

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE
Thursday, July 2, 2020**

I. CALL TO ORDER

Chairman Strelau called the July 2, 2020 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Flanagan, Mr. Jacobson, Mr. Johnson (via telephone), Chairman Strelau

ABSENT: Mr. Clary, Mr. Heafner, Mr. Krusenoski

STAFF: Carol Kuchynka, Liaison to the Liquor Commission, Assistant Village Attorney Dawn Didier

OTHERS: Brian Goewey, Nichole Domingo-Skul, Josh Bales, Karen Fitzgerald, Zhigang (Jack) Yao, Mark Hedrick (6:35), Ken Hendricks (6:40), Court Reporter

III. ELECTRONIC ATTENDANCE

Chairman Strelau asked for a motion to allow Commissioner Johnson to participate in this evening's meeting via telephone.

MR. JACOBSON MOVED TO ALLOW COMMISSIONER JOHNSON TO PARTICIPATE ELECTRONICALLY. MS. FLANAGAN SECONDED.

VOTE:

Aye: Mr. Jacobson, Ms. Flanagan, Mr. Johnson, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

IV. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the February 6, 2020 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the February 6, 2020 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau 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 taking the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for 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 liquor licenses within 60 days."

"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) discussion by the Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

Gia Mia – 994 Warren Avenue

Chairman Strelau stated that the first order of business was an application hearing for Gia Mia Downers Grove, LLC d/b/a Gia Mia located at 994 Warren Avenue. She stated that the applicant was seeking a Class "R-1", full alcohol, on-premise consumption liquor license, a Class "O" outdoor liquor license and a Class "K-1" catering license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) 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. Brian Goewey, Ms. Nicole Domingo-Skul and Mr. Josh Bales were sworn in by the court reporter. Mr. Goewey introduced himself as the founder and president of Gia Mia.

Chairman Strelau asked the applicant to present its case.

Mr. Bales stated that they are a full service, Italian inspired restaurant where they wish to serve beer, wine and liquor. Mr. Goewey stated that Downers Grove will be their 7th location. He added that they have two restaurants operating in Geneva, along with restaurants in St. Charles, Wheaton, and Elmhurst and recently closed a restaurant in Hinsdale. He stated that they have been looking in Downers Grove for about eight years and finally found a great location.

Chairman Strelau requested questions from the Commission.

Mr. Jacobson stated that he was familiar with their operation in Wheaton and he was pleased that they chose Downers Grove. He stated that he reviewed their application packet and found it to be in order. He had no questions.

Mr. Johnson stated that he reviewed their extensive packet. He stated that a violation was noted from the City of Wheaton in May of 2016. He asked if the Wheaton location has been tested again since the last violation.

Mr. Goewey replied yes. He added that they were a young company in their first year of operation when the violation occurred. He stated that they made a mistake due to mismanagement and noted that the manager and employee involved were both terminated.

Mr. Goewey stated that they appeared before the Wheaton Liquor Commission and plead guilty to the small infraction. He stated that they have not had another infraction in any of their restaurants since that time. He added that they have implemented some very strict guidelines on how they operate their business.

Mr. Johnson referred to the team guide and asked how the training had been revised and what additional training has been implemented since the violation.

Ms. Domingo-Skul stated that a full day of training is devoted to liquor training. She stated that all employees must also go through BASSETT training before they are allowed on the floor. She advised that they review warning signs of intoxication and checking ID's.

Ms. Domingo-Skul stated that they plan to only hire servers over the age of 21. She added that they will not accept the vertical identification.

Ms. Flanagan was impressed with their application materials, experience and training materials and had no questions.

Chairman Strelau appreciated them opening another location in Downers Grove during this unusual time.

Chairman Strelau asked how often they meet with staff to discuss liquor handling. Ms. Domingo-Skul replied that they hold daily pre-shift meetings. She stated that she is from Downers Grove and was an agent who conducted control buy operations under Officer Nehls for the Village.

Ms. Domingo-Skul advised that they plan to card anyone who appears under the age of 35.

Chairman Strelau asked how many servers will staff the restaurant. Ms. Domingo-Skul replied they typically hire staff to cover a 4-5 table section. Mr. Goewey added that there will be 20-25 on staff at the Downers Grove location.

Chairman Strelau asked about catering and if the 20-25 they have on staff will handle those events. Mr. Goewey replied yes.

Chairman Strelau asked if any additional staff will be hired. Mr. Goewey replied typically they do not use any temporary staff for their catering events. He added that most events are small, private/intimate, in-home catering activities. He stated that as they typically know employees from the restaurants, their hosts appreciate that Gia's bring regular staff into their home.

