

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

Thursday, November 7, 2019

**I. CALL TO ORDER**

Chairman Strelau called the November 7, 2019 Liquor Commission meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Ms. Flanagan, Mr. Heafner, Mr. Jacobson, Mr. Johnson, Mr. Krusenoski, Chairman Strelau

**ABSENT:** Mr. Clary

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

**OTHERS:** Bindu Singh, Ajeet Singh, Jaspal Kaur Heer, Timothy Canning (6:55), Todd Davies (6:55), Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the October 3, 2019 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the October 3, 2019 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."

**Downers Grove Food & Liquor Mart - 2027 Ogden**

Chairman Strelau stated that the first order of business was an application hearing for DG Food & Liquor Mart, Inc. d/b/a Downers Grove Food & Liquor Mart located at 2027 Ogden Avenue. She stated that the applicant was seeking a Class "P-1", full alcohol, off-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. Ajeet Singh and Ms. Jaspal Kaur Heer were sworn in by the court reporter. Mr. Ajeet and Ms. Heer introduced themselves as the owners of Downers Grove Food & Liquor Mart. Mr. Tom Sisul introduced himself as the attorney representing Downers Grove Food & Liquor Mart.

Chairman Strelau asked the applicant to present its case.

Mr. Singh stated that they were seeking a full liquor license for a convenience store. He stated that he and his wife currently operate stores in Decatur and Champaign. He added that his wife also operated a store in Bloomington, which has since closed. He stated that they have an opportunity to purchase the existing Downers Grove business and operate close to home.

Mr. Singh stated that he has been in the retail business for the past twelve years. He stated that he has owned and operated four stores over that time.

Mr. Singh stated that they plan to make small changes to the interior by adding a new counter and plan to install a new POS system with an ID scanner. He added that they will update the decor.

Mr. Singh stated that he uses the ID scanner/POS systems in his other stores. He stated that a pop up will appear when there are liquor or tobacco sales telling the clerk to scan the ID. He stated that if there is something wrong with the identification, the sale will not go through.

Mr. Sisul asked Mr. Singh if he is aware that purchasers of both alcohol and tobacco must be over 21. Mr. Singh and Ms. Kaur Heer replied yes.

Mr. Sisul asked Mr. Singh if it will be their policy to card anyone who appears to be 40 years of age or younger. Mr. Singh replied yes.

Mr. Sisul asked Mr. Singh if there will be any alcohol consumed on the premises. Mr. Singh replied all sales will be for off-premise consumption.

Mr. Sisul asked Mr. Singh if he was aware that the Village tests licensees for compliance and have minors on premises attempting a purchase. Mr. Singh replied yes. He stated that the other cities have come to their other stores. He stated that they have letters from those communities passing those tests. He stated that they have never received a ticket for selling to a minor. He added that the POS system is very helpful.

Mr. Sisul asked Mr. Singh and Ms. Kaur Heer if they have received their BASSET certifications. Mr. Singh and Ms. Kaur Heer replied yes. Mr. Singh stated that he provided the certificates to staff.

Mr. Sisul asked Mr. Singh if they will accept an under 21 vertical license. Mr. Singh replied no.

Chairman Strelau asked staff about the store. Ms. Kuchynka replied that it is next door to Bryan's American Grill. She stated that they currently hold a beer and wine off-premise liquor license.

Ms. Kuchynka advised that the applicant is seeking a full alcohol off-premise consumption license, as the square footage requirement was lowered to allow smaller stores the ability to sell full alcohol.

Ms. Kuchynka advised that there is a sale and purchase agreement between the parties. She stated that she will receive updated documents after closing of the sale for Village records.

Chairman Strelau asked for comments from the Commission.

Mr. Jacobson asked Mr. Singh if liquor was sold at the businesses he mentioned. Mr. Singh replied yes. He added that they have a store on campus in Champaign which is a full liquor store. He stated that the Decatur location is a convenience store with drive through. He noted that it is difficult to handle the IDs at the drive through.

Mr. Jacobson asked Mr. Singh how long he has owned the stores. He replied that he has owned the Champaign store for three years and the Decatur store for two years. He stated that they owned the store in Bloomington for five years.

Mr. Jacobson asked Mr. Singh if he ever had any liquor violations. Mr. Singh replied no.

Mr. Krusenoski stated he was pleased with their experience, the installation of the POS system and that they will not accept the vertical license. He encouraged them to maintain their diligence. He stated that there have been licensees who failed even though there were policies in place.

Mr. Krusenoski noted that the store will be open over 60 hours per week. Mr. Singh replied they will be open from 8am to 1am daily.

