

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JANUARY 22, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Ordinance Amendments: Liquor Provisions	✓ Resolution Ordinance Motion Discussion Only	Enza I. Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared amending the Liquor Code which would allow on-site consumption of beer and wine at the Downers Grove Park District Recreation Center located at 4900 Belmont Road in conjunction with catered events.

STRATEGIC PLAN ALIGNMENT

The Downers Grove Vision for 2022 provides for *Businesses to Thrive* and a principle for that vision is *Unique, Quality Restaurants Serving Residents and Corporations*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the February 5, 2008 active agenda.

BACKGROUND

Based upon a request from the Downers Grove Park District, the Downers Grove Liquor Commission discussed creating a liquor license classification that would allow the consumption of wine and beer at the Recreation Center, located at 4900 Belmont Road. Currently, the Village only allows consumption at catered events (no more than eight times per year at the same location) where the caterer must supply and serve the beer and wine.

Representatives of the Park District have indicated they receive many requests for the service of beer and wine and that the facility is underutilized. The Park District has contracted with a caterer and does not wish to be limited in the number of activities that can be held at the Center. This ordinance allows for the Park District caterer to subcontract with a licensed liquor vendor to serve beer and wine in connection with a catered event at the facility. Beer and wine service shall be restricted to facility rentals only. A valid contract between the caterer and the beer and wine vendor shall be in existence at all times. Food service shall be required in connection with any liquor service. Beer and wine service shall be restricted to a service bar only and no table service is allowed.

The Liquor Commission discussed this matter at its meetings of October 4, 2007, and November 1, 2007, and unanimously recommended that the ordinance be forwarded to the Village Council for its consideration and approval.

ATTACHMENTS

Draft Ordinance

Liquor Commission Recommendation & Minutes – June 14, 2007, November 1, 2007 and December 6, 2007

Recreation Center Correspondence– Downers Grove Park District

Catering

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
CATERING LICENSE PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

Section 1. That Section 3.13 is hereby amended to read as follows:

3.13 Classification of licenses.

Such licenses shall be, and are hereby, divided into the following classes:

Class "B" Brew Pub Licenses

"B-1" Brew pub licenses shall authorize the retail sale of alcoholic liquor and beer produced on the premises for on-site consumption. The retail sale of beer in original packages, unopened only, produced on the licensed premises shall be allowed for off-premise consumption. Provided, the business shall operate as a restaurant and bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

Class "C" Club (Private) Licenses

"C-1"- Private club licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a club as defined herein.

Class "E" Entertainment/Recreational Facility Licenses

"E-1" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a Theater as defined herein, subject to the following conditions:

1. Sales of alcoholic beverages shall be limited to contracted theater rentals.
2. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films.
3. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
4. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
5. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
6. Food service must be available during contracted theater rentals in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour), such food service shall not be required.
7. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

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"E-2" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises where the major and primary business is that of a Comedy Club as defined herein. Provided, the sale of alcoholic beverages shall be authorized only during or one (1) hour before the regularly scheduled performances. The performances shall consist of one or more comedians and shall be not less than one and a half (1.5) hours in length with patrons paying a separate admission charge for each performance. At the end of each performance, patrons shall be required to exit before the next group of patrons are admitted. Provided, performances shall be done by professional comedians except that amateur performances (open mike) shall be permitted not more than two (2) nights per week.

"E-3-A" Entertainment/Recreational Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises operated by the Downers Grove Park District. Sales shall be authorized in the clubhouse, an outdoor area and upon the golf course. Sales of beer and wine from a motorized food and beverage cart operating on the public golf course are authorized provided not more than fifty percent (50%) of the designated storage/display capacity shall be devoted to the display and sale of beer and wine. No more than one (1) such motorized food and beverage cart shall be on the course and in operation at any one time. Non-alcoholic beverages and food shall at all times be stocked and available for sale in such cart.

"E-3-B" Entertainment/Recreational Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises in a recreational facility, as defined herein, having a guest seating capacity, excluding outdoor areas, of not less than thirty-five (35).

"E-3-C" Entertainment/Recreational Facility licenses shall authorize the retail sale of alcoholic liquor for consumption on the licensed premises in a recreational facility as defined herein, of not less than sixteen thousand (16,000) square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred twenty-five (125).

"E-4" Entertainment/Cultural/Performing Arts Facility licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises where the major and primary business is that of a Cultural/Performing Arts Facility as defined herein, subject to the following conditions:

1. Sale of beer or wine shall be limited to regularly scheduled art shows, exhibits, theatrical, musical or live performances or during contracted rentals that are not open to the general public.
2. The facility may not be promoted as a drinking establishment. Sale of beer or wine shall not be allowed at any time a regularly scheduled performance or activity is not in actual operation.
3. Sale of beer or wine shall be made from a service bar only. Such service bar shall not have seats or stools for patron seating.
4. Lounge area or theater seating may be altered to accommodate performances, art exhibitions and/or classes, however the service bar area shall not be expanded in any manner.
5. No portable bars and/or stations shall be allowed at the facility.
6. Food service must be available during all hours of operation that beer and wine is served.
7. The Village may request the licensee to submit a report setting forth any planned events currently scheduled by the Licensee and the activities during the twelve months prior.

Class "H" Hotel Licenses

"H-1" Hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel as defined herein, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room

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service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not less than one hundred twenty-five (125) operated as an integral part of the hotel.

Class "K" Catering Licenses

"K-1" Catering licenses shall authorize the sale of alcoholic liquor in connection with the operation of an off-site catering business as defined herein that serves alcoholic liquor in connection with the catering of foods for private functions and for consumption only on the premises where the food is catered. The sale of alcoholic liquor shall be incidental to the food service and if the catered event does not qualify as a private function, a special event license shall also be required for the location of the catered event. No cash bar shall be permitted. No alcoholic liquor shall be served at a single location for more than eight (8) consecutive hours. A licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the location of each event the licensee has catered within the Village and the number of hours for which liquor and food were served at such events during the six months prior. In addition, such report shall describe any planned events currently scheduled by the Licensee.

"K-2" Catering licenses shall authorize the sale of beer and wine at the Downers Grove Park District Recreation Center located at 4500 Belmont Road. Provided, a catering license may be issued to a sub-contractor who solely provides beer and wine service on behalf of and in conjunction with an off-site food catering business under contract with the Downers Grove Park District. The sub-contractor may not utilize the Class K-2 catering liquor license in any other facility in the Village, operate independently at the Recreation Center or provide beer and wine without food service being available. Service of beer and wine shall be limited to service from a designated portable bar area. No table service of wine or beer shall be allowed. In all instances, the sale of alcoholic liquor shall be incidental to the food service. No cash bar shall be permitted. No alcoholic liquor shall be served at a facility rental for more than six (6) consecutive hours. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth the date, time and type of any planned events currently scheduled by the Licensee in order for the Village to monitor compliance. In addition, the Village may request that the licensee include information on the dates, times and types of events at the Center during the six months prior.

Class "O" On Premise Consumption, Outdoor Licenses

"O-1" Outdoor licenses shall authorize the sale and consumption of alcoholic liquor in an enclosed outdoor seating area. This license may only be issued to establishments holding a valid Class R or a Class W license and shall be limited to the conditions of the Class R or a Class W license issued to the establishment. The main and principal operation of the outdoor area shall be for dining purposes and food must be available in the outdoor dining area at all times and shall be subject to the provisions set forth in Section 3-30.

