and other components are added or changed to ensure responsible alcohol service in Downers Grove, he would be in favor of completely removing the percentage requirements from the ordinance.

Chairman Kubes said he favors completely removing the percentage requirements from the ordinance. He asked if anyone wishes to change the percent split to something other than 60/40. The Commissioners replied no.

Mr. Durkin said he is not in favor of having a percentage requirement in the ordinance unless the Village makes a commitment to audit licensees to verify the submitted revenue information. He clarified for the record that he supports abolishing the 60/40 food versus alcohol-split requirement because it is a law that the Village is not enforcing.

Ms. Haider said she is undecided at this time. She asked if licensees have complained about the 60/40 split requirement. Ms. Conforti replied yes. According to the Downtown Management Board and the Chamber of Commerce, businesses have decided not to relocate in Downers Grove because of the requirement. Mr. Barnett agreed that existing businesses have complained and struggled with the requirement. In light of that information, Ms. Haider agreed that the current ordinance should be changed; however, she did not know if the percentage requirement should be eliminated completely.

Chairman Kubes asked the if Commissioners were in agreement regarding maintaining the requirement for maximum bar seating at 20% of the establishment's total seating.

Mr. Durkin pointed out that any seat in an establishment could be used as bar seating. Ms. Conforti said seating limitations are based on the seating configuration. Only seating at the bar is limited to 20% of the establishment's total seating. Ms. Conforti added that Code Services also reviews the number of bar seats and restaurant seats when they calculate the total number parking spaces required for the establishment because more parking spaces are required for bar seating than for restaurant seating. She said it is some times difficult to tell whether a seat should be counted as bar seating or restaurant seating.

Mr. Barnett pointed out that limiting bar seating was one way of keeping establishments, i.e. bars, which have only bar seating, out of Downers Grove.

Ms. Conforti pointed out that licensees would still be required to serve food.

Chairman Kubes said he felt that patrons seated at tables would be more likely to order food than patrons seated at the bar.

Ms. Conforti said during application hearings, prospective licensees are frequently asked if the entire menu is also available at the bar. She said a provision could be added to the Ordinance requiring food service at the bar. Chairman Kubes and Mr. Durkin agreed. However, Chairman Kubes added that some establishments with smaller bars might require patrons to move to a table if they wish to order food. Chairman Kubes said he would like the ordinance to require that food be available at the bar.

Mr. Durkin said if the Commission makes the ordinance very restrictive, they would almost be micro-managing licensees. Chairman Kubes said they did not want to micro-manage licensees; however, he said the ordinance must be structured so that the licensees understand that Downers Grove is serious about responsible alcohol service.

Ms. Conforti suggested revising the ordinance to include that food service must be available in all areas of the restaurant, including the bar, at all times. She acknowledged that some restaurants, i.e. Sal Y Carvao, use the bar area for patrons who are waiting to be seated and it might not be feasible to require food service at that type of restaurant. Mr. Durkin said perhaps such exceptions could be "grandfathered." Ms. Conforti said each licensee could be handled on a case-by-case basis.

Mr. Sodaro commented that requiring food service at the bar might conflict with Health Department requirements.

Chairman Kubes agreed that the physical size of some bars may be too small for food service.

Mr. Barnett said the ordinance should be structured to encourage licensees, primarily restaurants, to behave responsibly and not act as taverns. However, he was not sure that requiring food service at the bar was the best way to accomplish this.

Mr. McInerney said the focus should be on requiring establishments that sell alcohol to also offer food service in whatever manner is convenient for them, whether or not it is at the bar. He believed the goal is to encourage establishments to behave responsibly and he did not want to put a lot of constraints on businesses, which really do not touch on the issue.

Ms. Dietrich said she thought any responsible business would serve food to a patron seated at the bar if they were drinking too much to drink, whether or not it was required by the ordinance. Ms. Dietrich said she wanted the ordinance to contain general guidelines. The option of food service at the bar should be left to the licensee. She added that if there are problems or complaints concerning this issue, the Commission can address them at that time.

