

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COMMITTEE ROOM
801 BURLINGTON AVENUE**

Thursday, December 6, 2018

I. CALL TO ORDER

Chairman Strelau called the December 6, 2018 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Ms. Flanagan, Mr. Heafner, Mr. Jacobson, Mr. Krusenoski, Ms. Pietrucha, Chairman Strelau

ABSENT: None

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

OTHERS: Kelli Matus, Chris Matus, Nainesh Patel, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the November 1, 2018 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the November 1, 2018 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."

Carnivore & the Queen - 2241 Maple Avenue

Chairman Strelau stated that the first order of business was an application hearing for Carnivore & the Queen, LLC d/b/a Carnivore & the Queen located at 2241 Maple Avenue. She stated that the applicant was seeking a Class "R-1", full alcohol, 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.

Ms. Kelli Matus and Mr. Chris Matus were sworn in by the court reporter. Mr. & Mrs. Matus introduced themselves as co-owners and stated they were seeking a liquor license for the establishment.

Chairman Strelau asked the applicant to present its case.

Ms. Matus stated that they were seeking a license for their new restaurant which will be a Wisconsin supper club with a modern twist. She stated that they want to bring family back around the table. She stated that they will serve nostalgic American foods.

Chairman Strelau asked for comments from the commission.

Mr. Jacobson reviewed their materials and could not find whether they will be accepting the vertical ID. Ms. Matus replied no.

Mr. Jacobson asked how many patrons the restaurant will seat. Mr. Matus replied 51.

Mr. Jacobson asked how many employees they will have. Mr. Matus replied 8-10.

Mr. Jacobson asked if one or both of them will be present at all times. Mr. & Mrs. Matus replied yes.

Mr. Jacobson asked them to expand on their liquor handling experience. Ms. Matus replied that she has worked in the restaurant business behind the scene for years during college and while obtaining her culinary degree. Mr. Matus replied that he has 11 years of food and beverage experience with Hyatt Hotels and more recently Egg Harbor restaurant.

Mr. Krusenoski had no questions.

Mr. Heafner had no questions.

Ms. Flanagan had no questions.

Ms. Pietrucha noticed that they reside in Downers Grove and asked what made them chose this location. Mr. Matus replied that they have been looking for a location for the past three years. He added that they were looking for an establishment that was partially built out. He stated that the location is good as it will have transit traffic down from the Belmont station. He stated that there are a number of subdivisions in the area to support the location as well.

Ms. Pietrucha noticed that they have some locally brewed beer. She stated that alcohol will be a good part of the business and asked what percentage of alcohol sales they project. Mr. Matus replied 25%.

Mr. Clary asked about the bar area and asked if patrons can sit. Mr. Matus replied yes and noted it will be staffed by a bartender. He added that the existing counter will be converted to an eight seat bar.

Chairman Strelau cautioned that although both have been in the restaurant business for years, liquor service can be challenging. She noted that a violation can be very costly.

Chairman Strelau recommend that they, as owners, instill the importance of proper liquor handling to their employees.

Chairman Strelau wished them well and welcomed the concept in Downers Grove.

Attorney Didier asked how they determined the name. Ms. Matus replied that they like big food and big meat. She added that they went to a Wisconsin supper club and liked the family-oriented concept. She liked meat and liked carnivore for the name. She noted that they will also be serving seafood.

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, satisfactory background checks, 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-1" liquor license application.

MR. KRUSENOSKI MOVED TO FIND CARNIVORE & THE QUEEN, LLC D/B/A CARNIVORE & THE QUEEN LOCATED AT 2241 MAPLE AVENUE QUALIFIED FOR A CLASS "R-1" FULL ALCOHOL ON-PREMISE LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE: **Aye:** Mr. Krusenoski, Mr. Jacobson, Mr. Clary, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Mr. Krusenoski asked when they planned to open. Ms. Matus replied hopefully by the new year.

Corner Pantry - 4240 Main Street

Chairman Strelau stated that the next order of business was an application hearing for Siyaram 1 Incorporated, Inc. d/b/a Corner Pantry located at 4240 Main Street. 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. Nainesh Patel was sworn in by the court reporter. Mr. Patel introduced himself as the owner of the establishment.

Chairman Strelau asked the applicant to present its case.

Mr. Patel stated that he is seeking a liquor license for a new convenience store at 4240 Main Street. He advised that he has liquor selling experience from 2012 to present. He stated that he is currently managing a liquor store and noted that this will be the first time he's operated his own business.

Chairman Strelau asked for comments from the commission.

