

VILLAGE OF DOWNERS GROVE  
COMMUNITY EVENTS COMMISSION  
COMMITTEE ROOM  
DOWNERS GROVE VILLAGE HALL  
March 20, 2008

**PRESENT:** Chairman Martin Tully Mr. Dave Humphreys, Ms. Patti Marino,  
Ms. Ellen Pendola, Ms. Becky Rheintgen, Mr. Richard Szydlo,  
Staff: Ms. Mary Scalzetti, Ms. Barb Martin, Ms. Susan Larson

**ABSENT:** Ms. Kelsey Greysik, Ms. Tessa McGuire, Ms. Linda Kunze, ex-officio

**GUESTS:** None

**I. APPROVAL OF FEBRUARY 28, 2008 MEETING MINUTES**

There being no changes to the minutes, the Board approved the February 28, 2008 minutes.

**II. PUBLIC COMMENT - None**

**III. DIRECTOR'S REPORT**

**A. Extension of Heritage Festival Contract's**

**1. Tables, Tents & Chairs**

Ms. Larson reported that Staff went out for a Request For Proposal (RFP) for Tables, Tents and Chairs in 2007 and Chicago Party Rental was awarded the bid. They would like to extend their contract for 2008 and have agreed to hold to their 2007 pricing. Ms. Larson explained that per the Village's purchasing policy, a contract can be renewed two times provided the cost does not exceed a 2% increase over the initial cost of the contract. She noted that Staff is satisfied with their work last year and are recommending that their contract be extended for the 2008 Heritage Festival.

**MS. PENDOLA MOVED TO RECOMMEND TO THE VILLAGE COUNCIL TO ACCEPT STAFF'S RECOMMENDATION TO EXTEND THE 2007 CHICAGO PARTY RENTAL CONTRACT TO PROVIDE TABLES, TENTS, AND CHAIRS AT THE 2008 HERITAGE FESTIVAL. MS. MARINO SECONDED .**

**Yea:** Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola  
Ms. Becky Rheintgen, Mr. Richard Szydlo

**Nay:** NONE

**The motion carried 5:0**

**2. Electrical Services**

Ms. Larson reported that staff went out for a Request For Proposal (RFP) for Electric in 2006 and Goorsky Electric was awarded the bid. Goorsky Electric would like to extend their contract for 2008. They will not be increasing their costs. Last year their cost was \$6,419.00 which includes the Thursday night concert. Ms. Larson noted that staff is satisfied with their work and is recommending that their contract be extended for the 2008 Heritage Festival. This would be the last extension to the 2006 contract.

**MR. HUMPHREYS MOVED TO APPROVE THE FINAL EXTENSION TO THE 2006 GOORSKY ELECTRIC CONTRACT TO PROVIDE ELECTRICAL SERVICES AT THE 2008 HERITAGE FESTIVAL. MS. PENDOLA SECONDED.**

**Yea: Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola  
Ms. Becky Rheintgen, Mr. Richard Szydlo**

**Nay: NONE**

**The motion carried 5:0**

**B. Request for Proposal (RFP)**

**1. Fireworks**

Ms. Martin reported that staff went out for a Request For Proposal (RFP) for Fireworks for the 2008 Heritage Festival because scope of service has changed from 2007. The Heritage Festival budget in 2007 allowed for three days of fireworks for the 175<sup>th</sup> Anniversary. For the 2008 festival, the budget allows for fireworks on two days, Friday and Sunday. Four responses were received to the RFP. After careful review of the RFP's, it is staff's recommendation to approve the Central States RFP. Ms. Martin noted that the Fire Prevention Dept has also had an opportunity to review the RFP's and concurs with Community Events staff recommendation. Staff has worked with Central States for the past two years and is satisfied with their work. Central States is also providing sponsorship in the way of extra fireworks valued at \$900.00. Chairman Tully suggested that in the future, staff require the fireworks vendors to submit a video of their displays along with the RFP.

**MR. HUMPHREYS MOVED TO APPROVE THE RFP SUBMITTED BY CENTRAL STATES TO PROVIDE FIREWORKS AT THE 2008 HERITAGE FESTIVAL. MS. PENDOLA SECONDED.**

**Yea: Mr. Dave Humphreys, Ms. Patti Marino, Ms. Ellen Pendola  
Ms. Becky Rheintgen, Mr. Richard Szydlo**

**Nay: NONE**

**The motion carried 5:0**

**IV. OLD BUSINESS**

**A. Heritage Festival Update**

**a. Entertainment Update**

Ms. Scalzetti is waiting for final word from Mark DeCarlo regarding his performance at the Tivoli. She is also working with Shirley Johnson at the Tivoli to play the Jimmy Neutron movie after the performance.

**b. Thursday Night Concert**

Mr. Martin reported that Ms. Scalzetti has put a bid in for Veritcal Horizon for the Thursday Night Concert. The band is available on that date, but the agent has not yet responded to the bid.

**V. NEW BUSINESS**

**A. Heritage Festival Buses**

Ms. Scalzetti reported that the Belmont and Fairview Train Sation stops will be added back this year due to the large number of festival patrons utilizing the buses at the high schools last year. She explained that she has been contacted by a bus company who is interested in sponsorship at the festival and might be able to provide supplemental buses for use at the train stations. Ms. Scalzetti noted that the Village is anticipating the arrival of several new buses which might be available for use at the festival, depending on their arrival time. Ms. Rheintgen suggested contacting SEASPAR for the use of their mini coaches in the event the new buses don't arrive in time.

**B. Parking Deck Assistance**

Ms. Scalzetti reported that the Village Council is reviewing the Request for Proposal (RFP) for parking deck assistance to make recommendations to the specifications. The RFP this year includes a 60/40 split which is consistent with Beer Garden and the Amusement Ride RFP's. Ms. Scalzetti is working with Ms. Kunze to provide parking space in the parking deck on Friday for employees of downtown businesses. This year the groups monitoring the parking deck will be conducting a survey during the festival to determine who is utilizing the deck.

There being no further discussion, the meeting adjourned at 7:00 p.m.

The next meeting is scheduled for April 17, 2008.

# **DOWNERS GROVE FOREIGN FIRE INSURANCE FUND**

## **Meeting minutes for the March 19, 2008 meeting held at Downers Grove Fire Station #3**

**Attendees:** Lt. Joe Difatta, FF/PM Sig Markowski, FF/PM C. Brainard, Lt Fred Pajak

**Guests:** Fire Chief Phil Ruscetti, Deputy Chief Bob Tutko, Deputy Chief Jim Jackson  
FF/PM Bret Mowery

### **Meeting was called to order at 8:10 A.M.**

Brainard asked if there were any changes needed to the December 11, 2007 meeting minutes as drafted by Difatta. No changes requested. MOTION made by Difatta to approve 12-11-2007 meeting minutes as drafted. SECONDED by Brainard. MOTION PASSED.

### **Treasurers Report**

Pajak related that the balances were as follows:

\$104,452.92	checking
\$ 38,703.20	Widow's Fund

Pajak related that the 2% Fund expended a total of \$73000 in 2007.

Pajak handed out copies of the 2008 2% Fund Budget.

MOTION made by Markowski to approve Treasurers Report as read. SECONDED by Difatta. MOTION PASSED.

### **Old Business**

Brainard discussed the need to revise the 2% Fund purchasing policy by the following:  
If safety gear/equipment is purchased with the DGF, 2% Fund will pay the difference in the upgraded gear/equipment. More to follow at subsequent 2% Fund meetings.

At 0824 hours, Fire Chief Ruscetti stated he had another commitment; he then presented a request for purchase for two (2) thermal imaging cameras. Drafted by BC Pindelski. This item was referred to New Business.

Brainard related the status of TeleStaff. Training is in progress for all FD members at this time.

Pajak discussed the 2008 Budget. Pajak recommended that the Budget be established by May 1, 2008 for 2009 year as per Village Financial Officer Judy Buttny. Pajak

recommended that major purchases be cut off by November 2008 with all purchases made by December 1, 2008.

Fire Station #2 and the 2 % Fund monies allotted were discussed by Fire Chief Ruscetti. Ruscetti discussed the Villages position. No invoices, as requested by the 2% Board, can be provided for professional services fee. Ruscetti thanked the 2% Fund and Board for the allotment of monies for the Station #2 project.

### **New Business**

Deputy Chief Tutko presented a request for purchase including the following:

\$14,000.00 for Fitness Equipment for Station #2

\$ 1666.00 for updated Badge Case for Station #2

Tutko related the FD did not budget for either request. Tutko related the FD plans to use Station #2 as the Fitness lead for equipment change/review. Tutko related that the Badge Case update includes a new like case with all the badges from the mid-1980's on.

MOTION by Brainard to purchase up to \$14,000 for Fitness Equipment for Station #2.

SECONDED by Pajak MOTION PASSED. MOTION by Pajak to ½ cost share, up to \$900, for the badge case for Station #2. SECONDED by Markowski. MOTION PASSED.

Discussion was held on the Darien-Woodridge/ Downers Grove Station 2 Television possession status at moving time. Fire Chief Ruscetti stated he needed to check with the Village Hall on this matter. Follow up to be ready for the next 2 % meeting.

Markowski asked Deputy Chief Tutko if the new Fire Station #2 will have a stereo for the dedicated Fitness Room. Tutko replied none will be provided. MARKowski stated he will follow up this in the future.

At this time, the referred item for purchase was presented on behalf of Fire Chief Ruscetti and BC Pindelski. Brainard read BC Pindelski's report on Thermal Imaging Camera's. Cost estimate was not to exceed \$7500 per camera. MOTION by Markowski to purchase one (1) thermal image camera at ½ cost up to \$3700. SECONDED by Difatta. MOTION PASSED, 3-1, with Pajak voting nay.

Request for purchase from Administration for a coffee pot not to exceed \$425. MOTION by Pajak. SECONDED by Markowski. MOTION PASSED, 3-1, with Brainard voting nay.

Request for purchase from Station #5 for a Fitness rowing machine not to exceed \$1300. MOTION by Brainard. SECONDED by Pajak. MOTION PASSED.

Discussion was held on the re-allotment of line item funds for Station purchases. Pajak related the Line Item #5280 was currently \$4000 each Station and same for Administration. MOTION by Brainard for the following:

Line Item #5280 as of June 1, 2008	
Administration	\$4000
Station #1	\$2500
Station #2	\$5500
Station #3	\$4000
Station #5	\$4000

SECONDED by Pajak. MOTION PASSED.

Fund Officer Roles were discussed. Brainard related this year would be his last eligible term. Brainard nominated Difatta as President. Brainard nominated Markowski as Secretary. Brainard nominated Pajak as Treasurer. Difatta nominated Brainard as Vice President. No other nominations were called. All nominated persons were passed and will take their office at the April 2008 meeting.

### **Good of the Fund**

None heard from the Board or the floor.

Next meeting date was discussed. Set as follows:

April 22, 2008 at Fire Station #1 8AM

May 29, 2008 at Fire Station #5 8AM

Pajak MOTIONED for Adjournment. SECONDED by Markowski. MOTION PASSED.

Respectfully submitted by

Lt Joe Difatta

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
April 9, 2008**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:33 p.m. Trustees present: DiCola, Greene, Humphreys, Read, Vlcek, Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Director Carlson. Visitors: none.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of March 26, 2008. It was moved by Greene and seconded by Vlcek **THAT THE MINUTES OF THE REGULAR MEETING OF MARCH 26, 2008 BE APPROVED AS WRITTEN.** Ayes: DiCola, Greene, Humphreys, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

**PAYMENT OF INVOICES**

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR APRIL 9, 2008 TOTALING \$36,010.01 AND ACKNOWLEDGE PAYROLLS FOR MARCH 2008 TOTALING \$156,842.54.** Ayes: DiCola, Greene, Humphreys, Read, Vlcek, Daniels. Abstentions: none. Nays: none. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS**

None.

**OLD BUSINESS**

**--Continue discussion on changing trends in library service**

The library staff read the minutes of the board meetings closely, and some staff were concerned that the minutes of the March 12 meeting, when Bowen talked about how the number of homework questions that staff deal with has diminished, made it sound like the library no longer has teenaged patrons. Bowen clarified that the library is heavily used by Downers Grove teenagers. Teens are readers and do use the young adult collection. Teen Central is often filled with young people after school and during the evening. In fact, the whole second floor is often busy with students studying or working on group projects. One of the reasons that the library has so many discipline problems with teens, is that the trouble-makers know they can find their fellow students at the library. Further, over the past ten years the circulation of audio visual materials – music and video recordings -- has increased from 15% to over 30% of the library's total circulation, and teens borrow heavily from the AV collections. Finally, the schools do assign extensive summer reading to students, and students do come to library staff for help in finding books they might enjoy, or that are really short. Bowen wanted to get on record that teens do use the Downers Grove Public Library.

## **NEW BUSINESS**

### **--Annual review of the Library Director**

Since all Board members will be available, they will do the Library Director's annual review at the April 23 meeting. The Trustees expressed great support of Bowen, and felt his years of experience and record of service for the Downers Grove Library made the review form they used last year not very useful for evaluating him. They, however, decided to use the form again this year just for the structure it provides, and to use Bowen's annual narrative. For future reviews, the Board requested that Bowen write both professional and library goals, using the strategic plan, so they can do his annual review based on those goals. Bowen will email the review form to the Board members, so they can add comments and email it to Board President Daniels by Monday, April 21.

## **REPORT FROM THE ADMINISTRATION**

Bowen received notification from the Secretary of State's Office that the library has been awarded a FY 2008 Per Capita Grant of \$58,990.15. (This is slightly less than last year's \$59,614. This year is \$1.21 per capita; last year was \$1.224.) Bowen heard recent news reports that the Illinois treasury is about empty, so he expected that the checks would not be arriving very soon. However, he was at an MLS meeting the day before, and at least one library had already received their check.

Bowen reported that the previous week had been a little rough as the library had a lot of minor discipline problems with both teens and homeless patrons. The Downers Grove Police Department has issued a special call to officers asking them to walk through the library from time to time, and the staff has seen officers in the library much more frequently. The current week had been fairly quiet so far.

There have been problems with the library's network back-up system, and after considerable testing, HP acknowledged that the tape drive that was shipped in the new server was not working properly and agreed to send a new drive. In the meantime, staff was not able to do regular backups. Then in trying to restore a single file from a backup tape, the system began overwriting other files from the backup. Before the backup was stopped, a number of files were overwritten with earlier versions, including Bowen's spreadsheet for the 2009 budget that he had spent a fair number of hours working on. Bowen saves copies in two places on the network, in his personal file and in the administrative shared files. However, both were replaced by the earlier file. Ted Waltmire and the library's IT consultant are still attempting to recover the lost files, so there is still hope that they can be retrieved.

Bowen verified that the Trustees were able to open the compressed file with the board packet documents, and confirmed that the Board is ready to go all-digital for board packets in the future. Trustees requested that all the Board packet documents be compiled into one file.

At a previous Board meeting, Trustee Greene had suggested that the library promote the Chihuly bowl in the library's art collection while "The Glass Experience" exhibit is running at the Museum of Science and Industry. In response, the library's publicity and reference staff collaborated to create both a display near the art piece and a new bookmark of resources entitled "Chihuly and Glass as Art." Bookmarks were distributed to the Board.



Bowen announced that the Village is beginning plans to conduct a third Total Community Development study, TCD3, and he asked the Board to consider the library's involvement and issues for discussion. TCD2 in 1994 provided a lot of support of the expansion of the library and the need to keep the library in the central business district, rather than moving to a new location. Board President Daniels and Bowen will be meeting with the Mayor and Village Manager on April 25 to discuss the project. Bowen suggested the homeless population and teenagers with nothing to do as issues for discussion, and the Trustees added the issue of parking.

### **TRUSTEES REQUEST FOR INFORMATION AND ANNOUNCEMENTS**

Trustee Vlcek had called local school districts to inquire about online tutoring programs currently offered to students, and to find out if there would be any interest or support of the library offering the online Tutor.com service. Teachers and students use online services and software programs, such as KLC (Knowledge Learning Corp) and Blackboard, but no online tutoring service like Tutor.com is currently available to students.

Trustee Vlcek asked the Board do discuss a Board policy for recognizing major life-cycle events and serious illness of library staff. Currently there is a staff policy, but the Board itself has not recognized such events. This will be on the agenda of a future Board meeting.

President Daniels reported that Travelers Insurance has sent a settlement check to the LCF (Library Community Foundation) for \$81,000 for distribution among the libraries that lost money as participants of the former LCF. This amount covers about 70% of the lost funds. The Downers Grove Public Library Foundation did not lose any money, so it is not entitled to receive any funds from this disbursement, but it does indicate the LCF's problems are coming close to a final resolution.

Trustee Humphreys reminded Board members to save the date of May 17 for the Village workshop on boards and commissions.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 8:29 p.m.

## **THE CARPET SELECTION COMMITTEE MEETING**

April 9, 2008

The committee met to review carpet samples for the re-carpeting of the main lobby area. No decision was reached on a final recommendation to bring back to the Library Board. The meeting adjourned at 10:00 p.m.

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

Thursday, April 4, 2008

**I. CALL TO ORDER**

Chairman McInerney called the April 3, 2008 Liquor Commission meeting to order.

**II. ROLL CALL**

**PRESENT:** Ms. King, Mr. Kubes, Mr. Cawthorne, Ms. Strelau, Mr. Barnett, Chairman McInerney

**ABSENT:** Mr. Adank

**STAFF:** Assistant Village Attorney Ann Marie Perez, Liaison to the Liquor Commission Carol Kuchynka

**OTHERS:** Mark Horstman, Joe Kumkoski, Gary Brady, Ronald Bologna, Chris Reum, Brian Sweeney, Ken Rathje, Mike Zengailani, Reggie Benjamin, Iwona Burnat, Rachael Van Helkenberg, James Ihssen, Greg Bedalov, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman McInerney asked for approval of the minutes and asked members if there were any corrections, changes or additions.

Hearing no other changes, corrections or additions, the minutes of the March 6, 2008 Liquor Commission meeting were approved.

Chairman McInerney 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 to take the minutes verbatim.

**V. APPLICATION FOR LIQUOR LICENSE**

Chairman McInerney made the following statements:

"The first order of business is to conduct a public hearings on liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner"

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of

the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

"A court reporter is present to take the proceedings verbatim. Staff is also present for purposes of summarizing the proceedings."

**Apollo's Wings, LLC d/b/a Wingstop**

Chairman McInerney stated that the next order of business was an application hearing for Apollo's Wings, LLC d/b/a Wingstop located at 2589 Ogden Avenue, Unit #2. He noted that the applicant is seeking a Class "R-2", beer and wine only, on-premise consumption liquor license.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Mark Horstman was sworn in by the court reporter. He introduced himself as the owner and general manager of Wingstop

Mr. Horstman stated that Wingstop is a franchise that is popular in the southern and costal areas of the United States. He noted that they have been expanding and moving their market north for the past few years. He stated that they will sell chicken wings and side orders in a family-oriented restaurant which provides a great dining experience at an exceptional value. He stated that they are seeking a beer and wine license.

Chairman McInerney asked if there were any comments from staff. Ms. Kuchynka stated that there are contingencies on the issuance of this license which include receipt of a certificate of occupancy, payment of the annual fee, receipt of satisfactory background checks and receipt of dram shop insurance. She stated that the background checks remain incomplete. She stated that they do not plan on occupying the site until June or July, which would allow sufficient time for background checks to be completed. She stated that the location is a new build out on Ogden Avenue. She stated that a final floor plan will be required and noted that the beer taps on the current floor plan will be removed from the plan.

Chairman McInerney asked if there were any comments from the public on the application. There were none.

Mr. Kubes asked how many employees Mr. Horstman plans to hire. Mr. Horstman replied 12. He stated that he and an assistant manager will be running the store. He stated that this will be one of three restaurants he plans to open. He stated that he is also seeking to open a location in Bolingbrook and the LaGrange area. He stated that he will hire and train two managers. He stated that he and his managers will head to Texas for an intensive 4-week training course on corporate Wingstop policies and procedures.

Mr. Kubes asked where the location is on Ogden. Mr. Horstman stated it is south of the Tollway

Authority in the new strip mall.

Mr. Kubes asked if all employees will be over 21. Mr. Horstman advised they may have some under 21 employees working in the back. He is aware that they would not be able to card or ring up sales and he would be sure all who took subsequent orders were in compliance with the law. Mr. Kubes referred to the manual about 19 year old servers could take subsequent orders. He wondered how many servers would be under 21. Mr. Horstman stated that he would rather not have any servers under 21. He stated only 21 and older employees would be hired as a "point person".

Mr. Horstman described the atmosphere as "fast-casual". He noted that all food is made to order.

Mr. Kubes asked if they will have a liquor log and asked if training would be mandatory. Mr. Horstman replied yes. Mr. Kubes asked Mr. Horstman if he is BASSETT certified. Mr. Horstman replied that he will be. He stated that he has obtained a list of trainers in the area and noted that the Village will also conduct an on-site training seminar for his staff prior to opening.

Mr. Kubes noted on the application that Mr. Horstman has no liquor handling experience. Mr. Horstman replied that he has had business experience, but noted that this was his first restaurant. He stated that corporate provides excellent training and resources and that the model was good for someone without prior restaurant experience.

Ms. Kuchynka requested that Mr. Horstman clarify the responsibilities of the "point person". Mr. Horstman advised that they do not have servers that take orders at the table. He stated that orders are taken at the main register. He stated that they take the order, exchange money, open and serve the beer and wine from the counter. Mr. Kubes asked if any staff walked the floor. Mr. Horstman replied no. He noted that they gather trash. Mr. Kubes was concerned that adults will share drinks with minors if they are not monitored. Mr. Horstman replied that they would pay attention to customers and staff will need to be aware of suspicious behavior. He stated that his employees will be trained to observe, monitor and report and did not feel it would be that hard to monitor and discourage that they of behavior. He stated that they will take steps if it becomes a problem with adults sharing drinks with minors. Mr. Kubes encouraged Mr. Horstman to be more proactive in the matter rather than reactive to the potential problems of adults sharing drinks with minors.

Mr. Kubes asked about the cash register system and asked if the register has a date of birth entry or override system. Mr. Horstman replied he was unsure but noted it was a point of sale (POS) system. He added that the register is tied in with the entire Wingstop franchise and they keep track of sales. He was sure it would not be difficult to have the feature included which would prompt employees to enter the date of birth of a customer to complete the sale.

Mr. Horstman stated that compliance to their franchise agreement is a top priority. He stated that they are subject to sanctions or revocation of their franchise agreement if they do not adhere to very strict standards of corporate Wingstop. He stated that he has to go through four weeks of intensive training as an owner. He stated that he will be bringing along two managers and wants to ensure that they fully understand company policies and procedures.

Ms. Strelau felt that the manual was well done. She asked about their legal serving hours. She noted that they plan to open at 11 AM, however, Downers Grove does not allow service until 12 noon on Sundays. She wondered how they were going to be sure that sales do not take place before noon. Mr.

Horstman stated that he can check if the register has a program in which they can enter a time system which will not allow the ringing up of beer and wine before the allowable sales hours. He needed to ensure that whatever register system they get is compatible with the corporate system. He added that forms will be posted which will reiterate allowable sales hours.

Mr. Horstman stated that training is the most important thing for a successful business. He noted that training will be continuous. He stated that his greatest role and highest priority will be to train his employees in serving food and drink in a safe, law abiding manner. He stated that he plans to layout the rules and plans to be very strict. He stated that if employees follow the rules and management is stringent with employees it will increase his chances of success. Ms. Strelau commented that the licensees they do not see back for disciplinary hearings are diligent in their training.

Ms. Strelau liked the idea that they will monitor the dining area and that they will not allow patrons to just have a drink without ordering food. She commented on page 8 of the manual which referred to "intervention with minors" and instruction on how to take a drink from a minor. She understood that someone over 21 may try to allow someone under 21 to consume a beverage they obtain. She felt that at no point should there be a policy in place on how to take a beverage from a minor. Mr. Horstman replied that they were trying to cover all the bases in their training policy in the event someone under 21 gets their hands on an alcoholic beverage. Ms. Strelau felt it should be re-worded that it is not acceptable. Mr. Horstman did not want to give his employees the impression that at any time that it is acceptable to allow someone under 21 to consume. He added that the intent was for employees to intervene in the event someone over 21 tries to share their drink. Mr. Horstman stated that they will re-word the manual so as not to give the wrong impression that it is acceptable for someone under 21 to have a drink.

Ms. King stated that the manual was very comprehensive and she thought the information on alcohol facts contained therein was helpful. She asked what their termination policy would be for employees who serve a minor. Mr. Horstman stated that there are provisions in the manual about disciplinary action and termination. He stated that they would re-train but was unsure if he would terminate someone immediately if they made a mistake. Ms. King wondered what control over employees does a franchisee have. Mr. Horstman stated that the franchisee has absolute control over the hiring and firing of employees. Ms. King suggested that they consider a stricter termination policy and included it in writing. She stated that the Commission likes to see a termination policy for employees who are involved in the sale to a minor. He agreed with that policy.

Ms. King asked the percentage of alcohol sales and asked if the low amount disclosed was typical of the franchise. Mr. Horstman replied yes, and stated that the small percentages are even normal of those facilities located within major cities. He stated that few people come into the establishment and order alcohol.

Mr. Cawthorne asked if there are televisions in the restaurant. Mr. Horstman replied yes.

Mr. Cawthorne asked the hours of operation. Mr. Horstman replied 11 AM to midnight.

Mr. Cawthorne asked Mr. Horstman if he was aware that the Village conducts a Control Buy Program where they send in underage individuals to attempt liquor purchases. Mr. Horstman replied yes.

Mr. Cawthorne reiterated Ms. King's comment about adding the termination policy and noted that fines are issued by the Village for a failed control buy. He suggested that Mr. Horstman also offer employees

incentives if they pass a Village control buy. He felt it was a nice way to recognize employees.

Mr. Cawthorne asked about the floor plan and wondered if there was a bar or if all the beer and wine was contained behind the counter. Mr. Horstman replied it would be served from behind the counter. Mr. Cawthorne asked where the televisions were located. Mr. Horstman replied that it is toward the back of the establishment, but will not serve as entertainment or to keep customers there to watch a big game. He noted that 80% of the business is carry-out.

Mr. Barnett advised Mr. Horstman to operate his business as he wants but take the Commissioners recommendations as helpful hints.

Mr. Barnett stated that Commissioner Strelau touched on diligence. He felt that the level of importance management places on liquor issues for its employees is key. He stated that an incentive as well as a termination policy needs to be clear. He stated that the liquor sales are relatively small and a failed control buy could be very costly for the establishment. Mr. Horstman appreciated the additional feedback and suggestions from the Commission. He planned to incorporate the incentive program.

Mr. Barnett suggested for Mr. Horstman to look to the Legal Department staff for help, advice and direction.

Chairman McInerney welcomed the applicant. He stated it is nice to see a resident of the community investing in a Downers Grove business.

Chairman McInerney stated that over service and under age service are the two primary concerns of the Commission. He stated that management sets the culture of acceptable behavior for the employees. He stated that having a liquor license is a privilege.

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 "R-2", beer and wine only, on-premise consumption liquor license.

**MR. BARNETT MOVED TO FIND APOLLO'S WINGS, LLC D/B/A WINGSTOP LOCATED AT 2589 OGDEN AVENUE, UNIT #2, QUALIFIED FOR A CLASS "R-2" BEER AND WINE ONLY, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KUBES SECONDED.**

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

**Nay:** None

**Abstain:** None

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

The Motion carried.

**SWOK Downers Grove, Inc. d/b/a Westbrook Market II**

Chairman McInerney stated that the next order of business was an application hearing for SWOK

Downers Grove, Inc. d/b/a Westbrook Market II located at 2065 63<sup>rd</sup> Street. He noted that the applicant is seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He 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. Joseph Kumkoski was sworn in by the court reporter. He introduced himself as the owner and liquor manager of the Westbrook Market II. He stated that he and his father currently operate the Westbrook Market in Westmont. He advised that the Downers Grove location will be their sixth store opening. He stated that they will have only two stores in operation at this time. He stated that he is happy that they are in close proximity to each other. He stated that his father has 50 years of experience and he has 20 years of experience in the business. He advised that they have a license from the Village of Westmont and held a license in Wood Dale previously. He stated that they have operated the Westmont store for four years and have had no problems.

Chairman McInerney asked if there were any comments from staff. Ms. Kuchynka stated that there are contingencies on the issuance of this license which include receipt of a certificate of occupancy, payment of the annual fee, receipt of satisfactory background checks and receipt of dram shop insurance. She stated that the federal background checks have been completed but state and local checks remain incomplete. She stated that a final floor plan will be required after build out.