Class "P" Off Premise Consumption Licenses

"P-1" Packaged liquor licenses shall authorize the retail sale on the premises specified, which shall not include premises of less than three thousand six hundred (3,600) square feet, of alcoholic liquor in packages with the seals unbroken, only, and not for consumption on the premises, except that tastings shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of packaged liquor is the main or principal business and/or in locations where the principal business is that of a drug store, grocery store or convenience store as defined herein.

"P-2" Packaged liquor licenses shall authorize the retail sale on the premises specified, of beer and wine

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in original packages, unopened only, and not for consumption on the premises. Such licenses shall be only authorized in locations where the main or principal business is that of a drug store, grocery store or convenience store as defined herein. No more than twenty-five percent (25%) of the retail sale square footage area shall be devoted to the sale of beer/wine and tobacco products.

"P-3" Packaged liquor licenses shall authorize the retail sale of beer and wine in original packages, unopened only, and not for consumption on the premises, except that wine tastings, classes or seminars shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of wine is the main or principal business, commonly referred to as "wine shops", as defined herein.

Class "R" Restaurant, On Premise Consumption, Indoor Licenses

"R-1" restaurant licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where the major and primary business is that of a restaurant, as defined herein. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

"R-2" restaurant licenses shall authorize the retail sale of beer and wine for consumption on the licensed premises, where the major and primary business is that of a restaurant, as defined herein. In addition, bar seating shall be limited to twenty percent (20%) of the entire seating for the establishment.

Class "S" Special Event Licenses

"S" special event licenses shall be issued for the temporary sale of alcoholic liquor during special events.

(a) It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the Local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the Local Liquor Commissioner.

(b) Applications for a license under the provisions of this section shall be filed on forms provided by the Village. The general application procedures set forth in Sections 3-9 and 3-12 shall not apply to licenses issued under this section except for the requirement under Section 3-9(c)(9) concerning dram shop insurance coverage. Provided, the Commissioner may refer any application under this section to the Commission for review and comment. The application shall include such information as the Commissioner determines is necessary to process such application and may include, but is not limited to, the estimated number of persons attending the event, the location and layout of liquor sales at the event and at the premises, the persons responsible for dispensing of alcoholic liquor, steps to be taken by applicant to protect against any violations of the Village's ordinances and information regarding the manner in which and what type of liquor shall be dispensed and consumed. Additional information and material may be required during the processing of such application related to applicant's qualifications and information provided in the original submittal, including attachments. In the event the applicant is made aware that any information or document submitted as part of this application process is inaccurate or incomplete, the applicant shall immediately notify the Village and provide appropriate corrections. Failure to accurately and completely provide, or as necessary update, required information may delay the processing of such application or result in its denial.

(c) A fee shall be paid along with the application submittal as follows:

(1) "S-1" Licenses shall be issued if a public hearing before the Downers Grove Liquor Commission is required:

\$ 375.00

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(2) "S-2" Licenses shall be issued if a public hearing is waived and the Downers Grove Liquor Commissioner issues the license administratively:

\$ 90.00

(d) Where the applicant is a governmental unit and/or charitable organization, the Liquor Commissioner may waive the fee otherwise required by this section.

(e) Upon submittal of a properly completed application and payment of fee, the Commissioner may issue a special events license subject to such reasonable restrictions as the Liquor Commissioner may require to protect the public health, safety and welfare, including, but not limited to the following:

(1) No more than three (3) such special event licenses shall be issued for the same location within any calendar year.

(2) The special event license holder shall take proper precautions and fully comply with the applicable provisions of this Chapter during the special event.

(3) The special event will last no longer than two (2) days, provided that three consecutive licenses can be utilized for an event which shall not exceed six (6) days.

(4) The provisions of Section 3-11(b) regarding proximity of the proposed special event shall not apply to licenses issued under this section.

(5) The following restrictions apply to community special events sponsored by a governmental entity:

(i) At least two persons over the age of twenty-one shall be present at all times in the liquor consumption area to monitor compliance with applicable regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(ii) The licensee shall incorporate such other measures as the Liquor Commissioner may direct to protect the public health safety and welfare, including measures to protect against violations of the regulations and laws of the Village and State of Illinois regarding the consumption of liquor.

(6) The provisions of Section 3-30 regarding outdoor sales shall not apply to special event licenses issued under this section and a special event may include outdoor sales, service and consumption as approved by the Liquor Commissioner.

(7) Except as otherwise provided in this section, the applicant shall comply with all applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

(f) The Commissioner may issue a special events license as provided under this section to permit the sale and consumption of alcoholic liquor on public property. Provided, except for Village sponsored or co-sponsored community-wide celebrations, special events and other similar activities or functions, a special commercial event license as provided in Chapter 19 of the Downers Grove Municipal Code shall be required for any special event conducted wholly or partially upon Village controlled property. An application shall be completed as provided in subsection (b) above and submitted to the Commissioner for decision. Provided, in addition to any other requirements which may be imposed, issuance of any special events license involving public property shall be contingent upon proof of dram shop insurance, up to the statutory limit, and such other liability insurance as the Village may from time to time direct, listing the Village, its officers and employees, as named insured.

(g) It is recommended that at least one (1) person on-site shall possess a certified training certificate pursuant to Section 3.33.3.

Class "W" Wine Boutique.

"W-1" Packaged liquor licenses shall authorize the retail sale of beer and wine in original packages and for consumption of wine or beer on the premises. Free wine tastings, classes or seminars shall be permitted on such premises in accordance with State law. Such licenses shall be only authorized in locations where the sale of wine is the main or principal business, commonly referred to as "wine boutiques", as defined herein.

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The sale of wine and beer shall be permitted for consumption on the premises subject to the following conditions:

- a. The premises shall not exceed three thousand six hundred (3,600) square feet.
- b. The seating/serving area for customers ordering wine or beer within the premises shall be limited to forty percent (40%) of the gross retail square footage, but shall not exceed seven hundred fifty (750) square feet.
- c. Such facilities shall include an area in which preparation of food is provided and food is served on the premises, including hot or cold sandwiches, appetizers, tapas or other similar foods.
- d. It is intended that the service of wine or beer is merely an adjunct to the sale of beer and wine in original packages and that the wine shop shall not be advertised or otherwise held out to be a drinking establishment and/or a "wine bar". (Ord. No. 244, § 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 2945, § 1; Ord. No. 2996, § 1; Ord. No. 3050, § 1; Ord. No. 3164, § 2.)