Mr. Krusenoski asked who will be on the premises minding the store when they are not present. Mr. Singh replied that he, his wife and brother-in-law will be working in the store. He stated that once they get settled and get solid operating times, they will hire additional staff. He stated that they will be sure they are BASSET trained and review their policy manual.

Mr. Krusenoski stated that they should instill a culture in adhering to the rules when they grow the business and add employees. He stated that employees should understand the importance of complying with Downers Grove laws and instilling the importance of never selling to someone underage. Mr. Singh stated that they are investing in the business and do not want to lose the liquor license.

Mr. Heafner asked about the POS system. He asked what they plan to do if a patron does not want their license scanned. Mr. Singh replied that they cannot complete the sale without the ID being scanned. He stated that the POS system also checks if the license is fake. He added that if the customer does not give them the license, they will refuse the sale.

Mr. Heafner asked if the system saves any of the fake ID information. Mr. Singh replied that he was not aware that it did.

Mr. Johnson asked if the POS system has been put into place. Mr. Singh replied that once they have been approved for the license they will install it after closing. He stated that he did not believe the current owner has the ID scanning/POS system installed. Mr. Singh added that the POS system is also a good system for inventory.

Ms. Flanagan stated that it seems as though they are well experienced and well-motivated. She had no questions.

Chairman Strelau asked if she understood that they have a drive through in Decatur and asked if customers can buy liquor through the drive through. Mr. Singh replied yes and noted that the City of Decatur allows it. Chairman Strelau gave them credit for not having any violations.

Chairman Strelau stated that although scanners are not foolproof, they demonstrate a level of commitment. She asked if clerks can ring up liquor without the license being scanned. Mr. Singh stated that when liquor or tobacco items are scanned, a red block will come up on the computer and prompt the clerk to scan the ID.

Chairman Strelau asked what happens when a customer provides an out of state ID. Mr. Singh replied that the clerk will then have to enter the date of birth manually. Mr. Singh stated that they have very few customers with out of state IDs.

Chairman Strelau noted that immediate family will be working in this store. She asked how many and what are the ages of his employees in the other stores. Mr. Singh replied that he has nine employees in the store ranging in age from 25 to 70 years old.

Chairman Strelau asked how often he has conversations with his employees about the importance of liquor. Mr. Singh replied that they have manuals in the other stores that employees sign and are trained which is what they plan to do here.

Chairman Strelau stated that it is important that they speak to staff frequently about liquor handling and checking IDs.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon update to the Certificate of Occupancy, receipt of a signed lease, satisfactory background checks, the annual fee, insurance 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 "P-1" liquor license application.

**MR. KRUSENOSKI MOVED TO FIND DG FOOD & LIQUOR MART, INC. D/B/A DOWNERS GROVE FOOD & LIQUOR MART LOCATED AT 2027 OGDEN AVENUE QUALIFIED FOR A CLASS "P-1" FULL ALCOHOL ON-PREMISE LIQUOR LICENSE. MR. JACOBSON SECONDED.**

**VOTE:**

**Aye:** Mr. Krusenoski, Mr. Jacobson, Ms. Flanagan, Mr. Heafner, Mr. Johnson, Chairman Strelau

**Nay:** None

**Abstain:** None

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

**The Foxtail – 5237 Main Street**

Chairman Strelau stated that the next order of business was an application hearing for Not Kind of, LLC d/b/a the Foxtail located at 5237 Main Street. She stated that the applicant was seeking a Class "R-3", full alcohol, on and off-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. Timothy Canning and Mr. Todd Davies were sworn in by the court reporter. Mr. Canning and Mr. Davies introduced themselves as the owners of The Foxtail.

Chairman Strelau asked the applicant to present its case.

Mr. Davies stated that they are opening a restaurant in the first floor level of the new development at the corner of Main & Maple.

Mr. Davies stated that they will be open for brunch, lunch and dinner opening at 10 a.m. during the week and 9 a.m. on weekends. He stated that they will have cocktails, wine and a beer program. He stated that the restaurant will seat about 140. He stated that they plan to have a raw oyster bar as well as a Mediterranean high-end seafood focus.

Mr. Davies advised that they are the owners of Cadence and realized there is an opportunity to open a high-end seafood establishment with vegetarian and steaks and chops. He stated that their chef is Lebanese who will offer a Mediterranean flare.

Mr. Davies stated that there is a private dining room, which will be open for regular service, unless it gets rented out. He stated that they will have a significant wine program by bringing in unique wines.

Mr. Davies stated that they will offer brick oven pizza and flat bread appetizers. He stated that they are seeking an upscale customer base with the check averaging \$40 per person.

