

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

Thursday, December 9, 2004

**I. CALL TO ORDER**

Chairman Kubes to called the meeting to order at 6:35 p.m.

**II. ROLL CALL**

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

**ABSENT:** Ms. Haider

**STAFF:** Attorney Ms. Beth Janicki-Clark, Liaison to the Liquor Commission Carol Conforti

**OTHERS:** Keith Grenke, Mitchel Beringer, Connie Beringer, Gus Vlamis, Willis Johnson, Court Reporter

**III. APPROVAL OF MINUTES**

**MR. DURKIN MOVED TO APPROVE THE MINUTES OF THE OCTOBER 7, 2004 MINUTES OF THE LIQUOR COMMISSION MEETING AS PRESENTED. MS. KING SECONDED.**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED:** 6:0:0

Chairman Kubes made the following statement:

I would like to remind those present that this evening'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 the minutes verbatim.

**IV. NEW BUSINESS**

Chairman Kubes stated that the first order of tonight's meeting is to discuss finance issues. He stated that Rita Trainor, Finance Director for the Village of Downers Grove is present this evening.

Ms. Conforti stated that she invited Rita Trainor to discuss some finance issues, Village policy

and activities conducted with regard to liquor licensing. She added that later in the evening she would like to discuss the Cost Center Analysis in further detail.

Ms. Trainor stated that she and Carol discussed what is involved in the administration of a liquor license. She stated that Carol had gone through, in great detail, the hours of time various staff is involved over the year in the administration of the license. She added that a load factor of benefits had been determined for all of the staff time involved. She stated she was unsure what further needs to be done in the analysis.

Ms. Trainor added that statute provides that the Village charge those costs associated with providing the licensing service and believes that the Village has met that requirement. She asked if there was something else the Liquor Commission feels was not considered which should be added to the fees.

Mr. Barnett stated that he was questioning the process. He added that he missed in review of the fees that there was a load factor considered for staff. He stated that he was concerned that some of the fees may be low. He wanted to be sure that all of the cost components were considered. He stated that he wants to be consistent with the ordinance and that the Liquor Commission is not looking for a revenue source. He stated that he wants to be sure that the taxpayers feel no burden when an applicant and/or violator appears before the Commission.

Mr. Barnett had a question on the control buy program and felt that with all the individuals involved, the fee for conducting it seemed low. Ms. Trainor explained that control buys are not done one at a time and what time is spent is estimated at ½ hour. She explained that there were in car computers so that officers would not have to go back and forth to the station each time a buy is done.

Mr. Barnett asked if there may be any likelihood that there is undercharging. He stated he would rather be a little higher on the burden, than have the taxpayers subsidize these programs.

Ms. Trainor stated that she would be concerned if there is a possibility of overcharging and fees contested by the licensee. She would caution overcharging. She stated that Carol based the fees on the time estimates received from the officers involved.

Ms. Conforti added that the Cost Center Analysis is done every few years. This analysis may need some updating as this was done in 2002/03. She stated that she will go back and ask the officers again what their time estimates are. She does not anticipate the time allotments changing, but perhaps the salaries and benefits.

Mr. Barnett asked about the load factor and what burden it covers. Ms. Trainor stated health insurance, medical, dental and vision are considered.

Mr. Barnett stated that Carol explained that the Village does not pay real estate tax or utility fees. Mr. Barnett asked if there were monies for these in the load factor. Ms. Conforti replied no. Ms. Trainor stated that the Village does not pay for certain operating costs like utilities as the Village has franchise agreements for service.

Ms. Trainor stated that applying those costs to just that portion of liquor licensing and Carol's area at the Village represents a minute piece of the Village operations.

Mr. Durkin asked if excess licensing funds go into the general fund. Ms. Trainor replied yes.

Ms. King stated that her questions regarding the charges were answered.

Ms. Trainor stated that the Village Hall was acquired in the 1950's and the facility should be fully depreciated. She added that utilities are covered under the franchise agreements.

Mr. McInerney asked if the use of police equipment is included. Ms. Trainor replied that no attempt has been made to capture those costs. She stated that the amount of time police spend on liquor activities is very minimal. She stated that we could include those amounts, but anticipates that there may not be an appreciable change in the dollar figures.

Mr. McInerney encouraged staff to explore that issue. He added that the amount of DUI activity tied with monitoring is rising. Ms. Trainor stated that DUIs another activities are covered by a grant and added that fees are collected from DUI prosecution. Ms. Clark added that there is a special DUI tech fund wherein \$100-\$200 is collected from the offender and must be utilized for equipment such as Breathalyzer and other DUI equipment.

Mr. McInerney asked if the load factor was reviewed regularly. Ms. Conforti replied every few years in the Cost Center Analysis review process. Ms. Trainor added that the most volatile component is the health insurance load factor.

Ms. Dietrich stated that she review the analysis and found it to be very detailed and comprehensive.

Chairman Kubes asked if we have subtracted cost factors from the general fund and if police costs offset from the general fund. Ms. Trainor replied yes and that all liquor fee monies go into the general fund.