Section 2. That Section 3.14 is hereby amended to read as follows:

3.14 Term - fees.

- (a) The term of each license issued hereunder shall be from July 1 to June 30.
- (b) Licenses shall be issued to new applicants and/or renewal applicants with satisfactory performance in the most recent year in which they held a license. The fee for the various classes of licenses shall be as follows:

<u>License</u>	<u>Annual Fee</u>
"B-1" (Brew Pub)	\$2,925.00
"C-1" (Club, private)	\$ 670.00
"E-1" (Theater)	\$ 935.00
"E-2" (Comedy Club)	\$1,055.00
"E-3-A" (Golf Course)	\$1,725.00
"E-3-B" (Recreational Facility - beer/wine)	\$1,610.00
"E-3-C" (Recreational Facility - full)	\$2,985.00
"E-4" (Cultural/Performing Arts Facility - beer/wine)	\$1,610.00
"H-1" (Hotel)	\$2,985.00
"K-1" (Catering - full)	\$ 805.00
"K-2" (Park District - beer/wine)	\$ 955.00
"O-1" (Outdoor)	\$ 260.00
"P-1" (Packaged - full)	\$1,850.00
"P-2" (Packaged - beer/wine)	\$1,160.00
"P-3" (Packaged - wine shop)	\$1,160.00
"R-1" (Restaurant - full)	\$2,870.00
"R-2" (Restaurant - beer/wine)	\$1,550.00
"S-1" (Special Event)	\$ 375.00
"S-2" (Special Event)	\$ 90.00
"W-1" (Wine Boutique)	\$1,310.00

- (c) Except as provided herein, there shall be no refund or proration of the license fee for any portion of a year prior to issuance or during which licensee ceases to engage in the business of selling alcoholic liquor. For any license issued on or after the first day of January of any year, the license fee shall be prorated by dividing the fee set forth in subsection (b)(1) by twelve and multiplying the resulting sum by the number

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of months, or parts thereof, remaining in the license year.

(d) For any change in classification issued on or before the first day of January of any year, the licensee shall be awarded a credit in the amount of the license fee previously paid by licensee in same license year for the same establishment.

(e) The annual renewal fee shall be due and payable June 30 in each year. Provided, any licensee submitting a late renewal filing shall, in addition to the license fee, pay a late filing fee of two hundred fifty dollars (\$250.00) pursuant to Section 3-16 (c) of this Code. No licensee shall continue to engage in the business of selling alcoholic liquor unless such fee has been paid.

(f) All required fees shall be paid at the time of issuance of the license after approval by the Local Liquor Commissioner pursuant to Section 3-12 of this Chapter. All such fees shall be forthwith deposited with the Village Treasurer.

(g) Application fees are provided for in Section 3-9(e) of this Code.

(h) It is the intention of the Village to review and, if justified, adjust license fees annually based upon the costs and expenses incurred by the Village to administer this section. Provided, however, nothing herein shall require such review nor impair or prohibit any adjustment in fees as may from time to time, be approved by the Council. (Ord. No. 244 §§ 5, 6; Ord. No. 279, § 1; Ord. No. 356, § 1; Ord. No. 634, § 1; Ord. No. 635, § 1; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1465, § 1; Ord. No. 1741, §§ 15 to 17; Ord. No. 2167, § 4; Ord. No. 2246, § 1; Ord. No. 2388, § 7; Ord. No. 2541, § 6; Ord. No. 2735, § 1; Ord. No. 3050, § 2; Ord. No. 3377, § 1.)

Section 3. That Section 3.15. is hereby amended to read as follows:

3.15. Limitation on number of licenses.

The number of licenses in each classification as defined in Section 3-13 which it shall be lawful to issue shall be limited so that the licenses in force and effect at any time shall not exceed the following numbers:

License Classification	Amount of licenses not to Exceed
"B-1" (Brew Pub)	1
"C-1" (Club, private)	6
"E-1" (Theater)	1
"E-2" (Comedy Club)	1
"E-3-A" (Golf Course)	1
"E-3-B" (Recreational Facility - beer/wine)	0
"E-3-C" (Recreational Facility - full)	2
"E-4" (Cultural/Performing Arts Facility - beer/wine)	1
"H-1" (Hotel)	Unlimited
"K-1" (Catering - full)	4
"K-2" (Catering - Park District - beer/wine)	1
"O-1" (Outdoor)	Unlimited
"P-1" (Packaged-full)	17
"P-2" (Packaged -beer/wine)	10
"P-3" (Packaged - wine shop)	3
"R-1" (Restaurant - full)	Unlimited
"R-2" (Restaurant - beer/wine)	Unlimited
"S-1" (Special Event)	Unlimited
"S-2" (Special Event)	Unlimited
"W-1" (Wine Boutique)	2

(Ord. No. 244, § 4a; Ord. No. 284, § 1; Ord. No. 356, § 2; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1395, § 1; Ord. No. 1465, § 2; Ord. No. 1741, § 21; Ord. No. 2246, § 2; Ord. No. 2541, § 8; Ord. No. 2735,

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§ 1; Ord. No. 2861, § 3; Ord. No. 3050, § 3.)

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest:

Village Clerk



www.downers.us

June 27, 2007

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER
801 Burlington Avenue

Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

**FIRE DEPARTMENT
ADMINISTRATION**

6701 Main Street
Downers Grove
Illinois 60516-3426
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**

5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

**DEPARTMENT OF COUNSELING
AND SOCIAL SERVICES**

842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

The Honorable Ronald Sandack
Mayor and Liquor Commissioner

Re: Proposed Ordinance Change - Park District Catering

Dear Mayor Sandak:

On June 14, 2007 the Liquor Commission considered a request by the Park District concerning an amendment to the catering license classification. The following finding was made:

MR. McINERNEY MOVED THAT STAFF AMEND THE CATERING LICENSE CLASSIFICATION TO ALLOW SUBCONTRACTORS TO GOVERNMENTAL ENTITIES TO PROVIDE LIQUOR SERVICE WITHIN LIMITED SCOPE. MS. KING SECONDED.

VOTE: Aye: Mr. McInerney, Ms. King, Ms. Dietrich, Ms. Strelau, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Further discussion of this subject can be found in the June 14, 2007 minutes of the Liquor Commission (attached).

Very truly yours,

Michael Kubes, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE



Ms. Petrarca stated in lieu of the 25% square footage limitation, staff would draft the ordinance utilizing 40% across the board, with a not to exceed 720 square feet. The group agreed to round the figure to 750 square feet.

Mr. McInerney stated that he was comfortable with the percentage and the cap on the size to keep the area contained. He stated that there are other controls such as the number of licenses being limited to two. He stated that this classification is like a "pilot" and controls are necessary.

Ms. Dietrich asked about the 3,600 square foot store size limit. She asked if that was selling space. Ms. Conforti replied it was the square footage determination made by the lease.

Mr. McInerney asked about the cost of the license that was proposed. He wondered if an additional control buy test was factored in. Ms. Conforti replied yes. She believed the extra fee was \$150.00.

Ms. Petrarca hoped to get the ordinance to Council for their 26th workshop, if the item was ready.

Chairman Kubes asked about the service by the glass. Ms. Petrarca confirmed that service is by the glass, bottle sales are not permitted, however the 2-glass limit was removed. Ms. Conforti noted that service will be glass-by-glass. She noted it is easier to slow down service and refuse further service if it is done by the glass. She noted that they can start the restriction on a trial basis, see if there are any problems and then, if not, expand it to bottle service in the future. The group agreed with the by the glass service.

Ms. Conforti noted she will make changes to the ordinance and present a final draft to the Village Council for their consideration.

VI. ~~NEW BUSINESS~~

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

Park District Request:

Ms. Conforti noted that she left a request from the Park District about on-premise service at the Park District Recreation Center on Belmont Road. She asked that the Commission consider their request. She stated that they are looking to hire a caterer at the facility. She noted that the Catering license allows liquor service in conjunction with the service of food. Ms. Conforti noted that the Park District is seeking an amendment to allow for their caterer to hire a subcontractor to handle the liquor service aspect.

Ms. Conforti noted that the Park District entered into a contract with a sole-source catering company to provide food to those who rent a room at the facility. She noted that the Downers Grove ordinance would generally allow this activity if the caterer also provided the liquor service, however, their caterer does not wish to serve alcohol and/or obtain the license or have liability for it. The caterer plans to sub-contract the alcohol service with another company. She noted that the ordinance would need to be amended in order to accommodate the Park District. Ms. Petrarca stated the caterer or the subcontractor comply with the Catering license requirements.