Chairman McInerney asked if there were any comments from the public on the application. There were none.

Mr. Barnett asked Mr. Kumkoski about his role as liquor manager. Mr. Kumkoski replied that he will be hands-on at the Downers Grove location and will be responsible for buying liquor and overseeing the front end. He added that a front end manager, store manager and two office workers will be relocated to the Downers Grove location from the Westmont store. He stated that they are very well aware of his policies and know how to handle liquor and will oversee the new employees at the new store who will be handling liquor.

Mr. Barnett asked how many employees will be directly involved in the sale of liquor. Mr. Kumkoski replied five. Mr. Barnett asked if several will be employees coming from the Westmont store. Mr. Kumkoski replied yes.

Mr. Barnett asked if Mr. Kumkoski was aware of the Village's training requirements. Mr. Kumkoski replied yes. Mr. Barnett asked Mr. Kumkoski if either he or his manager are currently certified. Mr. Kumkoski replied not at this time.

Mr. Barnett asked Ms. Kuchynka if other communities were contacted about their history. Ms. Kuchynka replied that she contacted Westmont and there have been no incidents at that location.

Mr. Cawthorne asked if Westmont has 12 noon serving hours restrictions on Sunday. Mr. Kumkoski replied no. Mr. Cawthorne asked how he plans to handle Sunday hours in Downers Grove. Mr. Kumkoski replied that they will rope off the area from customer access until 12 noon.

Mr. Cathorne was pleased that he had liquor handling experience and wished them luck.

Ms. King asked if the register will prompt employees to enter in the date of birth of the customer. Mr. Kumkoski replied that a prompt comes up telling the employee what date the customer needs to be in order to be sold alcohol. Mr. Kumkoski stated that Ms. Kuchynka provided him with copies of the new IL Driver's licenses and has familiarized himself with them and included it in the manual to cover with his employees. Ms. King cautioned them to be on the lookout for the vertical under 21 identification.

Mr. Kubes asked Mr. Kumkoski about his employees. Mr. Kumkoski stated that he was planning to bring a nucleus of employees from the Westmont location and will be hiring a few new employees. He stated that his current employees being brought over from Westmont are familiar with how he operates and know his policies.

Mr. Kumkoski advised that he will terminate any employee who is involved in a liquor violation which is stated clearly in his manual. Mr. Kubes noted that Mr. Kumkoski could also reward those employees who pass a control buy.

Mr. Kubes asked if they will have a perpetual calendar showing the date of birth a customer has to be in order to purchase liquor. Mr. Kumkoski can obtain and post the signage, but noted that the information also pops up on the register and employees will be prompted of the legal age date of birth.

Mr. Kubes asked who trained the Westmont employees. Mr. Kumkoski replied he and his father have trained them. He believed that his father may have certified training. Ms. Kuchynka informed the group that Westmont does not have a mandatory training requirement.

Mr. Kubes noted that he frequents the Westmont location and is amazed how well employees are organized and hoped that they bring the same caliber of training to the Downers Grove location. He was pleased that some employees from the Westmont location were coming to Downers Grove.

Ms. Strelau had no questions. She welcomed the applicant asked wished them luck.

Chairman McInerney was pleased that another resident was seeking to operate in the community. He wanted to be sure that the business will be a responsible part of the community like as in Westmont. He was encouraged that they were bringing experienced talent to the location. He wished the applicant luck.

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 "P-1", full alcohol, off-premise consumption liquor license application.

**MR. KUBES MOVED TO FIND SWOK DOWNERS GROVE, INC. D/B/A WESTBROOK MARKET II LOCATED AT 2065 63<sup>RD</sup> STREET, QUALIFIED FOR A CLASS "P-1" FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. STRELAU SECONDED.**

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

**Nay:** None

**Abstain:** None



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

The Motion carried.

**ALB Enterprises, Inc. d/b/a Rocca's Mexican Grill**

Chairman McInerney stated that the next order of business was an application hearing for ALB Enterprises, Inc. d/b/a Rocca's Mexican Grill located at 994 Warren Avenue. He noted that the applicant is seeking a Class "R-1", full alcohol, on-premise consumption liquor license.

Chairman McInerney asked that any individual(s) representing the applicant step forward and be seated. He 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. Ronald Bologna and Mr. Gary Brady were sworn in by the court reporter. Mr. Brady stated that this is his first venture into the restaurant business but he has experience and operated a commercial manufacturing business. He stated that his consultant and friend Ronald are teaming up to operate a Mexican grill in downtown Downers Grove. Mr. Bologna felt that Downers Grove has a lot of potential with the redevelopment of the downtown area. He stated that they will provide upper quality Mexican food at a reasonable price.

Mr. Barnett welcomed the applicant. He asked that they take whatever advice the Commission makes constructive comments. He did not have any concerns with the business plans or application materials, other than the fact that they are new to the restaurant business. He suggested that they utilize the expertise of staff.

Mr. Barnett asked them to explain aspects of the operation and how they will be personally involved at the establishment. Mr. Brady replied that he will serve as manager and Ronald will be with him at the restaurant. He advised that he, Ronald and his son are BASSETT certified. He noted that his son also holds a sanitary certification as he had experience at Outback Steakhouse. Mr. Bologna replied that one of the three of them will always be at the restaurant.

Mr. Barnett asked what their time frame was for opening. Mr. Brady replied he was hoping for a June 1<sup>st</sup> opening at the latest.

Chairman McInerney asked if there were any comments from staff. Ms. Kuchynka stated that there are contingencies on the issuance of this license which include receipt of a certificate of occupancy, payment of the annual fee, receipt of satisfactory background checks a copy of the signed lease, receipt of dram shop insurance, and a final menu will be required.

Chairman McInerney asked if there were any comments from the public on the application. Mr. Greg Bedalov introduced himself as the President of the Downers Grove Economic Development Corporation (EDC). He stated that it is exciting to see new restaurants coming into downtown. He stated that when Mr. Brady and Mr. Bologna came to town, their original intent was to focus on an Italian-style restaurant. He noted that they worked with the EDC, Downtown Management Organization staff and recognized the need for different menu options in the area as there were two other Italian-style restaurants which were forthcoming to the area. He stated that the EDC highly recommends the applicant as they have been true business partners with the EDC and Downtown Management Organization and very cooperative.

Mr. Cawthorne stated it was nice to see someone in that location. He was pleased to see a Mexican restaurant locate there.

Mr. Cawthorne noted a sample incident report was not included in the manual. He asked them to work with staff to incorporate it in their manual as it will help protect the establishment.

Mr. Cawthorne was pleased with their hours of operation.

Mr. Cawthorne noted his concern about the statement in the manual that "employees have the legal right to refuse to sell alcohol to anyone unable to produce proper id". He felt it should be worded such that employees "must refuse to sell alcohol to anyone unable to produce proper id."

Ms. King asked what experience bartenders would have. Mr. Brady replied that they plan to hire experienced bartenders. He noted that they will also be looking to hire employees that are over 21. He did not want to have to deal with the carding issues if a server is under 21. Mr. Bolognia noted that all servers and bartenders will be BASSETT trained. He felt that more education is helpful.

Ms. King asked if there are repercussions if an employee serves a minor. Mr. Bolognia replied termination and noted that will be added to the manual.

Mr. Kubes was pleased that they sought assistance from the EDC and he was happy it was a Mexican-style restaurant. He noted that he was please that they were working with the Village to bring something new to the downtown area.

Mr. Kubes recommended that their manual include an incentive program for employees who pass the Village's controlled buy.

Mr. Kubes asked how many employees they will have. Mr. Bolognia replied 12-15 per shift. Mr. Kubes asked how many would be wait staff. Mr. Bolognia replied 4-5, depending on how busy the restaurant is.

Mr. Kubes noted that it is a high profile location and a gateway to the downtown area. He cautioned them to watch for young customers and advised them to train employees properly.

Ms. Strelau welcomed the applicant. She stated that dedication to the training process can help the establishment. She wished the applicant success and good luck.

Chairman McInerney welcomed them to the community and was pleased that the space was going to be occupied again. He felt it was a nice addition to the community. He emphasized for them to set a high threshold as to what is acceptable behavior of their employees. He noted that responsible service is important to the community and having a liquor license is a privilege.

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 "R-1" , full alcohol, off-premise consumption liquor license application.

**MS. KING MOVED TO FIND ALB ENTERPRISES, INC. D/B/A ROCCA'S MEXICAN GRILL LOCATED AT 994 WARREN AVENUE, QUALIFIED FOR A CLASS "R-1" FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. BARNETT**

**SECONDED.**

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

**Nay:** None

**Abstain:** None

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

The Motion carried.

The Commission took a 5-minute break.

**Stardust Chicago, Inc. d/b/a Stardust**

Please see attached transcript for application hearing discussion.

**VI. OLD BUSINESS**

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

Ms. Kuchynka advised that she left members a copy of the most current Chapter 3, Liquor Code.

Ms. Kuchynka advised that the Bottle Service Ordinance was adopted on Tuesday, April 1<sup>st</sup>. Ms. Strelau asked for clarification on bottle service. She asked if the law was changed as to how many beers a person can get. Ms. Kuchynka replied no. She stated that a person can still not get more than one beer at a time at a festival or establishment.

Ms. Kuchynka advised that she sent correspondence to Shanahan's concerning the number of DUIs and high blood alcohol content levels of the offenders. She stated that she offered to conduct an on-site training seminar. Mr. Barnett noticed that most of the offenses were on Mondays.

Ms. Kuchynka stated she left a letter from the Downers Grove Historical Museum that they are hosting a private event and noted that no special event liquor license was required as it was considered a private event.

Ms. Kuchynka stated she left thank you letter from Downers Grove South High for the Village's donation of \$1,500 for the senior class Exit with Pride Barbeque. Mr. Kubes asked if they donate only to South High. Ms. Kuchynka replied that she had not yet received a request from North High, but they are also eligible for the \$1,500 donation and anticipated hearing from their fund raising committee soon.

Ms. Kuchynka asked for the Commissioner's availability for next month's meeting. She noted that an application was filed today. She noted that the new application, policing activities and continued discussion for Stardust would be on the agenda for May 1<sup>st</sup>.

Ms. Kuchynka advised the members of the Boards and Commissions May 17<sup>th</sup> Workshop. She stated that they should have received notice via email. She stated that the event will be from 8am-2pm at Village Hall. Ms. Strelau asked what the workshop was for. Ms. Kuchynka replied that the Village will have a workshop for all board and commission members to cover such items as the strategic plan, Roberts Rules of Order, boards and commissions information and a luncheon.

Ms. Kuchynka passed out a member roster and asked the Commission members to update their contact information.

Mr. Cawthorne asked what happened to Juxtapose Art House. Ms. Kuchynka stated that they advised that they lost the location to another entity. She stated that they have been in contact with the Chamber for other suitable locations. She stated that another theater group sought the location and outbid them on the renovation/improvement.

## **VII. NEW BUSINESS**

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

Ms. Kuchynka stated that she received a request from the Tivoli Theater for an amendment to their liquor license classification. She stated that they are interested in allowing alcohol to be served at more events that are open to the general public. She noted that alcohol will not be available at regularly scheduled movies, however, for such things as opera presentations or box office ticket events. She advised Mr. Johnson that a few items of concern of the Commission might be lack of food service as well the Village being able to conduct Control Buys during these events. She asked the Commission to consider the matter and would try to have a draft ordinance for next month's meeting for their review and consideration.

Ms. Strelau asked what was proposed by the Tivoli and how it differs from what they are currently allowed to do. Ms. Kuchynka replied that they are limited to serving alcohol at contracted theater rentals which are considered private events. She added that she advised Mr. Johnson about the Juxtapose Art House license creation and mentioned that they were required to have food service, which may be the case in his amendment. She did not believe Mr. Johnson was interested in upgrading the food service. Ms. Strelau stated that the Tivoli Theater may not have facilities for food service. She asked if they could bring in food and require it being available but not necessarily prepared on the premises. Ms. Kuchynka noted that contracted theater rentals that last over 2 consecutive hours are required to have food service. Mr. Kubes stated that appetizers might be appropriate as there is no area to sit and eat. He did not believe full food service would be necessary.

Ms. Kuchynka noted that the Village does not conduct controlled buys at the contracted theater rentals, as they are more of a private nature. She noted that if the events are open to the public, the Village would want to be able to test the licensee if the classification is amended. She recommended that additional fees be added to the class to conduct the buy, which should include the additional price of a ticket. She stated that she would contact Mr. Johnson and discuss what he is exactly seeking and draft an ordinance that would suit his needs. She noted that uses for theaters have been evolving and they are trying to attract more customers and events to such facilities.

## **VIII. COMMENTS FROM THE PUBLIC**

There were none.

## **IX. ADJOURNMENT**

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

Mr. Kubes moved to adjourn the April 3, 2008 meeting. The meeting was adjourned by acclamation at 10:40 p.m.

1                   BEFORE THE VILLAGE OF DOWNERS GROVE  
2   LIQUOR COMMISSION

3 IN RE THE MATTER OF:                   )  
4   )  
5 STARDUST, CLASS E-5 LIQUOR        )  
6 CLASSIFICATION.                    )

7                   REPORT OF PROCEEDINGS HAD AND TESTIMONY TAKEN  
8 AT THE PUBLIC HEARING OF THE ABOVE-ENTITLED CAUSE, BEFORE  
9 THE VILLAGE OF DOWNERS GROVE LIQUOR COMMISSION, HELD ON  
10 THURSDAY, THE 3RD DAY OF APRIL, A.D. 2008, AT THE HOUR OF  
11 6:30 O'CLOCK P.M. AT THE VILLAGE OF DOWNERS GROVE, DOWNERS  
12 GROVE, ILLINOIS.

13 BOARD MEMBERS PRESENT:

- 14           MR. DANIEL MC INERNEY, CHAIRMAN.
- 15           MR. MICHAEL KUBES, COMMISSIONER.
- 16           MS. ALICE STRELAU, COMMISSIONER.
- 17           MS. MICHELE KING, COMMISSIONER.
- 18           MR. THOMAS CAWTHORNE, COMMISSIONER.
- 19           MR. ROBERT BARNETT, COMMISSIONER.

20 ALSO PRESENT:

- 21           MS. ANN MARIE PEREZ, ASSISTANT VILLAGE ATTORNEY.
- 22           MS. CAROL KUCHYNKA, LIAISON TO THE LIQUOR COMMISSION.

1           CHAIRMAN MC INERNEY:  NEXT ORDER OF BUSINESS BEFORE  
2  US THIS EVENING IS STARDUST CHICAGO, INC. DOING BUSINESS AS  
3  STARDUST LOCATED AT 1211-A BUTTERFIELD ROAD.

4                         THE APPLICANT IS SEEKING A CLASS E-5 FULL  
5  ALCOHOL ON-PREMISE CONSUMPTION LIQUOR LICENSE.  IF THERE ARE  
6  ANY INDIVIDUALS IN THE AUDIENCE HERE WHO REPRESENT THE  
7  APPLICANT, I WOULD ASK THAT YOU PLEASE STEP FORWARD AND BE  
8  SEATED.  I WOULD ASK THAT ANY INDIVIDUAL GIVING TESTIMONY BE  
9  SWORN IN BY THE COURT REPORTER.  STATE AND SPELL YOUR NAME  
10 FOR THE RECORD AND INDICATE YOUR AFFILIATION WITH THE  
11 ESTABLISHMENT.

12           THE COURT REPORTER:  RAISE YOUR RIGHT HANDS, PLEASE.

13                                 (WHEREUPON THE OATH WAS DULY  
14                                 ADMINISTERED BY THE  
15                                 NOTARY.)

16           THE COURT REPORTER:  STATE AND SPELL YOUR NAME, SIR.

17           MR. BENJAMIN:  REGGIE BENJAMIN, R-E-G-G-I-E,  
18 B-E-N-J-A-M-I-N.

19           MR. ZENGILAN:  MIKE ZENGILAN, Z-E-N-G-I-L-A-N.

20           CHAIRMAN MC INERNEY:  FIRST PLEASE PROCEED AND TELL  
21 US WHAT YOU ARE ABOUT.

22           MR. BENJAMIN:  WE ARE OPENING UP A PLACE CALLED

1 STARDUST AND IT IS GOING TO BE A RESTAURANT-LOUNGE/CLUB.  
2 AND WE HAVE MET WITH YOU FOR ABOUT FIVE MONTHS NOW. YOU  
3 MADE US WAIT FOR THAT EXTRA FIVE MONTHS. IT WAS STRESSFUL,  
4 BUT WE MADE IT THROUGH.

5 SO BASICALLY WHAT WE'RE TRYING TO DO IS  
6 BRING A REALLY UPSCALE DESTINATION SPOT TO DOWNERS GROVE.  
7 OUR CROWD IS GOING TO BE 23 AND OVER. WE HAVE -- I'VE BEEN  
8 DOING THIS FOR OVER TWELVE YEARS, AND NEVER ONCE IN TWELVE  
9 YEARS HAVE I EVER HAD ANY TYPE OF NEGATIVE MARK ON ME EVER  
10 IN ANY OF MY PLACES.

11 MR. ZENGILAN: I'VE ACTUALLY BEEN DOING IT ELEVEN  
12 YEARS ALSO AND NEVER HAD ANYTHING -- NO ONE GETS IN TROUBLE  
13 FOR SERVING A MINOR.

14 MR. BENJAMIN: THAT'S WHERE WE'RE AT.

15 CHAIRMAN MC INERNEY: IS THERE ANY STAFF  
16 RECOMMENDATIONS OR COMMENTS PERTINENT TO THIS APPLICATION?

17 MS. KUCHYNKA: YES, MR. CHAIRMAN. FACTORS AFFECTING  
18 THE APPLICATION OBVIOUSLY WOULD BE A CERTIFICATE OF  
19 OCCUPANCY, PAYMENT OF THE ANNUAL FEE, SATISFACTORY  
20 BACKGROUND CHECKS, AND I'VE BEEN MADE AWARE THAT THERE WAS A  
21 CHANGE IN THE LEASE TERM. THE LEASE WITH THE AMENDED TERM  
22 WILL ALSO BE REQUIRED FOR SUBMITTAL.



1                   IN ADDITION, I HAD A FEW OTHER ITEMS THAT  
2 HAVE BEEN BROUGHT UP TO MY ATTENTION VIA OTHER  
3 ESTABLISHMENTS IN THE AREA AS WELL AS SOME COMMISSION  
4 CONCERNS, AND I WOULD LIKE TO BRING THOSE UP BRIEFLY AND  
5 THEN YOU AS A COMMISSION CAN DISCUSS THEM IN DETAIL.

6                   THERE WAS A FEW COMMISSION QUESTIONS WITH  
7 REGARD TO THE AVAILABILITY OR THE POSSIBILITY FOR THE  
8 LICENSEE TO COMPLY WITH THE CURRENT TERMS OF THE LIQUOR  
9 LICENSE; NAMELY, BAR/LOUNGE SEATING WHICH IS ONE OF THE  
10 ITEMS THAT I HAD INDICATED ON THE FLOOR PLAN TO BE DISCUSSED  
11 THIS EVENING. IF THEY CAN MAINTAIN 20 PERCENT OF THE  
12 BAR/LOUNGE/DINING COULD BE AN ISSUE DEPENDING ON A FEW MORE  
13 DETAILS THAT WE'RE GOING TO NEED FROM THE FLOOR PLAN FROM  
14 THE APPLICANT.

15                   THERE HAVE BEEN SOME ISSUES RAISED WITH  
16 REGARD TO PARKING IN THE BUTTERFIELD AREA. AS YOU KNOW,  
17 THAT AREA IS HIGHLY CONGESTED. WE HAVE A NORTH BEACH  
18 ESTABLISHMENT TO THE SOUTH OF THE LOCATION, AN OLIVE GARDEN  
19 TO THE NORTH OF THE LOCATION, AND HOOTERS TO THE WEST OF THE  
20 LOCATION. I'M NOT SURE IF YOU'RE FAMILIAR WITH THE PARKING  
21 SITUATION IN THAT AREA. GRANTED, PARKING IS NOT OUR PURVIEW  
22 FOR THE LIQUOR COMMISSION, BUT AGAIN, THESE HAVE BEEN RAISED

1 BY OTHER INDIVIDUALS AND ENTITIES AND I AM AT LIBERTY TO  
2 ADVISE YOU OF THEM.

3 IN ADDITION I WOULD LIKE TO DISCUSS SOME  
4 ISSUES ON FOOD SERVICE AND THE AVAILABILITY THEREOF. I HAVE  
5 A FEW OTHER ITEMS THAT I WANT TO PASS OUT TO YOU THIS  
6 EVENING WITH REGARD TO THE ITEMS THAT THEY ARE GOING TO  
7 SUPPLY IN THE KITCHEN; NAMELY, CONVECTION OVENS. I  
8 APOLOGIZE.

9 WE WILL NEED A FINALIZED MENU.

10 THERE WAS A PROPOSED THIRTY-AND-OVER  
11 CARDING POLICY THAT HAS BEEN ALTERED TO 23, AND I'LL HAVE  
12 REGGIE EXPLAIN THAT AS HE EXPLAINED TO ME IN A PREVIOUS  
13 E-MAIL.

14 AND AS WELL AS FLOOR PLANS, BUILDING  
15 PERMITS AND THE LIKE HAVE NOT YET BEEN REVIEWED BY OUR  
16 COMMUNITY DEVELOPMENT DEPARTMENT AND/OR FIRE PREVENTION.

17 PRELIMINARY PLANS HAVE BEEN SUBMITTED;  
18 HOWEVER, NO ACTUAL APPLICATIONS HAVE BEEN SUBMITTED TO THE  
19 DEPARTMENT SO THERE COULD BE MORE SUBSTANTIAL CHANGES TO  
20 THIS FLOOR PLAN, AND I WANTED TO BE SURE YOU ARE AWARE OF  
21 THAT AS WELL.

22 THEY DID ADDRESS SOME OF THE ISSUES;

1 NAMELY, SOME INGRESS/EGRESS/EMERGENCY EXITING HAVE BEEN  
2 ISSUED. THEY HAVE RELOCATED ONE OF THE BAR AREAS IN A VIE  
3 FOR ADEQUATE EMERGENCY EXITING OUT OF ONE OF THE LOCATIONS.  
4 AND ONE OTHER ISSUE WAS RESTROOM FACILITIES.

5 AND, AGAIN, WITH IT BEING A VERY NEAR  
6 BUILDOUT, THERE BEING A LOT OF POTENTIAL CHANGES, I JUST  
7 WANTED TO ADVISE YOU THAT THE FLOOR PLAN MAY CHANGE  
8 SUBSTANTIALLY AS A RESULT OF PLAN COMMISSION AND COMMUNITY  
9 DEVELOPMENT REVIEW.

10 I'M PASSING OUT THE REVISED FLOOR PLAN  
11 THAT WAS ACTUALLY SUBMITTED ON FRIDAY AFTER YOUR PACKET HAD  
12 GONE OUT FROM THE ONE THAT I SUPPLIED TO YOU, AND IN  
13 ADDITION, I PROVIDED YOU WITH SOME INFORMATION WITH REGARD  
14 TO E-MAIL THAT I HAD SENT TO REGGIE WITH REGARD TO THEIR  
15 COOKING FACILITIES AND CONVECTION OVENS AND SO ON AND SO  
16 FORTH SO THAT THEY CAN MEET THEIR FOOD SERVICE REQUIREMENTS.

17 I THINK THAT'S ALL I HAVE AT THIS MOMENT.  
18 I DO KNOW WE HAVE SOME PUBLIC COMMENT AS WELL THIS EVENING.

19 CHAIRMAN MC INERNEY: THANKS, CAROL.

20 ARE THERE ANY COMMENTS FROM THE PUBLIC  
21 PERTINENT TO THIS APPLICATION? IF SO, PLEASE STEP TO THE  
22 PODIUM.

1           MR. RATHJE: MR. CHAIRMAN, COMMISSION MEMBERS, MY  
2 NAME IS KEN RATHJE. I AM A PLANNING CONSULTANT WITH ABOUT  
3 35 YEARS EXPERIENCE, 29 OF THEM AS COMMUNITY DEVELOPMENT  
4 DIRECTOR OF DOWNERS GROVE. I'VE BEEN RETAINED BY NORTH  
5 BEACH TO TAKE A LOOK AT THE PARKING SITUATION.

6                         WE'RE CONCERNED THAT THE PERMISSION OF  
7 ANOTHER HOSPITALITY USE TO BE LOCATED ON THE WEST SIDE OF  
8 THE UNIVERSITY PRESS BUILDING IS GOING TO BE WHAT WOULD BE  
9 POSSIBLY THE PERFECT STORM OF PARKING. CURRENTLY WE HAVE A  
10 PARKING FACILITY ON THE WEST SIDE THAT HAS CAPACITY FOR 284  
11 PARKING SPACES, AND IF YOU EVEN TAKE INTO ACCOUNT THE  
12 PARKING ALONG THE NORTH SIDE NEAR THE ROSSI'S ENTRANCE, THAT  
13 WOULD ONLY ADD ANOTHER FORTY-ONE PARKING SPACES.

14                        THE PARKING LOT ON THE EAST SIDE IS ABOUT  
15 600 FEET FROM THE FRONT DOOR OF THE FACILITY THAT STARDUST  
16 IS LOOKING AT BEFORE YOU WOULD RUN INTO THE VERY FIRST  
17 PARKING SPACE, SO YOU WOULD HAVE ALMOST A QUARTER-MILE  
18 ROUNDTRIP TO WALK BACK AND FORTH.

19                        I'VE DONE A LOT OF WORK TO CRUNCH THE  
20 NUMBERS IN THE PARKING LOT AND WILL SAVE YOU FROM THE  
21 PAINFUL PROCESS OF LISTENING TO THAT, BUT WE DID HAVE SOME  
22 EMPLOYEES FROM NORTH BEACH GO OUT AND DO A PARKING STUDY

1 RECENTLY TO SEE WHAT THE UTILIZATION WAS. WE LIMITED OUR  
2 STUDY AREA TO THE WEST LOT AND TO THE NORTH LOT BECAUSE  
3 THOSE ARE THE PRACTICAL AREAS WHERE PEOPLE WOULD PARK. OUR  
4 STUDY WAS DONE LAST FRIDAY NIGHT AND LAST SATURDAY NIGHT,  
5 AND OF THE APPROXIMATELY 325 PARKING SPACES IN THOSE TWO  
6 PARKING LOTS, ABOUT 10:00 ON FRIDAY 321 WERE USED. 11:00,  
7 301 WERE USED. 12:00, 207. ON SATURDAY WE STARTED EARLIER.  
8 WE STARTED TO COUNT AT 8:00 WITH 142; 155 AT 9:00; 235 AT  
9 10:00; AND THEN WE WERE AT 320 AND 303 RESPECTIVELY AT  
10 10:00, 11:00 AND STILL 275 AT 1:00.

11                   BASED ON THE FLOOR PLAN THAT I HAVE  
12 VIEWED THAT WAS IN YOUR PACKET WHICH HAS A SQUARE FOOTAGE OF  
13 AROUND 12,000 SQUARE FEET, THE CURRENT PROVISIONS OF THE  
14 DOWNERS GROVE ZONING ORDINANCE REQUIRES PARKING AT A RATE OF  
15 22.5 PARKING SPACES PER THOUSAND SQUARE FEET, WHICH IS  
16 AROUND 272 SQUARE FEET.

17                   IN ALL FAIRNESS, THERE ARE SOME  
18 EXCLUSIONS THAT THE ZONING ORDINANCE PERMITS INCLUDING  
19 EXCLUDING AREAS FOR MECHANICAL EQUIPMENT, INCLUDING  
20 EXCLUSION OF THE KITCHEN. I DIDN'T ADD THE SQUARE FOOTAGE,  
21 SO MY NUMBERS ARE A LITTLE BIT HIGH, BUT THEY'RE IN THE  
22 BALLPARK.



1 DEVELOPMENT DEPARTMENT AND ASKED THEM IF THEY HAVE BEEN ABLE  
2 TO DO A MORE DETAILED ANALYSIS, SEEING IF THEY HAVE FLOOR  
3 PLANS TO SCALE AND CAN FIGURE OUT SOME OF THE DEDUCTIONS  
4 THAT THE ZONING ORDINANCE WOULD PERMIT. THEY HAVE INDICATED  
5 THEY HAVE NOT DONE THAT YET. I WAS TOLD BY JEFF O'BRIEN  
6 THAT THAT INFORMATION HAS BEEN CONVEYED, THAT THEY ARE  
7 LOOKING FOR THAT TYPE OF STUDY FROM THE OWNER AND FROM THE  
8 PROPOSED TENANT.

