

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

Thursday, July 7, 2005

DRAFT

I. CALL TO ORDER

Chairman Kubes called the July 7, 2005 Liquor Commission meeting to order. He introduced and welcomed Ms. Alice Strelau to the Commission as its recently appointed member.

II. ROLL CALL

PRESENT: Ms. King, Ms. Strelau, Mr. Barnett, Chairman Kubes

ABSENT: Mr. Durkin, Ms. Dietrich, Mr. McInerney

STAFF: Prosecuting Attorney Ann Marie Perez, Liaison to the Liquor Commission Carol Conforti

OTHERS: Tarik Zayed, Isam Zayed, Angelo Boulougouris, Court Reporter

III. APPROVAL OF MINUTES

MS. KING MOVED TO APPROVE THE JULY 7, 2005 MINUTES OF THE LIQUOR COMMISSION MEETING AS PRESENTED. MR. BARNETT SECONDED.

VOTE: **Aye:** Mr. Barnett, Ms. King, Chairman Kubes

Nay: None

Abstain: Ms. Strelau

MOTION CARRIED: 3:0:1

Ms. King noted a change on page 4 of the June 2nd minutes. Ms. King stated that Ms. Dietrich made the comments in paragraphs 2 and 3 and asked that the minutes be changed to reflect that.

Chairman Kubes reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present to take the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Kubes made the following statements:

"A part of tonight's agenda is to conduct a public hearing on liquor license applications. 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."

TINF, Inc. d/b/a Leo's Wine, Spirits & Deli- 2321 W. Ogden Avenue

Chairman Kubes stated that the first order of business was to consider a liquor license application. He added that TINF, Inc. d/b/a Leo's Wine, Spirits & Deli, located at 2321 W. Ogden Avenue is seeking a Class A, full alcohol, off-premise consumption liquor license.

Chairman Kubes asked that any individuals representing the applicant step forward and be seated. He asked that any individual giving testimony state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the Court Reporter.

Mr. Tarik Zayed and Mr. Isam Zayed were sworn in by the court reporter. Tarik introduced himself as 50% owner and liquor manager for the establishment. Isam introduced himself as 50% owner of the establishment.

Tarik stated that they are interested in opening a full service packaged liquor store which includes a deli. He added that they own and have operated a liquor store in Brookfield for the past 9 years. He added that they are planning to open another establishment in Downers Grove.

Isam stated that they are responsible corporate citizens in the Village of Brookfield. He stated that they are active in the community and donate to community organizations and to local causes.

Mr. Barnett asked about the operation of the establishment, particularly the deli. Tarik stated that they will be selling cheeses and lunch meats and pre-made sandwiches. Isam stated that there will be strictly carry-out with no dine-in available. He added that there has been a trend in the liquor store industry to incorporate a deli into the business. He stated that the deli serves as a convenience to customers.

Mr. Barnett asked if this is a parallel move for them or an expansion. Tarik stated that it will be an expansion and they will retain the Brookfield location.

Ms. King stated that upon her review of their liquor policies she did not notice any fines or suspension information. Isam stated that he was aware of the fines and suspension, but was not sure of the exact figures at the time he wrote the manual. He stated that manual does state that any employee would be fined by the Village. He stated that he would add the particular fines and suspensions to the manual.

Ms. King stated that they received a good report from the Brookfield Police Department. Tarik stated that they have a good reputation in the Village of Brookfield.

Ms. King asked how they will be distributing their working hours between the two stores. Tarik stated that the Brookfield store is run mostly by his parents. He stated that they will not be absentee owners. He stated that there will always be someone from the family at the business.

Ms. King stated that she was not familiar with the location of the store. Tarik replied that it is a new strip mall being constructed which is directly across the street from DuPage Inn.

Ms. Strelau had no questions.

Chairman Kubes asked if the strip mall is completed. Tarik replied no.

Chairman Kubes asked what made them choose Downers Grove. Tarik replied that he is a resident of Downers Grove. He added that he likes the area.