Ms. Conforti would like discussion and a recommendation from the Commission about the Park District's request.

Ms. Conforti noted that she would not want to issue a Catering license to someone who can go throughout the Village and just serve alcohol. She felt that some restrictions need to be placed in the ordinance to make it specific and unique to the Park District. She asked Karen Shannon, who was present, to answer questions the Commission may have.

Ms. Shannon stated that their current caterer would like to sub-contract with City Club out of Naperville to provide liquor service. She stated that they hold a license from the City of Naperville.

Chairman Kubes asked who their catering company was. Ms. Shannon replied Culinary Arts Catering. He asked why they did not want to provide alcohol. She replied that they felt it was not economically feasible for their operation.

Ms. Shannon stated that the Park District is trying to provide a service for the residents and make use the facility more. She stated that the rent the facilities for Christmas, birthday parties, showers, etc. She noted that they have had requests for alcohol service and wanted to maximize the rental of the facility.

Chairman Kubes asked if the caterer is providing service now. Ms. Shannon replied no, they just signed a contract to do so.

Chairman Kubes asked if there are other catering companies that provide alcohol. Ms. Shannon replied yes. Ms. Conforti added that they could have another licensed caterer provide the service, but the Park District signed a contract with Culinary Arts Catering. Ms. Petrarca asked if the renters only have the choice to use Culinary Arts. Ms. Shannon replied yes, but they will allow renters to bring in their own food. She noted that if they bring in their own food, they will not be allowed to have liquor. Ms. Conforti confirmed that if renters bring in their own food, liquor will not be allowed.

Ms. Shannon noted that there are many occasions where the rooms are booked by renters who will not want alcohol.

Chairman Kubes asked if the Park District searched for other caterers. Ms. Shannon noted this was the only contract signed, but thought their Administrator may have contacted a few other caterers. Chairman Kubes asked if the Park District can be licensed. Ms. Petrarca stated that they could get a license, however, would need to comply with the ordinance for food service. Ms. Shannon stated that they are not interested in obtaining a license.

Mr. McInerney confirmed that the Park District only has the license on the golf course. Ms. Conforti noted that they would have to apply for a separate license at the recreation center and provide food service. Chairman Kubes stated that it may be more beneficial for them to hire the caterer who would provide the food and alcohol.

Ms. Dietrich wondered what would need to be done, as the Park District signed a contract. She wondered if staff wanted them to agree if liquor should be allowed. Ms. Petrarca stated that they are looking for a recommendation from the Commission to change the ordinance to allow this activity at the Park District. Ms. Conforti noted that if they recommend an ordinance change and it is approved by Council, the caterer or the subcontractor will still have to appear before the Commission to apply for a

license. Ms. Petrarca noted that the caterer nor the sub-contractor qualify for the license as written.

Ms. Petrarca stated that the caterer is choosing not to handle alcohol and the ordinance needs to be amended for the Park District to allow this activity. Ms. Conforti noted that if Taste of Thyme was still a licensed caterer in the Village, they would have been able to serve alcohol and food at the Recreation Center. She noted that the ordinance needs to be amended to allow a sub-contractor to provide liquor service for municipal organizations. Ms. Petrarca noted that she would want to specifically limit this to a governmental entity.

Ms. Strelau asked what would happen if there was a violation. Ms. Petrarca stated that the sub-contractor serving the liquor would be responsible. Ms. Strelau stated things would be simple if they chose a caterer who was also willing to handle the alcohol. Ms. King stated that the sub-contractor would not have to be based out of Downers Grove. Ms. Conforti confirmed that they need not be based out of Downers Grove, just licensed by it.

Chairman Kubes asked if they would have to be told when the parties take place. Ms. Conforti replied no. He wondered how control buys would be conducted. Ms. Conforti replied that tests would not be done. She noted that it would be similar to the non-testing of the veteran's club licenses and the Tivoli Theater contracted events. She noted that the events vary too much and generally are private parties with invited guests.

Ms. Strelau wondered how caterers would be monitored. Ms. Conforti replied on complaints, perhaps DUI notification or if the police department is called to the facility, etc.

Chairman Kubes confirmed that if the ordinance is changed, the sub-contractor would have to appear before the Liquor Commission to obtain the license. Ms. Conforti replied yes. He requested that the caterer and the Park District also be present at the hearing. Ms. Shannon agreed.

Ms. Conforti noted that she may put restrictions on the license to limit this activity to the Park District and tie it to the catering contract. That way, the applicant will not go to other venues in the Village and only provide alcohol. She added that a condition of that license would be to require that food service be provided by a primary contractor.

Mr. McNerney stated that this is not an issue as to whether liquor service should be allowed at the recreation center or not. Ms. Conforti replied no and that it was whether they were willing to amend the ordinance to allow their caterers sub-contractor to serve alcohol. Ms. Conforti added that if they found a caterer now willing to do both, it could be done, provided they obtained a license by the Village.

Chairman Kubes stated that he was in favor of changing the ordinance provided it was worded properly.

Ms. Conforti requested a motion from the Commission for an amendment to the catering license specifically for a governmental entity to allow a sub-contractor to provide alcohol service provided that food is served in conjunction with the alcohol. She stated that staff then would draft an ordinance and present it to Council for consideration.

Ms. Strelau wondered how the Village would be aware of violations if control buys are not done. Ms. Conforti noted that the Village could receive a complaint. She felt that the Park District would care and not want to be known for problems with alcohol service. Ms. Shannon stated that staff will be present at

the facility and will monitor the rentals at the facility.

Ms. Conforti noted that at the application hearing, she would also request a copy of the contract between the caterer and Park District as well as between the caterer and sub-contractor. She would request that all parties are present during the hearing to answer questions about the operation.

Chairman Kubes requested a motion.

MR. McINERNEY MOVED THAT STAFF AMEND THE CATERING LICENSE CLASSIFICATION TO ALLOW SUBCONTRACTORS TO GOVERNMENTAL ENTITIES TO PROVIDE LIQUOR SERVICE WITHIN LIMITED SCOPE. MS. KING SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Chairman Kubes asked if the draft ordinance will be provided to the Mayor and then to the Village Council for consideration. Ms. Conforti replied yes. He asked that a draft of the ordinance be provided to the Liquor Commission.

Ms. King asked Ms. Shannon how the golf beverage cart was working out. Ms. Shannon replied good. She noted that the golf course is doing well and has seen increased activity from a decline in past years.

Ms. Shannon thanked the Commission for their consideration.

Piano Bar Concept-

Ms. Conforti stated that she wanted to get feed back from the Commission to consider the creation of a license classification for a Piano Bar. She provided the Commission with a packet of information from Howl at the Moon. She wondered if the Commission would want staff to investigate a licensing structure.

Ms. Strelau asked if any member went to the website. The group replied no. She stated that there were a few activities that were questionable. She thought it was a great concept, but was concerned about what was provided on the website. She was thinking it would be more of a high-end facility.

Ms. Conforti noted that she visited a piano bar in Milwaukee recently and that it was a very well run establishment. She noted food service and it catered to an adult crowd.

Mr. McInerney asked why the establishment would not classify themselves as a restaurant. Ms. Conforti noted that the primary business is the entertainment.