Ms. Conforti said as long as food is available, she did not think it was important whether or not the patron was served at the bar or directed to a table.

Chairman Kubes asked if the Commission agreed that the ordinance should require that food should be available, but not specifically require that it must be served at the bar. The Commissioners agreed.

Regarding hours of food service, Ms. Dietrich said the Naperville ordinance handled the issue well. Ms. Conforti said the hours of alcohol service in Naperville are the similar to those in Downers Grove. Ms. Conforti asked if the Commission agreed that the full menu should be provided until 10:00 p.m. on weekdays and 11:00 p.m. on Friday and Saturday and after those times a late night menu should be provided. The Commission agreed that a late night food menu, not just chips, should be available until one hour before closing.

Mr. Barnett suggested patterning the Downers Grove ordinance after the Naperville ordinance and requiring a reduced menu including appetizers, sandwiches, hors d'oeuvres, or other similar foods. Mr. Durkin said he would like the reduced menu to include appetizers, sandwiches, hors d'oeuvres, and other similar foods. He did not want to allow the option to serve only appetizers.

Ms. Dietrich pointed out that the Commission would have the option to review the establishment's reduced menu at the time of the application hearing or at license renewal time.

Ms. Conforti pointed out that the licensees involved would all be restaurants and thus, the Village knows that they should have the ability to serve more than chips. She agreed that the Commission would review late night menus on a case-by-case basis and decide at application or renewal time whether or not they felt the menu was adequate.

Mr. Barnett added that the Liquor Commissioner has the ability to approve or deny license applications or renewals and if the Commissioner or the Commission is not

satisfied with the late night menu, the application could be denied, unless the menu is changed.

Mr. Durkin expressed concerned that failure to list what constitutes an acceptable late night menu, might create a loophole in the Ordinance that could be used to circumvent its intent.

Chairman Kubes wondered what would keep a licensee from submitting one menu at application/renewal time and then changing it a short time later. Chairman Kubes suggested that perhaps the ordinance should require a full menu until one hour before closing.

Ms. Conforti said the Naperville ordinance requires that a reduced menu be provided in the event the full menu is not available. She said by allowing a reduced menu, adequate food can be provided without keeping the entire kitchen staff on duty. Ms. Conforti said the ordinance could be changed to state that a reduced menu must include appetizers, sandwiches, hor d'vours. She suggested adding that the "mere availability of snacks does not constitute a late night menu".

Chairman Kubes asked audience member Mr. Sodaro how much clean up time would be involved if a full menu is required until closing. Mr. Sodaro said about one hour. However, he said he felt that it would be inconvenient to require a full menu until closing.

Ms. Conforti confirmed that the Commissioners wanted a reduced menu to be available until one hour before closing. Chairman Kubes noted that the late night menu requirement would apply only to those restaurants that closed the full restaurant several hours before the establishment closes. Ms. Conforti said at the time of renewal, she would require licensees who remain open after 10:00 p.m. to submit a late night menu. Ms. Conforti advised that all licensees must abide by the allowable hours for alcohol sales in Downers Grove; regardless of the time the establishment closes.

Chairman Kubes and the Commissioners asked staff provide a revised ordinance, patterned after Naperville's ordinance, for their review at the February meeting. Chairman Kubes reminded the Commission that when reviewing the draft ordinance, it is important to give the Council an ordinance that is workable and acceptable to them. It should be an ordinance that maintains the traditional values of Downers Grove, yet allows for future growth. Chairman Kubes said once the Ordinance has been revised he would like the Chamber of Commerce to survey business owners as was discussed at the October Liquor Commission meeting. Ms. Conforti said she would send the draft ordinance to Mr. Kopis and Ms. Kunze for their comments.