Chairman Kubes stated that Tarik indicated that he would be working approximately 60 hours per week. Tarik added that they will be open approximately 13 hours per day, 9 am to 10 pm daily and 12 noon to 8 pm on Sunday.

Chairman Kubes asked if their license in Brookfield ever been suspended. Tarik replied no.

Chairman Kubes asked Tarik if he has gone through a certified training courses. Tarik replied no. He stated that he has worked in the liquor store business since he was a child. He stated that he has relied on his hands-on experience over the years. Chairman Kubes asked if he would consider certified training. Tarik replied yes. He added that they would be willing to do anything to protect their investment.

Tarik stated that they are taking additional steps to protect their investment. He stated that in addition to having camera surveillance, they will be investing in an identification scanner. He stated that the bar code is scanned and the picture of the customer will appear on a monitor with their date of birth. He stated that every state with the exception of North Dakota is scannable.

Chairman Kubes stated that their manual looks good and that he was pleased they will be adding fine and suspension information.

Chairman Kubes asked if they will have minors working in the store. Tarik replied yes. He stated that they will be strictly limited to stocking. Tarik added that only employees 21 years and older will be working the register.

Chairman Kubes asked if the registers will prompt the clerk to check identification. Tarik replied yes.

Chairman Kubes asked how many employees will be on staff. Tarik replied five to six.

Chairman Kubes noted that the manual contained information on the keg tag program and asked if they were familiar with the program. Tarik replied yes. He stated that Brookfield does not require a sticker but they do use a form when they sell kegs.

Chairman Kubes asked if they were aware of what other businesses will be in the strip mall. Tarik replied that it is his understanding that there will be an Edward Jones Investment Company, cellular phone store and a Chinese carry-out restaurant.

Chairman Kubes asked about the visibility of the exterior of the business. Tarik replied that there are

security cameras out back and front. He added that the storefront is all glass. He stated that they will discourage anyone from loitering in front of the store.

Chairman Kubes asked how deliveries are made. Tarik replied they will be made in the rear of the building if the truck can get through.

Chairman Kubes asked what is behind the store. Isam stated that there is a 8-10 foot high privacy fence which borders a residential area.

Tarik and Isam indicated that they are looking forward to doing business in Downers Grove and are excited about the opportunity.

Chairman Kubes asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class A liquor license application.

MS. KING MOVED TO FIND TINF, INC D/B/A LEO'S WINE, SPIRITS & DELI, LOCATED AT 2321 W. OGDEN AVENUE, QUALIFIED FOR A CLASS "A" LIQUOR LICENSE. MS. KING SECONDED.

VOTE: Aye: Ms. King, Mr. Barnett, Ms. Strelau, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Chairman Kubes asked Ms. Conforti about the availability of Class A licenses. She replied that there are 7 left available.

Chairman Kubes concluded the application hearing for this evening's meeting.

V. OLD BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding any old business.

Ms. Conforti stated that she included the final re-draft of the ordinance proposing to regulate the size of containers. She stated that she plans to forward the recommendation, draft ordinance and minutes to the Village Council for their workshop meeting of July 26th.

VI. NEW BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding any new business.

Ms. Conforti stated that she included background information concerning golf course beverage service. Karen Shannon from the Downers Grove Park District was present to request an amendment to the ordinance which would allow the sale of beer and wine on the golf course. Ms. Conforti stated that she provided ordinances from two other communities that allow this type of activity.

Karen introduced herself as the Director of Facilities for the Park District. She stated that their current beer and wine license allows them to serve from the clubhouse. She stated that they have had numerous requests from golfers that wish to have refreshments on the course. She added that the refreshment cart would have alcoholic and non-alcoholic beverages, snacks and candy.

Chairman Kubes asked about the course. Ms. Shannon replied it is a nine hole golf course which covers approximately 90 acres, the course itself sits upon 60 acres.

Chairman Kubes asked if portable devices are currently utilized. Ms. Shannon replied that they were in the process of putting something together for bottled water, soft drinks and snacks on a trial basis.

Chairman Kubes asked how they would manage the sale of the items. Ms. Shannon replied that the would have a beverage cart attendant with a cash bank and inventory control sheet.