Chairman Kubes stated that he was at a dueling piano bar in Grand Rapids, Michigan. He noted that

license application.

MR. BARNETT MOVED TO FIND THE CELLAR DOOR, LLC D/B/A THE CELLAR DOOR LOCATED AT 5150 MAIN STREET, QUALIFIED FOR A CLASS "W-1" WINE BOUTIQUE, BEER AND WINE ON-PREMISE/OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. King, Ms. Strelau, Mr. Cawthorne, Mr. Kubes Mr. Adank, Chairman
McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Hearing the testimony given in this case, Chairman McInerney 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.

MR. BARNETT MOVED TO FIND THE CELLAR DOOR, LLC D/B/A THE CELLAR DOOR LOCATED AT 5150 MAIN STREET, QUALIFIED FOR A CLASS "O" OUTDOOR LIQUOR LICENSE. MS. KING SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. King, Ms. Strelau, Mr. Cawthorne, Mr. Kubes Mr. Adank, Chairman
McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

IV. OLD BUSINESS

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

Park District Request - Class K Catering License Amendment

Ms. Kuchynka commented on a request made by the Park District for an amendment to the ordinance. She stated that the Park District has a contract with a sole source caterer for banquet services at the Belmont Road Recreation Center. She noted that the catering company does not want to obtain a Class K catering liquor license from the Village. She noted that the caterer has found a sub-contractor who is

willing to provide liquor service. Ms. Kuchynka noted that currently caterers must serve food in conjunction with a function can only obtain a license.

Ms. Kuchynka provided the Commission with the minutes of past discussions. She noted that she provided a draft ordinance in this month's packet which amends the provisions of the Class K, catering license classification which would allow the Park District the ability to have a sub-contractor of their sole-source caterer to provide liquor service which is limited specifically to the Recreation Center.

Ms. Kuchynka noted that any liquor service provided by the sub-contractor must, at all times, be in conjunction with the food catering operations at all times. She stated that the contract between the Park District and caterer as well as the contract between the caterer and sub-contractor must be valid at all times.

Ms. Kuchynka noted that the amendment would allow the sub-contractor to obtain a Class K license, however, they will not be able to utilize the license in any other facility other than the Park District Recreation Center and only in conjunction with food service.

Ms. Kuchynka requested that the Commission discuss the amendment and make a recommendation as to whether they wish that the ordinance be forwarded to the Village Council for consideration. She noted that staff has some concerns with this activity in that the license holder and caterer work in conjunction at all times and that food service is available at all times.

Ms. Kuchynka noted that should the amendment be approved by the Village Council, the sub-contractor would have to appear before the Commission at an application hearing.

Ms. Kuchynka noted that representatives from the Park District, the sole source caterer and sub-contractor are present to answer any Commissioners questions. She asked that any individuals who wish to speak state and spell their names for the record.

Ms. Sandy Dixon introduced herself as the Director of Recreation for the Downers Grove Park District. Mr. Kevin Molidor introduced himself as the owner of Culinary Catering. Mr. Brad Mitchell introduced himself as owner of Wine Expressions. Ms. Dixon noted that she can answer any questions regarding the operating standpoint of the Recreation Center and the rental of the banquet facilities.

Mr. Barnett asked what is arrangement between the caterer and the Park District that caused him to enter into a contract with the Park District. Mr. Molidor replied that he was approached by the Park District He stated he was showed him the facility and was advised it was underutilized. He noted that the Park District has since contacted the Health Department and the facility has been upgraded. He stated that the banquet room can seat 130. He stated that he wanted to focus on mid- to upper-level catering events.

Mr. Molidor stated that he focuses all of his attention on what he does best which is food service. He stated that he met Mr. Mitchell, of Wine Expressions, a few years ago and formed a partnership where he sub-contracts with Wine Expressions to handle wine service and education. Mr. Molidor stated that he does not cater events with hard liquor or open bar. He added that his customers are typically interested in high quality food and nice quality wine while being educated about the wines. He added that there is no way that Mr. Mitchell can do an event without him as the ordinance is written.

Mr. Molidor noted that the Park District turns away a lot of rentals. He noted that renters are also notified that they cannot bring in their own alcohol, which also turns away potential rentals. He stated that not all of his events include alcohol. He noted that the facility is very nice, but underutilized. He thought it would be a good opportunity to keep people in Downers Grove. He noted that it is a very affordable

option for banquet facilities. He noted that they plan to actively market the option of having beer and wine at catered events.

Mr. Barnett asked if the Park District can allow renters to bring in their own alcohol. Ms. Kuchynka replied no and that they need a license to give, deliver, serve or sell alcohol at the facility. She stated that the individual would have to prove the event is a bona fide private party such as when an event takes place in a private home, where there is no charge for the alcohol, guests are invited and the general public would not be allowed to participate.

Mr. Barnett asked if there was any connection to the Park District with the Class K catering license issued to the sub-contractor as far as violations or performance values. Ms. Kuchynka replied no. She stated that the licensee's reputation would be at stake, not the Park District's. She noted that violations would be against only the business that the license is issued to.

Mr. Barnett noted that the idea of an on-again, off-again server and no built-in, inherent drive to do the right thing is not obvious with this license. He noted that there is no opportunity for the Park District to lose business or be responsible for a violation.

Mr. Cawthorne noted that the facility is something the Village could use. He noted Mr. Barnett's comments about licensed businesses having risks and does not believe the parties involved here would do anything to risk the license.

Ms. King asked what would happen if a minor was served. Ms. Kuchynka noted that the Wine Expressions license would be in violation. Ms. King asked if they would be banned serving alcohol in Downers Grove. Ms. Kuchynka replied that the license would be subject to fines, suspension and/or revocation for serving a minor. She noted that the Park District would then lose their only source of alcohol service and could potentially affect any other pre-booked rental that has requested alcohol service. Mr. Mitchell noted that he holds a liquor license for Wine Expressions from the Village of Lisle and has had no incidents.

Ms. King asked what type of forms a renter would have to fill out. Ms. Dixon noted that if a person is interested in renting the room only, they would deal with the Park District. She stated that if they want food and beverage service, they would deal directly with Mr. Molidor. Mr. Molidor would be the liaison between the renter and the Park District and simply provide the Park District with a copy of the rental food/beverage service information. Ms. King asked who liability fall on if there was a case of salmonella. Mr. Molidor replied himself, as the caterer.

Ms. King asked Mr. Mitchell about Wine Expressions. Mr. Mitchell stated that they have been in business for five years and are located in Lisle. He stated it is primarily a wine shop. He noted that they have retail sales with wine tastings, private functions and events and do Web-based sales.

Ms. King asked who would be serving wine at the Park District events. Mr. Mitchell stated that they have 3 partner owners. He stated that they have other staff that may help and offer manpower. He stated that 70% of their group has certified training which is not required by Lisle. Ms. Kuchynka noted that all servers would have to be certified as certification is required for all servers/sellers in Downers Grove.

Ms. King asked what would be served. Mr. Mitchell replied beer and wine.

Ms. King asked how the banquet facility would be promoted. Ms. Dixon replied in a leaflet under the facility rentals and they may advertise in wedding magazines and perhaps a with link on the website.

Ms. Strelau asked how banquet patrons would be served and how they would be carded. Mr. Mitchell replied they can be carded at the door or at the bar area. Ms. Strelau wondered if they would receive a bracelet or mark on the hand indicating that they have been carded.