Mr. Barnett said some communities require mandatory professional alcohol training for all employees at licensed establishments. He asked for staff's opinion of the requirement. Ms. Conforti said some municipalities require licensees to turn in certifications for every employee; however, this is somewhat difficult to handle administratively. Other

communities required that proof of employee certification must be available upon request, which Ms. Conforti found to be less intrusive.

Ms. Conforti said that during a control buy the officers could also check employee certification. If an employee is not certified, it could be listed as an additional violation. She explained that if it is handled as a separate violation and not as an aggravating circumstance in a control buy failure, the Village could levy an additional fine of up to \$1,000.

Ms. Dietrich asked about the cost of TIPS training and certification. Ms. Conforti said the fee for TIPS training varies because trainers are usually independent business people. Chairman Kubes said the College of DuPage charges \$75 for an alcohol-training course and a firm in Downers Grove offers TIPS training for \$115 per person and also offers a discounted group rate. Chairman Kubes said he did not feel a training requirement would present a financial hardship for licensees. However, Ms. Dietrich wondered if the large turnover in restaurant employees might make the requirement burdensome for licensees and difficult for the Village to monitor.

Mr. Barnett said he has talked to five licensees about the concept of requiring professional alcohol training for employees and they indicated a willingness to consider license fee adjustments to cover training costs. Mr. Barnett said the Village could increase licensee fees to cover the cost of administering the program. Mr. Barnett said he was interested in exploring the idea of mandatory professional alcohol training as another means of reminding licensees that Downers Grove expects a certain level of behavior from them.

Mr. Barnett envisioned a program in which the licensee's liquor manual would state that within three months of being hired, servers will go through either TIPS or BASSETT training. The licensee could contract with a private firm or send employees to the College of DuPage for alcohol training. Mr. Barnett said there is evidence that formal alcohol training helps reduce alcohol violations.

Mr. Barnett said he believed that ordinance changes should be based on careful thought and logic and he wanted the public to understand that. He said he did not want the public to think that ordinance changes are based on complaints from licensees. Mr. Barnett said he is trying to craft a sensible ordinance that helps control the environment and is sensitive to the general public's impression of the interaction between government and business. Mr. Barnett asked Ms. Conforti to research the feasibility of revising the ordinance to include a requirement for mandatory formal alcohol training for employees at licensed establishments. Ms. Conforti agreed.

Mr. Durkin asked if mandatory alcohol training could be linked to alcohol violations. Although he is not in favor of micro-managing licensees, Mr. Durkin said that when a licensee violates the ordinance, perhaps professional training should be required as part of the penalty. Ms. Conforti agreed that the ordinance could be revised to state that

licensees found guilty of a violation of Section 3-25(a) would be required to send any and all employees to TIPS certified training. The Commission agreed.

Ms. Sodaro asked if the Village could offer a reduced license fee to establishments that voluntarily send their employees for training to offset the cost of the training. Ms. Conforti said if a licensee had already voluntarily sent their personnel for professional training, it would be taken into consideration if they were found guilty of a violation and they might be exempt from that portion of the penalty.

Ms. Dietrich pointed out that the licensee fee is based on the cost of administering the license and a reduced fee would result in administering the license at a loss. Ms. Conforti agreed.

Ms. Dietrich asked how the revenue from alcohol fines was used. Ms. Conforti said revenue from fines is deposited in the Village' Corporate Fund. She added that the administrative fee charged for a violation covers the cost of the secretary, the court reporter, the special employee, the officers, and the Village prosecutor involved in the case.

Chairman Kubes and Mr. Durkin suggested that perhaps the Chamber of Commerce and the independent TIPS trainer in Downers Grove could work together to offer TIPS training to local licensees at a reasonable rate.

Chairman Kubes concluded the discussion of the 60/40 split and related ordinance changes. Ms. Conforti agreed to have a draft ordinance prepared for the Commission's review at the next meeting.