Chairman Kubes asked about the facility. Ms. Shannon replied that the main clubhouse seats 66 patrons. Chairman Kubes asked how many employees monitor the area. Ms. Shannon replied there are approximately 35-40 employees on staff, which includes herself, a golf manager, two superintendents, cashiers, starters and rangers.

Chairman Kubes asked if there were golf carts on the premises now. Ms. Shannon replied yes.

Chairman Kubes asked if golfers are allowed to bring their own beverages on the course. Ms. Shannon replied that they allow it but do not encourage it. Chairman Kubes asked if alcohol was allowed. Ms. Shannon replied no. She added that they allow soda and water as long as it is not a nuisance and golfers do not litter.

Chairman Kubes asked how they will monitor liquor sales to adults and ensure they will not share drinks with minors. Ms. Shannon replied that staff will be trained. She stated that starters, rangers and maintenance staff are out on the course.

Chairman Kubes asked about the golf season. Ms. Shannon replied that the season was from the 1st Saturday in March through the end of November. She stated they would operate the beverage cart upon demand. She stated that they would plan to operate it during the peak season of May-August.

Chairman Kubes asked if the service would be available every day. Ms. Shannon replied that they plan to provide the portable service on the weekends and during peak times. She stated that they will adjust the availability as time goes on and depending upon demand and profitability. She stated that they have not worked out the details of the program as of yet.

Chairman Kubes asked when they planned to implement the program. Ms. Shannon stated as soon as possible, but realistically, it would start for the 2006 season.

Chairman Kubes stated that he would like to have additional feedback from the full Commission. Ms. Conforti stated that she could draft an ordinance to provide for additional comments at next months' meeting. Chairman Kubes stated that it may not be until next season that the golf course will be able to implement the activity since it will take some time for the ordinance to go through the Commission and the Village Council for approval.

Ms. King asked Ms. Conforti if she will be drafting the ordinance off of Bensenville and/or Westmont. She added that Bensenville is very particular. Ms. Conforti stated that she will keep it as general as possible and not make it too restrictive. Ms. Conforti stated that she would like them to provide an addendum to their liquor manual as well as a copy of the overall guidelines, policy and procedures which would outline particular details of the operation.

Ms. Shannon stated that the District looks at ways to improve or increase their revenues and that this will be a revenue source for the District.

Chairman Kubes asked how many golfers on average are playing at any one time. Ms. Shannon replied 36-72. He asked who will monitor the activity of underage golfers. She replied that the staff out on the course, predominately golf rangers and/or the cart attendant. Ms. Shannon stated that they can work out details and set limits in place which would limit the number of beverages per person to address the issue.

Chairman Kubes asked Ms. Conforti if the Park District has control buys conducted upon them. Ms. Conforti replied yes. Ms. Shannon noted that they have passed all of them. Chairman Kubes asked how will they conduct control buys out on the course. Ms. Conforti stated that she was unsure but it could be possible to conduct them out on the course as well as at the clubhouse.

Chairman Kubes asked if this activity will be allowed under part of the license or if another license category would be created. Ms. Conforti stated that it could go either way. She stated that the classification could be amended to allow the activity and/or an "outdoor" type license could be established. She suggested that if they are allowed to do the activity, an additional fee should be charged to cover an additional control buy on the course.

Ms. King stated that golfers can get beer at Village Greens. Ms. Shannon stated that Village Greens is their main competitor. Ms. King asked if they have any information on the profits that other golf courses are experiencing with the beverage cart activities. Ms. Shannon replied no.

Ms. Strelau stated that other courses manage the activity and believes that it could be managed just as well by the Downers Grove Park District. Chairman Kubes agreed. He stated that he would like to see a draft policy from the District about the activity as well as an addendum to their liquor policy.

Mr. Barnett asked if there will be a re-application process whether a new outdoor class is created or if the golf course license is amended. Ms. Conforti stated yes. Mr. Barnett stated that it would be helpful to have an idea of the process by way of a draft policy.