Ms. Strelau liked the idea, however, had some concerns. She noted that there have been licensees cited for violations even after the Village's special agent was carded at the door. She encouraged them to iron out a policy so that they do not have a similar violation situation.

Ms. Strelau stated that the Park District has had a their golf course license for a number of years. She felt that they do have the proper ability to manage a license at the Recreational Facility.

Ms. Strelau wondered how a control buy would take place at the facility. She suggested that fees are increased to cover additional control buys. Ms. Perez noted that if it is a private party, it may be difficult to do a control buy. Ms. Strelau felt that not being able to check for compliance is a big problem. She stated that licensees are visited by a student who attempts to buy liquor. She noted that should they not be sold liquor, the licensee will receive letter notifying them that they have passed the test. She added that if they fail, the server is ticketed and the licensee is required to attend a disciplinary hearing. Mr. Molidor noted that although it is a private party he would not know any of the guests and would encourage the Village to test.

Ms. Strelau noted that the Health Department can make surprise checks. She felt that if the ordinance is changed, that the Village should be awarded the courtesy to check for compliance. Mr. Molidor noted that could be arranged through the Park District without his knowledge. Ms. Dixon noted that the Park District will have a Facility Supervisor at every event. Ms. Perez wondered if a renter of the facility would be happy that a stranger enters their private party to do a control buy test.

Mr. Molidor noted that he generally sets up "scatter bars", such as salad bars, buffet style food bars, dessert bars and the wine bar. He noted that there is a limited liquor service area which people will need to approach and he will not have service at the tables. Ms. Strelau envisioned a wedding sit-down dinner where wine is poured at the table. Mr. Molidor noted that the facility does not lend itself well to that type of scenario. He noted that 95% of all banquets he caters, he sets up using the "scatter bars" with the separated area for beverages. He noted that they can guard and observe it better that way.

Mr. Randy Russell of Wine Expressions noted that they did a private party at Naper Settlement and noted that were guests under 21. He stated that he personally carded people at the event. Mr. Mitchell noted that it is their policy to card people that appear under 35.

Ms. Dixon noted that the Park District would be willing to amend their agreement with the caterer to require the "scatter bar" set up and that there always be a separate area where alcohol is served. Mr. Mitchell noted that the area would be controlled. Mr. Molidor noted he would prefer that set up as it encourage people to scatter and mingle. Mr. Mitchell also preferred that the liquor area be separate as it will allow them to control, screen and have more security in the area. Mr. Russell also noted a concern of over service and it can be monitored more closely with this setup. Ms. Strelau stated that this method has helped explain the situation.

Ms. Strelau asked if the Village be able to conduct a control buy based upon how the ordinance is written. Ms. Kuchynka noted that the Village has the authority to check any licensee. She noted that the Village would have to know when a banquet is taking place. She added that there are other establishments in the Village that have banquet facilities, but the Village does not send in an agent into the private party/banquet and noted that the licensee is typically checked in the restaurant or bar area. She noted that the Police Department has a structured way in which they conduct the control buy. She added that staff will need to work with the Police Department to address doing these types of buys in a private setting. She stated that the difficulty with doing the tests is that the Village is not aware exactly when they take place and the

agent may or may not be available at the precise time the event is taking place. She added that if there are other issues such as over service or if the Village receives a complaint that a minor is served, staff will investigate the incident. She stated that the Village can require that the Park District including something in their contract that they are aware the Village has the right to enter the establishment at any time to ensure compliance.

Ms. Perez noted that there seems to be a concern with the catering license in general. Ms. Strelau sensed a bit of apprehension on the part of the Commission as this is not their normal course. She felt the banquet facility is a good idea, but is looking for a way that the Commission would be comfortable issuing a license while the Village maintains control. She was searching for a solution that would make the Commission comfortable with the idea that this activity will be monitored. She stated that she could not support the ordinance if the Village cannot check the licensee. She noted that in order to conduct certain check it could require a higher license costs.

Mr. Adank liked the idea of another banquet facility. He noted his concern about control at banquet facilities and the availability of alcohol on the tables. He liked the idea of having a focused bar with control over the alcohol and the monitoring of what is being served and to whom.

Mr. Molidor wondered how the Village monitors existing establishment banquet service. Ms. Strelau had no idea that banquets were not monitored. She indicated that she would like to discuss the matter under New Business. She noted that when the golf course license was amended to include cart service, provisions and fees were incorporated into the license in order for the Village to conduct a control buy on the course.

Mr. Molidor encouraged the Village to conduct a test. He stated that it would be easy for an individual to enter and approach the liquor service area.

Mr. Kubes asked if the licensee has a violation, how would the license be suspended, especially if they only conduct one banquet a month. Ms. Kuchynka replied that is the erratic nature of this license. She noted the Village would not know if the licensee books events 365 days of the year or just one time a month.

Mr. Kubes was in support of monitoring the banquet facility, but was unsure if the Village can. He thought it would be beneficial to ask the Police Department for input. He stated that an easy solution would be for the licensee to report to the Village when a party is booked and the Village can pick an event to go into to test them.

Mr. Kubes wondered how many events they hope to book. Ms. Dixon replied two bookings a month would be a good goal. Mr. Molidor noted that this being a new activity, it is hard to tell. He felt that they are losing a lot of business by not being able to offer beer and wine service.

Mr. Kubes noted that there will be a bad reflection on the facility if a party is booked and the licensee is served with a violation. He wondered if, when and how a violation would be served. Ms. Kuchynka noted that the Commission has the authority to recommend fines and/or revocation for a violation.

Mr. Kubes noted that the licensee's behavior will be a reflection on the Park District. He wondered what would happen if there was a separation of the caterer and licensee. He noted the Park District would lose the ability to serve and would need to find another party who would be willing to obtain another license. He added that it is a good relationship in that both the catering business and wine serving are concentrating on the business they know.

Mr. Kubes asked staff if they have any concerns. Ms. Kuchynka replied that staff with concerned about those items mentioned this evening. She noted that the ordinance was particularly crafted for the Park

District limitations, has specific limitations and will not allow the licensee to provide alcohol outside of the facility. She was concerned about control buys and what type of disciplinary action that would be appropriate.

Mr. Cawthorne brought up hotel licenses and noted that there is no way to police banquet events at those facilities. Ms. Kuchynka noted that the licensee is tested, however, is tested in the restaurant of the facility. She noted that hotels also have in-room service and gift shop service areas that are not policed. Chairman McInerney noted that there is no structured program in place to test various aspects of business conducted by the licensee.

Chairman McInerney stated that questions raised this evening are tied to the Village's willingness to create the ability for the Park District to host events with beer and wine and how the Village chooses to enforce the catering license and banquet activities. He noted that the Commission creates licenses and agrees with the concept, however, rarely discusses methodology on how the Village is going to enforce the ordinance or incorporate the license structure into Village programs.

Chairman McInerney supported the activity. He stated that the Commission is in support of the concept, however, noted it is an off-measure that the license is being created and structured specifically for the Park District. He felt that concerns have been raised as to how enforcement will take place. He noted that suspension may not be a viable option in the case of a violation and the Village may need to consider fine-heavy penalties in lieu of suspension for catering enforcement.

Ms. Perez stated that staff was concerned on how the functions would be conducted and envisioned something different than what was presented by the Park District group. Mr. Molidor noted that he prefers a more social-type of catering. Ms. Kuchynka noted that staff was most concerned about alcohol being served without food and noted that the ordinance is limited to the Park District facility. She noted that the Village is also requiring that valid contracts amongst the parties be in effect at all times.