Chairman Kubes asked if the fees from the 1998 analysis increased due to increases in salary and benefits. Ms. Conforti stated that there were a few individuals that had changed and new salary and load figures replaced their predecessor. She stated that the activities were reviewed along with the times the individuals spent doing those activities. Chairman Kubes asked if we undercharged prior to the 2002 Cost Center Analysis. Ms. Conforti replied no. She added that the increases were a result in the increases in salary with load factors and that more programs were added to the analysis.

Ms. Conforti stated that she was planning to review the Cost Center Analysis in the near future, perhaps for 2005/2006. Depending upon how much of an increase/decrease there is, a hearing will take place to discuss the changes and what was the major source of the change may be. If warranted, an ordinance would then again presented to the Council for consideration. She stated that she does not anticipate a significant jump from the 2002 Cost Center Analysis, perhaps 2-5%, if that.

Mr. Barnett stated that the cost center analysis philosophy is used in setting fees based on the administration of the license. He stated that as a whole, he would be concerned if something is missed to recoup equipment costs. Ms. Trainor stated it is likely that those costs are recouped in other departmental cost centers where there is more utilization of equipment.

Ms. Conforti stated that she added equipment utilization costs. She added that each licensee is required to pay a general office fee which covers supplies and computer equipment usage. Ms. Trainor replied that the general office fee is a reasonable allocation method to use.

Mr. Barnett asked about the utility component paid by the Village. He noted per franchise agreements, the Village does not pay for utilities. He asked if the franchise agreement contains a component of what residents pay for service. Ms. Trainor stated that regulatory bodies determine the

rates residents pay for service, but the franchise agreement is a way for the Village to allow the utility to operate within the Village. Mr. Barnett stated that these allow the Village to have fairly low operating costs and fees for electric would not be passed to licensees.

Mr. Barnett thanked Ms. Trainor for clarification on the issue.

Ms. Dietrich asked how often the cost center analysis would be done. Ms. Conforti replied that an analysis done in 1998 and 2002, with a new one planned for 05/06. She was hoping to have a revised analysis completed and an ordinance drafted for new fees, if required, in time for the 2006 license year.

Ms. Conforti noted that applicants and violators pay fees over and above their annual license fee. She added that the additional time spent on the review of new licensees, court report costs, background check and every aspect of the application process is borne by the applicant so residents are not burdened by these costs. She stated after the licensee is found qualified, the annual fee is charged to the licensee which covers the annual administration of the license. Violators pay administrative costs to cover a hearing directly.

Ms. King asked about penalty money. Ms. Conforti stated that the \$680 administrative fee covers the cost of the hearing. Those monies pay for staff to prosecute the case, court reporter, follow up buy, and the like. The penalty fines received are a "bonus" which go into the general fund.

Chairman Kubes asked what the establishment check in the cost center covers. Ms. Conforti replied that each licensee is charged for a establishment check, whether or not it is done. It is factored in the event a problem occurred, we can send in a tactical unit to check the establishment.

Chairman Kubes asked if the squad maintenance was factored in the control buy. Ms. Conforti replied no. Ms. Conforti stated that she tries to recapture as many costs as possible, but it is difficult to quantify such a small component of the time when the vehicle is used for controlled buys.

Ms. King asked how much in fines the Village recouped last year. Ms. Conforti stated that she would have to look at last years report but guesstimated \$7,000-\$8,000 in fines were collected last year.

Mr. Durkin asked if the Village participates in the DARE program and asked if any license fee goes toward this program. Ms. Conforti replied no. She added that the Village donates money to high schools for their safe & sober activities. Mr. Durkin asked if staff could investigate fees going into the fund for drug and alcohol education. Ms. Conforti stated that she could add a line item as a part of each license fee for the upcoming Cost Center Analysis.

Ms. Trainor stated it may help for the Commission to look at the audit report. She added that the revenues are listed to the source they come, but are not tied to any particular expense. She added there was no gross profit margin on the liquor costs.

Chairman Kubes asked if the group will have an opportunity to discuss the Cost Center Analysis again. Ms. Conforti stated that she will go into more detail about the analysis later during the meeting.

Chairman Kubes thanked Ms. Trainor for her time.

Chairman Kubes concluded the finance director presentation of new business, but added that further discussion of new business would be discussed later during the meeting.

#### 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."

Chairman Kubes stated that a court reporter was present to take the proceedings verbatim and staff was present for purposes of summarizing the proceedings.

#### **Grand National, Inc. d/b/a White Hen Pantry, located at 402 W. 75<sup>th</sup> Street**

Chairman Kubes stated that Grand National, Inc. d/b/a White Hen Pantry, located at 402 W. 75<sup>th</sup> Street is seeking a Class B-2-C, beer and wine only, off-premise consumption liquor license.

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

Mitchel Beringer and Keith Grenke were sworn in by the Court Reporter. Mitchel Beringer introduced himself as franchisee/owner of White Hen Pantry, 402 W. 75<sup>th</sup> Street. Keith Grenke introduced himself as the local store counselor for White Hen Pantry, Inc.