Ms. Conforti said the next item under Old Business is the matter of fines for servers involved in sale of alcohol to minors. She said the current allowable fine is \$75. However, it could be increased by adding another section to the ordinance. She asked for comments from the Commission.

Mr. Durkin asked if the fine for servers is subject to adjustment by the court. Ms. Clark clarified that if such a case went to court, the judge would bound by the minimum fine set by the ordinance.

Ms. Conforti explained that the fine is currently \$75, if it is not paid within 10 days, it doubles to \$150, if it is still not paid, the matter goes to court. Mr. Durkin asked if anyone has gone to court over this \$75 fine. Ms. Conforti replied no. Mr. Durkin suggested raising the fine to \$150.

Chairman Kubes commented that if establishments included the amount of the server's fine in their liquor manuals, it might motivate servers to be more careful when checking ID's and serving alcohol.

Ms. Conforti added that several licensees have said that they would be in favor of larger fines for servers who are involved in a violation.

Mr. Barnett observed that most failed control buys are the result of carelessness on the part of the server involved. He wondered if a \$150 fine was enough to motivate them to be more careful.

Ms. Dietrich said she felt a \$150 was not high enough. She suggested increasing it to \$250.

Mr. Barnett pointed out that the fine for a minor who attempts to purchase alcohol is \$500 to \$750. Ms. Haider responded that a minor attempting to purchase alcohol involves an intentional act; however, the sale of alcohol to a minor by a server is usually unintentional.

Mr. McInerney said he is in favor of increasing the fine to servers to \$200. He also suggested that licensees be required to post signs indicating the amount of the server's fine if they sell of alcohol to a minor. Mr. McInerney said the Commission should also consider the possibility that some establishments may pressure their servers to serve alcohol to anyone who requests it. He suggested providing a phone number on the sign that servers could call if they feel they are being pressured to serve alcohol to underage patrons.

The Commission members discussed various amounts for server's fine. Mr. Barnett suggested \$500. Ms. Haider suggested \$200, which would double in 10 days if not paid. Ms. Dietrich said she preferred \$250; however, she was willing to go along with \$200. Mr. Durkin, Ms. King, and Mr. McInerney agreed with a \$200 fine. Chairman Kubes said he felt \$200 was not high enough. He preferred \$250. Ms. Clark and Ms. Conforti said they felt \$200 was an appropriate amount for the fine.

Mr. McInerney asked how Downers Grove compares to other communities in regard to fines for servers. Ms. Conforti said she has not found another community that fines servers directly.

Ms. Conforti said once the ordinance is amended, licensees would be informed of the changes via the monthly Liquor Newsletter that is sent to all licensees.

Chairman Kubes said maintaining a daily liquor log is a good way to remind servers of their responsibility to serve alcohol with care. Mr. McInerney also suggested requiring signage as a constant reminder.

Finally, Ms. Conforti said that at a previous meeting, the Commission discussed a possible Ordinance change regarding the use of liquor product identification signs. Last fall the subject came up in relation to the use of patio umbrellas with alcohol logos.

Chairman Kubes tabled further discussion of this issue until next month's meeting and asked Ms. Conforti to provide Commission members with a copy of the Ordinance for their review.

VI. NEW BUSINESS

Ms. Conforti said Ms. Linda Kunze, of the Downtown Management Board, asked for the Commission's opinion on allowing "BYOB" (Bring your own booze) in Downers Grove. Ms. Kunze said some unlicensed establishments in Downers Grove have asked if patrons could bring in their own alcohol and consume it on their premises. Ms. Conforti said the current ordinance prohibits such activity. Ms. Conforti added the requests have come from non-restaurant establishments, i.e. The Mad Potter, the Bead shop, etc.

Chairman Kubes noted that some upscale restaurants and shops in other communities allow individuals to bring their own wine and charge a "corking fee."