Ms. Strelau noted that the Park District will be impacted if Culinary Catering and Wine Expressions sever their working relationship and was something for the Park District to consider.

Mr. Barnett stated that the Commission discussed policing the catering activities and asked that perhaps wording be added to the ordinance that requires liquor service from a service bar only as opposed to allowing the distribution of bottles on the tables. He noted that a clearer path to carding results. Ms. Kuchynka noted that there had been licenses issued in the past by the Village that had service bar only requirements. She stated that the classification can be re-structured to require any liquor service be served directly from a physical bar or area.

Mr. Barnett understood why the Park District does not want to obtain a liquor license. He wondered if it would be better to structure the license with more of a connection to the Park District.

Mr. Barnett asked what would happen if the ordinance change went through and either contractor decided they do not want to participate anymore. Ms. Kuchynka noted that the cater or liquor service provider would need a contract in place in order for the catering license to be issued. She noted that at application, valid contracts between the Park District and caterer as well as the caterer and sub-contractor would need to be provided in order for them to qualify for the license. She noted that the Village should be notified if relations between any of the three were severed.

Ms. Kuchynka was notified by the Park District that they do not wish to hold a liquor license and noted this change as their only means to serve liquor at the facility. She understood Mr. Barnett's reasoning for wanting to tie the license to the Park District and the facility as a whole, but the licensee is the only entity that can be responsible for the alcohol service. Ms. Karen Shannon of the Park District noted that they

wanted to bring in contractors that have a specialty in catering and a specialty liquor serving. Ms. Strelau noted that having all three present tonight provided better insight to what is planned for the facility.

Mr. Kubes stated that he was originally opposed to the idea and felt it better that the Park District be responsible for both the food and alcohol, however, realized they would rather have professionals doing the activities. He noted that any activity, whether good or bad, will be a reflection on the Park District. He felt that the group should further discuss the ramifications if there is a violation.

Mr. Kubes noted that liquor service must only be provided with food service and during certain prescribed hours. Mr. Mitchell noted that rentals are generally limited to a few hours. He stated that the actual amount of consumption is relatively small during limited hours.

Mr. Cawthorne noted that the entertainment class has certain serving restriction times and reference portable bars. He wondered if these restrictions could be incorporated into the Class K license amendment.

Ms. Kuchynka stated that the Commission may motion to forward the item to the Council for consideration. Ms. Strelau stated that she was not comfortable sending the draft ordinance to the Council as is. She noted that monitoring issues have not been addressed. Mr. Kubes suggested that the ordinance be re-drafted and re-presented to the Commission. He noted that service bar only provisions, restricted hours and control buy issues need to be addressed.

Chairman McInerney requested a motion concerning the draft ordinance.

MS. KING MOVED TO DIRECT STAFF TO REVISE THE DRAFT ORDINANCE CONCERNING THE CLASS "K" CATERING LICENSE BASED ON COMMISSION DISCUSSION AND DEVELOP AN ENFORCEMENT PLAN FOR MONITORING COMPLIANCE. MR. CAWTHORNE SECONDED.

VOTE:

Aye: Ms. King, Mr. Cawthorne, Mr. Barnett, Ms. Strelau, Mr. Kubes, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Ms. Kuchynka noted that she will re-draft the ordinance concerning the hours of service, provide for service bar only provisions and would contact the Police Department concerning banquet activities and control buys associated therewith.

Ms. King asked if the license classification requires that all servers have certified training. Ms. Kuchynka replied that is a blanket requirement which applies to all servers and sellers of alcohol.

Ms. Kuchynka noted that there has only been one licensed caterer since the Village established the catering license and noted it was no longer in operation. She noted that the classification was created to regulate those catering businesses operating in the Village and serving alcohol. She was unaware if any surrounding communities require licenses or if they allow caterers who are licensed in other municipalities

to operate within theirs. She noted the issues with private parties. She stated that the State recognizes them as invite only. She noted that regulations were put in place to ensure that licensees were trained and that hours were regulated so the events did not get out of control.

~~Juxtapose House of Art - Cultural/Performing Arts Facility License Classification~~

Ms. Kuchynka resumed discussion from last month's meeting concerning the creation of a Cultural/Performing Arts Facility license. She noted that she provided a draft ordinance in the monthly packet and would like further discussion on the matter. She added that representatives of Juxtapose House of Art were present to provide comments and to answer any questions. She asked that any individuals who wish to speak state and spell their names for the record.

Chairman McInerney asked if the Court Reporter was needed. Ms. Kuchynka requested that the court reporter stay for the discussion.

Kyle Johnson introduced himself as part-owner of the Juxtapose House of Art. Shelli Mullins introduced herself as part-owner of the Juxtapose House of Art. She stated that the ordinance serves their needs but commented on one part of the draft. She wondered if it would be possible to add the word "live" to the section which states "... no (live) nudity is allowed in any performance, design, instruction or exhibition". She stated that Picasso and other artists have art pieces in which partially clothed individuals appear in paintings or as a sculpture. She noted that they plan to allow only over 21 year olds into exhibits which feature nudity but not in a live state. Ms. Kuchynka noted that Section 3-33(d) states that it is unlawful "to permit any entertainment, fashion show, presentation or performance which may include any person in a nude or semi-nude state, including, but not limited to, servers, hosts, hostesses, dancers, singers, models or other performance artists, or to permit role playing interactions" which notably prohibits "live" performances. Ms. Strelau noted that the group discussed not having any live performances that would involve nudity and that the exhibitions be strictly limited to statues and paintings.

Ms. Kuchynka noted that the word "live" can be added to the ordinance, so that art is excluded. Mr. Kubes liked the fact that the owners will limit these exhibits to those who are 21 and older.

Mr. Kubes asked if the Tivoli can sell alcohol during regularly featured movies. Ms. Kuchynka replied no. She added that liquor service is limited to contracted theater rentals which are not open to the general public.

Ms. Kuchynka noted that Section 3-33 also prohibits such things as fashion shows and contests.

Ms. Kuchynka asked the representatives if they fully understood all of the other provisions of the license classification. She mentioned a "service bar only" with no seats. She stated that the Village wants the liquor serving area to remain in one location, however, allows for the gallery to be re-arranged in order to accommodate exhibits. She stated that no bars or portable beer tubs are allowed in other areas of the facility. She asked if they are aware of the food service requirements. The group replied yes.

Ms. Kuchynka asked the Commission to comment on item #7 in the draft ordinance which reads that "the Village may request the licensee to submit a report setting forth any planned events currently scheduled by the Licensee and the activities during the twelve months prior". She wanted to know if it would be appropriate to include this provision in the event the Village experiences police activity. She noted that the Village may be better able to pinpoint why there are issues and/or associate any problematic activity with events scheduled at the facility. She stated that the Village is not requiring reports but simply reserving the right to request information from the licensee in order to monitor activity if problems necessitate it.



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December 18, 2007

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The Honorable Ronald Sandack
Mayor and Liquor Commissioner

Re: Proposed Ordinance Change - Park District Catering

Dear Mayor Sandak:

On December 6, 2007 the Liquor Commission considered a draft ordinance concerning an amendment to the catering license classification for the Park District. The following finding was made:

MR. BARNETT MOVED TO FORWARD THE DRAFT ORDINANCE CONCERNING THE CLASS "K" CATERING LICENSE, AS AMENDED, TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. Strelau, Ms. King, Mr. Cawthorne, Mr. Kubes, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Further discussion of this subject can be found in the December 6, 2007 minutes of the Liquor Commission (attached).