Mr. Davies advised that they plan to have an acoustic one-man band providing entertainment.

Chairman Strelau asked Mr. Davies to explain how they planned to conduct off-premise consumption sales. Mr. Davies stated that they will host wine dinners. He stated that they want the ability to sell the wines they offer with the dinners to their customers. He stated that the wines will be specialty brands and vintages. He stated that the wine will be offered for sale after the dinner. The customer will pay for it and must return to pick it up. Mr. Canning added that they offered similar dinners at the Lemon Tree. He stated that they would have the wine maker come to the dinner, which was popular with their

customers. Mr. Davies added that they will not be selling regular bottles of wine and/or beer from their regular stock.

Ms. Kuchynka advised that Mr. Canning operated Lemon Tree Grocer in addition to Cadence. She stated that he held an on and off-premise consumption license where the primary business was a grocery store which expanded into a café. She stated that she included both establishment's control buy program record. She stated that Lemon Tree passed five tests and Cadence has passed two tests. She added that they have numerous years of liquor handling experience for both on and off-premise consumption.

Chairman Strelau asked for comments from the Commission.

Ms. Flanagan asked where they plan to get the specialty wines from. Mr. Davies replied that they have a distributor who will provide offerings from Greece, South African affinities and untapped wineries in central California and Oregon. He stated that about 80% of the wines on their wine list are not readily available or found in retail establishments such as Binny's.

Mr. Johnson asked who would be able to pick up the wine once a customer orders it from the wine dinner. Mr. Davies replied that wines will only be offered during the special events. He stated that the customer will have some time to pick it up. He stated that a customer could tell him specifically that they want or need someone else to pick it up, however, they would not allow a minor to pick it up.

Mr. Heafner had no questions.

Mr. Krusenoski asked Mr. Davies if there will be a standing retail section like Cooper's Hawk. Mr. Davies replied no.

Mr. Krusenoski asked Mr. Davies how often the wine dinners will occur. Mr. Davies replied once a month.

Mr. Krusenoski noted their exceptional seven year record. He stated that this is their first multiple operation they will have with 50 more staff members. He stated that the new employees will need to be indoctrinated into this great culture they have established about how important it is not to sell to minors. He advised for them not to lose focus or short change the training of the new employees.

Mr. Jacobson thanked them for investing in Downers Grove. He stated that the application packet was good and he was pleased with their control buy history.

Chairman Strelau thanked them for expanding in Downers Grove.

Chairman Strelau asked Mr. Davies the size comparison of the two establishments. Mr. Davies replied that Foxtail is 4,300 square feet and Cadence is 5,700 square feet. Mr. Davies stated that this was his 55<sup>th</sup> restaurant opening. He stated that Foxtail is the smallest he would go and noted that there was a huge need for this concept. He noted this size gives a nice cozy feeling for patrons.

Chairman Strelau stated that they should continue to instill the importance of proper liquor service.

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, insurance, annual fee, satisfactory background checks and employee certifications. She stated that the applicant will eventually be applying for a Class "O" outdoor liquor license. She noted that there were some issues with outdoor seating plan which will encroach on the public right-of-way, which needs

further extensive review by the Community Development Department. She stated that staff did not want to hold up permitting or issuance of a license for the interior of the facility.

Ms. Kuchynka asked Mr. Davies when they anticipated opening. Mr. Davies replied January.

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-3" liquor license application.

**MR. JACOBSON MOVED TO FIND NOT KIND OF, LLC D/B/A THE FOXTAIL LOCATED AT 5237 MAIN STREET QUALIFIED FOR A CLASS "R-3" FULL ALCOHOL, ON AND OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.**

**VOTE:**

**Aye:** Mr. Jacobson, Mr. Krusenoski, Ms. Flanagan, Mr. Heafner, Mr. Johnson, Chairman Strelau

**Nay:** None

**Abstain:** None

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

**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 she has two applications on file and advised there will be a December meeting. She added that there may be some ordinance change discussion as well.

**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 month end report. She stated that the Class "O" license was issued to the Doubletree.

Ms. Kuchynka stated that the Village Council adopted an ordinance amendment increasing the number of Class R-3 liquor licenses at their meeting of November 2<sup>nd</sup>. She advised that the license for on and off-premise consumption was originally created for Cooper's Hawk. She stated that the increase in number of the licenses would allow The Foxtail to apply for this license, as they were seeking to offer on and off-premise sales on the premises.

**VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

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

Mr. Krusenoski moved to adjourn the November 7, 2019 meeting. The meeting was adjourned by acclimation at 7:20 p.m.