9 FRANKLY, IF THIS FACILITY WERE TO BE  
10 LOCATED ON THE OTHER SIDE OF THE BUILDING, WE WOULDN'T BE  
11 HERE. WE FEEL THAT'S A COMPLETELY SEPARATE SIDE OF THE  
12 SITE. IN FACT, THERE IS A VACANT SITE OVER THERE,  
13 CLEARWATER HAVING BEEN RECENTLY VACATED. BUT HAVING THE  
14 THREE BUSINESSES ON THIS PROPERTY THAT WE'RE LOOKING AT NOW,  
15 PLUS THE NEIGHBOR OF HOOTERS, WE THINK THAT'S GOING TO BE AN  
16 EXTRAORDINARY STRAIN ON PARKING DEMANDS, AND WE WOULD HOPE  
17 THAT YOU AS A COMMISSION AND THE LIQUOR COMMISSIONER WOULD  
18 BE VERY THOUGHTFUL IN CONSIDERING THIS.

19 WE HAVE NO PROBLEM WITH THE PROPOSED  
20 BUSINESS OPERATOR. WE DO HAVE SOME CONCERNS AS FAR AS THE  
21 DETRIMENT TO ALL THE BUSINESSES, INCLUDING OURSELVES, AND  
22 OUR POTENTIAL NEW NEIGHBOR.

1 IF YOU HAVE ANY QUESTIONS, I WILL TRY TO  
2 ADDRESS THEM; OTHERWISE, THANK YOU VERY MUCH FOR LISTENING.

3 CHAIRMAN MC INERNEY: I APPRECIATE YOUR INPUT.

4 MR. BENJAMIN: CAN I JUST SAY SOMETHING?

5 CHAIRMAN MC INERNEY: SURE.

6 COMMISSIONER STRELAU: CAN I JUST MAKE IT CLEAR THAT  
7 WE DON'T CONTROL THE PARKING. I DON'T KNOW IF YOU --

8 MR. BENJAMIN: CAN I JUST SAY SOMETHING ANYWAY?

9 CHAIRMAN MC INERNEY: JUST A MINUTE. BEFORE WE  
10 DEBATE THE TOPIC, I WANT TO MAKE SURE WE GET ALL THE  
11 COMMENTS FROM THE PUBLIC BEFORE WE GO INTO ANY DISCUSSION.

12 SO, ARE THERE ANY OTHER COMMENTS FROM THE  
13 PUBLIC PERTINENT TO THIS APPLICATION?

14 (NO RESPONSE.)

15 CHAIRMAN MC INERNEY: SEEING NONE, AT THIS POINT WHY  
16 DON'T WE BRING UP THE DISCUSSION OF THE POINT RAISED BY THE  
17 PUBLIC AS WELL AS BY THE STAFF, INCLUDING QUESTIONS BY THE  
18 COMMISSION.

19 INITIALLY WHY DON'T WE START WITH  
20 COMMISSIONER BARNETT.

21 COMMISSIONER BARNETT: GOOD EVENING. THANKS FOR YOUR  
22 PERSISTENCE. IT IS TRUE THAT NOTHING MOVES -- AND IT



1 PROBABLY DOESN'T MAKE YOU GUYS FEEL ANY BETTER, BUT IT IS  
2 TRUE THE PROCESS HERE IS NOT UNIQUE TO STARDUST. IT'S NOT  
3 UNIQUE TO E-5. WE HAVE HAD SIMILAR ISSUES WITH OTHER  
4 LICENSEES. CHANGE COMES NOT AS QUICK AS ANY OF US MIGHT  
5 WISH OR HOPE FOR, BUT THE PROCESS HAS TO BE MAINTAINED AND  
6 HAS TO BE THOUGHT THROUGH. WE DO HAVE AN OBLIGATION TO THE  
7 COMMUNITY IF WE ARE GOING TO MAKE A RECOMMENDATION TO THE  
8 VILLAGE COUNCIL, AND THEY'RE TRUSTING US TO DO THAT. SO I  
9 AM ASKING FOR YOUR PATIENCE, AND AT THE SAME TIME TELLING  
10 YOU I APPRECIATE YOU BEING HERE.

11 I HAD A COUPLE OF QUESTIONS. ONE, I  
12 GUESS FROM STAFF'S STANDPOINT, JUST ANSWER WHO ACTUALLY  
13 ISSUES AN OCCUPANCY PERMIT?

14 MS. KUCHYNKA: THAT WOULD BE THE DEPARTMENT OF  
15 COMMUNITY DEVELOPMENT. BASICALLY WHAT THEY DO IS THEY WILL  
16 REVIEW THE PLANS, GIVE A DETERMINATION ON OCCUPANCY; ALSO  
17 THEY GO ALONG WITH FIRE PREVENTION, WHICH WOULD DETERMINE  
18 ANY LIFE SAFETY CODES THAT NEED TO BE MET; THEY WOULD REVIEW  
19 ALL THE BUILDOUT; THEY WOULD SEND THE INSPECTORS TO CHECK ON  
20 THE HVAC AND ALL THAT.

21 COMMISSIONER BARNETT: ALL OF THAT IS COMPLETELY  
22 INDEPENDENT, THOUGH, OF ANY RECOMMENDATION OF THIS LIQUOR

1 LICENSE?

2 MS. KUCHYNKA: CORRECT, BUT IT WILL BE REQUIRED  
3 REGARDLESS FOR THEM TO ACTUALLY OPEN.

4 COMMISSIONER BARNETT: PER THEIR APPLICATION?

5 MS. KUCHYNKA: WHAT HAPPENS IS WITH THE LIQUOR  
6 LICENSE, THEY ARE JUST BEFORE YOU FOR THE LIQUOR ASPECT, BUT  
7 BEFORE THEY ACTUALLY PHYSICALLY HAND OVER A LIQUOR LICENSE,  
8 ANYTHING FROM ANY OTHER DEPARTMENT OR ANY OTHER ENTITY WOULD  
9 HAVE TO BE TAKEN CARE OF. THE CERTIFICATE WOULD HAVE TO BE  
10 ISSUED. THAT ACTUALLY ALLOWS PATRONS INTO THE BUILDING.

11 COMMISSIONER BARNETT: WE'RE KIND OF LAST IN LINE,  
12 AND FRANKLY, I WANT TO MAKE SURE THAT I'M CLEAR. THEIR  
13 CERTIFICATE OF OCCUPANCY HAS NO DEPENDENCY UPON US. THEY  
14 COULD THEORETICALLY GET AN OCCUPANCY PERMIT WITHOUT THE  
15 LIQUOR LICENSE?

16 MS. KUCHYNKA: ABSOLUTELY.

17 COMMISSIONER BARNETT: THEY HAVE TO HAVE ONE TO APPLY  
18 FOR A LIQUOR LICENSE.

19 MS. KUCHYNKA: WELL, ACTUALLY, THEY HAVE TO HAVE A  
20 CERTIFICATE OF OCCUPANCY TO OBTAIN THE FINAL LICENSE ITSELF.  
21 IN SOME INSTANCES IT'S THE CART BEFORE THE HORSE, ESPECIALLY  
22 WITH NEW BUILDOUTS. LIKE I SAID, WITHOUT HAVING REALLY,

1 LIKE I SAID, A FINAL SET OF PLANS -- THE OTHER TWO  
2 INDIVIDUALS THAT HAD BEEN BEFORE YOU, THE ROBLES AND THE  
3 OTHER TWO THAT WERE THE NEW BUILDOUT ACTUALLY HAD ALREADY  
4 GONE THROUGH THE COMMUNITY DEVELOPMENT DEPARTMENT AND THEIR  
5 PLANS ARE PRETTY MUCH FINALIZED. THEY HAD SUBMITTED PLANS,  
6 BUT AGAIN, THERE COULD BE SOME POTENTIAL CHANGES. I KNOW  
7 THAT THEY HAD MET CONCEPTUALLY WHEN REGGIE AND I HAD MET  
8 ABOUT A WEEK AND-A-HALF AGO, BUT NOTHING FINAL HAS BEEN  
9 SUBMITTED. AND, AGAIN, THERE IS COMPLETELY OTHER DIFFERENT  
10 ISSUES, ESPECIALLY IN THIS INSTANCE WITH PARKING.

11 IF YOU NOTICE THE TWO ISSUES WERE THE  
12 DOWNTOWN DOWNERS GROVE SITES. THERE ARE NO PARKING  
13 REQUIREMENTS IN DOWNTOWN DOWNERS GROVE, WHICH IS SEPARATE  
14 AND UNIQUE FROM THIS LOCATION.

15 AND THEN THE OTHER -- THE PACKAGE ALCOHOL  
16 STORE, THEY ARE -- OBVIOUSLY YOU KNOW THEIR LOT IS VERY  
17 SIGNIFICANT. EACH INDEPENDENT APPLICATION TAKES DIFFERENT  
18 REQUIREMENTS. AND, AGAIN, SINCE THIS AREA IS SO DENSE, THIS  
19 IS WHY SOME OF THE ISSUES SUCH AS PARKING HAVE COME UP.

20 COMMISSIONER BARNETT: THE ONLY COMMENT I HAVE ON  
21 THAT IS JUST SOME, I GUESS, HALFWAY-SOLICITED ADVICE BECAUSE  
22 YOU'RE SITTING HERE IN FRONT OF US, BUT WE'VE SEEN THIS WITH

1 OTHER LICENSE CLASSIFICATIONS, AND SO MANY OF THEM ARE SEEN  
2 PROBABLY ON THE SURFACE AS INSIGNIFICANT. WHEN THE GOLF  
3 COURSE GETS A LICENSE TO SERVE ALCOHOL, WITH GOLF IT'S  
4 POSSIBLY DANGEROUS, THAT PROCESS TOOK AN AMOUNT OF TIME.  
5 AND THE POINT IS YOU GUYS -- WHAT I ENCOURAGE YOU TO TAKE  
6 FROM THAT IS THAT THIS PROCESS MOVES FORWARD, WHETHER IT'S  
7 TOO FAST OR TOO SLOW, BY WHATEVER RECOLLECTION YOU HAVE, YOU  
8 WOULD DO YOURSELVES A SERVICE TO NOT TRY AND HIJACK IT, JUMP  
9 AROUND IT, SKIP ANYTHING BECAUSE THERE ARE GOING TO BE --  
10 EVEN WITH THE GOLF COURSE, ANOTHER PUBLIC TAXING BODY  
11 WANTING THE OPPORTUNITY TO SERVE ALCOHOL FOR A FEW HOURS IN  
12 MIDDAY, PEOPLE DIDN'T WANT THAT TO HAPPEN. YOU NEED TO BE  
13 COGNIZANT OF THAT AND TAKE ALL THAT STUFF TO HEART. IT'S  
14 NOT INSURMOUNTABLE, BUT IT CAN'T BE HIJACKED AND BUMPED  
15 AROUND BECAUSE IT'S GOING TO CAUSE TROUBLE FOR EVERYBODY.

16                   THAT SAID, WE DON'T CLEARLY HAVE ANY  
17 EXPERTISE TO BE TALKING ABOUT PARKING, BUT THERE ARE TWO  
18 THINGS ABOUT YOUR LIQUOR SERVICE THAT I DID HAVE SOME  
19 SPECIFIC QUESTIONS ON. CAROL HANDED THIS OUT.

20                   COULD YOU JUST TELL US MORE INFORMATION  
21 ON YOUR FOOD SERVICE? DESCRIBE IT TO US AS WELL. YOU KNOW,  
22 THAT'S A PRETTY BIG PART OF OUR LICENSING PROGRAM.

1           MR. ZENGILAN: WE'RE SERVING BASICALLY APPETIZERS, 45  
2 SECONDS TO A MINUTE PER WHATEVER DISH THEY ORDER. EACH OVEN  
3 WE COULD PUT FOUR DISHES IN, WHICH WOULD COOK IN A MINUTE.  
4 WE HAVE TWO CONVECTION OVENS. IF WE NEED MORE, WE'LL GET  
5 THEM. IT'S IMPOSSIBLE TO JUDGE RIGHT OFF THE BAT. WE ARE  
6 ESTIMATING IF WE ARE FILLED WITH THE FOOD SERVICE WE CAN  
7 PROBABLY HAVE ANYWHERE ABOUT 300 PEOPLE, WHICH IF WE HAVE  
8 TWO OVENS, FOUR DISHES PER MINUTE, WE COULD DO ANYWHERE FROM  
9 ABOUT EIGHT DISHES PER MINUTE. FOUR DISHES PER MINUTE TIMES  
10 TWO WOULD BE EIGHT PER MINUTE. EVERY TEN MINUTES WE COULD  
11 PUMP OUT EIGHTY DISHES, WHATEVER THE FOOD MAY BE. IF WE  
12 HAVE ONE CHEF ON EACH OVEN, ONE GENTLEMAN IS PRESENTING THE  
13 PLATE.

14                           ESSENTIALLY REGARDING THE FOOD, IT WILL  
15 NOT BE A PROBLEM. I'VE WORKED FOR A LUCKY STRIKE FACILITY  
16 WHERE I'VE CATERED PARTIES UP TO 700. WE SERVED 700 PEOPLE  
17 AND WE HAD NO PROBLEMS WITH THE FOOD, SO I HAVE NO DOUBTS  
18 THAT THE OVENS WILL BASICALLY WORK FOR US.

19           MR. BENJAMIN: WE HAD THEM DEMONSTRATED TO US. WE  
20 ACTUALLY DIDN'T BELIEVE IT WHEN WE FIRST HEARD ABOUT IT, BUT  
21 THEN WE WENT TO CISCO, AND ACTUALLY IT WAS AMANA. THEY  
22 DEMONSTRATED IT AT THEIR PLACE. THESE ARE FOR PEOPLE WHO

1 DON'T HAVE A LOT OF TIME; AND NUMBER TWO, IT DOESN'T BURN  
2 -- ACCORDING TO THEM YOU CANNOT BURN ANYTHING. LIKE AN OVEN  
3 OR STOVE, YOU BURN IT, YOU LOSE NUTRIENTS. IN CONVECTION  
4 OVENS THOSE STAY BECAUSE YOU CANNOT BURN THEM. THESE ARE A  
5 COUPLE OF THINGS THAT ATTRACTED US TO THAT. WE WERE THERE  
6 TWO OR THREE HOURS JUST EATING DIFFERENT STUFF THEY WOULD  
7 PUMP OUT.

8 COMMISSIONER BARNETT: YOU REALIZE -- I AM CERTAINLY  
9 NOT PRETENDING LIKE I AM A JUDGE ON CONVECTION OVENS, YOU DO  
10 REALIZE, AND EVERYBODY IS FULLY AWARE, THE FOOD SERVICE  
11 ELEMENT IS PART AND PARCEL TO THE LIQUOR LICENSE.

12 MR. BENJAMIN: ABSOLUTELY.

13 COMMISSIONER BARNETT: DOWN THE ROAD YOU CAN'T BE  
14 FINDING OUT YOU CAN'T GET STUFF --

15 MR. BENJAMIN: ABSOLUTELY NOT.

16 MR. ZENGILAN: WE CAN ALWAYS GET THE BIGGER ONES.  
17 LIKE I SAID, BASICALLY EIGHTY DISHES EVERY TEN MINUTES IS A  
18 DECENT AMOUNT TO PUMP OUT. THAT'S CONSIDERING EVERYONE  
19 COMES IN AT ONE SPECIFIC TIME. IF IT IS AN ISSUE, WE WILL  
20 BASICALLY REALIZE IT RIGHT AWAY AND WE CAN ALWAYS UPGRADE.  
21 I DON'T THINK IT WILL BE AN ISSUE.

22 MR. BENJAMIN: WE'RE NOT TRYING TO DO -- IT MAY SEEM

1 LIKE IT, BUT WE REALLY FEEL THIS IS THE BEST FOR STARDUST.  
2 WE ARE NOT TRYING SKIMP HERE. OBVIOUSLY IT'S NOT ABOUT  
3 THAT. WE WANT TO DO SOMETHING UPSCALE. WE WANT TO DO  
4 SOMETHING ELEGANT. LIKE I SAID, WE THINK THAT THIS FOOD IS  
5 GOING TO BE PERFECT AND WE WANT TO SERVE IT. THAT'S WHY WE  
6 WANT TO STAY OPEN LATER, TO SERVE FOOD ONLY. OR, WE COULD  
7 DO LIKE OTHER PLACES, 2:00 LAST CALL, SEE YOU LATER. YOU  
8 GOT TO LEAVE. WE WANT TO STAY OPEN. EAT.

9 COMMISSIONER BARNETT: FROM A PERSONAL STANDPOINT,  
10 YOU DON'T HAVE TO SELL ME. NOT ONLY IS YOUR MENU FANTASTIC,  
11 I HAPPEN TO BE A TAPAS FAN AND IT'S STARTING TO TAKE ME DOWN  
12 THAT ROAD, BUT WHAT I NEED YOU GUYS TO UNDERSTAND IS THAT  
13 ABILITY TO SERVE REAL FOOD UNTIL THE END IS AN ELEMENT THAT  
14 CAN'T BE --

15 MR. BENJAMIN: ABSOLUTELY.

16 COMMISSIONER BARNETT: ANOTHER QUESTION I HAD WAS,  
17 CAROL TOUCHED ON, MAYBE YOU GUYS HAD THE BENEFIT OF THIS,  
18 TALK A LITTLE BIT ABOUT THE SEATING AREA. FIRST OF ALL,  
19 JUST LOOKING AT THE PLANNED VIEW, IT'S PRETTY SMALL SCALE.  
20 I SEE A LOT OF SPOTS -- I SEE BOOTHS AROUND THE OUTSIDE THAT  
21 OBVIOUSLY PEOPLE WOULD BE EATING AT, BUT AS FAR AS FULL-OUT  
22 SEATING, THAT LOOKS TO ME LIKE LOUNGE SEATING. IT DOESN'T

1 LOOK LIKE DINNER-KIND OF SEATING.

2 MR. BENJAMIN: IF YOU LOOK AT THE BOTTOM WHERE IT  
3 SAYS RAISED SEATING ON THE LEFT BOTTOM, 14 TO 15. THIS IS  
4 ACTUALLY A JAPONAIS DOWNTOWN. SUSHI SAMBA, ANY OF THESE  
5 UPSCALE PLACES, THAT'S HOW THEY SIT. THOSE SEATS RIGHT  
6 THERE SEAT ABOUT SIX TO EIGHT PEOPLE. YOU CAN ACTUALLY SIT  
7 THERE AT THE TABLE IN THE MIDDLE. THE ROUND THING'S A  
8 TABLE. YOU COULD EAT AND SEE WHAT'S GOING ON IN FRONT OF  
9 YOU. A LOT OF PLACES FROM LA TO CHICAGO, A LOT OF JAPANESE  
10 PLACES DO HAVE IT. THESE ALL SERVE FOOD, AND WE RECOMMEND  
11 FOOD.

12 AND ESPECIALLY IF WE WANT TO TALK MONEY  
13 FOR A MINUTE, WHICH I'M ALL ABOUT, EVEN AT THAT I WANT TO  
14 SERVE FOOD BECAUSE WITH THIS KIND OF MENU, I'M GOING TO MAKE  
15 A LOT OF MONEY. I MEAN, I'M GOING TO MAKE A LOT OF MONEY.  
16 IT'S NOT ONLY ABOUT MONEY, BUT AT THE END OF THE DAY IT IS  
17 ABOUT MONEY AS WELL. WE WANT TO PUSH THE FOOD. WE WANT TO  
18 PUSH THE FOOD. WE HAVE TO PUSH THE FOOD. WE'RE NOT BUYING  
19 THESE EXPENSIVE CONVECTION OVENS TO JUST SIT THERE. WE WANT  
20 TO USE THEM. WE WANT TO SERVE FOOD. WE WANT EVERYONE TO BE  
21 SAFE, WHICH IS OUR MAIN CONCERN. AND AT THE END OF THE DAY,  
22 IT'S MY PERSONAL GUARANTEE ON THE LEASE, IT'S MY NAME ON THE



1 LICENSE, IT'S MY NAME ON THE LOAN, IT'S MY NAME ON  
2 EVERYTHING, SO THIS PLACE WILL 100 PERCENT BE RUN THE WAY IT  
3 HAS TO BE RUN. THERE IS NO NEGOTIATING. THERE IS NO  
4 MISTAKE ON LIQUOR. YOU MESS UP ONCE ON LIQUOR, YOU'RE GONE.  
5 I DON'T CARE IF YOU'RE MY MOM OR DAD. YOU'RE GONE, PERIOD.  
6 I AM TOO OLD TO DEAL WITH THIS NONSENSE.

7 COMMISSIONER BARNETT: YOU'RE NOT THAT OLD.

8 MR. BENJAMIN: OH, MAN.

9 COMMISSIONER BARNETT: YOU'RE GOING TO MAKE ME FEEL  
10 OLD.

11 THE OTHER QUESTION I HAD, I DON'T KNOW  
12 THAT YOU CAN ANSWER THIS; IF NOT, I WANT TO RAISE IT FOR  
13 STAFF. I STILL HAVE AN ELEMENT OF CONCERN THAT IS KIND OF  
14 INDEPENDENT OF STARDUST AND REGGIE BENJAMIN. IT'S A  
15 FUNCTION OF THE E-5 LICENSE. AND WE HAVE A VERY NARROW  
16 METHODOLOGY, VERY NARROW PROCESS PROCEDURE IN WHICH WE TRY  
17 AS A COMMUNITY TO INSURE THAT OUR LICENSEES -- SERVICE. IT  
18 IS ONLY TWO THINGS. YOU HAVE HEARD ABOUT THEM A COUPLE  
19 TIMES: CONTROLLED BUYS AND DUI NOTIFICATION. DUI  
20 NOTIFICATION HAS BEEN A SORE SPORT WITH THIS COMMISSION FOR  
21 A WHILE BECAUSE WE TAKE THESE NUMBERS, WE TAKE THEM IN EACH  
22 CASE, AND WE ARE HARDPRESSED TO MAKE ANYTHING COME OF THEM

1 IN TERMS OF TRYING TO ADJUST BEHAVIOR. IT'S A SHORT LIST.  
2 IT'S THERE EVERY MONTH ON THOSE LISTS. PEOPLE ARE -- BUT  
3 IT'S THE SAME CREW ALL THE TIME ON DUI. ON THE UNDERAGE  
4 BUYING STUFF, MOST OF OUR LICENSEES OBVIOUSLY PASS THOSE,  
5 BUT YOU HAVE TO START THINKING THROUGH SOME OF THE  
6 CONVERSATIONS THAT WE HEAR ABOUT CATERING EVENTS AND THINGS  
7 LIKE THAT. I AM TRYING TO ENVISION STARDUST, I AM TRYING TO  
8 ENVISION A COUPLE OF OFFICERS AND A HIGH SCHOOL KID GOING IN  
9 5:30 TO ORDER A MILLER LITE. IT'S REALLY NOT GOING TO BE  
10 ALL THAT SURPRISED AND SECRETIVE TO ME. YOU GUYS ARE  
11 SITTING THERE UNTIL 4:00 AND IT'S THE TYPE OF PLACE YOU'RE  
12 TALKING ABOUT, DUI NOTIFICATION DOESN'T TAKE A LOT OF  
13 ENFORCEMENT REALLY. THE ONLY OTHER PROGRAM IS TAKING A HIGH  
14 SCHOOL KID AND A PLAIN-CLOTHES OFFICER AND WALKING IN AND  
15 ORDERING A MILLER LITE. THAT DOESN'T SEEM REAL UNDERCOVER  
16 OR COVERT OR SECRET. IN A FACILITY AFTER THEY WALK IN THE  
17 DOOR, THE WHOLE PLACE KNOWS WHAT'S GOING ON. SO MY PROBLEM  
18 I HAVE IS WE'VE GOT THREE OR FOUR OF THESE LICENSES, AND WE  
19 DON'T HAVE, AS FAR AS I CAN TELL, A LOT OF CONFIDENCE, A LOT  
20 OF STRATEGIC -- I SUPPOSE WE DON'T HAVE A REAL GOOD PROCESS  
21 TO CHECK UP ON STUFF. WE HAVE A PROBLEM HERE IN OUR OWN  
22 SYSTEM, AND IT MAKES ME RELUCTANT TO GO OUT ON A LIMB AND

1 TELL THE VILLAGE I THINK WE SHOULD GET GOING ON THIS  
2 PROCESS.

3                   AND SO I'M SITTING HERE SAYING TO MYSELF  
4 HOW ARE WE GOING TO DO THIS? LIKE I SAID, IT'S NOT REALLY  
5 FOR YOU, IT'S MY CONCERN I AM FACED WITH. IT DOESN'T HAVE  
6 ANYTHING TO DO WITH YOU, BUT WE WOULD SAY TO THE COMMUNITY  
7 WE AS COMMISSIONERS ARE INSURING THAT WE'VE GOT A PROCESS IN  
8 PLACE BY WHICH WE ARE GUARANTEEING THE REST OF THE CITIZENS  
9 THAT WE ARE CHECKING THESE GUYS. I DON'T KNOW HOW TO ANSWER  
10 IT. SO IT'S A PIECE OF ME IN MY MIND THAT MAKES ME  
11 RELUCTANT TO GO A LOT FURTHER.

12                   I'M GLAD YOU'RE HERE. I THANK YOU FOR  
13 YOUR PATIENCE. THIS IS AN ATTRACTIVE OPPORTUNITY FOR OUR  
14 COMMUNITY, BUT I'VE GOT TO BE ABLE TO SAY AYE TO A MOTION TO  
15 RECOMMEND SOMETHING TO COUNSEL THAT I CAN WALK OUT AND TELL  
16 MY NEIGHBORS I'M SURE WE'RE GOING TO BE ABLE TO APPROVE THIS  
17 GUY AS DOING THE RIGHT THING.

18           MR. BENJAMIN: I THINK WITH THE AGE GROUP WE'RE GOING  
19 TO GET -- ESPECIALLY IF YOU LOOK AT THE PLANS ON THE RIGHT  
20 CORNER YOU'LL SEE SOMETHING THAT SAYS "PRIVATE LOUNGE" WHICH  
21 IS JUST MURDER MYSTERIES AND TONY AND TINA'S WEDDING. EVERY  
22 FRIDAY AND SATURDAY IF THIS OPENS IN DOWNERS GROVE, THAT

1 CROWD ALONE IS 30, 40 AND ABOVE. THAT'S THE KIND OF AGE  
2 GROUP WE ARE GOING FOR.

3 AND, AGAIN, WE'RE NOT GOING TO BE PLAYING  
4 HIP HOP. WE'RE NOT GOING TO BE PLAYING A LOT OF THAT STUFF.  
5 WE MAY THROW IT IN THERE, BUT WE'RE GOING TO PLAY SOME  
6 MICHAEL BUBLE. WE'RE GOING TO PLAY SOME LATIN JAZZ DANCING.

7 I JUST DON'T KNOW HOW TO STRESS IT'S NOT  
8 GOING TO BE A NIGHT CLUB WHERE YOU'RE SERVED BY PLASTIC  
9 CUPS. YOU'RE GOING TO BE SERVED IN SOME NICE GLASSES AND  
10 IT'S GOING TO BE ELEGANT. I DON'T THINK WE'RE GOING TO HAVE  
11 AN ISSUE WITH THAT BECAUSE WE DON'T WANT THAT IN THERE. WE  
12 HAVE FOUR PEOPLE AT THE DOOR. WE HAVE SOMEONE CHECKING  
13 ID'S, WE HAVE A CLICKER, WE HAVE A SCANTRON WITH SOMEONE  
14 STANDING THERE, AND WE HAVE A SECURITY GUY THERE. I  
15 GUARANTEE YOU NO ONE IS GOING TO GET THROUGH. I WILL  
16 PERSONALLY GUARANTEE THAT. IT'S NOT GOING TO HAPPEN. IN  
17 THE 12 YEARS THAT I'VE DONE THIS, IT'S NEVER HAPPENED. IT'S  
18 NOT GOING TO HAPPEN NOW.

19 ONE OF THE OTHER PLACES IT WAS 21, AND  
20 THAT'S OKAY; 21, 22. I DO NOT THINK WE WILL HAVE A PROBLEM  
21 HERE, ESPECIALLY WITH -- WE CREATED A -- WE HAVE A GENERAL  
22 MANAGER, AND A BIG MANAGER. WE CREATED A LIQUOR MANAGER.