Chairman Kubes asked the applicant to proceed and tell the Commission what they are about.

Mr. Beringer stated that he was applying for a beer and wine license to accommodate requests of his customers.

Mr. Barnett had no questions and wished the applicant good luck.

Mr. Durkin stated that he had no questions and has known the applicant for 25 years. He stated that in his dealings with Mr. Beringer he is a very conscientious individual and welcomed him to Downers Grove.

Ms. King stated that she was impressed with the letter submitted by the Beringer's concerning their policy and plans and welcomed them to the community.

Mr. McInerney asked Mr. Beringer about his past liquor handling experience. Mr. Beringer stated that he worked with Jewel before White Hen. He stated he was taught to card and the proper procedures for alcohol selling. Mr. McInerney welcomed them to the community.

Ms. Dietrich stated that it was nice to see that both owners became TAM certified before the license was issued. Ms. Dietrich asked about the employee agreement of understanding. She suggested adding a minimum age to look for when they request identification, perhaps age 30 or 35. Mr. Beringer stated that they would request identification from those looking under 35. Ms. Dietrich recommended that they put that language in the agreement. Ms. Dietrich wished the applicant the best of luck.

Chairman Kubes stated there may be a small error on the application in Section 6.9. He stated that where the question reads "Is the resident a resident of Downers Grove", both "yes" and "not applicable/applicant is a corporation" were checked. Mr. Beringer stated that he was a resident of Downers Grove as well as having a corporation in Downers Grove. Ms. Conforti clarified and stated she would correct the application to reflect "not applicable, applicant is a corporation".

Chairman Kubes asked Mr. Beringer how long he has been at this location. Mr. Beringer replied 25 years. Chairman Kubes asked if this location was operating prior to him. Mr. Beringer stated no, it was a brand new store with no previous franchisees. Chairman Kubes asked if there were any issues with teens loitering in the parking lot. Mr. Beringer replied no.

Chairman Kubes stated that the liquor manual is well written, but he had a few concerns. He stated that Downers Grove laws are not in the manual. He asked that they list some of the actual ordinances. He stated he is pleased with the TAM materials that White Hen has to offer.

Chairman Kubes asked about storage. Mr. Beringer stated that there is a back room under lock and key. Chairman Kubes asked who will have access. Mr. Beringer replied himself. Chairman Kubes asked about the employees and their ages. Mr. Beringer replied there are two employees under 21, of which is his son and his son's friend. He added that they are within months of turning 21. Chairman Kubes asked if someone under the age of 21 will be left alone in the store. Mr. Beringer replied no.

Chairman Kubes asked about the floor plan. He asked if the beer is in the back cooler areas. Mr. Beringer replied yes. He asked if the other area depicted on the plan was the warm display. Mr. Beringer replied yes. Chairman Kubes asked if signage in the windows blocks view to the exterior. Mr. Grenke replied that sight lines have been improved to the stores based on past discussions.

Chairman Kubes stressed the importance of being vigilant in that the applicant is new to the liquor business and urged them to utilize the tools and training they have to avoid any liquor related problems.

Hearing the testimony given in this case, 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 B-2-C liquor license application.

**MR. DURKIN MOVED TO FIND GRAND NATIONAL, INC. D/B/A WHITE HEN PANTRY, LOCATED AT 402 W. 75<sup>TH</sup> STREET, QUALIFIED FOR A CLASS "B-2-C" LIQUOR LICENSE. MR. BARNETT SECONDED.**

**VOTE:**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED:** 6:0:0

The motion carried.

Chairman Kubes stated the next order of business is to consider another license application.

**Spre Corp. d/b/a Liberty Pub, located at 2001 W. 63<sup>rd</sup> Street**

Chairman Kubes stated that Spre Corp. d/b/a Liberty Pub, located at 2001 W. 63<sup>rd</sup> Street, is seeking a Class R, full alcohol, on premise consumption liquor license and a Class O, full alcohol outdoor dining liquor license.

Chairman Kubes asked any individuals representing the applicant to step forward and be seated. He requested 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.

Gus Vlamis was sworn in by the Court Reporter. Mr. Gus Vlamis introduced himself as the president of Spre Corp.

Chairman Kubes asked the applicant to proceed and tell the Commission what he is about.

Mr. Vlamis stated that he was applying for a liquor license in relation to his purchase of Liberty Pub located at 2001 W. 63<sup>rd</sup> Street.

Mr. Barnett asked Mr. Vlamis about his previous liquor handling experience. Mr. Vlamis stated that he worked at Jimmy's Sports Bar in Berwyn for the past 12-13 years. He started out as a dishwasher and went from a dishwasher to busboy, to cook, to general manager of operations.

Mr. Barnett stated that Liberty Pub had a control buy failure about a year ago and added they have since passed a test. He asked Mr. Vlamis how he was going to ensure that his employees will follow the rules. Mr. Vlamis stated that he is going to be there and added that firmly believes that the owner should be around to supervise and watch everything that is going on to make sure employees follow his rules. Mr. Barnett asked Mr. Vlamis who will be at the restaurant when he is not. Mr. Vlamis stated that the current owner has recommended the existing manager to him. He stated that he has not yet met her, but plans to conduct an interview and may keep her on. Mr. Barnett advised Mr. Vlamis to read through and be familiar with the ordinance and welcomed him to the community.