Chairman Strelau stated that she does not consider the sale of liquor to a minor to be a minor infraction. She added that the Village takes liquor violations and sales to minors very seriously. She stated that they will be tested regularly throughout the course of their operation in Downers Grove. She stated that the tone and the tenor of training starts at the top. She added that it seems that they have a good appreciation for how liquor handling should be done and that they understand how the police testing operates.

Chairman Strelau stated that if staff does not hear how important proper liquor service is from the top, they will not consider it important either.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the Certificate of Occupancy, receipt of the annual fees, satisfactory background checks and employee certifications.

Ms. Kuchynka reminded that the Commission will need to make separate recommendations for each of the three license classes Gia Mia has applied for.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau 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 "R-1" liquor license application.

MR. JACOBSON MOVED TO FIND GIA MIA DOWNERS GROVE, LLC D/B/A GIA MIA LOCATED AT 994 WARREN AVENUE QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. FLANAGAN SECONDED.

VOTE:

Aye: Mr. Jacobson, Ms. Flanagan, Mr. Johnson, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Hearing the testimony given in this case, Chairman Strelau 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" liquor license application.

MR. JACOBSON MOVED TO FIND GIA MIA DOWNERS GROVE, LLC D/B/A GIA MIA LOCATED AT 994 WARREN AVENUE QUALIFIED FOR A CLASS "O" OUTDOOR LIQUOR LICENSE. MR. JOHNSON SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Johnson, Ms. Flanagan, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Hearing the testimony given in this case, Chairman Strelau 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 "K-1" liquor license application.

MR. JACOBSON MOVED TO FIND GIA MIA DOWNERS GROVE, LLC D/B/A GIA MIA LOCATED AT 994 WARREN AVENUE QUALIFIED FOR A CLASS "K-1" CATERING LIQUOR LICENSE. MR. JOHNSON SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Johnson, Ms. Flanagan, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Chairman Strelau noted that there will be a slight break in the meeting while staff sanitizes the applicant seating area.

Alter Brewing Company – 2300 Wisconsin Avenue

Chairman Strelau stated that the next order of business was an application hearing for Mad Ape, LLC d/b/a Alter Brewing Company located at 2300 Wisconsin Avenue, #209-217. She stated that the applicant was seeking a Class "O" outdoor liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) 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. Mark Hedrick was sworn in by the court reporter. Mr. Hedrick introduced himself as the liquor manager, one of the founders and director of brewing operations for Alter Brewing Company.

Chairman Strelau asked the applicant to present its case.

Mr. Hedrick stated that they are a full service brewing facility. He stated that they are seeking a license to operate an outdoor space adjacent to the tap room.

Chairman Strelau requested questions from the Commission.

Ms. Flanagan had no questions.

Mr. Jacobson recalled when they first appeared before the Commission. He asked Mr. Hedrick if they have had any liquor violations. Mr. Hedrick replied no.

Mr. Jacobson stated he went through their packet and had no further questions.

Mr. Johnson reviewed the application materials and noted the manual was extensive and impressive. He had no questions.

Chairman Strelau asked if they were still not serving food. Mr. Hedrick replied that they serve some pre-packaged snacks such as bread sticks and meat sticks. He stated that food trucks occasionally show. He stated that they also have a binder full of menus from local establishments that deliver food free to the location. He stated that they also allow customers to bring in their own food, order pizza and order Uber Eats.

Chairman Strelau asked if they plan to hire additional staff in order to accommodate the outdoor area. Mr. Hedrick replied that they hired one extra person daily and two people on weekends at this time as they currently have limited seating and operations.

Chairman Strelau hoped they would remain a diligent license holder as additional seating will bring new dynamics. She asked that they be cautious and were pleased that they were able to continue operations.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the application fee and annual fee.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau 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" liquor license application.

MR. JACOBSON MOVED TO FIND MAD APE, LLC D/B/A ALTER BREWING COMPANY LOCATED AT 2300 WISCONSIN AVENUE, #209-217 QUALIFIED FOR A CLASS "O" OUTDOOR LIQUOR LICENSE. MR. JOHNSON SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Johnson, Ms. Flanagan, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

Chairman Strelau noted that there will be a slight break in the meeting while staff sanitizes the applicant seating area.

Lao Sze Chuan – 1331 Ogden Avenue

Chairman Strelau stated that the next order of business was an application hearing for 1331 XINYI, Inc. d/b/a Lao Sze Chuan located at 1331 Ogden Avenue. She stated that the applicant was seeking a Class "R-2", beer and wine only, on-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) 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. Zhigang (Jack) Yao was sworn in by the court reporter. Mr. Yao introduced himself as the manager of Lao Sze Chuan.

Chairman Strelau asked the applicant to present its case.

Mr. Yao stated that they are a full service Chinese restaurant and were seeking a beer and wine license.

Ms. Kuchynka stated that Lao Sze Chuan is under new ownership. She added that the previous owner held a license from the Village for a number of years. She stated that this current owner holds a liquor license in the City of Chicago.