1 THAT'S ALL HE DOES. LIQUOR. CHECK ID'S. IF HE GETS PAST  
2 THE DOOR, IF HE SNUCK IN THE SITE, WE HAVE SOMEONE THERE  
3 THAT'S GOING TO BE WATCHING IN THE OFFICE EVERYTHING THAT'S  
4 GOING ON WHO WILL REPORT VIA HEADSET TO THE LIQUOR MANAGER,  
5 THIS PERSON CAME IN THROUGH THE EXIT DOOR, THIS PERSON LOOKS  
6 UNDERAGE, THIS PERSON IS DRUNK, SO WE HAVE SOMEBODY THERE TO  
7 JUST WATCH THIS LIQUOR.

8                   GENERAL MANAGER DUTIES ARE A LOT. IT'S  
9 HARD TO WATCH THIS WHEN YOUR GENERAL MANAGER HAS SOMETHING  
10 GOING ON HERE OR THERE'S FOOD, SOMEONE FELL OR SOMETHING  
11 LIKE THIS. IF SOMEONE CALLS THE LIQUOR MANAGER, THAT'S NOT  
12 HIS RESPONSIBILITY. THE GENERAL MANAGER OR SOMEONE ELSE IS  
13 GOING TO HAVE TO TAKE CARE OF THAT.

14                   WHILE THAT'S HAPPENING, SOMETHING ELSE  
15 COULD BE HAPPENING WITH THE LIQUOR ON THIS SITE, AND THAT  
16 NEEDS TO BE MONITORED. AND THAT'S WHERE I AM SO STRONG  
17 ABOUT THAT. AS YOU CAN SEE, I'M INTO IT AND I'M REALLY,  
18 REALLY FIRM ON IT.

19                   COMMISSIONER BARNETT: THOSE ARE THE ONLY QUESTIONS.  
20 YOU ANSWERED THE QUESTIONS I HAVE ABOUT YOUR OPERATION AND I  
21 AM COMFORTABLE WITH YOUR ANSWERS, BUT I AM STILL STRUGGLING.  
22 THAT'S ALL I'VE GOT.

1           CHAIRMAN MC INERNEY:  THANK YOU.

2                           COMMISSIONER CAWTHORNE?

3           COMMISSIONER CAWTHORNE:  I GOT SO MANY NOTES, I DON'T  
4 KNOW WHERE TO START.  FIRST OF ALL, LET'S START ON POSITIVE  
5 NOTES FIRST.

6                           GETTING BACK TO THE PARKING THING, I  
7 ASSUME YOU'RE GOING TO HAVE VALET PARKING; CORRECT?

8           MR. BENJAMIN:  YES.

9                           HERE'S THE THING WITH THE PARKING.  I'LL  
10 JUST THROW IT OUT FOR EVERYBODY REAL QUICK.  WE MET WITH THE  
11 BUILDING DEPARTMENT.  IT'S NOT THE LIQUOR THING, IT'S  
12 ARCHITECTS, BUILDING DEPARTMENT, THE FIRE DEPARTMENT, THEY  
13 ALL SAT DOWN WITH US.  THEY'RE GOING TO WORK OUT THE  
14 PARKING.  IF THEY TELL US YOU CAN'T HAVE TWO MILLION PEOPLE  
15 IN HERE, YOU CAN HAVE ONE MILLION PEOPLE, OKAY, WE'LL PUT  
16 ONE MILLION PEOPLE IN.  IF WE CAN PUT FIFTY MILLION, WE'LL  
17 PUT FIFTY MILLION.  THAT'S RESOLVED.  BUT IF YOU LOOK AT THE  
18 PLANS IN EXHIBIT A OF THE LAYOUT OF THE WHOLE BUILDING, JUST  
19 -- I'LL MAKE THIS BRIEF.  PARKING IS IRRELEVANT AT THIS  
20 POINT.

21                           THE L-SHAPED BUILDING IS GONE.  THEY'RE  
22 TEARING THAT DOWN.  THAT'S NUMBER ONE.  THAT LEAVES

1 SIXTY-NINE EXTRA SPOTS. EXHIBIT A, PAGE 32 IN THE BIG  
2 PACKAGE, THEY'RE TAKING THAT DOWN. THAT'S A WAREHOUSE RIGHT  
3 NOW.

4 COMMISSIONER CAWTHORNE: IS IT GONE NOW?

5 MR. BENJAMIN: IT'S GOING TO BE GONE BEFORE MAY 31ST.  
6 IT'S IN THE LEASE. THEY'RE GOING TO TAKE THAT OUT, AND  
7 THAT'S GOING TO CREATE FIFTY-NINE TO SIXTY-NINE SPOTS.  
8 THAT'S NUMBER ONE.

9 NUMBER TWO, EVERY OTHER -- SO THAT OPENS  
10 UP FIFTY-NINE SPOTS. ALL THE PARKING WHICH THE GENTLEMAN  
11 REFERRED TO IS ALL DIAGONAL PARKING. WE SPOKE TO THE -- SAT  
12 DOWN WITH THE LANDLORD AND ALL HIS PEOPLE IN HIS  
13 DEVELOPMENT. THEY'RE GOING TO CHANGE IT FROM DIAGONAL TO  
14 STRAIGHT PARKING, WHICH GIVES HIM A LOT MORE PARKING.  
15 THAT'S ANOTHER THING ABOUT THE PARKING. THEN ONCE YOU TAKE  
16 OUT THE L-SHAPE YOU'VE GOT NOW, THE BUILDING GOES AROUND IN  
17 REALITY WITH THIS L-SHAPE. IT'S HARD TO GO AROUND NOW. YOU  
18 CAN HAVE PARKING HERE AND STILL GO TO STARDUST AND YOU CAN  
19 WALK ON THIS SITE EVERY PLACE. AND THE HOT TUB, THAT'S  
20 GONE. I TALKED TO THEM WITH THE HOT TUBS. I'M GETTING THIS  
21 IN WRITING FROM THEM. THEY'RE WORKING WITH MY ATTORNEY.  
22 THEIR BUSINESS CLOSES AT 4:00, 5:00. I THINK THE PARKING

1 ISSUE ISN'T A PROBLEM. IF THE PARKING BECOMES A PROBLEM, WE  
2 WILL DOWNGRADE OUR CAPACITY.

3 AND WE ALREADY TALKED TO -- I THINK HIS  
4 NAME IS TOM, THE BUILDING INSPECTOR AND FIRE INSPECTOR, SAT  
5 DOWN WITH THEM. THEY MET WITH MY ARCHITECT, AND I DON'T  
6 THINK PARKING WILL BE AN ISSUE. AND IF PARKING WAS AN  
7 ISSUE, WE HAVE ALREADY CONTACTED ROSSI FURNITURE, WHICH IS A  
8 BLOCK DOWN, CAN WE USE YOUR LOT, WE'LL PAY YOU.

9 COMMISSIONER CAWTHORNE: BECAUSE YOU ARE GOING TO  
10 VALET, CORRECT?

11 MR. BENJAMIN: WE WILL VALET CARS FROM OVER THERE OR  
12 WHATEVER. IT MAY BE AS MUCH AS WE CAN. THE PARKING I DON'T  
13 FEEL WILL BE A BIG ISSUE. IT WILL BE RESOLVED ONE WAY OR  
14 ANOTHER.

15 COMMISSIONER CAWTHORNE: YOU'RE A 97 PERCENT OWNER.  
16 WHO IS THE OTHER PERCENT?

17 MR. BENJAMIN: A POLICE OFFICER, NOT DOWNERS GROVE, 3  
18 PERCENT.

19 COMMISSIONER CAWTHORNE: WHY DID YOU CLOSE YOUR OTHER  
20 ESTABLISHMENTS? YOU OWNED SOME OTHER CLUBS IN THE CITY.  
21 ONE OF MY CONCERNS IS YOU'RE GOING TO BE COMING IN FOR A FEW  
22 YEARS AND THEN --



1           MR. BENJAMIN: THE REASON IS WHEN WE HAD STARDUST, IT  
2 WAS OPEN FIVE YEARS. THE REASON I OPENED UP STARDUST WAS  
3 BECAUSE I WAS IN THE MUSIC BUSINESS AND I LIKED TO SING. I  
4 WANTED TO PURSUE A RECORD DEAL, AND TOWARDS THE END OF ALL  
5 THE CLUBS THAT I WAS DOING, I GOT A RECORD DEAL. SO ONCE I  
6 GOT THE RECORD DEAL IT WAS, LIKE, SERVE LIQUOR OR GET A  
7 RECORD DEAL. IT WAS ACTUALLY HARD, BUT THEN I JUST SAID,  
8 OKAY, LET ME GO PURSUE MY MUSIC OVERSEAS, TRY TO MAKE A LOT  
9 OF ROOKIES OVER THERE, WHICH I DIDN'T, AND THEN COME BACK  
10 HERE AND OPEN UP A CLUB WHEN I HAVE EVEN MORE MONEY THE WAY  
11 I WANT TO DO IT. SO THAT'S THE REASON, BECAUSE I GOT A  
12 RECORD DEAL.

13           COMMISSIONER CAWTHORNE: ONE OF THE CONCERNS THAT  
14 SOMEONE HAD MENTIONED TO ME WAS NORTH BEACH IS CONCERNED,  
15 BUT APPARENTLY THEY WERE HERE TONIGHT. THEY MENTIONED THE  
16 PARKING. MY REPLY ACTUALLY IS I SEE THIS AS BEING GOOD FOR  
17 NORTH BEACH ACTUALLY BECAUSE I'VE SEEN YOUR DRESS CODE.

18                           THAT'S ANOTHER QUESTION I HAD. WHAT KIND  
19 OF COVER CHARGE ARE YOU GOING TO CHARGE?

20           MR. BENJAMIN: \$20.00 TO \$25.00 PER PERSON TO GET IN.  
21 THAT ELIMINATES A LOT OF PROBLEMS, I THINK.

22           COMMISSIONER CAWTHORNE: I SEE A LOT OF PEOPLE GOING

1 TO YOUR PLACE, MAYBE THEY DON'T WANT TO SPEND \$20.00,  
2 \$25.00, MAYBE IT'S YOUR DRESS CODE, MAYBE THEY DON'T FIT  
3 YOUR DRESS CODE. I THINK THIS WILL BE A REAL NICE WINNER  
4 FOR NORTH BEACH IN MY PERSONAL OPINION. I THINK IT'S  
5 CREATING A NEAT LITTLE AREA IS KIND OF THE POINT I'M GETTING  
6 TO. WHEN VILLAGE COUNCIL HAD DISCUSSED THIS LICENSE  
7 CLASSIFICATION, A COUPLE OF THE COUNCIL MEMBERS HAD  
8 MENTIONED CREATING THIS AS BEING A DESTINATION SPOT. AND  
9 FROM WHAT I'M SEEING PRESENTED -- I'VE DONE RESEARCH ON YOU.  
10 I'VE GONE TO YOUR WEBSITE AND LOOKED YOU UP. I ACTUALLY  
11 TALKED TO SOMEONE DOWN IN THE CITY WHO KNOWS YOU. YOU CHECK  
12 OUT. YOU CAME IN HERE TALKING ABOUT ALL THESE CELEBRITIES  
13 AND STUFF, AND I'M NOT GOING TO BASE MY RECOMMENDATION ON  
14 ANY CELEBRITY COMING IN. IF NO CELEBRITIES COME, THAT  
15 DOESN'T MAKE A DIFFERENCE TO ME. IF THEY DO COME, GREAT.  
16 THAT'S AWESOME. BUT I THINK WHAT YOU GOT GOING ON HERE IS  
17 REALLY NEAT, REALLY UNIQUE. I THINK IT MEETS WITH WHAT  
18 COUNSEL WAS TALKING ABOUT HERE A COUPLE WEEKS AGO AS BEING A  
19 DESTINATION SPOT. YOU'VE MENTIONED THAT TONY AND TINA'S  
20 WEDDING, MURDER MYSTERY DINNERS, THESE ARE TYPES OF  
21 ACTIVITIES THAT MAKE PEOPLE DRIVE TO THE CITY TO GO  
22 PARTICIPATE IN.

1           MR. BENJAMIN:  THEY USUALLY GO TO THE CITY, AND THEY  
2 HAD ONE IN ST. CHARLES, BUT THEY'RE BASED OUT OF HINSDALE,  
3 SO THEY HAVE REALLY NOWHERE --

4           COMMISSIONER CAWTHORNE:  I SEE THIS AS MEETING THE  
5 COUNCIL'S CRITERIA AS BEING A DESTINATION SPOT, AND THE  
6 COMMISSIONER NOW WHO IS OUR LIAISON MENTIONED THAT SHE WOULD  
7 NOT LIKE TO SEE SOMETHING LIKE THIS IN THE DOWNTOWN AREA.  
8 SHE MENTIONED SHE'D LIKE TO SEE SOMETHING ON BUTTERFIELD.  
9 WELL, SURE ENOUGH, HERE YOU ARE ON BUTTERFIELD.  WITH WHAT'S  
10 GOING ON IN YORKTOWN WITH ALL THEIR RESTAURANTS, I REALLY  
11 SEE THIS AS BEING SOMETHING THAT'S GOING TO DRAW SOME  
12 PEOPLE, AND I DO SEE A LOT OF FOOD AND I DO SEE A GOOD  
13 STRONG STRESS OF FOOD.

14                           YOU MENTIONED JAPONAIS.  IT'S FUNNY, I  
15 JUST HAPPENED TO BE THERE A COUPLE WEEKS AGO AND, YES, IT'S  
16 A VERY CLASSY, UPSCALE CASUAL SPOT, AND I THINK HAVING  
17 DOWNERS GROVE HAVE SOMETHING LIKE THIS IS VERY EXCITING TO  
18 ME.  IT WOULD BE A PLACE THAT I WOULD LIKE TO GO TO.  I ALSO  
19 SEE IT AS A PLACE WHERE SARA LEE COULD ENTERTAIN CLIENTS OR  
20 SOMETHING, SOME OF THE BUSINESSES HERE WITH YOUR PRIVATE  
21 LOUNGE.  AND YOU MENTIONED YOU'VE GOT SOME PACKAGE DEALS AND  
22 ALL THAT.

1                   LET'S SEE. I LIKE -- IN YOUR MANUAL I  
2 LIKE THE INCIDENT REPORT. YOU GUYS HAVE SCANTRON. I DON'T  
3 KNOW OF ANY OTHER ESTABLISHMENT IN DOWNERS GROVE WHERE THEY  
4 ACTUALLY SCAN THE ID'S TO VERIFY FOR THE OUT-OF-STATE ID'S  
5 THAT THEY ARE LEGITIMATE. I WOULD ASSUME THAT THAT COMPUTER  
6 WOULD ALSO KEEP THAT TYPE OF INFORMATION IN CASE THERE WAS A  
7 PROBLEM.

8           MR. BENJAMIN: STORE IT, YES.

9           COMMISSIONER CAWTHORNE: I THOUGHT IT WAS REALLY  
10 FANTASTIC YOU GUYS OFFER A BREATHALYZER. CAN YOU MAYBE  
11 EXPAND ON HOW THAT WOULD WORK? ARE YOU GOING TO FORCE  
12 PEOPLE TO TAKE A BREATHALYZER?

13          MR. BENJAMIN: GRAB THEM BY THE HEAD, NO. WELL,  
14 WE'RE GOING TO HAVE A FEW PEOPLE, MAYBE A GUY AND A GIRL  
15 STAND BY THE DOOR WHEN THEY WALK OUT AND JUST, YOU KNOW,  
16 WHAT -- BECAUSE AT THE END OF THE DAY, WE WANT EVERYONE SAFE  
17 AND WE WANT THIS PLACE TO LAST FOREVER. SO WHAT WE'LL DO IS  
18 WE'LL HAVE A COUPLE OF PEOPLE STANDING AT THE DOOR SAYING  
19 WHY DON'T YOU JUST TRY BLOWING IN THIS IF YOU WANT TO GO.  
20 DO YOU WANT TO GET A DUI? DO YOU HAVE A FAMILY? DO YOU  
21 WANT TO HURT YOURSELF? DO YOU WANT TO KILL SOMEONE ELSE?  
22 IT'S NOTHING, IT'S FREE. AND IF THEY REFUSE, WE JUST END IT

1 THERE. IF THEY'RE INTOXICATED, WE DO EVERYTHING WE CAN TO  
2 KEEP THEM IN OR CALL A CAB. IF THEY REFUSE, THAT'S WHAT THE  
3 INCIDENT REPORT IS FOR. WE KEEP TRACK OF THAT, WRITE THE  
4 PLATES DOWN AND WE'LL REPORT IT.

5 BUT I USED THE BREATHALYZER BEFORE AND I  
6 THINK A LOT OF PEOPLE LIKE TO DO IT AND WHEN THEY SEE THAT  
7 THEY ARE OVER 0.8, THEY ALL START GETTING WORRIED, I REALLY  
8 DON'T WANT TO GO OUT THERE. THERE'S POLICE ALL OVER THE  
9 PLACE. IT'S JUST ANOTHER THING THAT WE OFFER TO HELP OUR  
10 CUSTOMERS TO BE SAFE AND FOR THEM NOT TO INJURE THEMSELVES  
11 OR ANYONE.

12 COMMISSIONER CAWTHORNE: I THINK IT GOES TO WHAT  
13 COMMISSIONER BARNETT WAS SAYING, HOW CAN I GO TO MY NEIGHBOR  
14 AND SAY, LOOK, THIS IS -- TO BE HONEST WITH YOU, ACCORDING  
15 TO YOUR LIQUOR POLICY, YOU GUYS GO ABOVE AND BEYOND, I  
16 THINK, FURTHER, THAN MANY OF THE ESTABLISHMENTS THAT HOLD  
17 LIQUOR LICENSES HERE IN TOWN.

18 I ALSO LIKE -- YOU'VE MENTIONED TWICE IN  
19 YOUR EMPLOYEE MANUAL ANY LIQUOR VIOLATIONS, NO QUESTIONS  
20 ASKED. I FORGET WHAT PAGE THAT WAS ON. I DON'T KNOW IF  
21 ANYONE NOTICED IT, TOO, BUT IT WAS IN THE EMPLOYEE MANUAL.  
22 IT MENTIONED IT TWICE. THAT REALLY JUMPED OUT AT ME.

1                   THE ONLY THING YOU GUYS DON'T HAVE IN  
2 HERE IS THE VERTICAL LICENSES, EXAMPLES OF THOSE.

3           MS. KUCHYNKA:   ACTUALLY YOU DO.

4           MR. BENJAMIN:   I THINK WE DID, RIGHT?

5           MS. KUCHYNKA:   YES, IT IS ON PAGE 14.

6           COMMISSIONER CAWTHORNE:  OH, OKAY.  NEVER MIND.  
7 SCRATCH THAT.

8           MS. KUCHYNKA:   ACTUALLY I CAN GIVE THEM -- I KNOW YOU  
9 COPIED SOME OF THE STUFF FROM THE ILLINOIS WEBSITE.  WE CAN  
10 ACTUALLY GIVE THEM A FULL-COLORED ONE THAT THE OTHER TWO  
11 APPLICANTS HAD AS WELL.

12          COMMISSIONER CAWTHORNE:  ARE YOU GUYS FAMILIAR WITH  
13 THE USE OF SPOTTERS?

14          MR. BENJAMIN:   YES.  SPOTTERS IS ANOTHER THING WE DO.  
15 JUST THE LIQUOR MANAGER CONTROLS.  WHAT WE DO IS WE HIRE TWO  
16 PEOPLE AT EACH BAR AND THEY SIT THERE, THEY BUY SOME FOOD  
17 AND WE LET THEM HAVE ONE DRINK.  THEY PAY FOR THE FOOD.  WE  
18 REIMBURSE THEM.  THEIR MAIN GOAL IS TO WATCH PEOPLE.  A, TO  
19 WATCH PEOPLE FROM DRINKING TOO MUCH, OVERPOURING, OR IF YOU  
20 HAVE A BARTENDER, YOUR FRIENDS COME IN AND THEY LIKE TO COMP  
21 THEM SO WE WANT TO MAKE SURE THE EXCHANGE OF MONEY IS GOOD.  
22 WE DO THAT IN EVERY BAR EVERY TIME.  IT'S SUCH A GREAT WAY.

1 THEY ARE YOUNG, HIP PEOPLE SO EVERYONE THINKS THEY'RE  
2 INVOLVED AND THEY START CONVERSATIONS WITH PEOPLE. SO WE  
3 USE SPOTTERS ALL THE TIME.

4 COMMISSIONER CAWTHORNE: MIKE WOULD PROBABLY LIKE TO  
5 BE A SPOTTER. I KNOW THAT'S SOMETHING A LOT OF CLUBS DO USE  
6 IS A SPOTTER. THE PEOPLE ARE SORT OF UNDERCOVER-TYPES AND  
7 IF YOU MAYBE LOOK SUSPICIOUS OR ANYTHING THEY CAN GO TAP A  
8 MANAGER ON THE SHOULDER TO GO CHECK THE ID.

9 YOU DID SAY YOU ARE GOING TO HAVE TWO ON?

10 MR. BENJAMIN: WE HAVE ONE LIQUOR MANAGER, WE HAVE A  
11 GENERAL MANAGER, AND THEN MYSELF. AND THE LIQUOR MANAGER,  
12 AGAIN, JUST DOES LIQUOR, NOTHING ELSE.

13 COMMISSIONER CAWTHORNE: NOW YOU REALIZE THE VILLAGE  
14 JUST PASSED A NO BOTTLE SERVICE ORDINANCE, AND CAN YOU MAYBE  
15 EXPLAIN HOW YOU WOULD HAVE HANDLED BOTTLED SERVICE IF IT WAS  
16 AVAILABLE?

17 MR. BENJAMIN: I WOULD LIKE TO DO BOTTLE SERVICE;  
18 HOWEVER, THE WAY WE DO IT -- ANYWAY, I DON'T EVEN KNOW IF  
19 IT'S CONSIDERED BOTTLE SERVICE, BUT WHAT HAPPENS IS IF  
20 SOMEONE ORDERS A BOTTLE, SAY \$300.00 FOR A BOTTLE OF  
21 ABSOLUT, JUST THROWING OUT NUMBERS, THEY GET ALL THEIR  
22 JUICES, IF IT'S ORANGE JUICE, WHATEVER JUICE, THEY GET ALL

1 THEIR GLASSES, THEY GET CONTAINERS WITH THE ICE IN IT. THEY  
2 DON'T GET THE BOTTLE. THEY ORDER THE BOTTLE, IT'S  
3 CONTROLLED -- AGAIN, THE LIQUOR MANAGER HAS HIS STAFF OF  
4 PEOPLE, THEY POUR. OUR STAFF POURS THE LIQUOR IN THEIR  
5 GLASSES AND TAKES THE BOTTLE AWAY. YOU WANT ANOTHER DRINK?  
6 ASK THEM. THEY WANT TO HAVE THE GLASSES, THEY WANT TO HAVE  
7 THE JUICES. WE DON'T LEAVE THE BOTTLE BECAUSE THEN THEY CAN  
8 POUR TOO MUCH. WE CAN'T MONITOR THEM ALL THE TIME, BUT  
9 HOWEVER, IN THIS CASE THAT'S WHAT WE DO, AND AT LAST CALL,  
10 THEY DON'T HAVE TO FINISH IT UP. COME BACK, WE PUT YOUR  
11 NAME ON IT, COME BACK IN THREE WEEKS AND DRINK THE BOTTLE.  
12 COME BACK THREE WEEKS AFTER THAT, YOUR BOTTLE IS STILL  
13 THERE, DON'T RUSH. IT'S FINE. YOU DON'T HAVE TO PAY AGAIN,  
14 YOU GET THE SAME BOTTLE. YOU'RE GOING TO PAY FOR THE JUICES  
15 AGAIN.

16 COMMISSIONER CAWTHORNE: SORRY I TOOK UP SO MUCH OF  
17 YOUR TIME, BUT I KNOW THIS IS NEW FOR OUR VILLAGE. I MEAN,  
18 DOWNERS GROVE FROM WHAT I HEAR WAS A DRY TOWN IN THE 60'S.  
19 AND, YOU KNOW, I AM VERY EXCITED ABOUT THIS PLACE AND I AM  
20 FULLY IN SUPPORT OF IT. I THINK WHAT YOU HAVE TOLD US HERE  
21 TONIGHT SOUNDS -- REALLY LOOKS LIKE YOU GUYS ARE GOING TO GO  
22 ABOVE AND BEYOND TO BE GOOD NEIGHBORS, AND I TRULY BELIEVE



1 THIS WILL BE A DESTINATION SPOT, AND I AM EXCITED. I THINK  
2 IT'S A WINNER FOR NORTH BEACH, TOO.

3 AND YOU'VE GOT MY SUPPORT. I HAVE BEEN A  
4 BIG FAN OF THIS IDEA FROM THE FIRST TIME YOU SAW US BACK IN  
5 DECEMBER. IT'S ALMOST SUMMERTIME, AND THAT'S ALL I HAVE.  
6 I'M SORRY IT TOOK SO MUCH TIME, BUT I WISH YOU THE BEST OF  
7 LUCK.

8 CHAIRMAN MC INERNEY: COMMISSIONER KING?

9 COMMISSIONER KING: I WILL TRY AND BE BRIEF. I AM  
10 VERY EXCITED ABOUT THIS PROSPECT. I WAS HERE SINCE THE 90'S  
11 AND WE USED TO HAVE TO DRIVE DOWNTOWN. NOW ALL THE  
12 RESTAURANTS ARE ALL OUT HERE. NO ONE WANTS TO DRIVE FAR.  
13 IT SOUNDS LIKE YOU HAVE ALL YOUR BASES COVERED. IT SOUNDS  
14 TO US EVERYONE SEEMS TO HAVE CHECKED OUT YOUR RECORD.  
15 THEY'RE SAYING YOU HAVE A GREAT LIQUOR HANDLING EXPERIENCE.  
16 I THINK THAT'S GREAT. IT SOUNDS LIKE YOU DO HAVE MORE  
17 LAYERS TO YOUR PROTECTING YOUR INVESTMENT AND YOUR PATRONS  
18 AND EVERYTHING. I THINK I COULD SECOND MR. BARNETT'S  
19 CONCERN.

20 THE ONLY CONCERN I HAVE IS CAN WE POLICE  
21 THE ALCOHOL NOT BEING SERVED AT A TIME AND THEN BEING OPEN  
22 FOR THE FOOD? I THINK IT WOULD BE IN OUR BEST INTEREST TO

1 DO SOME SORT OF CONTROLLED BUY WHERE YOU ARE OPEN LONGER, IF  
2 WE DID A CONTROLLED BUY WHERE THEY REALLY WEREN'T SERVED  
3 PAST THE HOURS BECAUSE THERE IS SUCH A LONG SPAN.

4 MR. BENJAMIN: YOU MEAN AFTER 1:00?

5 COMMISSIONER KING: YES.

6 MR. BENJAMIN: WHAT WE NORMALLY DO IS WE -- THAT'S  
7 WHEN WE GET MORE SECURITY IN. WE CLOSE EVERYTHING UP, LOCK  
8 EVERYTHING THAT'S POSSIBLE BECAUSE LIKE I SAID BEFORE, IT'S  
9 MY NAME AND EVERYTHING ELSE ON THE LINE. IT'S NOT GOING TO  
10 HAPPEN. THE STAFF I'M BRINGING HAS ALREADY TAKEN THEIR TIPS  
11 AND BASSETS AND ALL THAT. EVERYONE HAS ALREADY -- EVERYONE  
12 IS READY TO GO AND I'VE WORKED WITH THEM FOR OVER TEN YEARS  
13 AND WE HAVEN'T HAD A PROBLEM. IT'S NOT LIKE I'M HIRING THIS  
14 PERSON. IT'S MY NAME AND SOMEONE ELSE CAN MESS UP, BUT I  
15 HAVE HAD THESE PEOPLE FOR TEN YEARS. THEY'RE ALL WITH ME.  
16 I DON'T THINK THAT WILL BE A PROBLEM. I JUST HOPE THE  
17 LIQUOR COMMISSIONER GIVES THIS A CHANCE. AND IF THERE IS  
18 ANYTHING THAT I'M SAYING THAT DOESN'T HAPPEN, THEN YOU COULD  
19 TAKE THE LICENSE AWAY. I DON'T WANT TO GET \$15,000.00. I  
20 DON'T WANT ANY OF THAT STUFF, BUT I JUST REQUEST THAT THE  
21 COMMISSION GRANTS THIS AND SEES WHAT WE COULD DO EVEN IF  
22 IT'S A TRIAL BASIS. I AM WILLING TO MOVE IN SLOW STAGES.

1                   RIGHT NOW I'M ASKING CAN I SERVE -- IN  
2 SIX MONTHS I'M COMING BACK FOR BOTTLE SERVICE. I MAY NOT  
3 GET IT, BUT I'M COMING BACK. SO I DON'T MIND TAKING IT IN  
4 SLOW STEPS, BUT I ALSO WANT TO SHOW YOU GUYS WHAT I CAN DO.