Mr. Durkin asked if he was purchasing the establishment. Mr. Vlamis stated yes. Mr. Durkin asked if Jimmy's was the only liquor experience he had. Mr. Vlamis replied yes. Mr. Durkin asked how long he was a server of alcohol. Mr. Vlamis replied since he was 21.

Ms. King reviewed the manual which stated they would accept traffic tickets with another form

of identification. She recommended that they not take tickets. Ms. King stated that they will also take a red under 21 license with management approval. Mr. Vlamis replied that a manager would ensure that the individual was 21 and would also need to give approval. Ms. King stated that there was an incident where an underage individual was served in which a red i.d. was taken and a follow up i.d. was asked for which was a student id. She was concerned that the red identification may be taken.

Ms. King added that it might be useful to mention in addition to the \$200 fine to servers involved in the control buy, that he add a provision about fines and suspension the establishment will be subject to.

Mr. McInerney also recommended that they alter their policy about the red identification to reduce the risk of serving a minor. He added that if the underage i.d. is accepted in the control buy, it is considered an aggravating circumstance, warranting additional days of suspension.

Ms. Dietrich asked Mr. Vlamis if he created the manual or if it was the existing one of Liberty Pub. Mr. Vlamis stated that he created it. Ms. Dietrich recommended that he add more on the fines and suspension issued with a failure. She asked that he highlight and bold the \$200 fine to server so they are fully aware of the consequences directly against them.

Ms. Dietrich added that disciplinary actions against employees who failed the control buy should be explained in more detail. Mr. Vlamis stated that the three strike rule was more for the violation of general operation policies. Ms. Dietrich suggested that they have a separate policy if the employee is involved in a liquor serving violation.

Ms. Dietrich asked if the individual involved in the past failed control buy is still at the establishment. Ms. Conforti replied she was not sure if the bartender is still there, but could ask Barbara Oliver, the current manager at Liberty Pub. She added that she could advise Mr. Vlamis of the name of the individual so documentation is included in their personnel file if he continues their employment.

Chairman Kubes asked if Mr. Vlamis started at Jimmy's before he was 21. Mr. Vlamis replied yes. Chairman Kubes asked what his last position held. Mr. Vlamis replied general manager.

Chairman Kubes asked Mr. Vlamis if he had received certified training. Mr. Vlamis replied he received both BASSETT and TIPs, however his TIPs certification has since expired. Chairman Kubes asked if the current certification was over the Internet. Mr. Vlamis replied yes.

Chairman Kubes asked if Jimmy's had any liquor violations. Mr. Vlamis replied no, but added that customers have tried to come in with false identification. Chairman Kubes asked Mr. Vlamis if he was ever involved in a violation. Mr. Vlamis replied no.

Chairman Kubes recommended changes to make the manual easier for employees to understand key points regarding fines, etc. He agreed with the recommendation on not taking traffic tickets, even with another form of identification. He is mixed about him accepting the red under 21 license.

Chairman Kubes also recommended adding more to the manual concerning the handling of intoxicated individuals. He asked about the training to be done with the employees. Mr. Vlamis stated the program training will cover two weeks where experienced employees and himself will be involved. He wants to ensure that his employees obey his as well as Village rules. Chairman Kubes was pleased that Downers Grove ordinances were listed in the manual.

Chairman Kubes also recommended that he add the fines and suspension he will be responsible

for to the manual so employees are aware of the extent of the penalties for a violation.

Chairman Kubes asked about the floor plan. He asked Mr. Vlamis where the liquor will be stored. Mr. Vlamis stated part of it (hard alcohol and wine) is in the existing office under lock and key and beer in cases and draft beer is located in the walk-in cooler.

Chairman Kubes asked Mr. Vlamis if the existing floor plan will remain as is. Mr. Vlamis replied that he will be adding a few more televisions for sports viewing. He added if room allows, he may add a projection television. There are a few tables in the northeast corner of the room where he may place it, room permitting.

Chairman Kubes asked if the tables will remain the same or if high bar-type tables will be used. Mr. Vlamis replied the tables and booth seating will remain the same.

Chairman Kubes urged that he supervise his employees, especially at the onset of business. He added that the transition period is crucial.

Chairman Kubes asked Mr. Vlamis what he envisions for the location. Mr. Vlamis stated he picked Downers Grove because of the white collar residents. Mr. Vlamis wanted to get out of the bar business and adolescent atmosphere. He hoped to not have to deal with customers getting out of line.

Chairman Kubes asked if it will be a sports-theme restaurant. Mr. Vlamis stated they will concentrate more on food than liquor. He is hoping to expand the menu provided in the packet by 20% by adding more steak, fish and pizza. He will be testing appetizers and add more to the menu.