Chairman Strelau requested questions from the Commission.

Mr. Johnson stated that he reviewed their application packet. He stated that their manual stated they would hold quarterly meetings with staff to review alcohol service policies. He recommended that they meet more regularly than quarterly to ensure compliance with liquor codes.

Mr. Jacobson asked Mr. Yao how often he has meeting with staff. Mr. Yao replied yes. Ms. Kuchynka stated that the Commission is recommending that they meet regularly rather than quarterly. She stated that Mr. Yao informed her that he would be doing most of the serving.

Ms. Kuchynka asked Mr. Yao if he will meet with staff before each shift to discuss liquor handling. Mr. Yao replied yes.

Mr. Jacobson asked Mr. Yao who else will be helping him serve liquor. Mr. Yao replied that 3-4 other employees will serve liquor.

Mr. Jacobson asked how often Mr. Yao will review their rules. Mr. Yao replied that they will go through the base training.

Mr. Jacobson asked Mr. Yao if he has had any liquor serving experience. Mr. Yao replied no.

Ms. Flanagan stated that she has frequented this restaurant many times. She stated that people mainly go there to eat but she was glad that they will be offering beer and wine.

Ms. Flanagan stated that the Commission wants to be sure that Mr. Yao speak with staff more often about proper liquor service and remind staff to look at identification and be careful not to serve minors.

Chairman Strelau apologized if it was difficult to understand the Commission while they are wearing masks.

Chairman Strelau stated that it is important for him to understand to take time to train employees so that they check identification and not sell to a minor. She stated that she had some concern that he does not have experience. Mr. Yao understood.

Chairman Strelau stated that beer and wine is not going to be a very large portion of the sales. She noted that a violation would cost them much more than what it is worth to hold a license. She wanted Mr. Yao to understand the importance of training. Mr. Yao replied that he understood.

Ms. Kuchynka offered to conduct an on-site training seminar for the applicant.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the annual fee and employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau 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 "R-2" liquor license application.

MR. JACOBSON MOVED TO FIND 1331 XINYI, INC. D/B/A LAO SZE CHUAN LOCATED AT 1331 OGDEN AVENUE QUALIFIED FOR A CLASS "R-2" BEER AND WINE ONLY, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JOHNSON SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Johnson, Ms. Flanagan Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

V. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that a number of activities have taken place due to Covid-19. She stated that the Village Council has approved Executive Orders to allow establishments to operate outdoor cafes, the delivery of alcoholic beverages included with food deliveries and had extended the 2020 liquor license year to August 31st.

Chairman Strelau asked if the licenses would be extended for a full year. Ms. Kuchynka replied the Executive Order originally extended 19/20 annual license to August 31st, however, the Village Council is considering an amendment to the July 1st – June 30th annual term at their meeting of July 7th. She stated that the proposed ordinance would permanently amend annual terms to November 1st – October 31st, thereby changing the annual license validity and deadlines for the submittal of renewal applications. Ms. Kuchynka noted, as this will change the annual cycle, licensees will be provided with a bit of a break in their annual fees in the hopes to ease the burden on those establishments not being open for business.

Ms. Kuchynka stated she is conducting a survey of surrounding communities at the request of the Mayor. She stated that changes have come to the regular day to day operations of on-premise license holders. She stated that allowing outdoor service under all on-premise sites without receipt of an additional license and easing restrictions on outdoor enclosures and delivery of liquor with food service items will be considered. She added that she will be asking other communities how they have assisted businesses and how they plan to continue to assist business during the pandemic. She stated that a few new license categories may also be considered for both gas stations and mini-grab and go convenience areas for hotels.

Mr. Jacobson stated that proposal is a huge difference from 30 years ago. Ms. Kuchynka stated that out of the pandemic comes new and exciting proactive opportunities for licensees to survive. She added that she has not had any license holders shut down to date, despite some struggling to keep in business. She stated that restrictions would not be loosened, but licensees given the opportunity to faithfully serve liquor in a responsible manner.

Ms. Kuchynka stated that the downtown licensees are doing well with the use of additional space for outdoor dining areas.

Chairman Strelau stated that she would be in favor of allowing the expansion of outdoor dining to continue.

VI. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka referred to the past four month end reports. She stated that liquor license renewal will be pushed back for a few months.

Ms. Kuchynka advised that Chili's changed corporate ownership and advised that the Mayor placed their application on file at a Village Council meeting. She stated that the license was ultimately issued.

Ms. Kuchynka advised that Mia's Cantina closed early in the year. She also advised that Jay's Convenient had closed and has re-opened under new ownership.

Ms. Kuchynka will let the Commission know if there is an August 6th meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. Jacobson moved to adjourn the July 2, 2020 meeting. The meeting was adjourned by acclimation at 7:18 p.m.