5           COMMISSIONER KING: I HAVE FAITH IN YOU. I BELIEVE  
6 YOU. YOU HAVE A TRUE VESTED INTEREST, BUT IT SEEMS LIKE YOU  
7 HAVE EVERYTHING LAID OUT NICELY, BASES COVERED.

8           MR. BENJAMIN: THANK YOU.

9           COMMISSIONER KING: I FEEL VERY CONFIDENT IN WHAT  
10 YOU'RE TELLING US. HOPEFULLY IT'S TRUE.

11          MR. BENJAMIN: ABSOLUTELY.

12          COMMISSIONER KING: I THINK IT WOULD BE A GREAT PLACE  
13 FOR A 40TH BIRTHDAY PARTY AS OPPOSED TO THE YOUNG CROWDS.  
14 FROM WHAT YOU'RE SAYING, YOU'RE GEARING IT TOWARDS OLDER  
15 CROWDS WHICH MAKES US COMFORTABLE UP HERE.

16                   I LOVE YOUR EMPLOYEE CONDUCT. I THINK  
17 YOUR MANUAL IS COMPREHENSIVE, AND THAT'S IT.

18                   BREATHALYZER, DO YOU USE THE BREATHALYZER  
19 IN ANY OF THE OTHER CLUBS?

20          MR. BENJAMIN: YES, ABSOLUTELY. A LOT OF PEOPLE DO  
21 IT AND SAY I BETTER STAY HERE FOR A MINUTE. EVERYONE THAT I  
22 AM -- EVERYONE THAT I HAVE DEALT WITH THINKS THEY'RE NOT

1 DRINKING, I CAN DRIVE. YOU CAN'T EVEN TALK. SO, I THINK  
2 THE BREATHALYZER HELPS.

3 COMMISSIONER KING: THAT'S ALL I HAVE. THANK YOU  
4 VERY MUCH.

5 CHAIRMAN MC INERNEY: COMMISSIONER STRELAU?

6 COMMISSIONER STRELAU: I'M READY. THANK YOU FOR  
7 COMING BACK. I THINK YOU HAVE SEEN THE WHOLE BREADTH OF  
8 WHAT THE LIQUOR COMMISSION DOES. I DON'T THINK THERE IS ANY  
9 WAY YOU COULD WALK OUT OF HERE TONIGHT AND SAY I HAVE NO  
10 IDEA WHAT THOSE PEOPLE DO. YOU HAVE SEEN IT ALL. THE GOOD,  
11 THE BAD, AND THE UGLY. AND I DO COMMEND YOU FOR STICKING  
12 WITH US. I THINK THAT IT IS A TESTAMENT TO YOUR INTEREST,  
13 AND IT DOES GIVE ME SOME REASSURANCE. AND I DO HAVE SEVERAL  
14 QUESTIONS, AND YOU'VE SEEN ME ASK OTHERS LOTS OF QUESTIONS  
15 AS WELL, SO BE PATIENT WITH ME.

16 THE FIRST ONE IS I'M LOOKING AT THE MAP  
17 -- THE LAYOUT THAT YOU GAVE US TONIGHT. WHAT'S AN OMELETTE  
18 BAR?

19 MR. BENJAMIN: OVERSEAS IN THE REAL NICE HOTELS WHAT  
20 HAPPENS IS WE HAVE THIS -- IT'S A TABLE LIKE THIS, PUT A  
21 CLOTH OVER IT. WE MET WITH THE DUPAGE COUNTY HEALTH  
22 DEPARTMENT AND YOU HAVE AN INDUCTION COOKER, WHATEVER, YOU

1 PUT THEM OUT THERE AND THEN YOU HAVE A VARIETY OF VEGETABLES  
2 THAT YOU COULD PICK FROM, AND THEN YOU HAVE THE EGGS IN THE  
3 BASKET, AND THEN YOU HAVE TOMATOES, GREEN PEPPERS, ONIONS,  
4 AND YOU JUST SAY I WANT THIS OMELETTE AND THEY MAKE YOUR  
5 OMELETTE RIGHT IN FRONT OF YOU. IT'S JUST SOMETHING WE  
6 THOUGHT IT WAS GOOD FOR LATER, STILL A LITTLE MORE ELEGANT  
7 THAN THROWING, YOU KNOW -- YOU PICK WHAT YOU WANT, YOU SEE  
8 IT BEING MADE, WE JUST THOUGHT IT WOULD BE A NICE CHANGE.

9 COMMISSIONER STRELAU: THAT SORT OF SUPPORTS THE FOOD  
10 AFTER.

11 MR. BENJAMIN: ABSOLUTELY.

12 COMMISSIONER STRELAU: I ALSO THOUGHT YOUR PROCEDURE  
13 MANUAL WAS WELL DONE. TONIGHT WE'VE HAD FOUR APPLICANTS AND  
14 I WAS IMPRESSED WITH EVERYONE'S PROCEDURE MANUAL. SOME  
15 NIGHTS DON'T GO THAT WELL.

16 SO THE ONE COMMENT I DO HAVE ABOUT YOURS  
17 IS ON PAGE 11 YOU MENTIONED THAT YOU WILL BE OPEN THE HOURS  
18 AS ESTABLISHED BY THE VILLAGE. I THINK IT'S KIND OF GOOD IF  
19 YOU SOMETIMES REPEAT WHAT THOSE HOURS ARE SPECIFICALLY AND  
20 NOT LEAVE IT TO SOMEBODY TO GO I NEED TO FIND OUT WHAT THEY  
21 ARE.

22 MR. BENJAMIN: PAGE 11?

1           COMMISSIONER STRELAU: OF THE MANUAL. IT SAYS RANDOM  
2 ID CHECKS THE SCANNER.

3           COMMISSIONER CAWTHORNE: THERE IS TWO DIFFERENT 11'S.

4           COMMISSIONER STRELAU: I'M IN THE MANUAL.

5           MR. BENJAMIN: UNDER TRAINING?

6           COMMISSIONER STRELAU: YES. I'M SORRY, SOMEPLACE I  
7 READ ON THERE. I MARKED IT. I THOUGHT IT SAID WE WILL SELL  
8 ALCOHOL IN ACCORDANCE WITH THE VILLAGE, BUT NOW I CAN'T FIND  
9 IT. EMPLOYEES WILL BE TRAINED TO KNOW HOURS IN WHICH THEY  
10 CAN SELL AND SERVE LIQUOR. IT'S BULLET POINT NUMBER FOUR.  
11 IT JUST MIGHT BE GOOD TO HAVE THE HOURS IN THERE.

12          MR. BENJAMIN: ABSOLUTELY.

13          COMMISSIONER STRELAU: ESPECIALLY SINCE YOU'RE  
14 WANTING TO REMAIN OPEN AND SERVE FOOD. I DON'T THINK YOU  
15 CAN SAY THAT OFTEN ENOUGH.

16          MR. BENJAMIN: ABSOLUTELY.

17          COMMISSIONER STRELAU: ALSO IN YOUR TRAINING MANUAL I  
18 NOTICED IN MANY CASES YOU SAY WE ARE A PLACE THAT ONLY HAS  
19 PEOPLE OVER THE AGE OF 23. AND THEN I GOT TO THE BACK PAGE,  
20 OR ONE OF THE BACK PAGES, AND IT SAYS 23 AFTER 9:00. PAGE  
21 24 SAYS 23 AFTER 9:00. IS IT 23 THE ENTIRE TIME YOU'RE  
22 OPEN, OR IS IT 23 AFTER 9:00?

1           MR. BENJAMIN: THE WAY WE HAVE IT SET UP RIGHT NOW IS  
2 23 AFTER 9:00, AND WE DO MONITOR THAT. SO IF SOMEONE WANTS  
3 TO COME IN FOR DINNER SINCE WE ARE A RESTAURANT AS WELL,  
4 WITH THEIR FAMILY AT 5:00, 6:00, 7:00, THEY CAN COME EITHER  
5 TO THE MURDER MYSTERY OR SOMETHING. IF THEY HAVE A KID -- I  
6 DON'T KNOW IF YOU HAVE BEEN TO A MURDER MYSTERY. I THINK  
7 THEY DO BRING KIDS SOMETIMES.

8           COMMISSIONER STRELAU: THEY CAN. I THINK IT DEPENDS  
9 ON THE MURDER.

10          MR. BENJAMIN: SO THAT'S HOW WE'RE DOING IT, AND WHAT  
11 WHAT WE DO IS WHEN WE'RE ABOUT HALF AN HOUR FROM 8:30 TO  
12 9:00, ALL THE MANAGEMENT -- WE ALREADY KNOW BECAUSE WHEN  
13 THEY WALK IN WE KNOW THERE IS ONE UNDER 21 AT THIS TABLE OF  
14 FIVE. WE HAVE IT, THEN WE GO THERE, WE CHECK. IN CASE THEY  
15 MOVE, WE HAVE THREE PEOPLE THAT GO EVERYWHERE AROUND THE  
16 WHOLE PLACE AND CHECK OUT ID'S, AND IF NOT, YOU HAVE TO  
17 LEAVE.

18          COMMISSIONER STRELAU: ASK THEM IF THEY'D MOVE ALONG?

19          MR. BENJAMIN: YES.

20          COMMISSIONER STRELAU: I ALSO HAD A QUESTION. I'M  
21 NOT REAL GOOD AT DETERMINING SQUARE FOOTAGES AND PERCENTAGES  
22 RELATING TO THEM. THE LEASE INDICATED YOUR SPACE WAS FOR

1 9200 SQUARE FEET. WE HEARD PUBLIC COMMENTS THAT SAID IT'S  
2 12,000. I AM THE ONE THAT ASKED THE QUESTION TO STAFF. DO  
3 WE HAVE THE 20 PERCENT BAR/LOUNGE REQUIREMENT MET AS  
4 OUTLINED IN THE ORDINANCE?

5 MR. BENJAMIN: ACCORDING TO THE ARCHITECT OF THE  
6 DOWNERS GROVE BUILDING DEPARTMENT AND THE FIRE DEPARTMENT,  
7 EVERYTHING WORKED OUT PERFECT. I WAS SITTING THERE WITH  
8 THEM WHEN THIS HAPPENED AND THEY SAID THERE IS NO PROBLEM  
9 WITH ANYTHING. AND IT'S NOT 12,000 SQUARE FEET. IT IS  
10 12,000 SQUARE FEET BEFORE YOU PUT IN -- YOU LOSE 1,000  
11 SQUARE -- WE'RE AT 10,100 SQUARE FEET. THAT'S WHAT THE  
12 ACTUAL NUMBER IS BECAUSE OF THE FIRE CORRIDORS AND LOTS OF  
13 STUFF.

14 COMMISSIONER STRELAU: YOU GET TO SUBTRACT OFF ALL  
15 THAT.

16 MR. BENJAMIN: RIGHT, SO AT THE END OF THE DAY THE  
17 EXACT NUMBER IS 10,100 IS WHAT I'M TOLD.

18 COMMISSIONER STRELAU: OKAY.

19 SO, CAROL, IF WE WERE TO GO AHEAD AND  
20 MOVE THIS LICENSE FOR APPROVAL AND IT IS VERIFIED, ARE WE  
21 COUNTING LOUNGE AREA THE LITTLE TABLES WITH THE SEATS AROUND  
22 THEM? IS THAT WHAT YOU CONSIDERED LOUNGE?



1 MS. KUCHYNKA: RIGHT. THAT'S ACTUALLY ONE OF THE  
2 QUESTIONS I WANTED TO ASK BECAUSE IT WASN'T INDICATED ON THE  
3 PLAN IS THE SIZE OF THE TABLES AND HEIGHT. ARE THEY WHERE  
4 YOU CAN SIT AND DINE, OR ARE THEY GOING TO BE --

5 MR. BENJAMIN: YOU COULD SIT AND DINE.

6 MS. KUCHYNKA: ARE THEY TABLE SIZE OR DINING HEIGHT?

7 MR. BENJAMIN: DINING SIZE.

8 MS. KUCHYNKA: THEN I PROBABLY WANT THAT INFORMATION  
9 PUT ONTO THE FLOOR PLAN BECAUSE I THINK THAT WILL DETERMINE  
10 ALSO YOUR PARKING BECAUSE IF YOU WERE DOING MORE OF LIKE THE  
11 LOUNGE SEATING, THEY WOULD CONSIDER THOSE NON-PERMANENT  
12 DINING AREA WHERE YOU CAN SCOOT THEM OUT -- THE PARKING  
13 CALCULATIONS ACTUALLY MAY BE AFFECTED.

14 MR. BENJAMIN: I'LL GET TO THE ARCHITECT WITH THAT  
15 AND THEN HE CAN ANSWER THAT BETTER THAN I CAN.

16 MS. KUCHYNKA: IF THEY ARE ALL HIGH IN THAT INSTANCE,  
17 AGAIN, STILL I WANT YOUR OPINIONS ON THE AMOUNT OF THE  
18 BAR/LOUNGE SEATING, BUT NOW THAT WE KNOW THEY THEY'RE HIGHER  
19 TABLES.

20 MR. BENJAMIN: I THINK THE ONES DOWN HERE WHICH IS  
21 BENCH SEATING, THOSE -- OH, YOU DON'T HAVE THAT. DO YOU  
22 HAVE THAT ON THIS OLDER ONE?

1 MS. KUCHYNKA: THE ONE THAT I COLORED IN?

2 MR. BENJAMIN: YES.

3 MS. KUCHYNKA: I'M TALKING ABOUT THE ONES WITH THE  
4 CHAISE LOUNGES IN THE LOWER DANCE FLOOR. ARE THOSE DINING  
5 HEIGHT? THAT'S WHAT I WOULD LIKE TO SEE.

6 MR. BENJAMIN: THEY ARE NOT DINING HEIGHT. ON THE  
7 FLOOR, YES. I THOUGHT YOU MEANT ON THE RAILINGS.

8 MS. KUCHYNKA: THAT WOULD BE SOMETHING I WOULD BE  
9 CONCERNED OF AS FAR AS YOU CONSIDERING THAT LOUNGE OR DINING  
10 PRIMARILY BECAUSE I DON'T KNOW IF YOU'VE EVER SAT AT A  
11 COCKTAIL TABLE, YOU'RE NOT DINING AT IT, YOU'RE BENT OVER.  
12 THAT'S SOMETHING, AGAIN, WE NEED TO MAKE SURE THEY MEET  
13 WITHIN THAT 20 PERCENT.

14 MR. BENJAMIN: AGAIN, IF IT'S NOT, THEN THEY BECOME  
15 DINING TABLES. WE ARE VERY FLEXIBLE WITH ANY OF THIS.

16 COMMISSIONER STRELAU: YOUR DESIGN IS DIFFERENT.  
17 NORMALLY IT'S MUCH MORE STRAIGHT-FORWARD. IT'S VERY EASY TO  
18 SEE THE BAR AREA WITH THE LITTLE BAR STOOLS. THEY DON'T  
19 NEED TO BE COLORED WHERE THE BAR IS. SO I AM NOT TRYING TO  
20 BE DIFFICULT, IT'S JUST WHEN I LOOKED AT THE TABLES WITH THE  
21 THREE CHAIRS AROUND, I ASSUMED IT WAS LOUNGE. SO TO ME THAT  
22 LOOKS LIKE A LOT OF LOUNGE AREA WHEN YOU ALSO TAKE INTO

1 ACCOUNT THE BARS. SO I AM ONLY TRYING TO MAKE SURE THAT  
2 WHAT HE'S SHOWN AS THE FLOOR PLAN IS CORRECT FOR WHAT OUR  
3 ORDINANCE INDICATES NEEDS TO BE 20 PERCENT FOR LOUNGE AND  
4 BAR.

5 AND I GUESS MY UNDERSTANDING OF WHAT  
6 WOULD BE DINING AND LOUNGE, IT'S, AS YOU SAID, IT'S EASY TO  
7 SAY IF IT'S A SMALL TABLE, AND EVEN THE HIGH ONES WHEN  
8 THEY'RE SMALL YOU COULDN'T PUT THREE PEOPLE AT THEM.  
9 PERHAPS TWO, BUT NOT THREE. SO I GUESS IT IS REALLY THE  
10 SIZE OF THE TABLE. I DON'T REALLY CARE HOW HIGH IT IS SINCE  
11 IT'S GOING TO SERVE SUSHI THEY MAY WANT TO EAT THAT CLOSE TO  
12 THE FLOOR. IT DOESN'T MATTER, BUT I THINK IT'S IMPORTANT  
13 THAT WE JUST UNDERSTAND THAT 20 PERCENT.

14 MR. BENJAMIN: SURE. WE WILL MAKE SURE 100 PERCENT  
15 THAT IT IS.

16 COMMISSIONER STRELAU: SO LET'S MOVE TO LATER IN THE  
17 EVENING. I WANT TO ASK YOU ABOUT THE BREATHALYZER, AND YOU  
18 COULD TELL THIS IS NEW. WE HAVE NOT HAD SOMEBODY WHO DOES  
19 THIS.

20 WHAT HAPPENS TO SOMEONE WHO SAYS, SURE,  
21 I'LL TAKE A BREATHALYZER AND THEY'VE OVER 0.08, BUT THEY  
22 STILL WANT TO LEAVE?

1           MR. BENJAMIN: WELL, WHAT WE NORMALLY DO IS WE FILL  
2 OUT THIS FORM, THE INCIDENTAL FORM, INCIDENT FORM, AND WE  
3 TRY TO GET THEM A CAB. WE DO EVERYTHING WE CAN. IF WE  
4 CAN'T, WE ACTUALLY CALL THE POLICE AND SAY THIS GUY IS  
5 GOING. IF MY BROTHER OR SISTER'S FAMILY IS DRIVING, I DON'T  
6 WANT HIM TO LEAVE. I WOULD JUST CALL THE POLICE. I WOULD  
7 100 PERCENT DO THAT.

8           COMMISSIONER STRELAU: AND ONE OF THE THINGS I KNOW  
9 YOU'VE HEARD US TALK ABOUT IS THE FACT THAT OVERSERVICE IS  
10 CONTINUALLY A STRUGGLE FOR US, AND A STRUGGLE IN THAT WE  
11 DON'T UNDERSTAND HOW SO MANY PEOPLE END UP BEING OVERSERVED.  
12 THERE ARE SOME PEOPLE WHO CAN DRINK A LOT AND BE OVERSERVED  
13 AND IT'S NOT GOING TO BE READILY APPARENT, BUT THAT'S NOT  
14 EVERYONE. YOU WELL KNOW THAT. SO WE ARE ALWAYS VERY  
15 CONCERNED ABOUT THE WHOLE OVERSERVICE, AND I THINK THIS IS A  
16 GOOD IDEA. I DON'T -- I THINK IT'S ANOTHER TOOL IN YOUR  
17 TOOL BOX TO HELP YOU RUN A GOOD ESTABLISHMENT. I DON'T KNOW  
18 IF IT'S THE FAIL SAFE, BUT I THINK IT'S A GOOD IDEA.

19                               SO WHEN THE FACILITY CLOSES AT 1:00 A.M.  
20 OR AT 2:00 A.M, DEPENDING UPON THE NIGHT OF THE WEEK, AND IT  
21 GOES TO FOOD ONLY, HAVE YOU EVER DONE THAT BEFORE? HAVE YOU  
22 EVER HAD A CLUB THAT AFTER WHENEVER THE LIQUOR ORDINANCE

1 SAID YOU COULD SERVE LIQUOR, YOU REMAINED OPEN? HAVE YOU  
2 EVER DONE THAT BEFORE?

3 MR. BENJAMIN: NOT HERE, BUT I'VE DONE IT BEFORE.

4 COMMISSIONER STRELAU: WHY DON'T YOU HELP ME  
5 UNDERSTAND HOW THAT WORKS. SO NOW YOU'RE TELLING PEOPLE --  
6 OBVIOUSLY THEY'VE BEEN -- I DON'T WANT TO USE THE WORD LAST  
7 CALL, BUT THEY HAVE BEEN MADE AWARE THAT THE BAR IS CLOSED.  
8 SO DO WE HAVE PEOPLE WHO ARE NOW VERY INTERESTED IN GETTING  
9 THEIR LAST COCKTAIL BEFORE YOU STOP SERVICE?

10 MR. BENJAMIN: HERE'S WHAT WE DO. SAY WE CLOSE AT  
11 1:00, ABOUT 12:15, 12:30 WE START SAYING THE BAR IS  
12 BASICALLY CLOSING VIA MICROPHONE FROM THE DJ BOOTH OR  
13 WHEREVER IT MAY BE, YOUR DRINKS HAVE TO BE DOWN IN, LIKE,  
14 TEN MINUTES, AND THEN WE ACTUALLY WALKED AROUND, TOOK  
15 EVERYBODY'S DRINKS. EVERYBODY'S DRINKS ARE GONE. I DON'T  
16 CARE IF IT'S ORANGE JUICE. EVERYTHING IS TAKEN AWAY. THERE  
17 IS NO GLASSES ON THE TABLE AT 1:00. THERE'S NONE. THERE'S  
18 NOTHING HIDDEN. WHAT WE DO IS WE TAKE EVERYTHING DOWN  
19 BECAUSE YOU DON'T KNOW, OH YEAH, I HAVE ORANGE JUICE. SO WE  
20 TAKE EVERYTHING DOWN 1:00 NOW BECAUSE THE BAR CLOSES. 12:30  
21 IT CLOSES, IT'S DONE. SO THERE SHOULD BE NO GLASSES. THERE  
22 SHOULDN'T BE ANY. PLATES, FOOD, THAT CAN STAY UP. THERE IS

1 NO GLASSES. AND THEN 1:00, 1:15, THE BAR OPENS, ONLY ONE  
2 BAR OPENS FOR SERVING OF WATER, COFFEE, TEA, WHATEVER THEY  
3 MAY WANT. THAT'S HOW WE CAN MANAGE THAT BECAUSE WE CAN'T  
4 JUST LEAVE THEM WITH THEIR GLASSES. THAT'S NOT GOING TO  
5 WORK. WE TAKE THEM AWAY COMPLETELY AND START OVER. IN MY  
6 PAST IT REALLY WORKED WELL.

7 COMMISSIONER STRELAU: HOW DO YOU SUPPOSE PEOPLE FEEL  
8 ABOUT THAT? THEY ORDERED THEIR DRINK AT 12 AND THEY HAVEN'T  
9 QUITE FINISHED?

10 COMMISSIONER CAWTHORNE: IT HAPPENS ALL THE TIME NOW.

11 MR. BENJAMIN: THEIR OPTIONS ARE THEY GO HOME --

12 COMMISSIONER STRELAU: I'VE SEEN THEM SUNDAY MORNING  
13 AT THE GROCERY STORE. THEY GET MAD THEY CAN'T BUY EARLY.

14 MR. ZENGILAN: WHEN I WAS AT LUCKY STRIKE I WAS THE  
15 MANAGER OF THE LOMBARD FACILITY. I ALSO WAS BASSET  
16 CERTIFIED. THEY TOLD US BY 1:00 DRINKS HAVE TO BE OFF THE  
17 TABLE, SO BASICALLY AT, WHATEVER, TWENTY TO WE INFORM THEM  
18 YOU GOT UNTIL THIS TIME AND THEN WE WILL REMOVE YOUR DRINK  
19 WHETHER IT'S FILLED OR WHATEVER IT MAY BE. SO WE MAKE THEM  
20 AWARE OF US GOING TO BE PULLING THEM. THERE WILL BE NO  
21 GLASSES. WE WILL MAKE THEM AWARE. THEY WILL KNOW WHAT'S  
22 GOING ON.

1           COMMISSIONER STRELAU:  SO, I'M DONE WITH THE  
2 DRILLING.  I HAVE THE SAME CONCERN, AND SINCE YOU'VE BEEN  
3 HERE FOR FIVE MEETINGS, YOU KNOW I HAVE REITERATED THIS  
4 CERTAINLY SINCE YOU'VE BEEN HERE, I HAVE CONCERNS WITH HOW  
5 WE MONITOR SOME OF OUR MORE UNIQUE LIQUOR LICENSES, NOT THAT  
6 I THINK ANYBODY IS DOING ANYTHING SPECIFICALLY WRONG, BUT  
7 FRANKLY I DON'T KNOW.  IF I DON'T MEASURE SOMETHING, I DON'T  
8 KNOW WHAT I'M REALLY DOING.  SO I SHARE COMMISSIONER  
9 BARNETT'S CONCERN AND IT SOUNDS LIKE ANOTHER COMMISSIONER'S  
10 CONCERN THAT WE AS A COMMUNITY DON'T HAVE WHAT I FEEL ARE  
11 ADEQUATE CONTROLS TO MONITOR SOME OF OUR SPECIAL LICENSES.  
12 I THINK WE DO A GOOD JOB WHEN IT COMES TO OUR MORE STANDARD  
13 RESTAURANTS.

14           MR. BENJAMIN:  I JUST THINK THAT IF YOU'RE GOING TO  
15 PAY A \$20.00 TO \$25.00 COVER CHARGE, IT'S GOING TO BE A  
16 YOUNG PROFESSIONAL CROWD.  I DON'T THINK IT'S GOING TO BE  
17 SOME GANGSTER HOMIES.  I REALLY DON'T THINK THAT.

18           COMMISSIONER STRELAU:  AND I THINK PARTLY IF I WENT  
19 OUT AND TOLD SOMEBODY THAT THIS WAS A CONCEPT COMING, THEIR  
20 FIRST INSTINCT WOULD BE YOU'VE GOT TO BE KIDDING ME BECAUSE  
21 THEY HAVEN'T HAD THE BENEFIT OF LISTENING TO YOUR  
22 CONVERSATION ABOUT HOW IT'S GOING TO BE DONE.  AND THAT'S

1 GREAT BECAUSE A LOT OF MY CONCERNS THAT I WOULD HAVE WITH  
2 THIS ARE ALLEVIATED BY THE FACT THAT YOU HOLD UP WELL UNDER  
3 THIS CONTINUAL SCRUTINY THAT YOU'VE BEEN PUT UNDER, BUT THE  
4 FACT REMAINS, REGARDLESS OF HOW WELL YOU OR I OR ANY OTHER  
5 LICENSEE IN THIS CATEGORY OPERATE, WE DON'T HAVE WHAT I  
6 THINK IS ENOUGH OF A PROCEDURE FOR MONITORING PEOPLE SUCH AS  
7 YOU; NOT YOU, AS A CLASS. SO, I MAY HAVE A MOTION. I  
8 RESERVE THE RIGHT TO SPEAK AGAIN WITH A MOTION.

9 CHAIRMAN MC INERNEY: YOU ALWAYS HAVE THE RIGHT TO  
10 SPEAK AGAIN.

11 COMMISSIONER STRELAU: BUT THANK YOU. AND, TRULY, I  
12 DO APPRECIATE THE TIME YOU'VE SPENT. I KNOW THIS HAS BEEN A  
13 LONG PROCESS AND I DO APPRECIATE THAT YOU HAVE HUNG IN WITH  
14 US AND I HOPE WE CAN COME TO SOME --

15 MR. BENJAMIN: I'M SURE WE WILL.

16 MS. KUCHYNKA: WHAT TIME WILL YOU HAVE YOUR COVER  
17 CHARGE START?

18 MR. BENJAMIN: 9:00.

19 CHAIRMAN MC INERNEY: COMMISSIONER KUBES.

20 COMMISSIONER KUBES: YES. FIRST OF ALL I JUST WANT  
21 TO LET YOU KNOW IT'S BEEN A FEW MONTHS. JUST TO LET YOU  
22 KNOW, PERSONALLY YOUR ELEGANCE IS NOT IN QUESTION. THE



1 NATURE OF YOUR BUSINESS IS NOT IN QUESTION. WHAT YOUR SHEER  
2 DESIRE IS, THAT'S NOT IN QUESTION. THE FACT THAT YOU'RE  
3 GIVING US YOUR GUARANTEE I THINK I CAN POSSIBLY FAIRLY SAY  
4 THAT I BELIEVE YOU THAT YOU WILL NOT ALLOW ANY UNDERAGE  
5 SERVICE TO HAPPEN THERE. THAT'S NOT THE QUESTION HERE. I'M  
6 UNDER THE SAME FRAME OF MIND THAT THERE'S A FEW OTHER VERY  
7 DISTURBING QUESTIONS HERE THAT STILL NEED TO BE ANSWERED  
8 HERE, AND I'M GOING TO APOLOGIZE IN ADVANCE IF I SEEM HARSH  
9 WITH SOME OF MY STATEMENTS HERE, BUT I'M JUST -- I DON'T  
10 THINK WHAT I'VE HEARD TODAY YOU'VE HELPED YOUR CAUSE AS MUCH  
11 AS YOU PROBABLY WISH YOU COULD HAVE.