Ms. Kuchynka informed the Commission that the Corner Pantry was the former 7-Eleven that abruptly closed in November.

Mr. Krusenoski asked when the 7-Eleven store closed. Mr. Patel replied November 7th. He stated that the corporation held the lease through November 30th. Mr. Patel stated he was hoping to open before Christmas.

Mr. Clary asked Mr. Patel about his retail liquor handling experience and how long he has held his BASSET certification. Mr. Patel replied since 2012. He added that he currently manages a liquor store.

Mr. Clary asked Mr. Patel if he was ever involved in a liquor violation. Mr. Patel replied no.

Mr. Patel said that in addition to checking the date of birth on the identification, he checks everything on the ID. He stated that if he has concern he will question the individual about personal details on the ID.

Ms. Pietrucha asked Mr. Patel if he has any concerns about operating near the high school. Mr. Patel replied no. He stated that he plans on asking for ID from anyone appearing under the age of 30.

Ms. Flanagan stated that Mr. Patel has liquor handling experience but asked if he regularly trains current employees. Mr. Patel replied yes. He stated that he trains new hires and encourages them to check physical appearance in addition to making sure that they do not sell to anyone who is visibly drunk.

Mr. Heafner had no questions.

Mr. Krusenoski stated that Mr. Patel seems to be very diligent in carrying out liquor selling responsibilities. He stated that Mr. Patel needs to continue to be diligent and understand that liquor serving is taken seriously and is a great responsibility. He stated that there is regular enforcement of liquor laws. He advised that employees may sell to minors and noted that the owner must create an atmosphere that they do not get lazy and/or have a carefree attitude about selling liquor.

Mr. Jacobson had no questions.

Chairman Strelau asked Mr. Patel how many employees he plans to have. Mr. Patel replied three full time and two part time employees, plus himself.

Chairman Strelau asked Mr. Patel if employees he hires will be over 21. Mr. Patel replied yes.

Chairman Strelau noted that kids frequent convenience stores and may try to attempt liquor purchases. She stated that Mr. Patel seems meticulous and thorough and that is what the Commission likes to hear and see. She warned Mr. Patel to always be on guard. Mr. Patel replied he will be ready for them.

Attorney Didier asked Mr. Patel if he was aware of the ordinance raising the tobacco age from 18 to 21. Mr. Patel replied yes. He added that he was present at the Council meeting when that item was discussed. He noted a number of surrounding communities have changed the tobacco age to 21. Ms. Kuchynka advised that while those who purchase tobacco must be 21, those who sell tobacco may be 18. Chairman Strelau asked if vaping products were included. Attorney Didier replied yes. Ms. Kuchynka noted that there is a list of alternative nicotine products listed in the Code.

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 a Certificate of Occupancy, satisfactory background checks, 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 "P-1" liquor license application.

MR. JACOBSON MOVED TO FIND SIYARAM 1 INCORPORATED, INC. D/B/A CORNER PANTRY LOCATED AT 4240 MAIN STREET QUALIFIED FOR A CLASS "P-1" FULL ALCOHOL, OFF-PREMISE LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Mr. Jacobson, Mr. Clary, Ms. Flanagan, Mr. Heafner, Mr. Krusenoski, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

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 advised that there would not be a January 3rd meeting.

Ms. Kuchynka advised that the Village Council adopted an ordinance eliminating the square foot requirement of the full alcohol, Class P-1, for off-premise consumption liquor license. She stated that two applications for license upgrade were placed on file at the December 4th Village Council Meeting. She stated that Jay's Convenient and Downtown Food Mart applied and added that their applications will remain on file for a minimum of two weeks and barring any objection, the Mayor may issue new licenses.

Ms. Kuchynka stated that she reviewed the leases and manuals to be certain that alcoholic liquor is allowed. She added that floor plans have been updated with the new liquor product area. She stated that convenience stores may not exceed 20% of retail space that is devoted to liquor and tobacco products.

Ms. Kuchynka advised that the Mayor had received a number of requests for the elimination of the square foot requirement. She anticipated a few more would request an upgrade to their license.

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 November month end report. She advised that 7-Eleven and Familia Fresh had closed and the orders of forfeiture were noted in the report.

Ms. Kuchynka advised that the liquor classification chart and Municipal Code have been updated to reflect the changes in the P-1 liquor license classification.

Ms. Pietrucha asked about Fun Zone. Ms. Kuchynka noted that they have been doing very well. She added they continue to offer beer, wine, food, video gaming, bumper cars and laser tag at the facility.

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 December 6, 2018 meeting. The meeting was adjourned by acclamation at 7:00 p.m.