Ms. Shannon stated that they are in the heart of the season and she may not be able to provide an entirely comprehensive policy by next months' meeting. She stated that she would like to put a lot of thought into the program and policy. Ms. Conforti stated that she can at least draft the ordinance and get the process started. She would request that the District provide some key points of their policy.

Chairman Kubes encouraged Ms. Shannon to attend next months' meeting for further discussion.

Mr. Barnett asked Ms. Conforti if the current ordinance addresses container type in general. He stated that an element of the Bensenville ordinance regulates plastic or paper containers in their ordinance. He suggested that the service aspect be left up to the Park District. Ms. Conforti stated that the Village does not regulate any size, type, shape or material of any "container".

Chairman Kubes asked that the Park District provide a copy of their current liquor handling manual.

Ms. King would like the Park District to cover how many beverages would be allowed in order to be sure there is no over service. Ms. Shannon stated that they are only planning to have one cart which would be serving the entire course. She added that in the time it takes a golfer to go through the course, the beverage cart may only get by them two times.

Ms. Conforti stated that she provided the Commission with an updated Liquor License Classification Chart which had been updated since the renewal process. She stated that there are currently 73 license holders. She stated Walgreens was the only licensee who did not renew their license. She stated that the renewal process went relatively smoothly with no major concerns or issues arising.

Ms. Conforti informed the Commission of complaints about recent questionable activities at North Beach. She provided an email from a resident along with promotional flyers concerning events that are a source of the complaints.

Ms. Conforti stated that tactical units have been sent into the establishment in order to observe activities. She stated that there is a DJ with a fan club following that rents out a portion of the facility. She stated that the events are promoted to 17+ year old fans. She stated that there has been a growing concern about the mixture of adults and minors. She added that there seems to be more potential for adults sharing drinks with minors. Ms. Conforti stated that the tactical unit advised her that the 21 and older individuals were distinguished by wristbands.

Ms. Conforti stated that she had received a complaint about the type of parties the DJ is hosting. In particular, a "Porn Star Wanna Be Party" took place on Sunday, July 3rd.

Chairman Kubes asked where the events are advertised. Ms. Conforti replied that the events are promoted from the DJ's website. Chairman Kubes asked if the flyers were being handed out. Ms. Conforti replied that the complainant advised that the flyers were being distributed at a festival. She stated that she has signed up as a member of the DJ's club and has received e-mails concerning events.

Ms. Conforti stated that a concern is the mixture of an older clientele with underage individuals. She stated that the mother of a 17 year old female also contacted the Police Department and advised that her daughter was at North Beach and was so intoxicated that she had to be taken to the hospital. Ms. Conforti asked that the Police Department ask the parents if they would be willing to file a complaint with the police or with the Liquor Commission. She stated that from her knowledge, the 17 year old was served by a fellow patron and not the establishment. Mr. Barnett stated that the ordinance regulates adults sharing drinks with minors and that establishments are not to allow that type of activity.

Chairman Kubes asked if the Municipal Code contains provisions concerning lewd behavior. Ms. Conforti stated that the Village may be able to charge the licensee with a violation concerning their advertising. Ms. Conforti questioned who would be charged for the advertising violation. She stated that MMTD is the promoter of the activities and the source of the advertisement, however, North Beach's name and logo are contained in the flyer.

Ms. Conforti stated that she wanted to get something into the minutes that this issue was brought to the Commission and that the complaints be discussed and logged. She added that she would be forwarding the information along to the Mayor & Council. Ms. King asked what the procedure would be to follow up with the licensee. She stated that perhaps the licensee could be charged with an ordinance violation, be summoned in before the Commission and/or be required to cease their involvement with the MMTD group.

Ms. Strelau asked if more of these activities have occurred. Ms. Conforti replied yes. She stated that she was first made aware of a bikini contest in June in which a tactical unit was sent in to check out the activity. She stated that the police advised that no violations were observed.

Ms. Conforti stated that she is concerned about the potential magnitude of the events and feels that once word spreads, the events may become unmanageable and may overcome the facility.