12 THE STATE OF YOUR ELEGANCE, LIKE I SAID,  
13 IS NOT IN QUESTION HERE, BUT SOME OF THE THINGS ARE VERY  
14 CONCERNING TO ME, AND THE FIRST ONE IS IT DOES TAKE SOME  
15 TIME. IT IS GOING TO TAKE A LITTLE BIT OF TIME HERE. TWO  
16 YEARS AGO YOU WOULDN'T EVEN BE ABLE TO BRING THIS  
17 APPLICATION BEFORE US, AND ONE THING IN ITSELF SAYS 62  
18 PERCENT OF YOUR SALES PLAN ON BEING IN ALCOHOL. WE WOULDN'T  
19 HAVE ALLOWED THAT TWO YEARS AGO. SO WE HAVE CHANGED OUR  
20 REQUIREMENTS HERE SOMEWHAT, AND WE HAVE BECOME A LOT MORE  
21 LENIENT.

22 YOU ALSO MENTIONED THAT YOUR DOOR'S ONLY

1 GOING TO BE THREE PERCENT OF YOUR SALES, BUT ALONE AT THE  
2 DOOR AT A \$20.00 COVER CHARGE, YOU'RE LOOKING AT LEAST TO  
3 \$7,000.00 A NIGHT. THAT'S WHAT I'M SAYING, JUST SOME OF  
4 YOUR CONCERNS HERE ARE EVEN RAISING MORE CONCERNS, AND I  
5 THINK I REMEMBER, AND I HAVE TO LOOK BACK TO SOME OF MY  
6 MINUTES HERE, BUT I THINK I REMEMBER YOU SITTING BEFORE US  
7 STATING THAT YOU WANTED TO HAVE A RESTAURANT ATMOSPHERE.  
8 THAT'S WHAT YOU SPOKE ABOUT SO ELOQUENTLY, AND THAT'S ONE OF  
9 THE THINGS THAT KIND OF PIQUED MY CURIOSITY. THAT WOULD BE  
10 A GREAT IDEA TO HAVE A RESTAURANT-TYPE ATMOSPHERE. AND THEN  
11 YOU BRING IT BEFORE US, CONVECTION EXPRESS PAMPHLET. WAS  
12 THIS YOURS THAT YOU BROUGHT? IT STATES RIGHT ON THE FRONT  
13 THERE IT'S IDEAL FOR COFFEE SHOPS, BARS, GRILLS, SNACK BARS,  
14 CONVENIENT STORES. NOWHERE DOES IT SAY THAT IT'S FOR  
15 RESTAURANTS.

16 MR. BENJAMIN: I THINK I SENT CAROL ONE. IT'S BEEN  
17 WRITTEN UP IN THE TRIBUNE, IT'S BEEN WRITTEN UP EVERYWHERE.  
18 A LOT OF NEW PLACES ARE USING IT. I JUST THINK A LOT OF  
19 THIS IS NEW FOR DOWNERS GROVE, AND I THINK --

20 COMMISSIONER KUBES: I UNDERSTAND. THAT'S WHY I'M  
21 SAYING IT'S RAISING SOME AWARENESS ON MY BEHALF AS WELL.  
22 THE PARKING IS -- I'M NOT SURE IF THAT'S 100 PERCENT OF AN

1 ISSUE FOR US, BUT YOU ALSO MENTIONED VALET PARKING, AND I  
2 KIND OF SEE THE VALET PARKING BEING A BENEFIT. ALSO, VALET  
3 PARKING IS GOING TO TAKE UP VALUABLE PARKING SPOTS RIGHT UP  
4 BY THE FRONT DOOR. THAT'S ANOTHER ISSUE THAT'S RAISING OUT  
5 THERE.

6 AND THEN THE ENTRY OF 23 AND 30. YOU'VE  
7 ALREADY ANSWERED SOME OF THOSE QUESTIONS OUT THERE. I'M  
8 ONLY BRINGING THIS UP BECAUSE YOU HAD MENTIONED IT.

9 MR. BENJAMIN: THE REASON WE WERE GOING FROM 30 TO 23  
10 IS WE WENT TO HOLLAND, A LAW FIRM HERE; WE WENT TO GOOD  
11 SAMARITAN HOSPITAL. ABOUT HALF OF THE ATTORNEYS THAT WE'RE  
12 TRYING TO GET CORPORATE PARTIES AND GOOD SAMARITAN  
13 HOSPITAL'S DOCTORS AND RESIDENTS ARE UNDER 30. SO FOR US TO  
14 GET 30 -- AND WE HAVE A GROUP OF TEN DOCTORS THAT WANT TO  
15 COME IN, I'M NOT GOING TO TURN THEM DOWN. I CAN'T. SAME  
16 THING WITH THE ATTORNEYS. RIGHT HERE IN OAK BROOK OFF OF 83  
17 AND BUTTERFIELD ROAD. WE WENT IN THERE AND TALKED -- I  
18 THINK IT'S CALLED NIGHT & MCBRIDE. I WENT IN THERE AND SAID  
19 WHAT'S YOUR AVERAGE AGE OF YOUR ATTORNEYS THERE? THE GUY  
20 SAYS 26. THEY ALL LOOK LIKE LITTLE KIDS RUNNING AROUND. WE  
21 HAD TO DROP IT.

22 COMMISSIONER KUBES: THAT WAS A CONCERN WHEN YOU

1 MENTIONED YOU WERE GOING TO TRY TO KEEP IT AT 30. I CAN SEE  
2 WHY YOU WANT TO MAKE IT 23, BUT IT'S JUST KIND OF BACK AND  
3 FORTH A LITTLE BIT.

4 MR. BENJAMIN: AFTER RESEARCH, A LOT OF THINGS HAVE  
5 CHANGED, BUT NOT IN THE WAY WE ARE RUNNING THE COMPANY AND  
6 REGARDS TO LIQUOR.

7 COMMISSIONER KUBES: THE NEXT PROBLEM I HAVE IS THE  
8 BOTTLE SERVICE. THAT DEFINITELY IS NOT AN ISSUE AT THIS  
9 POINT BECAUSE IT'S UNACCEPTABLE IN THE VILLAGE OF DOWNERS  
10 GROVE. FOR THE LIFE OF ME, I STILL DON'T UNDERSTAND WHY YOU  
11 WOULD EVEN THINK OR TOY ABOUT THE IDEA OF BOTTLE SERVICE.  
12 THE WAY YOU PRESENTED IT IS THAT YOU'RE NOT GOING TO GIVE  
13 THEM THE BOTTLE ANYWAY. THEY'RE BETTER OFF JUST PURCHASING  
14 IT AS THEY GO. THERE IS NO REASON TO HAVE A BOTTLE SERVICE  
15 THERE. IF YOU'RE NOT GOING TO GIVE THEM THE BOTTLE, WHY  
16 SELL THEM THE BOTTLE? IN MY MIND IT'S SOMETHING I'M TRYING  
17 TO UNDERSTAND WHY YOU WOULD EVEN APPROACH THAT SUBJECT.

18 MR. BENJAMIN: BECAUSE THEY DO THAT. GOVERNOR  
19 BLAGOJEVICH JUST PASSED THAT LAW RECENTLY THAT YOU CAN HAVE  
20 BOTTLE SERVICE. THE VILLAGE OF DOWNERS GROVE DECIDED NOT TO  
21 DO IT, AS HE SAID, BUT SINCE THEY DIDN'T EVEN IN THE CITY,  
22 THAT'S WHAT THEY WERE DOING. EVEN IN SOME OTHER PLACES I

1 THINK IT WAS THEY HAVE A DATE OR, YOU KNOW, SOMEONE'S  
2 DIVORCED AND THEY'RE GOING OUT ON A DATE, WHATEVER IT MAY  
3 BE, THEY DON'T WANT TO HANG OUT AT THE BAR, THEY WANT TO  
4 IMPRESS PEOPLE. IT'S STATUS.

5 COMMISSIONER KUBES: HOW CAN YOU IMPRESS SOMEONE IF  
6 YOU DON'T HAVE THE BOTTLE IN FRONT OF YOU?

7 MR. BENJAMIN: YOU'VE GOT THE JUICES.

8 COMMISSIONER KUBES: SELL THEM A BOTTLE OF DOM  
9 PERIGNON.

10 MR. BENJAMIN: I'LL DO THAT, TOO.

11 COMMISSIONER KUBES: THESE ARE JUST SOME OF THE  
12 CONCERNS, AND YOU'VE ANSWERED MOST OF THE QUESTIONS, BUT I  
13 JUST WANT TO RAISE SOME CONCERNS I HAVE.

14 THE NEXT -- THE MAIN CONCERN OF ALL --  
15 SHORT ONE FIRST OF ALL, I HAVE TO AGREE WITH COMPLIANCE  
16 CHECKS. I DON'T HAVE A DOUBT IN MY MIND THAT YOU'RE GOING  
17 TO MAKE SURE NO ONE UNDER THE AGE OF 23 IS GOING INSIDE  
18 THERE. I DON'T HAVE AN ISSUE WITH THAT. OUR COMPLIANCE  
19 CHECKS IS DEFINITELY NOT UP TO PAR, NOT WHAT IT SHOULD BE.  
20 WE HAVE NO WAY OF FINDING OUT IF YOU'RE SERVING AFTER HOURS.  
21 WE HAVE NO WAY OF FINDING OUT IF YOU'RE OVER-SERVICING  
22 SOMEBODY OR SELLING BOTTLES WITHOUT OUR KNOWLEDGE. THERE'S

1 NO WAY FOR US TO GO IN THERE AND CHECK THIS ON A REGULAR  
2 BASIS. THAT'S SOMETHING WE AS A COMMISSION HAVE TO DISCUSS  
3 IN FUTURE AGENDAS.

4 THOSE ARE SOME OF THE QUESTIONS AND  
5 CONCERNS WE'RE REALLY WORRIED ABOUT BECAUSE AS WE ALLOW THIS  
6 TO HAPPEN WITH YOUR ESTABLISHMENT, IF WE WERE TO, OTHER  
7 ESTABLISHMENTS MAY ALSO WANT TO TRY AND FOLLOW SUIT.

8 AND THAT BRINGS US TO THE MOST IMPORTANT  
9 OF ALL IS THE SEATS. THIS HAS BEEN IN THE FOREFRONT OF MY  
10 MIND SINCE I GOT THIS PACKET AND OPENED IT UP. I NEED TO  
11 KNOW BECAUSE I CAN HONESTLY VOTE ON THIS, I NEED TO KNOW HOW  
12 MANY SEATS THERE ARE, WHAT TYPE OF TABLES YOU HAVE THERE.  
13 THIS SEATING DEFINITELY LOOKS LIKE -- I'VE BEEN IN  
14 ESTABLISHMENTS LIKE THIS WHERE IT'S A LOUNGE SEATING WITH A  
15 SMALL, TINY, LITTLE COFFEE TABLE ABOUT ANKLE HIGH, WHICH IS  
16 VERY NICE TO REST YOUR DRINK ON, BUT THE FOOD SERVICE THAT  
17 YOU'RE TALKING ABOUT, JUST APPETIZERS, NOT DINNERS TO BEGIN  
18 WITH, THERE IS NO WAY YOU'RE GOING TO BE HAVING ENOUGH FOOD  
19 THERE TO ACCOMMODATE THE AMOUNT OF ALCOHOL YOU'RE PLANNING  
20 ON DISTRIBUTING HERE BASED ON WHAT THE SEATING IS.

21 OUR RULES, WHAT WE'VE TALKED ABOUT FOR  
22 MONTHS AND MONTHS AND MONTHS TO TRY TO ACCOMMODATE TO MAKE

1 THIS LICENSE AVAILABLE, WITH WHAT WE THOUGHT WAS AN ADEQUATE  
2 AMOUNT, 20 PERCENT BAR SPACE, 20 PERCENT OF DANCING SPACE.  
3 WE THOUGHT THAT WAS A VERY, VERY DECENT, RESPECTABLE AMOUNT.  
4 I DON'T SEE ANYWHERE IN MY PICTURE HERE THAT WAS BROUGHT  
5 BEFORE ME WHERE THOSE NUMBERS WERE ANYWHERE NEAR WHAT WE  
6 ESTABLISHED OR AGREED UPON UNLESS, LIKE I SAID, THE TABLE  
7 HEIGHT, THE TABLE WIDTH, THE TABLE LENGTH, THE AMOUNT OF  
8 TABLES, THE AMOUNT OF CHAIRS, ALL THIS STUFF I DEFINITELY  
9 WOULD THINK -- I WOULD HOPE THAT THE REST OF MY COLLEAGUES  
10 HERE WOULD AGREE THAT THOSE NUMBERS HAVE TO BE CALCULATED  
11 ALONG WITH THE AMOUNT OF FLOOR SPACE.

12 MR. BENJAMIN: IF YOU LOOK AT THE RIGHT CORNER AGAIN,  
13 THAT'S WHERE THE MURDER MYSTERY IS GOING ON. THERE'S NOT  
14 GOING TO BE 90 PEOPLE. AS CAROL SAYS, THIS IS NOT THE  
15 FINALE OF PLANS. THIS IS TO GIVE YOU AN IDEA. THAT'S  
16 MURDER MYSTERY. THEY HAVE ABOUT 60 TO 100 PEOPLE, SO THAT  
17 MEANS I'M GOING TO HAVE TO HAVE 60 CHAIRS WITH TABLES ON  
18 THERE. AND THAT'S EVERY FRIDAY, EVERY SATURDAY, SO I KNOW  
19 YOU HAVE THESE PLANS AND THIS IS ALL YOU HAVE, BUT, AGAIN,  
20 IF IT'S 20 PERCENT WE HAVE TO HAVE, THERE'S GOING TO BE 20  
21 PERCENT HERE AT THE END OF THE DAY BECAUSE AT THE END OF THE  
22 DAY YOU GIVE ME A LICENSE AND I DON'T HAVE 20 PERCENT, CAN

1 YOU TAKE IT AWAY?

2 COMMISSIONER STRELAU: YES.

3 MR. BENJAMIN: ABSOLUTELY. AND THAT'S THE BOTTOM  
4 LINE HERE IS YOU CAN TAKE IT AWAY IF IT'S NOT, OR I WON'T  
5 OPEN. I'M SURE YOU GUYS COME BACK AND CHECK AGAIN THE  
6 BUILDING. THE FIRE DEPARTMENT, THE DUPAGE COUNTY HEALTH  
7 DEPARTMENT, THEY'LL ALL COME OUT AND SAY ACCORDING TO THE  
8 LAWS THAT'S NOT RIGHT. AND THAT'S WHAT I'M JUST SAYING.  
9 THIS IS -- IF I'M APPROVED, I CAN DO WHAT I NEED TO DO TO  
10 ABIDE BECAUSE IT'S NEW. YOU'RE WORKING WITH ME, BUT THEN I  
11 HAVE TO WORK WITH YOU AS WELL. WE NEED 20 PERCENT THERE.  
12 IT'S NOT GOING TO BE 20 PERCENT. IT'S NOT GOING TO BE  
13 COFFEE TABLES, IT'S NOT GOING TO BE LITTLE KIDDY TABLES,  
14 IT'S GOING TO BE REAL TABLES WHERE YOU CAN DRINK, EAT. AND  
15 THEN OUR APPETIZERS ARE WHAT'S HAPPENING NOW. I THINK A LOT  
16 OF PEOPLE LIKE TO GO OUT AND HAVE DIFFERENT TAPAS OR  
17 DIFFERENT THINGS AS MR. BARNETT MENTIONED. SO, I DON'T SEE  
18 A PROBLEM WITH OUR MENU. I DON'T SEE A PROBLEM WITH  
19 ANYTHING, I JUST SEE THAT -- IF YOUR MAIN CONCERN IS THE  
20 SEATING, THE SEATING ISSUE WILL BE RESOLVED 100 PERCENT OR  
21 YOU WILL TAKE MY LICENSE AWAY, OR I CAN'T OPEN. I THINK THE  
22 SEATING, I THINK THE PARKING, I THINK THAT WILL ALL -- TO ME



1 I KNOW IT'S IMPORTANT RIGHT NOW, BUT I FEEL IT'S ALMOST  
2 REALLY NOT WHAT WE'RE TALKING ABOUT BECAUSE IT'S NOT THE  
3 FINAL PLAN. I WILL ABIDE BY EVERY SINGLE RULE OR YOU WILL  
4 TAKE MY LICENSE AWAY. AND IF I DON'T, I'M GOING TO GET  
5 FINED.

6 COMMISSIONER KUBES: AND I WILL REITERATE THAT I  
7 APPRECIATE YOUR DILIGENCE IN ALL THESE MATTERS. I AM JUST  
8 NOT 100 PERCENT POSITIVE THAT I AM FULLY GUARANTEED -- WE  
9 NEVER HAD AN OPPORTUNITY IN THE PAST TO GET REGULAR RECEIPTS  
10 FROM INDIVIDUALS. ARE YOU ONLY HAVING 20 PERCENT ALCOHOL OR  
11 WAS IT 30 PERCENT ALCOHOL? ON OCCASIONS WE FOUND OUT THAT  
12 THERE WAS A VERY CLOSE MIXTURE. WE NEVER HAD THAT  
13 OPPORTUNITY WHICH IS ONE OF THE REASONS WHY WE TALKED ABOUT  
14 ELIMINATING THAT PORTION FROM OUR ORDINANCE HERE, ALTHOUGH  
15 IN MY MIND WHAT YOU'VE PRESENTED FOR US ISN'T EXACTLY WHAT  
16 YOU STARTED OUT PRESENTING, WHAT YOU TALKED ABOUT IN THE  
17 PAST. IT'S AN IDEA THAT YOU HAVE IN MIND THAT YOU WANT THIS  
18 TO LOOK LIKE. I'M STILL NOT 100 PERCENT SURE THIS IS THE  
19 RESTAURANT-TYPE ATMOSPHERE THAT YOU TALKED ABOUT. I THINK  
20 IT MATCHES THE E-5 IS WHAT I'M SAYING.

21 MR. BENJAMIN: IN MY RECOLLECTION, I THINK I ALWAYS  
22 CAME IN SAYING I WANTED TO DO A LOUNGE/RESTAURANT WITH

1 DANCE.

2 COMMISSIONER KUBES: WHICH WE DIDN'T HAVE AN  
3 OPPORTUNITY FOR AND WE CREATED THE E-5 ORDINANCE, BUT THIS  
4 DOESN'T MATCH WHAT WE TALKED ABOUT.

5 MR. BENJAMIN: HOW DOESN'T IT? I'M JUST CURIOUS.  
6 FORGET THE SEATING BECAUSE THE SEATING WILL BE 20 PERCENT.

7 COMMISSIONER KUBES: THAT'S THE MAIN THING.

8 MR. BENJAMIN: THIS IS NOT -- THAT'S WHY CAROL AT THE  
9 BEGINNING SAID THIS IS --

10 COMMISSIONER KUBES: I'M STILL NOT 100 PERCENT  
11 POSITIVE THAT THE FOOD AND CONVECTION OVENS IS WHAT I WAS  
12 ANTICIPATING, AND IT'S JUST NEW TO ME. I WAS PRESENTED THIS  
13 EARLIER THIS EVENING, SO I HAVE TO LOOK OVER IT. I JUST  
14 WANTED TO PUT MY THOUGHTS TO WHAT MY INTENTIONS MAY BE OUT  
15 THERE.

16 LIKE I SAID, YOUR ELEGANCE AND WHAT YOUR  
17 IDEA OF THIS IS NOT IN QUESTION. I HAD NO IDEA THIS WAS  
18 GOING TO BE A MAJOR HOT SPOT FOR DOWNERS GROVE, I'M JUST NOT  
19 SURE IF IT MATCHES WHAT THE ORDINANCE WAS INTENDED TO BE  
20 WHEN WE FIRST TALKED ABOUT THE ORDINANCE.

21 MR. BENJAMIN: THANK YOU.

22 CHAIRMAN MC INERNEY: YOU MIGHT THINK YOU'VE HEARD

1 ENOUGH QUESTIONS, BUT YOU HAVEN'T.

2 MR. BENJAMIN: GO AHEAD, BRING IT ON.

3 CHAIRMAN MC INERNEY: AGAIN, I'VE GOT SOME ADDITIONAL  
4 QUESTIONS. AS WE TALKED, AT THE SAME TIME I'M EXCITED THAT  
5 WE'RE REVIEWING THIS OPPORTUNITY TONIGHT. I THINK THE  
6 COMMISSION AS A WHOLE HAS REALLY PARTNERED WITH YOU IN THE  
7 DEVELOPMENT OF THE E-5 CLASSIFICATION. THE QUESTIONS WE'RE  
8 ASKING ARE REALLY TIED IN BECAUSE A LOT OF THE DISCUSSION  
9 WE'VE HAD IN THE PAST HAVEN'T BEEN RELEVANT BECAUSE THE  
10 CLASSIFICATION DEFINITION WASN'T FINALIZED. SO YOU NEED TO  
11 UNDERSTAND THAT AS WE TALK ABOUT THIS, THIS IS NEW. AS  
12 SEVERAL COMMISSIONERS MADE MENTION, THERE IS QUESTIONS TO BE  
13 ANSWERED STILL.

14 I GUESS TO START OUT WITH, THE  
15 CLASSIFICATION FOR E-5 HAS SOME VERY SPECIFIC SEATING  
16 PERCENTAGES. DO YOU KNOW WHAT YOUR BAR/LOUNGE SEATING  
17 PERCENTAGE IS RIGHT NOW?

18 MR. BENJAMIN: ACCORDING TO MY ARCHITECT, OUR  
19 BAR/LOUNGE SEATING IS AT -- IF I'M NOT MISTAKEN, THE WAY IT  
20 IS RIGHT NOW -- I'LL JUST SAY THIS: WHEN WE MET WITH THE  
21 BUILDING DEPARTMENT, WE REVIEWED THIS WITH MY ARCHITECT AND  
22 THERE WAS TWO OTHER GUYS IN THERE, THEY SAY EVERYTHING IN

1 HERE WAS SUFFICIENT. THAT'S WHY WE HAD A PRE-MEETING. THEY  
2 LOOKED AT EVERYTHING. THEY SAID YOU GOT TO CHANGE THE  
3 DOORWAY. THE SEATING IS FINE, THE BAR IS FINE, THE  
4 BATHROOMS ARE FINE. THEY LOOKED AT EVERYTHING IN DETAIL.

5 WE TOOK THOSE PLANS AND WENT TO THE  
6 DUPAGE COUNTY HEALTH DEPARTMENT. THEY SAID EVERYTHING WAS  
7 FINE. BUT FOR THE VILLAGE OF DOWNERS GROVE, IN THE MEETING  
8 WE HAD LAST FRIDAY, THEY SAID EVERYTHING WAS FINE FROM  
9 SEATING ACCORDING TO THE LICENSE. WE TRIED TO MEET THEM TWO  
10 WEEKS. THEY COULDN'T MEET US UNTIL THE LICENSE PASSED.

11 CHAIRMAN MC INERNEY: MY QUESTION HASN'T BEEN  
12 ANSWERED.

13 MR. BENJAMIN: I DON'T KNOW THE EXACT NUMBER OF WHAT  
14 IT IS, BUT ACCORDING TO THE ARCHITECT, ALL I CAN SAY RIGHT  
15 NOW IS THE SEATING MATCHES THE LICENSE. I DON'T KNOW WHAT  
16 THAT NUMBER IS. WAS IT 20 PERCENT?

17 CHAIRMAN MC INERNEY: 20 PERCENT IS WHAT'S REQUIRED  
18 AS NO MORE THAN 20 PERCENT BAR/LOUNGE SEATING, AND I GUESS  
19 -- KIND OF TOSSING IT BACK TO YOU, I'M GETTING THE MESSAGE  
20 THAT YOU DON'T KNOW WHAT THAT PERCENTAGE IS. IS THAT A FAIR  
21 STATEMENT?

22 MR. BENJAMIN: NO. IT'S 20 PERCENT. IT'S 20 OR LESS

1 BECAUSE IN THE MEETING THEY SAID IT'S EXACTLY RIGHT. I'M  
2 JUST TELLING YOU WHAT I KNOW FROM THE MEETING. SO I'M  
3 SAYING IT'S EXACTLY RIGHT, SO I WOULD SAY IT WOULD BE 20  
4 PERCENT.

5 CHAIRMAN MC INERNEY: I'M NOT TRYING TO BE  
6 ARGUMENTATIVE, I'M TRYING TO GET A CLEAR UNDERSTANDING  
7 BECAUSE IT'S NOT CLEAR TO ME READING THE DIAGRAM OR THE NEW  
8 LAYOUT THAT WAS PRESENTED TO US WHAT THAT PERCENTAGE IS, AND  
9 FROM A POINT OF CLARITY I JUST WANT TO UNDERSTAND IS THIS  
10 COMPLYING OR NOT WITH THE LICENSE AS WE DEFINE IT?

11 MR. BENJAMIN: IT IS 100 PERCENT COMPLIANT WITH THE  
12 LICENSE.

13 MS. KUCHYNKA: THE COMMUNITY DEVELOPMENT STANDARDS  
14 FOR SEATING ARE COMPLETELY DIFFERENT THAN THE LIQUOR  
15 COMMISSION STANDARDS. I THINK THAT'S WHERE THE CONFUSION IS  
16 COMING IN. WHAT THEY CONSIDER BAR/LOUNGE SEATING IS NOT  
17 SOMETHING -- I DON'T THINK THE LIQUOR COMMISSION CONSIDERED  
18 IT BAR/LOUNGE SEATING. WE'RE ON, I THINK, A LITTLE BIT  
19 DIFFERENT PAGE WITH COMMUNITY DEVELOPMENT IN THIS ASPECT. I  
20 THINK WE'LL NEED TO REALLY SIT DOWN WITH THEM AND KIND OF  
21 EXPLAIN TO THEM BECAUSE WE REALLY DON'T HAVE A DEFINITION OF  
22 THE BAR/LOUNGE SEATING. IN MY MIND IN PAST DETERMINATIONS,

1 OBVIOUSLY ANYTHING PHYSICAL AROUND THE BAR IS DEFINITELY BAR  
2 SEATING. AND IN THE PAST WE'VE INTERPRETED LOW SEATING AS  
3 LOUNGE SEATING. I DON'T KNOW IF YOU RECALL, WHEN WE DID  
4 FINLEY SQUARE, WHEN THEY HAD THEIR BAR/LOUNGE AREA, ALL THE  
5 LOWER TABLES THAT THEY HAD, THE COUCH UNITS WERE CONSIDERED  
6 BAR/LOUNGE SEATING WHICH COUNTED TOWARD THEIR 20 PERCENT  
7 SEATING IN MAXIMUM.

8 IN A COMMUNITY DEVELOPMENT ASPECT,  
9 THEY'RE MORE CONCERNED WITH SPACING; HOW CLOSE YOU HAVE THEM  
10 TOGETHER; ACCESS, PEOPLE BEING ABLE TO EXIT WITHOUT TRIPPING  
11 OVER TEN TABLES. AGAIN, I THINK WE ALL NEED TO MEET;  
12 LIQUOR, ARCHITECT, AND AFTER WE DETERMINE -- AGAIN, I WANT  
13 TO KNOW WHAT ARE YOU COUNTING AS BAR/LOUNGE WHICH IS WHY I  
14 PUT THE NOTE ON THE FLOOR PLAN.

15 CHAIRMAN MC INERNEY: I'M ASKING THE APPLICANT TO  
16 TELL US WHAT THEY HAVE INTERPRETED IT TO BE. TYPICALLY WHEN  
17 WE GET APPLICATIONS -- TYPICAL IS PROBABLY NOT THE RIGHT  
18 TERM.

19 MS. KUCHYNKA: THIS IS VERY UNIQUE TO US.

20 CHAIRMAN MC INERNEY: WE DON'T HAVE ANY E-5 LICENSES.  
21 WHEN WE ENTERED INTO THESE DISCUSSIONS, IT'S BEEN A PRETTY  
22 CONVENTIONAL ESTABLISHMENT. EVEN WHEN FINLEY'S CAME BEFORE

1 US, THEY BROUGHT ELEVATIONS AND PROFILES OF HOW THE  
2 RESTAURANT SEATING WAS GOING TO BE LAID OUT, EVERYTHING FROM  
3 FINISHES. I THINK I REMEMBER A SAMPLE BOARD THAT WAS  
4 BROUGHT IN. IT WAS PRETTY EXTENSIVE TO DESCRIBE THE  
5 REMODELING GOING ON, AND I GUESS THAT'S WHERE THERE IS SOME  
6 CONFUSION ON MY PART AS TO WHETHER OR NOT WHAT'S PRESENTED  
7 RIGHT NOW, THESE ARE THE LICENSE CLASSIFICATIONS.