Chairman Kubes stated that he was concerned about the television situation. Mr. Vlamis explained that they will be trying to attract more customers through the sports theme restaurant/pub and wants to have more games on. He stated that he wants it to look well with the place. He stated that he will add some 27-30" televisions throughout the back of the restaurant. He does not believe there is room for a projection television.

Mr. Durkin stated that he has been to Liberty Pub on numerous occasions. He stated that it is a restaurant with a bar and he has frequently seen families eating in there. He added that they have televisions in there now. He asked Mr. Vlamis if it was his intention to replace some of the existing televisions with better quality televisions. Mr. Vlamis replied yes. Mr. Durkin asked Mr. Vlamis if he will continue to have bands on the weekends. Mr. Vlamis replied he believes so. Mr. Durkin asked if a late night menu will apply. Mr. Vlamis stated he will have the full menu available up until one hour prior to close.

Mr. Durkin asked if there will be a time in which a patron has to be 21 to enter. Mr. Vlamis stated he might have that when the bands are there, perhaps 9 or 10 o'clock, or curfew.

Mr. Durkin stated that if they will be accepting the red license, there may be more underage people in the establishment than he would really care for. Mr. Vlamis stated that after this discussion, he plans to omit the acceptance of the red identification.

Mr. Durkin added that perhaps he might want his employees to acknowledge that they have read and understand the policy. Mr. Vlamis stated that perhaps he could add a page for employees to initial.

Mr. Barnett stated that there were some comments and advice from the Commission on the

things they have seen that caused licensees trouble. He stressed that Mr. Vlamis take their advice seriously and the penalties for violations seriously.

Ms. King stated that he may consider adding a quiz to the manual. She added that he should stress to employees that it would be better to lose a sale than serve a minor. Chairman Kubes stated that he may also consider that employees sign a liquor log to remind them daily of the liquor policy.

Chairman Kubes was torn on the acceptance of the red under 21 license. He explained the licenses are good for three months past the individual's 21<sup>st</sup> birthday. Mr. Vlamis agreed. Chairman Kubes stated his 21 year old son was refused liquor service on his birthday (which was a Sunday), wherein he couldn't change his license. He was refused drinks at three different establishments. He stated on one hand the individual may be 21, but on the other hand, the licensee still has to be very careful with accepting these licenses.

Chairman Kubes stated that a concern with the sports bar atmosphere is that they may experience a lot of people who want to try this new place out. He added they may experience younger crowds, especially this time of year where the kids are home from college. Chairman Kubes stressed to Mr. Vlamis to utilize tools to ensure that they comply with the liquor ordinance.

Chairman Kubes noted that there are two licenses sought for this location. He requested that a recommendation for each be done separately.

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 the Class R liquor license application.

**MR. MCINERNEY MOVED TO FIND SPRE CORP. D/B/A LIBERTY PUB, LOCATED AT 2001 W. 63<sup>RD</sup> STREET, QUALIFIED FOR A CLASS "R" LIQUOR LICENSE. MR. DURKIN SECONDED.**

**VOTE:**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 6:0:0**

The motion carried.

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 O "outdoor" liquor license application.

**MS. DIETRICH MOVED TO FIND SPRE CORP. D/B/A LIBERTY PUB, LOCATED AT**

**2001 W. 63<sup>RD</sup> STREET, QUALIFIED FOR A CLASS “O” LIQUOR LICENSE. MS. KING  
SECONDED.**

**VOTE:**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 6:0:0**

The Motion carried.

Chairman Kubes concluded the application hearing portion of the evening’s meeting.

Ms. Conforti requested that the Commission revert back to new business.

## **NEW BUSINESS**

Chairman Kubes asked Ms. Conforti, if there was any new business.

Ms. Conforti stated that Mr. Willis Johnson of the Tivoli Bowl was present and asked Mr. Johnson to be seated and explain his proposal. Ms. Conforti stated that a preliminary request was being submitted from the licensee who is seeking a full alcohol license.

Mr. Johnson introduced himself as President of Tivoli Enterprises, 603 Rogers Street, Downers Grove and is before the Commission on behalf of Tivoli Bowl, located at 908 Warren Avenue, Downers Grove.

Mr. Johnson stated he submitted correspondence to the Liquor Commissioner concerning their existing beer and wine only, G-1 liquor license. He stated that they would like to upgrade to a full alcohol, G-2 license. He stated that they have experienced numerous requests from banquet rental patrons as well as league members for mixed cocktails.

Mr. Johnson reviewed the qualifications for a G-2 license and feels that the Tivoli Bowl meets the requirements. He added that there is only one G-2 license allowed, which has been issued. He requested that the Commission recommend an increase in the number of G-2 licenses from one to two.

Mr. Johnson admitted that they have only failed two control buys at the Tivoli Bowl since the license was issued 1982. He noted he also held a full packaged alcohol license for Fairview Liquors from 1990-1996. A Class "T" was created and issued for the Tivoli Theater for non-scheduled movie events since September, 2001.