Very truly yours,

Daniel McInerney, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

a\ParkDist-Catering-final



Hearing the testimony given in this case, Chairman McInerney 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", full alcohol, outdoor liquor license.

MR. KUBES MOVED TO FIND D&R CATERING CO. D/B/A SHANAHAN'S FOOD & SPIRITS, LOCATED AT 2099 OGDEN AVENUE, QUALIFIED FOR A CLASS "O" OUTDOOR LIQUOR LICENSE. MS. KING SECONDED.

VOTE:

Aye: Mr. Kubes, Ms. King, Mr. Cawthorne, Ms. Strelau, Mr. Barnett, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Mr. Moore commented on the expedience of staff and the help they provided.

IV. OLD BUSINESS

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

Park District Request - Class K Catering License Amendment

Ms. Kuchynka commented on the revised catering ordinance for the Park District. She stated that amendments were made based on discussion at last month's meeting. She noted that Karen Shannon and Sandy Dixon of the Park District were present to answer any questions.

Ms. Kuchynka stated that the ordinance was revised to create a catering license specific for the Park District, which shall be limited to one in number. She noted that the classification incorporates compliance issues, no table service of wine and that beer and wine is to be served from a single location.

Ms. Kuchynka advised the Commission that Wine Expressions has submitted a Special Event Liquor License Application for a wedding reception to be held at the Recreation Center on December 29, 2007.

Mr. Barnett was not comfortable with the wording that requires reporting of past events. He wondered who actually reviews the report and what use it serves. Ms. Kuchynka stated that she would review the report in order to see what types of activities are taking place at the facility. She noted that the report for future events would serve as a means to determine dates that a special agent could be sent in for compliance testing. She recalled changing the wording on the Cultural/Performing Arts Facility that the

Village may request reports. She noted that the Village is reserving the right to look at past records in the event there was a problem at the facility. Ms. Kuchynka noted that the Park District activities will not take place on a daily basis and the Village can review activity. Mr. Barnett wondered if that information was useful. He felt that the future reporting makes sense so the Village can monitor compliance. He noted that if a past event caused problems there will be other reports such as DUI Notification reports or police reports. He stated that he is generally opposed to monitoring licensees for the sake of monitoring.

Ms. Kuchynka asked Mr. Barnett if he preferred that the Village "may" request in lieu of "shall" request information on past events. Mr. Barnett stated he would prefer wording that the Village "may" request the past report.

Chairman McInerney stated that he was not opposed to the Village requiring a report of past events. He stated that the Village would be in the dark on any activity that takes places at these facilities.

Ms. Strelau thought the Village was using reports to determine when to do a control buy. Ms. Kuchynka noted the future reports would provide a time line for compliance testing. Ms. Strelau understood that the future event calender may be sketchy. She noticed that Ms. Kuchynka wrote to the Police Department about conducting control buys. Ms. Kuchynka stated that when the Village is given the date and time of a proposed event, a control buy can only be done depending upon the availability of an agent and the officers. She noted that there are some issues and procedural concerns about conducting a control buy at a private event. She noted that it will be a learning process. Ms. Kuchynka noted that compliance monitoring language may also need to be added to the other catering license classification, special event licensing provisions and for those establishments that have banquet facilities.

Mr. Cawthorne felt that the past report would give the Village the ability to deal with problematic events. Ms. Strelau added that the Village will have other things such as police reports to monitor bad activity. She stated that she gets frustrated with past information that the Village obtains, as it seems that nothing can be done to correct a problem.

Ms. Kuchynka stated that in lieu of the past report being a required submittal, the draft language can be revised to reserve the right to request past information in order to determine if an activity or event was related to an incident. She did wish to make the future report a requirement in order for the Village to plan a compliance test.

Mr. Barnett asked if the reporting requirement will involve any other caterers. Ms. Kuchynka stated that there are no catering licensees issued at this time. Mr. Barnett asked about Shikara Restaurant & Ashyana Banquets. Ms. Kuchynka replied that they have a restaurant license.

Mr. Kubes asked if Mr. Barnett was uncomfortable with the ordinance. Mr. Barnett replied that he was not comfortable that licensees "shall" report to the Village. He noted that the Village is requiring licensees to go through a reporting sequence that may or may not be utilized. Mr. McInerney supported the language and felt that the catering licenses and some banquet facilities get a free pass on enforcement and felt that it was good to have some sort of records on the establishment. Mr. Kubes agreed. He felt that it gives the Village some structure for the future.

Ms. Kuchynka stated that she could revise the ordinance to require future activity reports and reserve the

right to request reports for past activity.

Chairman McInerney took a poll on the ordinance as written. Two members approved it as written. Five members approved the ordinance with an amendment requiring licensees to submit a future report, but submit a past report only as requested by staff.

Chairman McInerney requested a motion concerning the draft ordinance.

MR. BARNETT MOVED TO AMEND THE DRAFT LANGUAGE CONCERNING REPORTING REQUIREMENTS OF THE CLASS "K" CATERING LICENSE.

VOTE:

Aye: Mr. Barnett, Ms. Strelau, Ms. King, Mr. Cawthorne, Mr. Kubes, Mr. Adank,

Nay: Chairman McInerney

Abstain: None

MOTION CARRIED: 6:1:0

The Motion carried.

Chairman McInerney requested a motion concerning the draft ordinance and consideration by the Village Council.

MR. BARNETT MOVED TO FORWARD THE DRAFT ORDINANCE CONCERNING THE CLASS "K" CATERING LICENSE, AS AMENDED, TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. STRELAU SECONDED.

VOTE:

Aye: Mr. Barnett, Ms. Strelau, Ms. King, Mr. Cawthorne, Mr. Kubes, Mr. Adank, Chairman McInerney

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The Motion carried.

Ms. Kuchynka advised that the Village Council will not be meeting on December 24th or January 2nd as the meetings fall on holidays. She noted that she would attempt to put this item on the January 8th Council Workshop agenda for consideration. Ms. Kuchynka advised Ms. Shannon and Ms. Dixon that she would forward application materials after the Council meeting.



August 7, 2007

Ms. Carol Conforti
Liaison to the Liquor Commission
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Carol:

As you know, the Downers Grove Park District (DGPD) has entered into a contract with Culinary Arts Catering (CAC) to provide catering services for private party events at the DGPD Recreation Center located at 4500 Belmont Avenue. These events may include birthday and anniversary parties, baby and wedding showers, business meetings and other similar social events. CAC will provide the food services and their sub-contractor City Club (CC) will provide the alcohol (beer and wine only) and service for the events pursuant to the granting of a license.

The Park District is requesting consideration of an amendment or change to the current liquor license ordinance to allow the sale and consumption of beer and wine at the DGPD Recreation Center by CC for the above-mentioned events. Per our previous discussions, attached is the suggested language prepared by the Park District's attorney Rob Bush of Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.

Thank you for your assistance with this request to continue to expand usage of the Recreation Center as well as to expand services to the residents of our community.

I will contact you the week of August 13th to further discuss this matter with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen I. Shannon".

Karen I. Shannon
Director of Facilities

(Less attachment)

Cc: Dan A. Cermak, Administrator