8 MS. KUCHYNKA: I THINK ALSO IN THIS FLOOR PLAN THERE  
9 ARE FOUR BARS IN THIS LOCATION. THE OTHER LICENSES THAT WE  
10 HAVE TYPICALLY HAVE ONE BAR, AND THAT ROOM OR AREA THAT THE  
11 BAR IS IN IS CONSIDERED TO BE THE BAR/LOUNGE AREA. SINCE  
12 YOU HAVE DIFFERENT ROOMS AND DIFFERENT BARS, YOU'RE ALSO  
13 DEVOTING MORE AREA AROUND THE BAR OBVIOUSLY FOR LOUNGE  
14 SEATING, WHICH IS WHERE I THINK WE'RE GOING A BIT OVER IN  
15 SOME OF THE AREAS. AND, AGAIN, OBVIOUSLY YOU HAD INDICATED  
16 THAT YOU COULD GET SERVED FOOD AT ANY OF THE LOCATIONS,  
17 WHICH IS FINE. THAT IS THE SAME WITH MANY OF MY OTHER  
18 LICENSEES THAT HAVE THE LOUNGE SEATING AS WELL.

19 AGAIN, IT'S REALLY UP TO THE LIQUOR  
20 COMMISSION WHAT YOUR INTENT OF THE ORDINANCE WAS BY WAY OF  
21 SEATING AND HOW TO DETERMINE. WE NEED TO DO HIGHER TABLES,  
22 WE NEED TO DO A SEPARATION, I DON'T KNOW HOW YOU WANT TO DO

1 IT BECAUSE, AGAIN, THIS IS A NEW CLASSIFICATION AND THIS IS,  
2 LIKE I SAID, ESPECIALLY WITH THE NUMBER OF BARS IN THIS  
3 LOCATION.

4 CHAIRMAN MC INERNEY: GREAT POINT, CAROL. AGAIN THE  
5 QUESTIONS I HAVE ARE REALLY BECAUSE WE CAN'T VISUALIZE  
6 EXACTLY WHAT WE ARE LOOKING AT. WE'VE GOT A DIAGRAM LAYOUT  
7 HERE THAT TELLS US, AND I KNOW HOW TO READ A LAYOUT PRETTY  
8 WELL, BUT I GUESS GIVEN THE CONCEPT AND THE DEFINITION I AM  
9 JUST TRYING TO RECONCILE THE CLASSIFICATION TO WHAT YOU'VE  
10 GOT PROPOSED HERE. AND GIVEN THAT WE WERE PRESENTED THE  
11 LATEST ONE JUST BEFORE THE MEETING, IT SEEMS PRETTY DYNAMIC.

12 YOU MADE A COMMENT ABOUT THE LAYOUT'S NOT  
13 FINAL. WHEN DO YOU EXPECT THE LAYOUT TO BE FINALIZED?

14 MR. BENJAMIN: MONDAY.

15 CHAIRMAN MC INERNEY: ANOTHER QUESTION I HAVE IN  
16 TERMS OF THE VIP PRIVATE LOUNGES, WHAT KIND OF CONTROLS ARE  
17 YOU GOING TO HAVE THAT INAPPROPRIATE ACTIVITY ISN'T  
18 OCCURRING IN THOSE LOUNGES?

19 MR. BENJAMIN: THE VIP LOUNGE ON THE TOP, THE NORTH  
20 OF THE PAPER, IS VERY CONTROLLED. EVEN THOUGH IT'S A SMALL  
21 PLACE, THERE ARE TWO SECURITY IN THERE. THERE IS ALSO  
22 ANOTHER MANAGER THAT STAYS IN THERE BECAUSE IT'S VERY VIP.



1 WE HAVE A LOT OF SECURITY IN THAT ONE.

2                               IN THIS PRIVATE LOUNGE THAT WE CALL IT,  
3 THAT'S WHERE THE MURDER MYSTERY DINNER IS HAPPENING, TONY  
4 AND TINA'S WEDDING, THAT'S WHERE ALL THAT'S GOING TO HAPPEN.  
5 THIS ROOM WE ARE NOT EVEN OPENING YET. WE'RE GOING TO OPEN  
6 IT DOWN THE ROAD, SO FOR NOW WE'LL DO MURDER MYSTERIES IN  
7 THE MIDDLE, MOVE THIS -- THE MURDER MYSTERIES IN THIS  
8 CORNER. THAT'S WHERE THIS WILL HAPPEN, AND IF WE GET BUSIER  
9 OR STUFF STARTS TO GO THE WAY WE THINK, THEN WE OPEN UP THAT  
10 PRIVATE LOUNGE. BUT THESE HAVE TWO SECURITIES, TWO WAITRESS  
11 IN EACH, TWO BARTENDERS IN EACH, AND THE VIP BOTH HAVE ONE  
12 HOSTESS IN EACH.

13               CHAIRMAN MC INERNEY: THE REASON I ASK IS WE'VE HAD  
14 EXPERIENCE IN THE PAST WITH LICENSEES WHERE NUDITY AND  
15 INAPPROPRIATE SEXUAL BEHAVIOR--TYPES OF ACTIVITIES GOING ON  
16 IN ESTABLISHMENTS. AND KNOWING THAT WE'VE GOT PARTITIONED--  
17 OFF AREAS IN THIS TYPE OF ESTABLISHMENT, IT JUST BRINGS A  
18 CONCERN TO MY MIND HOW DO YOU KNOW THAT SOMEBODY WHO HAS  
19 PAID A HIGH COVER TO ENTER THE PREMISE, BUYING A BOTTLE  
20 WHETHER IT'S AT THE COUNTER OR HOWEVER, WHICH I'LL GET INTO  
21 THAT, THAT QUESTION, BUT REALLY GIVEN THAT LEVEL OF  
22 CLIENTELE THAT YOU ARE BRINGING IN, HOW DO YOU EXPECT TO BE

1 ABLE TO ADDRESS ANY OF THE ISSUES OF APPROPRIATE BEHAVIOR?

2 MR. ZENGILAN: REGARDING THE VIP, I DON'T CARE IF  
3 THEY SPEND \$1 MILLION, BASICALLY YOU HAVE TO ACT  
4 APPROPRIATELY. NO NUDITY WILL BE GOING ON. IF YOU SPEND --  
5 IF YOU BUY A BOTTLE, YOU STILL NEED TO ACT APPROPRIATE. IT  
6 WILL NOT HAPPEN AT ALL. I DON'T CARE IF IT'S MICHAEL  
7 JORDAN, AND I'VE ACTUALLY HAD MICHAEL IN OUR FACILITY. NO  
8 MATTER WHO YOU ARE, WHAT YOU SPEND, EVERYONE IS TREATED THE  
9 SAME. NO NUDITY, NO VERBAL -- EVEN IF THEY VERBALLY ABUSE  
10 OUR STAFF, EVEN IF IT IS WHOEVER THEY MAY BE, THEY WILL BE  
11 EXTRICATED. BY NO MEANS AT ALL IS ANYONE PRIVILEGED BY HOW  
12 MUCH THEY SPEND OR WHO THEY ARE. IT DOESN'T MATTER. LIKE I  
13 SAID, NUDITY, IT WILL NOT BE TOLERATED NO MATTER WHO IT IS  
14 OR WHAT THEY SPEND.

15 CHAIRMAN MC INERNEY: I APPRECIATE YOUR REASSURANCE.  
16 DON'T TAKE ANY QUESTIONS OFFENSIVELY, I JUST WANT TO MAKE  
17 SURE -- THESE THOUGHTS ARE ON MY MIND AS I LOOK AT THIS TYPE  
18 OF CLASSIFICATION AND NOW WE'RE GETTING INTO THE REAL  
19 DETAILS HERE.

20 ANOTHER COMMENT YOU HAD MADE ABOUT STYLE  
21 OF MUSIC AND THE TYPE OF ESTABLISHMENT. WE'RE NOT HERE TO  
22 REGULATE YOUR MUSIC, YOUR PLAYING, OR ANYTHING. THE STYLE

1 IS KIND OF IRRELEVANT. WE'RE GOING THROUGH THE GUTS OF THIS  
2 AND WE CERTAINLY WANT TO UNDERSTAND THE CONCEPT. WE ALSO  
3 WANT TO MORE IMPORTANTLY UNDERSTAND HOW IT FITS WITH THE  
4 CLASSIFICATION AS YOU DEFINED AND HOW IT FITS INTO THE  
5 GREATER COMMUNITY AS A WHOLE.

6 THE OTHER COMMENT ABOUT THE BREATHALYZER.  
7 IT SOUNDS GREAT, ALMOST SOUNDS A LITTLE GIMMICKY. I JUST  
8 WANT TO MAKE SURE IT'S NOT A SUBSTITUTE FOR AN APPROVAL TO  
9 OVERSERVE. THAT'S BEEN ONE OF THE COMMENTS THAT I'VE MADE  
10 IN THE PAST. AND I KNOW I'M REITERATING COMMENTS OTHER  
11 COMMISSIONERS HAVE MADE, BUT OVERSERVICE HAS BEEN A CONCERN,  
12 PARTICULARLY AS IT TIES INTO DUI ENFORCEMENT, WITH  
13 ESTABLISHMENTS THAT REGULARLY SEEM TO SHOW UP ON OUR DUI  
14 REPORT.

15 THE CONCERN WE HAVE IS NOT ONLY DRUNK  
16 DRIVERS GETTING OUT ON THE ROAD, WE'VE GOT LICENSED,  
17 REGULATED ESTABLISHMENTS WITHIN OUR COMMUNITY THAT ARE  
18 PROFITING FROM OVERSERVING INDIVIDUALS AND WE WANT TO MAKE  
19 SURE WE'RE STRIKING THE RIGHT BALANCE WHERE AN ESTABLISHMENT  
20 LIKE THIS OR ANY OTHER LIQUOR LICENSE-SERVING ESTABLISHMENT  
21 CAN FLOURISH AND BE A POSITIVE INFLUENCE ON THE COMMUNITY  
22 WITHOUT BEING A NEGATIVE INFLUENCE.

1           MR. BENJAMIN: I THINK THAT'S WHY WE HAVE TWO  
2 SPOTTERS AT EVERY BAR JUST TO REGULATE AS MUCH AS -- THAT'S  
3 JUST ANOTHER AVENUE FOR HELP. THAT HAS HELPED IN THE PAST  
4 FROM MY EXPERIENCE OF HAVING SPOTTERS.

5           CHAIRMAN MC INERNEY: AND WE HAVE HAD OTHER LICENSEES  
6 THAT HAVE SPOTTERS AND THEY STILL TEND TO HAVE PROBLEMS, AND  
7 I GUESS THAT'S WHERE I WANT TO BE PROACTIVE HERE SO IF YOU  
8 DO GET THE LICENSE, THAT THIS -- WE DON'T SEE YOU BEFORE US  
9 FOR A VIOLATION OR FOR BEING A NEGATIVE INFLUENCE ON THE  
10 COMMUNITY AND WE'RE QUESTIONING OUR DECISION TO THE CREATION  
11 OF THE LICENSE.

12          MR. ZENGILAN: SAFETY IS VERY IMPORTANT TO US. I  
13 HAVE WORKED AT FACILITIES OF 40,000 SQUARE FEET OR 60,000,  
14 SO I HAVE TO ORGANIZE BASICALLY AND I'VE WORKED WITH PEOPLE  
15 I'M ACTUALLY BRINGING ALONG WITH ME, BUT BASICALLY WE'VE  
16 WALKED AROUND AND MONITORED THE CROWD. IF SOMEONE IS  
17 GETTING TO THE POINT WHERE WE THINK THEY MAY BE INTOXICATED,  
18 MYSELF, I WILL SPEAK WITH THEM AND LET THEM KNOW YOU'RE  
19 GETTING TO THAT POINT, GIVE THEM SOME FOOD. OUR DOOR GUYS  
20 ARE TRAINED VERY WELL IF ANYTHING DOES HAPPEN.

21                           AND LIKE I SAID, SAFETY IS THE MOST  
22 IMPORTANT THING. IT DOESN'T MATTER IF YOU MAKE A MILLION

1 DOLLARS A DAY, IF YOU'RE NOT SAFE, IT DOESN'T MATTER. I  
2 HAVE A VERY GOOD STAFF THAT WILL RECOGNIZE THAT. THEY'RE  
3 CONSTANTLY WALKING AROUND. AT 8:30 REGARDING THE AGE LIMIT,  
4 WE'LL TALK TO FAMILIES AROUND 9:00 AND SAY YOU MUST BE 23 OR  
5 OLDER, SO WE'LL GIVE THEM A HEADS-UP. SAME THING WITH THE  
6 ALCOHOL. WE'RE GOING TO BE WALKING UP AND MONITORING. WE  
7 HAVE DOOR GUYS WALKING THE WHOLE FACILITY MONITORING ACTIONS  
8 OF THE PEOPLE, THE VIP ROOM, WHEREVER THEY MAY BE. SO WE'LL  
9 BE AWARE OF WHO IT IS. WHEN IT'S BROUGHT TO ME, I'LL TAKE  
10 CARE OF IT, BUT EVERYONE WILL BE AWARE OF WHAT'S GOING ON.  
11 BARTENDERS, SERVERS, EVERYONE WILL KNOW WHO THEY ARE AND  
12 WHAT MAY BE THE PROBLEM.

13 CHAIRMAN MC INERNEY: GREAT. I GUESS THIS QUESTION  
14 IS FOR STAFF.

15 CAROL, I KNOW THE LICENSE -- THE  
16 AMENDMENT TO THE ORDINANCE WAS RECENTLY PASSED BY THE  
17 COUNCIL. HAS THE POLICE DEPARTMENT HAD AN OPPORTUNITY TO  
18 REVIEW THE E-5 LICENSE CLASSIFICATION AND GIVEN ANY  
19 RECOMMENDATIONS ON THEIR PART AS TO ENFORCEMENT METHODOLOGY  
20 OR DISCUSSION?

21 MS. KUCHYNKA: NO. THE LAST TIME WE HAD THEM HERE  
22 WAS JANUARY. HE SAID HE WOULD COME BACK WITHIN A FEW MONTHS

1 AND REPORT BACK TO YOU ABOUT DIFFERENT ACTIVITIES THE POLICE  
2 DEPARTMENT CAN DO. I HAVEN'T ANYTHING. HE HASN'T PROVIDED  
3 ME ANY INFORMATION WITH ANY NEW PROGRAMS THEY COULD  
4 POTENTIALLY DO, BUT I COULD CERTAINLY INVITE THEM BACK TO  
5 SEE IF WE CAN ACTUALLY GET SOMETHING IN WRITING TO SEE IF  
6 THEY HAD ANY POLICIES.

7 CHAIRMAN MC INERNEY: EVEN UNDERSTANDING OUR  
8 DISCUSSION IN JANUARY WAS KIND OF MORE BROAD IN SCOPE IN  
9 TERMS OF GENERAL VILLAGE-WIDE ENFORCEMENT. I'VE GOT SOME  
10 PERSONAL RESERVATIONS IN TERMS OF VOTING TO SUPPORT THE  
11 CURRENT LICENSE WITHOUT US HAVING THOUGHT THAT PROCESS  
12 THROUGH GIVEN IT'S A NEW LICENSE, THAT WE'VE THOUGHT THROUGH  
13 THAT DISCUSSION.

14 WHEN WE WENT THROUGH -- COMMISSIONER  
15 BARNETT MENTIONED THE GOLF COURSE. I THINK WHEN WE WENT  
16 THROUGH THE GOLF COURSE WE WENT THROUGH SOME EXTENSIVE  
17 DISCUSSIONS WITH METHODOLOGY AS TO MONITORING ENFORCEMENT OF  
18 THE MOBILE CART, AND I THINK IT'S DUE DILIGENCE ON OUR PART  
19 AS A VILLAGE IF WE'RE CREATING A NEW LICENSE THAT WE KNOW  
20 THERE'S DIFFERENT ISSUES WITH ENFORCEMENT, HOW ARE WE GOING  
21 TO ADDRESS THAT.

22 AND, FRANKLY, IT'S NOT REALLY THE

1 COMMISSION'S DECISION HOW WE'RE GOING TO ENFORCE IT, IT'S  
2 THE VILLAGE STAFF; POLICE, CODE SERVICES. REALLY UNTIL THEY  
3 HAVE THAT FIGURED OUT, I'M CONCERNED WE MAY BE KIND OF  
4 PUTTING THE CART BEFORE THE HORSE GIVEN THAT THIS WAS JUST  
5 RECENTLY APPROVED AND NOW IT'S SOMETHING THAT WE NEED TO  
6 REVIEW. THAT WOULD BE KIND OF A RECOMMENDATION ON MY PART  
7 THAT WE KIND OF GET A SPECIFIC FEEDBACK FROM THEM RELATED TO  
8 THE E-5.

9 I GUESS, CAROL, A QUESTION ABOUT THE  
10 BOTTLE SERVICE AS REGGIE EXPLAINED HIS PLAN TO DO IT, IS  
11 THAT PLAN ACCEPTABLE WITH THE CURRENT ORDINANCE?

12 MS. KUCHYNKA: THE WAY THE ORDINANCE HAS BEEN  
13 AMENDED, THE VILLAGE COUNCIL DID ADOPT THAT ON TUESDAY. WE  
14 COMPLETELY BANNED BOTTLE SERVICE. YOU COULD STILL DO  
15 CHAMPAGNE AND WINE AND ALL THAT OTHER STUFF, BUT IT'S  
16 SPECIFICALLY THE HARD ALCOHOL. AND THEY DID INDICATE SOME  
17 HUGE CONCERNS WITH THAT ACTIVITY GOING ON, AND I THINK THEY,  
18 AT THIS POINT, WERE AGAINST IT IN ALL ASPECTS.

19 AGAIN, OBVIOUSLY WE HAD DISCUSSED LAST  
20 MONTH THAT WE WOULD RECONSIDER IT IF AN APPLICANT CAME  
21 FORWARD. I KNOW THAT YOU HAD WANTED TO HAVE SOME SORT OF  
22 TRACK RECORD WITH THE LICENSEE IF WE HAD ANY ISSUES OR

1 PROBLEMS, AND WOULD LIKE TO SEE SOME SORT OF REGULATION. I  
2 HAD AN OPPORTUNITY TO CALL A NUMBER OF COMMUNITIES IN THE  
3 AREA, AND THERE WAS NOT ONE THAT WAS AWARE OF THE STATE  
4 ALLOWING THE BOTTLE SERVICE. I LITERALLY E-MAILED THE  
5 ORDINANCE TO SIX DIFFERENT COMMUNITIES AND THEY SAID THEY  
6 HAD NO IDEA THAT IT WAS PASSED. AND THEY ALL SAID THE SAME  
7 THING, THAT THEIR COUNSELS AND THEIR LIQUOR COMMISSION  
8 MEMBERS WERE NOT READY FOR THAT ACTIVITY AND THEY WOULD  
9 EITHER BAN IT OR LIKE TO SEE SOME REGULATION ON IT. SO,  
10 AGAIN, THAT'S GOING TO BE SOMETHING THAT WE RECONSIDER IN  
11 THE FUTURE.

12 MR. BENJAMIN: DOWN THE ROAD, ABSOLUTELY.

13 MS. KUCHYNKA: BUT, AGAIN, I THINK SOME SORT OF  
14 REGULATION OBVIOUSLY WOULD NEED TO BE PUT IN PLAY; DELIVERY  
15 TO PEOPLE IF YOU'RE TRYING TO PROMOTE SAFETY AND PREVENT  
16 PEOPLE FROM GETTING INTOXICATED.

17 CHAIRMAN MC INERNEY: I KNOW THAT'S REALLY A WHOLE  
18 SEPARATE DISCUSSION, BUT REALLY THE PIECE I WAS CONCERNED  
19 WITH IS WHAT YOU'RE PROPOSING YOU WERE DOING.

20 MR. BENJAMIN: ABSOLUTELY.

21 CHAIRMAN MC INERNEY: I'M JUST LOOKING OUT FOR YOU.

22 MR. BENJAMIN: ABSOLUTELY. EVERYTHING THAT'S HERE,



1 WE ARE GOING TO MAKE SURE, AND IT HAS TO, ABIDE BY THE  
2 DOWNERS GROVE LICENSE. IT HAS TO OR YOU WON'T LET ME OPEN  
3 THE DOORS.

4 FIRST OF ALL, I WANT TO ABIDE BY YOU. I  
5 WANT A GOOD RELATIONSHIP SO THIS CAN LAST FOREVER AND DO  
6 OTHER THINGS. SOME STUFF LIKE CHAIRS AND PARKING, WHATEVER  
7 IT MAY BE, BUT AT THE END OF THE DAY WE ARE GOING TO ABIDE  
8 BY YOUR RULES, WHICH WE HAVE TO, AND THAT'S WHAT WE PLAN ON  
9 DOING, WHATEVER WE NEED TO DO TO MAKE THAT HAPPEN.

10 LIKE I SAID, IF CAPACITY IS 800, WE'LL GO  
11 TO 600. IF WE NEED SET TABLES IN THERE, WE'RE GOING TO HAVE  
12 SET TABLES IN THERE. WE WANT TO MAKE SURE EVERYTHING IS  
13 DONE RIGHT AND MAKE SURE THAT WE ABIDE BY THE LAWS OF  
14 DOWNERS GROVE.

15 CHAIRMAN MC INERNEY: OKAY. THANK YOU.

16 ONE OTHER POINT I GUESS I WANT TO MAKE IS  
17 YOU UNDERSTAND ALSO WITH THE LAYOUTS THAT SHOULD YOU WANT TO  
18 CHANGE THE LAYOUT OF THE FACILITY, YOU'VE GOT TO COME BACK?

19 MR. BENJAMIN: YES.

20 CHAIRMAN MC INERNEY: WE'VE ALSO HAD ISSUES WITH  
21 FACILITIES THAT HAVE CHANGED THE LAYOUT. THERE'S SOME EVENT  
22 THAT'S GOING ON AND THEY'RE GOING TO CLEAR OUT ALL THE

1 TABLES OR CLEAR OUT A ROOM, THOSE TYPES OF THINGS HAVE COME  
2 UP IN COMPLAINTS OR ISSUES IN THE PAST WITH OTHER LICENSEES.  
3 AND, AGAIN, JUST TRYING TO BE PROACTIVE AND AVOID THOSE TYPE  
4 OF ISSUES.

5 MR. BENJAMIN: THE REASON YOU GOT THAT LAST MINUTE IS  
6 WE MET WITH THE DOWNERS GROVE BUILDING AND FIRE, WE MET WITH  
7 ALL THEM. THEY SAID EVERYTHING LOOKS PERFECT. IF I WERE  
8 YOU, THERE'S A PROBLEM HERE, SO THEY CHANGED THAT. THERE'S  
9 A PROBLEM DOWN HERE, SO THEY CHANGED THIS. I THINK THERE IS  
10 ONLY TWO THINGS FROM HERE TO HERE. ONE SHOULD BE THE BAR  
11 AND SOMETHING ELSE, THE FIRE EXIT CORRIDOR. THOSE ARE THE  
12 TWO PROBLEMS THAT WE HAD AND THAT'S WHY WE CHANGED IT. AND  
13 THAT'S ALL WE'VE CHANGED IS A COUPLE THINGS, ONE OF THE  
14 EXITS AND THE DJ BOOTH MAYBE. AND THAT'S THE ONLY REASON WE  
15 CHANGED IT. WE SUBMITTED IT LIKE THIS. OTHER THAN THAT,  
16 EVERYTHING LOOKS GREAT. THAT'S WHY YOU GOT IT CHANGED  
17 AGAIN. WE DIDN'T CHANGE IT, WE CHANGED IT JUST BECAUSE WE  
18 WERE ADVISED THAT WOULD BE BETTER.

19 CHAIRMAN MC INERNEY: GREAT. REALLY AT THIS POINT I  
20 THINK I HAVE EXPRESSED SOME CONCERNS. THERE'S SOME  
21 QUESTIONS THAT STILL NEED TO BE ANSWERED, AND I THINK IT  
22 MIGHT BE THAT WE NEED FURTHER INFORMATION BEFORE WE CAN

1 PROCEED FORWARD, BUT I WANT TO KIND OF OPEN IT UP -- GIVEN  
2 THIS IS A NEW LICENSE, KIND OF OPEN IT UP TO THE COMMISSION  
3 AGAIN IF THERE IS ANY ADDITIONAL FOLLOW-UP QUESTIONS.

4 COMMISSIONER BARNETT?

5 COMMISSIONER BARNETT: I'M GOING TO SUMMARIZE ONE  
6 THING I'M HEARING. THROUGH OVER 40 MINUTES OF WHATEVER IT'S  
7 BEEN TONIGHT, THE STARDUST FOLKS HAVE GIVEN THEMSELVES  
8 PLENTY OF ROPE TO BE HUNG BY LATER DOWN THE ROAD. THEY SAID  
9 THEY'RE GOING TO DO THE STUFF EXPECTED AS A LICENSEE.  
10 THAT'S ALL ON THE RECORD IN SEVERAL WAYS, SHAPES, AND FORMS,  
11 AND I AM JUST HUNG ON ENFORCING THE THING.

12 WHAT I WOULD LIKE TO KNOW FROM STAFF IS  
13 YOUR REACTION ON HOW DO WE GO ABOUT ADDRESSING WHAT WE'VE  
14 GOT? WE'VE GOT THREE, I THINK, LICENSEES RIGHT NOW. ONE IS  
15 THE GOLF COURSE, WHICH IS KIND OF GERMANE, BUT THE OTHER TWO  
16 WE'VE GOT NAKED BOWLING AND DUI NOTIFICATIONS BY WHICH WE  
17 ENFORCE OUR ORDINANCES. WHETHER THEY BE FOOD SERVICE OR  
18 OVERSERVICE, THERE IS NO GOOD PROCESS IN PLACE FOR DOING  
19 THAT.

20 SO WHETHER IT'S THE ULTRA CASH REGISTER  
21 PROGRAM GOING TO BE NOW IN PLACE OR MR. BENJAMIN'S  
22 WELL-THOUGHT OUT LOGICAL PROCESS BY WHICH HE INTENDS TO

1 INSURE HE'S DOING THE RIGHT THING, WE ARE STILL MISSING THE  
2 POINT THAT WE CAN'T SAY WHAT WE'RE DOING TO CHECK THAT. WE  
3 HAVE AN OBLIGATION TO DO SO.

4 SO IS THERE -- WHAT I'M GETTING AT HERE,  
5 OUR GOAL IS TO MAKE SURE THE RIGHT STUFF IS HAPPENING. CAN  
6 YOU DO THAT AND NOT BE 2010 BEFORE WE ARE ON SOMETHING?

7 MS. KUCHYNKA: WE CAN SEND IN THE POLICE DEPARTMENT  
8 ANY TIME WE WANT.

9 COMMISSIONER BARNETT: WE'RE NOT JUST GOING TO  
10 PERIODICALLY SAY I WANT YOU GUYS TO RUN OVER THERE AND  
11 CHECK. IT'S NOT A SET PROCESS BY WHICH WE CAN ASSURE THE  
12 RIGHT STUFF IS HAPPENING.

13 MS. PEREZ: I THINK WE TRIED TO TALK TO THE CHIEF AND  
14 HE INDICATED THAT HE WOULD TALK TO SOME OTHER MUNICIPALITIES  
15 AND OTHER PEOPLE WITHIN THE POLICE DEPARTMENT AND SEE WHAT  
16 THEY COULD DO TO SET UP SOME SORT OF PROGRAM FOR A DIFFERENT  
17 TYPE OF A STING, IF YOU WILL, AS OPPOSED TO UNDERAGE; MAYBE  
18 SERVING AT INAPPROPRIATE HOURS OR SOMETHING TO THAT EFFECT.  
19 AND I THINK NOW THAT WE ACTUALLY PHYSICALLY HAVE THE LICENSE  
20 AVAILABLE, IT'S SOMETHING MORE CONCRETE FOR HIM TO REALLY  
21 TRY TO WRAP AROUND AND FIGURE OUT HOW THEY CAN PLACE SOME  
22 SORT OF CHECK ON THAT.

1           COMMISSIONER BARNETT:  HOW CAN THIS GROUP EXPEDITE  
2 THAT PROCESS?  I'M HEARING THE APPLICANT SAY THEY'LL RAISE  
3 THE HEIGHTS OF THE TABLES, THEY'LL WORK OUT VALET PARKING  
4 AND MAKE THIS THING WORK THROUGH ALL THE STAFF.  WE'RE  
5 TRYING TO THINK ABOUT -- THE FOOD SERVICE MATCHES, IN MY  
6 OPINION, THE INTENT OF OUR CONVERSATIONS UP TO THIS POINT.  
7 HOW CAN WE AS A GROUP -- WHAT CAN WE DO TO GET INTO THIS  
8 SERIOUSLY AND PROMPTLY?