Chairman Kubes remembered that representatives of North Beach stated that they were going to be more proactive and cater more to a different type of clientele while at the Commission meeting concerning excessive DUIs. He stated that Thursday night problems have decreased, but wondered why the licensee has gone the route of these promotions. He asked that the Commission be provided a copy of the minutes of that meeting for review.

Ms. Conforti advised that the licensee is renting out the facility to a DJ and the DJ is the promoter of the events. Mr. Barnett stated that although North Beach rents the facility, they are still required to follow the guidelines of behavior allowed by ordinance.

Mr. Barnett asked that the issue be pursued as aggressively as possible. Ms. King asked if the Commission can require their appearance. Ms. Conforti replied that the Liquor Commissioner would have to make a determination as to whether these activities threaten the health, safety and welfare of the Village.

Chairman Kubes asked that the minutes be forwarded to the Village Council as soon as possible in order to let them know that this issue is a concern to the Commission and that they wish to address this in an aggressive manner.

Ms. Perez stated she was unsure if the Village could bring the licensee in on a violation if complaints were received that another patron, not North Beach, provided liquor to an underage individual. Mr. Barnett stated that the ordinance prohibits licensees from allowing adults to share drinks with minors. Ms. Perez stated that it might be difficult to bring North Beach in on a violation as a result of the complaint by an angry parent.

Ms. Conforti stated that in discussing the issue with the Police Department, the complainant would be the parent. She stated that whether or not the 17 year old would give up the identity of the patron who provided the liquor to her would be highly unlikely.

Ms. Conforti noted that tactical units were sent in on two separate occasions and no violations were observed. Mr. Barnett asked if the advertisement was a violation. Ms. Perez and Ms. Conforti agreed that the advertisement may be at issue. Ms. Conforti stated the explicit hard copy of a flyer (which could be considered stretching the boundaries of appropriateness) is the first that staff had received. She stated that the sexually explicit nature of the advertisement is at issue. Mr. Barnett stated that the advertisement contains reference to body parts and the advertisement of alcohol.

Ms. Conforti stated that she will discuss this further with the Legal Department to see if there are any particular violations of the ordinance.

Mr. Barnett stated that this is an opportunity to make a statement. He stated that acceptable and reasonable behavior must be maintained. He stated that the flyer alone in his mind would be sufficient enough to require the licensee to appear before the Commission as this is not the type of behavior the Village would encourage.

Ms. Strelau asked Ms. Conforti if she saw this particular advertisement on the website. Ms. Conforti replied no. She stated this flyer was distributed at the Lisle Fest. Ms. Strelau asked if there was a calendar of events listed on the website. Ms. Conforti replied that she did not see a calendar with upcoming events. She stated that there were just a few references to North Beach (i.e. book your birthday party). Ms. Strelau asked if there was a link from the DJs website directly to the North Beach website. Ms. Conforti replied no.

Chairman Kubes asked if there is any violation of State law. Ms. Conforti replied that she was unsure.

Ms. Conforti stated that she would be following up further with the issue and felt it appropriate to have documented the issue on record. She stated that she will forward the minutes to the Village Council.

Chairman Kubes asked if these activities take place at the Chicago North Beach location. Ms. Conforti replied she was unsure.

Mr. Barnett asked Ms. Conforti if there have been a sequence of events. She replied yes. He wondered if there would be value in setting up further tactical units to return. Ms. Conforti stated that if patrons are providing alcohol to minors, the individual would be charged with a violation, not the licensee. She added that the licensee has the obligation to prevent that from happening, however, at issue is the licensee's observance of the activity.

Mr. Barnett encouraged the Commissioner and the Legal Department to pursue some type of action.

Mr. Barnett asked if there were any other Village ordinances that prohibited the use of the word "boobs". Ms. Conforti replied that there might be some Codes that prohibit sexually explicit advertising.

Chairman Kubes once again welcomed Alice to the Commission.

VII. COMMENTS FROM THE PUBLIC

Chairman Kubes asked if there were any comments from the public.

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Kubes called for a motion to adjourn.

Ms. King moved to adjourn the July 7, 2005 meeting. The meeting was adjourned by acclamation at 8:05 p.m.