Mr. Sodaro said he originally wanted to use the BYOB concept at his store; however, when told it was not allowed in Downers Grove, he decided to apply for a liquor license. Mr. Sodaro pointed out that even with a liquor license, his patrons are not allowed to bring in their own alcohol.

Chairman Kubes said if Ms. Kunze would provide specific information regarding this request, the Commission would look into it. Ms. Conforti agreed. She clarified that the regulation prohibiting BYOB was added as a means of controlling alcohol in Downers Grove. She added that there would also be liability issues in allowing individuals to bring alcohol into an establishment.

Ms. Dietrich agreed that Downers Grove issues liquor licenses as a means of control and if the Village is considering allowing BYOB, a license should be created for it.

Chairman Kubes pointed out that allowing BYOB at establishments that do not serve food would be in conflict with the existing ordinance.

Mr. Durkin said he thought that the question of BYOB would be solved by the fact that the majority of leases prohibit alcohol consumption on the premises.

Ms. Conforti advised that up to three Special Event licenses are available to establishments each year, which would allow them to serve alcohol at a parties, special events, etc. The Special Event license requires Dram Shop insurance, food service, etc. However, if an individual obtains the Special Event license, there would be no limit on the number of special events that could be held at an establishment as long as no one individual obtained more than three Special Event licenses in one year.

Chairman Kubes asked Ms. Conforti to find out how important this issue is to the Downtown Management Board and if increasing the number of permitted Special Event licenses from three to five per year per establishment would be beneficial. Ms. Conforti

agreed that there should be some limit on the number of Special Events licenses that an establishment could obtain in one year.

Mr. Durkin asked if a copy of the lease is required when applying for a Special Event license. Ms. Conforti explained that Dram Shop insurance covers the building owner, but added that landlord or owner approval may be required.

Mr. Sodaro said that the Special Event liquor license might be an alternative for small restaurants that do not want to maintain a liquor inventory; however, he did not feel that there would be a great demand for Special Event liquor licenses from non-restaurant establishments because of the cost of Dram Shop insurance.

Mr. Durkin said he would not have a problem permitting a BYOB restaurant liquor license.

Mr. McInerney said allowing BYOB at a restaurant is one thing; however, allowing it at an establishment that does not sell food is another matter.

Chairman Kubes asked Ms. Conforti to discuss the matter with Ms. Kunze and place the item on the agenda for discussion at next month's meeting.

Chairman Kubes recalled that an individual applied for a liquor license for a comedy club in Downers Grove and the Commission informed him that he would have to serve food in order to be found qualified for a liquor license.

Mr. Durkin said perhaps it would be beneficial to increase the number of Special Event liquor licenses and consider creating a BYOB restaurant liquor license for smaller establishments.

Ms. Conforti said the ordinance could be revised to allow individuals to bring their own alcohol into licensed premises. However, the current ordinance requires establishments without a liquor license to obtain a Special Event license before allowing alcohol on the premises.

Chairman Kubes said it is not feasible to eliminate the BYOB restriction before the Village makes a final decision concerning the 60/40 requirement.

Mr. Durkin asked how long it takes for the Council to act on a recommendation from the Liquor Commission. Ms. Conforti said the recommendations are usually placed on the Council Workshop Agenda within two weeks of the Liquor Commission meeting. If there are no further changes, the Council could vote to adopt the ordinance the following week. She explained that ordinance changes are effective immediately; however changes made to fines will not be in effect until ten days after the ordinance is passed. Mr. Durkin asked Ms. Conforti to notify members of the Liquor Commission when the Council is going to be considering their recommendations.

Chairman Kubes said further discussion of BYOB would be tabled until the February Liquor Commission meeting.

VII. COMMENTS FROM THE PUBLIC

None

VIII. ADJOURNMENT

MR. McINERNEY MOVED TO ADJOURN THE MEETING. MS. KING SECONDED.

The meeting was adjourned by acclimation at 9:20 p.m.