Mr. Johnson submitted a floor plan which depicts various seating areas, bar area and bowling lane areas. Mr. Johnson provided an overview of figures as to the breakdown of sales. He stated that for the past 10 months revenue was divided as follows: 63% of revenue is bowling, 12.8% of revenue is food, and 24.1% of the revenue is beer/wine revenue. He stated that they have a number of people that utilize the facility and bring in their own food, which they allow, namely Auriello's. He added that food prepared on the premises is available at all times. Mr. Johnson stated that they do not have a full service kitchen. He stated they serve pizza, hot dogs, nachos, candy and popcorn. He added that they do not allow any outside beverages to be brought into the establishment.

Ms. Conforti stated that there were two failed control buys on record, one violation in 1986 (1 day suspension) and one violation in 1998 (1 day suspension). She stated that the Class G-1 license is a beer and wine only on premise consumption for a recreational facility. She added that the Class G-2 will authorize the sale of full alcohol, for an establishment with a guest seating capacity of not less than 125. Per the plan provided, the establishment does meet the seating requirement. She stated that the food service may be a little low, however, she added that a recreational facility is defined "to provide a place where the public can participate in a sport or engage in physical activities, including but not limited to bowling alleys.....". She added that Mr. Johnson clearly shows that the primary business is to provide recreation. The classification also requires "such facilities shall include an area in which food is prepared on the premises, including hot and cold sandwiches or other similar foods". She stated that North Beach is the holder of the G-2 license.

Ms. Conforti stated that if the Commission feels that Tivoli Bowl can meet the requirements of the Class G-2 license, a recommendation would need to be made to increase the number of G-2 licenses available

from one to two. She added that once the additional license is created, Mr. Johnson would then have to appear before the Commission and apply for the newly available license. Ms. Conforti apologized for the delay in getting the materials to the Commission for review, however, her and Mr. Johnson just discussed the issue yesterday, but she did not want Mr. Johnson to wait another month for this to be put on a agenda. She asked for guidance from the Commission concerning the creation of a license.

Chairman Kubes asked if the recreational class license was designed for North Beach. Ms. Conforti replied yes. She added that the Village then grouped Tivoli into the recreation classification as the primary business was to engage in physical activity/recreation. It was felt that the Tivoli should be broken out from the restaurant classification. Currently, there is only one G-1 beer and wine only and one G-2 full alcohol license available. This classification group was created in 1997.

Ms. Dietrich stated that she is impressed with Tivoli and the mainstay of the Downers Grove businesses. She stated that she would not have a problem making another G-2 license available. She would, however, like more time to review the information. Her concern is that although North Beach has a full kitchen, there is a problem with DUIs coming out of the establishment. She feels a full liquor license with a small amount of food may be a problem. She is aware, however, that people do bring in food to the establishment.

Mr. Johnson stated that he understands that lack of food may be an issue. He added that the majority of people do not go to North Beach to eat. He added that the Tivoli is a slower paced environment that attracts a different crowd. He stated that their main activity is bowling. He added that food is available, although not in vast quantities. He stated that a full kitchen facility is difficult, if not impossible, as they are four levels down. Venting for the kitchen would be challenging to install, so they have foods that are relatively easy to prepare and do not require fryers.

Mr. Johnson stated that they take liquor service very seriously. He stated that they investigated thoroughly and followed up with the Police Department when they received a DUI Notification letter. He went so far as to run the register tape on the supposed incident date in which they only had served 11 beers for the entire day. He stated that the Police Department could not disclose information on the individual, so they were not able to identify whether the individual was a regular customer.

Mr. Johnson stated that he feels they have demonstrated that they are responsible in liquor service.

Mr. McInerney thanked Mr. Johnson for the materials. He stated that Tivoli has been an active, positive contributor to Downers Grove. He stated that Mr. Johnson has clearly demonstrated that the primary revenue of the establishment is from recreation. He stated that he would be in support of a change in the ordinance to create an additional G-2 license. He stated that he was encouraged that food may be brought into the facility.

Ms. King stated that could understand why customers would want to be able to serve cocktails to bring in more revenue. She stated that she would support the addition of another license, but would suggest he research if other food items can be added to the menu, making use of the limited kitchen facilities. Mr. Johnson replied that microwavable items are getting better. He stated that they must consider spoilage and keep those items that can be kept frozen.

Mr. Durkin stated that he was impressed with the amount of revenue generated by the establishment. Mr. Durkin asked if they tax on the food that is brought in. Mr. Johnson replied that is handled by the patron.

Mr. Durkin asked for projected sales if full alcohol is introduced. Mr. Johnson replied that he doesn't

know if there will be a great change, but it may help attract more customers, which will make the revenues go up across the board. He does not anticipate the liquor/recreation/food ratio changing a great deal.

Mr. Durkin stated he does not have a problem making another G-2 license available.

Mr. Barnett stated that he does not believe there will be a great discrepancy in sales figures when adding hard liquor. He stated that the environment created is more of an influence than the specific type of drink offered. He asked if there were any other requirements adjusted in order for the Tivoli to qualify. Ms. Conforti replied no. She added that they will qualify in that the primary business is a recreation facility and meet the 125 dining seat requirement.

Chairman Kubes agreed that having full liquor would offset customers from ordering a beer. He suggested that pizza be brought in for more variety. Mr. Johnson stated that they have pizza on the premises, sold by the slice or full pizza. He added that if and when pizza is brought in, it may be due to taste preference or that the quantity needed is greater than they can accommodate.

Chairman Kubes asked about the kitchen area. Mr. Johnson replied that there is a counter behind the bar where there is a refrigerator/freezer, microwave, three pizza ovens and a nacho cheese dispenser.

Chairman Kubes stated that people do not hang out at Tivoli as they would North Beach, they typically bowl and leave. He added that the Tivoli thrives on that type of turnover.

Chairman Kubes stated that he would be in favor of adding another license.

Chairman Kubes asked Mr. Johnson if the theater license has worked in his best interest. Mr. Johnson replied yes and is a nice amenity for the right event. They give the renter the option whether they want liquor or not and has enhanced their ability to rent the facility.

Ms. Conforti stated that the group would need to make a recommendation to increase the number of the Class G-2 license by one.

Chairman Kubes asked for a motion.

**MS. DIETRICH MOVED TO INCREASE THE NUMBER OF CLASS G-2 LICENSES FROM ONE TO TWO. MR. DURKIN SECONDED.**

Mr. Durkin asked if an additional motion would be needed to upgrade the Tivoli Bowl from a Class G-1 to G-2. Ms. Conforti replied no. She added that the license will need to be established first. She stated the recommendation will be forwarded to the Council for consideration. Once the ordinance is adopted, Mr. Johnson may apply for the open license. She added he will need to submit application for classification change and re-appear before the Commission. She stated that their application on file will need to be amended, along with revised training materials provided.

Mr. Durkin was concerned that if there is only one license added, someone else other than the Tivoli could apply. Ms. Conforti stated whoever submits application first will be considered. She added there have been no other requests for this license. Mr. Johnson stated he would likely have his application in the morning after the license is adopted.

**VOTE:**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED:** 6:0:0

The Motion carried.

Mr. Johnson thanked the Commission for their consideration.

Chairman Kubes asked if the G-2 license is issued to the Tivoli Bowl, will the G-1 license be eliminated. She stated that it could be eliminated by ordinance or may be left open for another applicant.

*Cost Center Analysis, continued.*

Ms. Conforti stated that revenues totaled \$149,000, of which \$25,000 was directly attributed to the Alcohol Awareness budget. She stated that the remainder of the revenue, goes into the general fund, paying for the police services and programs related to liquor licensing. She stated that she believes costs are recaptured and residents are not bearing the burden of liquor related activities.

Chairman Kubes asked if raises in fees were done percentage wise. Ms. Conforti stated that raises were not based upon an across the board percentage but was done by capturing detail with time involved and who was directly involved with the program. She added that the analysis is an attempt to justify the costs to the licensee and added that fees charged are comparable with surrounding communities.

Chairman Kubes stated that the Village offers many programs to its liquor licensees. Ms. Conforti stated that we expect the licensees to pay for those programs and services they receive.

Mr. Barnett asked if staff is paid to execute alcohol awareness programs even if there are no applicants or violators. He was concerned that there are things that may not be covered throughout the Village, such as equipment costs, depreciation, etc. He noted some concern with the low cost of the special event application fees. Ms. Conforti replied that the special event application fees were not covered in the Cost Center Analysis and those fees were not reviewed until the charitable games issue was brought up. She stated that it was determined that the special event application fees were way off and need to be updated.

Mr. McInerney stated that he appreciated Rita coming to the meeting to help him understand Village policy and licenses in general.

Ms. Conforti stated that she will be reviewing the Cost Center Analysis for the 2006 license year. She added that programs will be reviewed and staff time involved. If necessary, proposed fee changes will be forwarded to the Liquor Commission for review and recommendation to the Village Council.

Mr. Durkin stated he would be in support of providing money to the DARE program from the license fees.

Mr. Barnett passed out some materials to the group for future consideration. He stated that he came across a notice for licensees to post concerning their renewal. He stated that it alerts the public and gives them opportunity for comment on the licensee's performance during the renewal process. He asked that the item be placed on a future agenda for discussion.

Mr. Durkin asked about the DUI Notification Program. He stated that Ballydoyle has had a number of notifications and asked Ms. Conforti if she has been dealing with the establishment. Ms. Conforti replied that she went to Ballydoyle with Sgt. Nehls to conduct an on-site training seminar not too long ago, at the request of the licensee. Ms. Conforti stated that when she did the training for Ballydoyle, she provided them with information on the dates/times of the DUI incidents. The group asked her to report back to see if there was a trend in those incidents.

Ms. King asked if the amount of DUI Notifications was in direct correlation with the large "table tap" of beer. Mr. Durkin explained that the "table tap" holds eight pints of beer with a tap at the end of it. Ms. King explained it was full of beer and accessible to the customers at the tables. Ms. Conforti explained that if they sell it like a pitcher of beer, State Law allows it. Mr. Durkin stated that it is much greater than the size of a pitcher. Mr. Barnett stated if we are worried about alcohol serving environments, this offering is pushing the envelope on the promotion of liquor sales. Mr. Durkin stated he has a concern with this. Ms. Conforti stated that she would contact the State to determine if there are any issues with this. Ms. Clark added that per the Ordinance, nothing prohibits a licensee from selling pitchers "or the equivalent" to two or more persons. Chairman Kubes asked for staff to find out how many are in the tapper. Mr. McInerney stated this may also result in uncontrolled service.

Ms. Dietrich asked how North Beach was doing with their spotter. Ms. Conforti stated they faxed her over a report from the spotter which was illegible. She will have them resend the information. She stated that they have e-mailed a few times about their concerns that they were at the same level as last year. Ms. Conforti stated that the blood alcohol levels were much lower and Thursday night incidents have declined which is an improvement.

Mr. Durkin stated that the department should get a subscription to the Chicago Tribune as the Metro section contains liquor related articles. He added that the Sam's Wine & Spirits article concerning their distribution problems was provided to the Commission.

Mr. Barnett asked about the ordinance concerning charitable games. Ms. Conforti stated the item is still pending and added that at the last meeting, staff was directed to revise the ordinance further. She asked that the group table the item, due to the lateness of the meeting. She added that she attached an article from the Illinois Liquor Control Commission about gambling issues in the State. She stated that card/gambling tournaments at licensed establishments are prohibited, however, casino nights may be allowed. Chairman Kubes stated that it is not a pressing issue at this time. Ms. Conforti stated no organization is currently waiting for this. She added that most have been discouraged with the numerous State qualifications needed to hold such an event.

**MR. MCINERNEY MOVED TO TABLE DISCUSSION OF THE CHARITABLE GAMES ORDINANCE. MR. DURKIN SECONDED.**

**VOTE:**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED:** 6:0:0

The Motion carried.

## **OLD BUSINESS**

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

Ms. Clark stated that minutes from the Commission went to the Sign Committee. Ms. Clark stated that the draft ordinance provides that a portion of total square footage of the front of the building can be devoted to signage. She added that neon and window signs would be permitted. She added that Sign Committee did not want to restrict signs on patio umbrellas because businesses rely on the donation of the umbrellas. Mr. Durkin asked who was on the sign committee. Ms. Clark stated they are various members of Village commissions. Ms. Clark stated that they were also not interested in alcohol specific issues. She explained to them why they were trying to address liquor signage in a general manner, but they could not come up with a suitable policy as they are looking at the matter in a business-friendly manner.

Chairman Kubes asked if a person from the Liquor Commission should be on the Sign Committee. Ms. Clark stated that the Committee is essentially done with the work. Ms. Clark stated that the group may want continue addressing the issue in the liquor code. She stated that it seems the Commission wants to regulate on-premise consumption licensees with liquor product identification signs. She questioned why brand specific advertising was regulated and general liquor advertising is not. Mr. Barnett agreed. He added that if the purpose is to avoid the draw of alcohol availability, it should not be limited to brand-specific.

Ms. Clark stated that Carol pulled ordinances from other communities. She added that there are a few communities that regulate signage in the windows which obscure visibility. She recommended allowing the business name (up to 25%) and nothing else which would obscure visibility. Ms. Dietrich asked about shutters. Mr. Barnett added that Ballydoyle has them, where you cannot see in at all, which has nothing to do with advertising.

Chairman Kubes asked about temporary signs. Ms. Conforti replied in some instances a permit would be required for a banner type sign. Ms. Clark stated the general intent of the new sign ordinance will be to decrease the number and size of all signs allowed in the Village. In lieu of addressing liquor signage as a general item in the sign ordinance, it was determined that it will have to be kept in the liquor code, which is consistent with other communities.

The Commission asked staff to provide copies of other ordinance in the next packet. Ms. Clark stated that she would draft a few options for the group to review. The group discussed that they would like to see the restrictions on umbrellas removed. Mr. Barnett asked that they are trying to avoid a "tacky" environment and abusive advertising with drink special wars. Ms. Clark informed the group that the sign ordinance will allow one line of changeable copy in their marquee. Ms. Dietrich noted potential that the one line of changeable copy could be liquor special advertising rather than food advertising.

Ms. Conforti stated that she will get information to the Commission for review at next month's meeting. Ms. Clark said that staff could contact the IL Liquor Control Commission if they have any issues with signage.

Ms. Conforti stated that there were two potential items on the agenda for January.

Ms. Conforti reviewed the monthly packets and asked the group if there were any questions. She stated that Portillo's and Cub foods submitted floor plan changes which were approved by the Liquor Commissioner.

Mr. Durkin suggested the group meet twice per month if there is a large amount of items on the agenda. Ms. Conforti replied that application/disciplinary hearings and ordinance discussions could take place every other month. She added that the volume each month varies and will take that into consideration when setting an agenda.

### **COMMENTS FROM THE PUBLIC**

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

There were none.

### **ADJOURNMENT**

Chairman Kubes called for a motion to adjourn.

Ms. King moved to adjourn the December 9, 2004 meeting.

The meeting was adjourned by acclamation at 10:05 p.m.