9           MS. KUCHYNKA:  REALLY THIS IS A POLICE DEPARTMENT  
10 ISSUE.  GOING IN AND CHECKING LICENSEES IS UNDER THE  
11 AUTHORITY OF THE POLICE DEPARTMENT IN THEIR ENFORCEMENT.  WE  
12 CAN MAKE A RECOMMENDATION FOR THEM TO DO ADDITIONAL CHECKS  
13 BASED ON THEIR OWN PROGRAMS, BUT THE LIQUOR COMMISSION CAN'T  
14 GO IN.  THEY'RE HERE TO HEAR APPLICATIONS, THEY'RE NOT --  
15 YOU GUYS AREN'T HERE TO BE THE POLICE.

16           COMMISSIONER BARNETT:  YOU CAN TELL THE POLICE  
17 DEPARTMENT WHAT TO DO, WE CAN MAKE A RECOMMENDATION FROM  
18 THIS GROUP THAT WE WANT TO TELL THE VILLAGE COUNCIL WE'VE  
19 GOT A SITUATION IN FRONT OF US WE CAN'T DO ANYTHING ABOUT.

20           MS. PEREZ:  WE CAN SEND THEM A COPY OF THE TRANSCRIPT  
21 THAT OCCURRED HERE TONIGHT SO THEY CAN HEAR THE CONCERNS.

22           CHAIRMAN MC INERNEY:  ANY OTHER QUESTIONS?

1 COMMISSIONER BARNETT: NO, THAT IS IT.

2 CHAIRMAN MC INERNEY: COMMISSIONER CAWTHORNE?

3 COMMISSIONER CAWTHORNE: SORT OF A COUPLE POINTS  
4 HERE. I DISAGREE. YOU CAN MAKE A REALLY NICE MEAL OUT OF  
5 THEIR APPETIZERS. YOU DON'T HAVE TO GO TO A PLACE AND HAVE  
6 A STEAK DINNER. AND I'M JUST GOING BACK TO WHEN MR.  
7 BENJAMIN CAME IN FRONT OF US AND PRESENTED THIS IDEA. I WAS  
8 UNDER THE IMPRESSION EVERYONE SAID IT SOUNDS GREAT. THE  
9 IDEA PRESENTED TO US WAS AN UPSCALE PLACE, YOU CAN SIT DOWN,  
10 YOU CAN HAVE APPETIZERS, YOU CAN HAVE A NICE COCKTAIL. I  
11 GAVE EXAMPLES OF PLACES, YOU KNOW, WITH THAT. I WAS EXCITED  
12 ABOUT IT. IT WAS GREAT.

13 I DON'T WANT TO COME ACROSS AS AN  
14 ADVOCATE FOR MR. BENJAMIN, BUT I'M AN ADVOCATE FOR THIS TOWN  
15 AND I THINK THIS IS A FANTASTIC OPPORTUNITY THAT WE SHOULD  
16 EMBRACE. I MENTIONED IT BEFORE. THIS APPLICANT IS  
17 PROPOSING SOME THINGS THAT GO ABOVE AND BEYOND WHAT ANY  
18 OTHER LICENSE HOLDER DOES RIGHT NOW. THE FACT THAT THEY  
19 WILL CUT OFF AT 2:00, I UNDERSTAND, YEAH, WE CAN'T SEND A  
20 TEENAGE KID IN AT 2:00 IN THE MORNING TO MAKE SURE THEY'RE  
21 NOT SERVING DRINKS. I GUESS AN UNDERCOVER POLICE OFFICER  
22 COULD GO IN AND MAKE SURE NO ONE IS SERVING DRINKS. I DON'T

1 KNOW HOW ALL THAT WORKS, BUT THIS BUSINESS PLAN IS A LOT  
2 BETTER THAN EVERY BAR ANY ONE OF US HAVE GONE TO. 1:30,  
3 LAST CALL, YOU GET A DRINK AND THEN THE NEXT THING YOU KNOW  
4 THEY'RE TAPPING YOU AND SAYING LET'S GO, GET THE HELL OUT,  
5 DRINK THEM UP. LET'S BE HONEST. THAT'S THE WAY IT WORKS.

6                   HERE IS AN APPLICANT THAT COMES IN, HE  
7 WANTS TO SET UP AN OMELETTE BAR, LET'S OFFER FOOD, DANCE,  
8 YOU GET A BREATHALYZER, THEY'RE GOING ABOVE AND BEYOND HERE.  
9 AND WE'RE GETTING INTO THE PIDDLY LITTLE THINGS ABOUT HOW  
10 MANY TABLES. WE KNOW WHAT THE INTENT WAS WHEN WE PUT -- WE  
11 KNEW WHAT WE WERE TALKING ABOUT WHEN THIS LICENSE WAS PUT  
12 TOGETHER.

13                   I DON'T KNOW IF ANY OF YOU GUYS WATCHED  
14 THE VILLAGE COUNCIL MEETING. WHEN THIS CAME UP, MARILYN  
15 SCHNELL WAS LIKE, WELL, YOU KNOW, IT'S OKAY TO HAVE PEANUTS.  
16 SHE'S TALKING ABOUT A BEER PLACE WHERE YOU EAT PEANUTS.  
17 THIS IS A LOT DIFFERENT THAN THAT. I MEAN, IF ANYTHING, YOU  
18 GUYS SHOULD BE MORE CONCERNED ABOUT THAT.

19                   COMMISSIONER WALDACK FELT THAT 20 PERCENT  
20 OF A DANCE FLOOR WASN'T ENOUGH. HE WANTED A BIGGER DANCE  
21 FLOOR. I MEAN THESE ARE OUR VILLAGE COUNCIL PEOPLE. I  
22 THINK WE'RE GETTING INTO A LOT OF KNIT-PICKING.

1                   YOU LOOK AT THE INTENT. I DON'T KNOW  
2 WHICH MEETING I WAS AT, BUT I SAW THE INTENT OF HAVING A  
3 NICE, UPSCALE PLACE WHERE THERE WAS A DANCE FLOOR. I THINK  
4 THAT IS A GOOD POINT THEY MADE. IT'S NOT GOING TO BE HIP  
5 HOP. IT'S NOT GOING TO BE ATTRACTING RIFF-RAFF KIDS. IT'S  
6 A NICE, UPSCALE PLACE THAT'S GOING TO ATTRACT FROM OUTSIDE  
7 AREAS A LITTLE DIFFERENT TYPE OF A CLIENTELE THAT'S OUT  
8 THERE TO DO JELLO SHOTS.

9                   I'VE BEEN TO A WEBSITE OF ANOTHER LIQUOR  
10 LICENSE HOLDER IN THIS TOWN AND THERE'S GIRLS MAKING OUT ON  
11 IT. YET, THEY CAN DO BUSINESS IN THIS TOWN.

12                   I BELIEVE MR. BENJAMIN HAS COME ACROSS  
13 WITH, I THINK, A FANTASTIC OPPORTUNITY AND I'M SORRY IF I'M  
14 COMING ACROSS AS I'M WORKING FOR THE GUY. AND I'M SORRY IF  
15 I'VE GIVEN OFF THAT IMPRESSION, BUT I THINK IF IT'S DONE  
16 RIGHT BY THE RIGHT PERSON, I THINK IT'S A FANTASTIC  
17 OPPORTUNITY. AND LIKE I SAID, IT'S GOING ABOVE AND BEYOND  
18 WHAT WE ASKED ANY LICENSE HOLDER TO HAVE.

19                   I THINK WE SHOULD ALL TAKE A FIELD TRIP  
20 AND GO DOWN TO JAPONAIS, SIT DOWN AT A NICE LITTLE TABLE AND  
21 SEE WHAT THESE PLACES ARE LIKE. IT'S NOT A BUNCH OF PEOPLE  
22 GETTING RIPPED. THEY ARE CONVERSATION-FRIENDLY PLACES.



1 IT'S JUST SOMETHING UNIQUE TO THIS AREA.

2 I GUESS I'M GOING TO STOP GOING ON, BUT I  
3 GUESS EVERYONE KNOWS WHERE I STAND ON THIS. AND I DO  
4 RESPECT EVERYONE'S OPINION, I REALLY DO. I DON'T WANT  
5 ANYONE TO THINK I'M MAD OR ANYTHING LIKE THAT. I DO RESPECT  
6 EVERYONE'S OPINION. I DO RESPECT EVERYONE'S CONCERNS. I  
7 JUST THINK WE'RE BEING OVERLY CONCERNED HERE, AND I THINK WE  
8 ARE LUCKY TO HAVE THIS OPPORTUNITY. I'LL JUST GIVE UP  
9 THERE.

10 CHAIRMAN MC INERNEY: THANKS FOR YOUR COMMENTS.

11 COMMISSIONER KING?

12 COMMISSIONER KING: I COUNTED THE SEATS. I DON'T  
13 THINK YOU SHOULD BE PUNISHED FOR OUR INABILITY TO HAVE A  
14 DEFINITION OF WHAT'S BAR SEATING VERSUS TABLE SEATING. I  
15 THINK THAT SHOULD BE IN HERE IF WE ARE GOING TO POLICE IT.

16 YOU HAVE 39 SEATS AT THE BAR AS DRAWN IN  
17 THE BAR AREAS, WHICH MEANS YOU WOULD NEED 200 SEATS TOTAL  
18 FOR THAT TO BE 20 PERCENT. AND I COUNTED YOU HAVE 60 BOOTH  
19 SEATS AROUND AND YOU HAVE 20 TABLES. IF YOU HAVE 20 TABLES  
20 AND YOU SEAT FOUR AT EACH TABLE. IT DOESN'T LOOK LIKE YOU  
21 CAN FIT SIX. YOU HAVE 80 TABLES, 60 AT THE SEATS AND 43 AT  
22 THESE LITTLE CIRCLES. I THINK YOU DO MEET THE 20 PERCENT IF

1 I CAN -- BY MY COUNTING ALL THESE LITTLE DOTS. IN MY MIND  
2 YOU DO.

3 LIKE I SAID, WE DON'T HAVE A DEFINITION  
4 THAT SAYS WHAT HEIGHT OUR TABLES HAVE TO BE.

5 MR. BENJAMIN: WE WILL MAKE IT THAT HEIGHT. THE  
6 SEATING ALONG THE WALLS HERE WITH CAROL'S WONDERFUL DRAWING  
7 WITH THE BLACK TABLES, THOSE SEAT TWO AT EACH.

8 COMMISSIONER KING: IN MY MIND YOU MEET THE CRITERIA,  
9 AND I DON'T WANT TO HOLD YOUR BUSINESS UP AS LONG AS YOU ARE  
10 GOING TO MEET WHAT IT SAYS IN OUR ORDINANCE.

11 MR. BENJAMIN: ABSOLUTELY, 100 PERCENT.

12 COMMISSIONER KING: MAYBE WE CAN MAKE THAT AS PART OF  
13 THE MOTION IN THE END. THANK YOU. THAT'S ALL.

14 CHAIRMAN MC INERNEY: COMMISSIONER STRELAU?

15 COMMISSIONER STRELAU: WHEN ARE OUR LIQUOR LICENSES  
16 RENEWED?

17 MS. KUCHYNKA: JUNE 1ST, FIRST WEEK OF JUNE.

18 COMMISSIONER STRELAU: I UNDERSTAND WHEN YOU SAY IT'S  
19 NOT THE LIQUOR COMMISSION'S RESPONSIBILITY TO MONITOR THE  
20 LICENSEES, BUT IT IS OUR RESPONSIBILITY TO PROVIDE TO THE  
21 POLICE DEPARTMENT FUNDS. JUST AS WE SAW TONIGHT, DISTRICT  
22 99 IS THANKING THE POLICE DEPARTMENT FOR MONEY FOR THEIR

1 SAFE GRADUATION PARTY. WELL, THAT MONEY CAME FROM THE  
2 LICENSEES.

3                   SO WHILE IT IS NOT SPECIFICALLY OUR  
4 REQUIREMENT OR OUR OBLIGATION TO MONITOR OUR LICENSEES, IT  
5 IS OUR OBLIGATION TO PROVIDE THE POLICE DEPARTMENT WITH THE  
6 TOOLS BY WHICH TO DO THAT, AND THE TOOLS BY WHICH TO DO THAT  
7 TEND TO BE MONEY. AND I'M WONDERING IF WE COULDN'T PUT  
8 SOMETHING TOGETHER WHERE THIS APPLICATION IS PUT FORWARD TO  
9 A DATE SPECIFIC THAT REQUIRES US AS A LIQUOR COMMISSION TO  
10 WORK WITH THE POLICE DEPARTMENT TO ADDRESS WHAT THE POLICE  
11 DEPARTMENT WOULD LIKE TO HAVE. THE POLICE DEPARTMENT MAY  
12 VERY WELL LIKELY COME BACK TO US, AS -- I DON'T KNOW IF WERE  
13 HERE THE NIGHT THEY WERE HERE, BUT THEY TOLD US THEY CAN'T  
14 ALWAYS TELL US EXACTLY WHAT THEY NEED. I CAN APPRECIATE  
15 THAT. THEY CAN'T PROVIDE FOR EVERY INSTANCE THAT'S GOING TO  
16 HAPPEN, BUT THEY'RE GOING TO BE ABLE TO GIVE US AN IDEA OF  
17 WHAT THEY WOULD NEED.

18                   WE NEED TO KNOW WHAT THE POLICE  
19 DEPARTMENT NEEDS TO MONITOR THESE UNIQUE LIQUOR LICENSES,  
20 AND WE NEED TO BE ABLE TO PROVIDE THAT TO THEM AND WE NEED  
21 TO BE ABLE TO PROVIDE THAT TO THEM BY RAISING FEES, IF  
22 THAT'S WHAT THEY NEED.

1                   NOW MAYBE THEY CAN DO IT WITH SOME OTHER  
2 MECHANISM, BUT IN MY MIND IT'S PROBABLY GOING TO RESULT IN  
3 OVERTIME, OR I DON'T KNOW. IT WILL REVOLVE AROUND POLICE  
4 OFFICERS DOING SOMETHING WHICH IS GOING TO COST MONEY. SO,  
5 WHAT I WOULD LIKE TO DO IS, I DON'T WANT TO PUT THIS OFF  
6 EITHER, BUT I DON'T HAVE A GOOD CONSCIENCE WITHOUT ALL OF  
7 THIS GOING ON, AND SO I WOULD LIKE US TO COME UP WITH A WAY  
8 WHERE WE MOVE TO TABLE THIS TO A DATE CERTAIN, DATE CERTAIN  
9 BEING WE HAVE TO DECIDE BEFORE OUR LICENSEES RENEW. WE TALK  
10 WITH THE POLICE DEPARTMENT AT OUR MAIN MEETING AND WE  
11 FORMALIZE WHAT THEY NEED. THEY NEED TO COME TO OUR MAIN  
12 MEETING PREPARED. WE'VE HAD THIS DISCUSSION ONCE. THEY  
13 NEED TO COME TO OUR MEETING PREPARED KNOWING WHAT OUR  
14 CONCERNS ARE AND ADDRESS OUR CONCERNS AND TELL US WHAT THEY  
15 NEED, IF ANYTHING. IF THEY NEED NOTHING, THEN WE VOTE ON  
16 THIS APPLICATION AT THE JUNE MEETING AS IT STANDS AND IT  
17 PASSES OR IT DOESN'T. I CERTAINLY CAN'T SAY THAT, BUT I  
18 THINK WE NEED TO ADDRESS THIS AND WE NEED TO PUSH OURSELVES  
19 TO ADDRESS IT BECAUSE I'VE BEEN ON HERE THREE YEARS AND  
20 WE'VE TALKED ABOUT THIS PROBLEM FOR THREE YEARS.

21                   SO, I DON'T SEE ANOTHER -- I DON'T SEE A  
22 REASON FOR IT TO GO ON LONGER. I THINK THERE IS A REASON

1 FOR US TO ADDRESS IT.

2           COMMISSIONER BARNETT: DO YOU GUYS HAVE A -- I KNOW  
3 THAT THE EASY ANSWER WOULD BE TOMORROW, BUT DO YOU HAVE A  
4 SERIOUSLY THOUGHT OUT -- WHEN YOU REALLY THINK ALL YOUR  
5 BUILDOUT WORK IS DONE, STAFF HIRED, WHEN DO YOU  
6 REALISTICALLY THINK WHEN ARE YOU TOTALLY --

7           MR. BENJAMIN: OUR OPENING DATE, DEPENDING ON TODAY  
8 BECAUSE THINGS MAY CHANGE ON OUR END AS OF TODAY, IS MAY  
9 31ST IS THE OPENING DAY. OUR BUILDERS, FIVE WEEKS. A LOT  
10 OF THE BARS ARE BUILT IN MY GARAGE, PIECES, INPUT THEM.  
11 WE'RE GOING TO TAKE ABOUT FIVE WEEKS TO BUILD OUT, BUT MAY  
12 31ST IS OUR DATE TO OPEN. AND DEPENDING WHAT HAPPENS HERE  
13 TONIGHT, WE WILL LET YOU KNOW.

14           CHAIRMAN MC INERNEY: DO YOU HAVE ANYTHING ELSE?

15           COMMISSIONER STRELAU: I GUESS THE OTHER THING THAT I  
16 WOULD SUGGEST THAT WOULD HELP YOUR CASE TREMENDOUSLY IF THIS  
17 GOES IN SUCH A WAY, SHAPE, OR FORM, IT WILL BE MOST  
18 ADVANTAGEOUS TO HAVE US HAVE A COPY OF THE FLOOR PLAN IN  
19 ADVANCE OF EXACTLY OF HOW IT'S GOING TO BE, EXACTLY WHAT THE  
20 TABLES ARE LIKE.

21                           AND I DO AGREE WE ARE GETTING KNIT-PICKY,  
22 BUT TO THE OTHER EXTENT, WE HAVE A REQUIREMENT THAT SAYS A

1 PERCENTAGE MUST BE THUS AND SO, AND SO WE NEED TO MAKE SURE  
2 WE ARE DOING THUS AND SO.

3 MR. BENJAMIN: I COULDN'T OPEN IF THE REQUIREMENTS  
4 WEREN'T THERE; CORRECT?

5 COMMISSIONER STRELAU: RIGHT. THERE SEEMS TO BE SOME  
6 QUESTION UP HERE ABOUT WHAT IS THE TABLE AND WHAT IS THE  
7 LOUNGE AND WHAT IS NOT.

8 MR. BENJAMIN: AND I'M GOING TO SAY THIS ONE LAST  
9 TIME AND I'M NOT GOING TO SAY ANYTHING ELSE. BACK IN  
10 NOVEMBER, DECEMBER, JANUARY, FEBRUARY, MARCH, APRIL, COMING  
11 UP MAY SOONER THAN WE THINK, AND JUNE IS SEVEN MONTHS. I'M  
12 TELLING YOU ON THE RECORD IT IS GOING TO MATCH THE LICENSE.  
13 THIS DOES NOT GET -- I'M NOT SAYING THIS TO SPEED IT UP. I  
14 DON'T CARE IF WE TAKE LITTLE STEPS, IT'S JUST WAITING A YEAR  
15 ALMOST -- I MEAN, I UNDERSTAND IT TAKES LONG. YOU TOLD ME  
16 THE FIRST DAY WE STARTED, THIS IS GOING TO BE A LONG TIME.  
17 I UNDERSTAND THAT, BUT I'M TELLING YOU I'M GOING TO ABIDE BY  
18 THIS, BY THE LAWS OF DOWNERS GROVE PERIOD. AND IF I'M NOT,  
19 YOU HAVE THE RIGHT TO PULL MY LICENSE, YOU HAVE THE RIGHT TO  
20 CLOSE MY DOORS, YOU HAVE THE RIGHT TO DO EVERYTHING ELSE.  
21 I DON'T KNOW WHAT ELSE I CAN DO. I'M  
22 PROVIDING DANCING AFTER HOURS AND FOOD. SWEAT THE LIQUOR

1 OFF, EAT THE FOOD. YOU CAN HAVE \$3.00 OMELETTES. GO TO  
2 DENNY'S AND PAY \$8.00 OR \$6.00 OR WHATEVER FOR OLD, STALE  
3 COFFEE. I'M TRYING TO PROVIDE EVERYTHING HERE THAT NO ONE  
4 ELSE IS PROVIDING AND BE MORE CAUTIOUS ON LIQUOR WHERE I  
5 HAVE A LIQUOR MANAGER THAT NOBODY IN THE WEST SUBURBS HAS  
6 SOMEBODY JUST ON LIQUOR.

7 I'M TRYING TO PROVIDE EVERYTHING I CAN,  
8 AND I UNDERSTAND WHERE YOU'RE COMING FROM AND I RESPECT  
9 EVERYTHING. I DON'T KNOW WHAT ELSE I COULD DO.

10 I'M SAYING IF THE TABLES AREN'T RIGHT,  
11 WE'LL MAKE THE TABLES RIGHT. IF THE PARKING IS TOO SMALL,  
12 WE'LL CUT DOWN OUR CAPACITY. I DON'T KNOW WHAT ELSE I COULD  
13 DO TO MAKE THIS WORK. I DON'T KNOW WHAT ELSE I COULD DO.

14 COMMISSIONER STRELAU: AND I THINK WHAT WE'RE TRYING  
15 -- THE SENTIMENT IS WE'RE RECOGNIZING THAT YOU'VE DONE A  
16 GREAT DEAL.

17 MR. BENJAMIN: ABSOLUTELY.

18 COMMISSIONER STRELAU: AND YOU'RE WILLING TO DO MORE;  
19 HOWEVER, THERE IS ALWAYS THE DEED TO MONITOR.

20 MR. BENJAMIN: ABSOLUTELY.

21 CAN'T THE MONITORING WITH THE POLICE  
22 HAPPEN WHILE WE'RE DOING IT? WHY DOES IT HAVE TO BE HERE'S

1 ANOTHER SIX MONTHS AND YOU WAIT AND THEN WE'LL COME UP WITH  
2 SOMETHING. IT TAKES AWHILE. I DON'T KNOW WHY EVERYTHING IS  
3 TAKING -- I UNDERSTAND FIVE, SIX, SEVEN MONTHS. IF WE COME  
4 BACK IN JUNE, THAT'S SEVEN, EIGHT MONTHS. WE COME BACK  
5 HERE, IT'S GOING TO TAKE A MONTH FOR US TO GET BACK AND THEN  
6 IT'S GOING TO BE A YEAR. I JUST DON'T KNOW HOW LONG WE CAN  
7 HANG ON. I'M NOT MEANING ANYTHING NEGATIVE.

8 COMMISSIONER STRELAU: AND I UNDERSTAND THAT. AND  
9 REGARDLESS OF WHAT ACTIONS YOU TAKE, WE NEED TO TAKE OUR OWN  
10 ACTIONS.

11 MR. BENJAMIN: BECAUSE IT'S BEEN THREE YEARS. I WISH  
12 IT WAS DONE A COUPLE YEARS AGO.

13 COMMISSIONER STRELAU: WHAT I'M EXPRESSING REALLY IS  
14 TRYING TO PUSH THAT ISSUE.

15 MR. BENJAMIN: AND WE WOULD LOVE IT. IT'S SAFE AND  
16 FOR EVERYBODY, BUT IN THE MEANTIME WE'RE AT A FIVE-WEEK  
17 BUILDOUT HERE.

18 CHAIRMAN MC INERNEY: ANYTHING ELSE TO ADD?

19 COMMISSIONER STRELAU: NO.

20 CHAIRMAN MC INERNEY: COMMISSIONER KUBES, ANYTHING  
21 ELSE TO ADD?

22 COMMISSIONER KUBES: YES. A QUESTION HAD ARISEN



1 BEFORE WHEN YOU WERE TALKING ABOUT THE FLOOR PLAN HERE.

2 YOUR VIP LOUNGE, THAT'S GOING TO BE AN UPSTAIRS LOUNGE?

3 MR. BENJAMIN: NO.

4 COMMISSIONER KUBES: IT'S ALL FLOOR LEVEL?

5 MR. BENJAMIN: ALL FLOOR LEVEL. EVERYTHING IS, YES.

6 COMMISSIONER KUBES: I THOUGHT I HEARD YOU MENTION  
7 THAT. THE OTHER THING IS, I MENTIONED IT BEFORE, TRUST ME,  
8 I APPRECIATE EVERYTHING YOU'RE DOING HERE, AND I KNOW THAT  
9 DEEP IN YOUR HEART YOU WANT TO MAKE THIS WORK, OTHERWISE YOU  
10 WOULDN'T HAVE BEEN HERE FOR FIVE SOLID MONTHS. THINGS DO  
11 TAKE TIME. WE APOLOGIZE THAT THEY TAKE TIME, BUT WE'VE BEEN  
12 ENTRUSTED BY THE COMMUNITY THAT'S OUR VILLAGE TO MAKE SURE  
13 THAT WE ASK THE RIGHT QUESTIONS. IF WE JUST SAID YES TO  
14 EVERYBODY OUT HERE, WE WOULDN'T BE HERE. I WOULDN'T HAVE  
15 BEEN UP HERE GOING ON NINE YEARS NOW. SO, THERE'S A REASON  
16 WHY WE'RE ASKING YOU THESE QUESTIONS.

17 I WOULD NOT BE ABLE TO SLEEP NIGHTS  
18 KNOWING THAT WE GAVE YOU A LICENSE AND THEN HAD TO JUST YANK  
19 IT AWAY FROM YOU. IT WOULD COST YOU MORE TIME, EFFORT AND  
20 MONEY IF WE YANK THE LICENSE AWAY FROM YOU, SO WE'RE NOT  
21 GOING TO GIVE YOU THE LICENSE UNTIL WE'RE SURE THAT  
22 EVERYTHING IS CUT AND DRY. THAT'S THE REASON FOR NOT SAYING



1 THINK PERHAPS WE NEED TO ADDRESS THE POSSIBLE TABLING OF  
2 THIS FOR A FUTURE MEETING. I WOULD AGREE WITH HER IF YOU  
3 WANTED TO HAVE SOME DISCUSSION ON TABLING IT. THOSE ARE MY  
4 ONLY THOUGHTS.

5 CHAIRMAN MC INERNEY: THANK YOU, COMMISSIONER.

6 MY THOUGHTS KIND OF WRAP THE DISCUSSION  
7 PIECE, AND REALLY ONE OF THE COMMISSIONERS MADE A COMMENT  
8 ABOUT WHO CARES ABOUT THE PERCENTAGE. IT'S OUR ROLE AS  
9 COMMISSION MEMBERS TO CARE. WE DRAFTED WHAT THE COUNCIL  
10 VOTED ON AND PASSED. NOW WE'RE IN A POSITION TO EVALUATE  
11 THE APPLICANT'S PROPOSAL IN DETAIL TO WHAT PASSED. SO, IT  
12 IS TIME CONSUMING AND IT DOES GET A LITTLE FRUSTRATING. IT  
13 DOES GET REPETITIVE. THAT'S PART OF THE PROCESS, AND PART  
14 OF THE PROCESS IS LOOKING OUT FOR YOU AS A BUSINESS BECAUSE  
15 WE WANT YOU TO BE SUCCESSFUL. NO MATTER ALL THE DISCUSSION  
16 WE'RE HAVING, THIS IS ALL ABOUT HELPING YOU FULFILL THE  
17 OBLIGATIONS OF THE LICENSE AND CLASSIFICATION THAT YOU  
18 PROPOSED WE CREATE. AND THIS IS PART OF THE PROCESS, AND  
19 PART OF THAT PROCESS IS FLUSHING OUT THE DETAILS.

20 AND WE'RE BEING PROACTIVE IN THIS MANNER,  
21 I THINK, BUT THERE ARE STILL A COUPLE QUESTIONS OUT THERE,  
22 AND NOT ALL STRICTLY ON YOU. SOME OF IT IS VILLAGE RELATED.

1 I THINK THE QUESTION, IN FAIRNESS TO THE POLICE DEPARTMENT,  
2 AND I HAVE ALL THE RESPECT IN THE WORLD FOR THE POLICE  
3 DEPARTMENT, AND IN FAIRNESS TO THEM, THIS CLASSIFICATION  
4 DIDN'T EXIST A MONTH AGO. THE COUNCIL JUST PASSED IT, SO  
5 THEY REALLY NEED AN OPPORTUNITY IN MY MIND TO REVIEW IT AND,  
6 IN FAIRNESS, TO SAY SPECIFICALLY WHAT ARE WE GOING TO DO TO  
7 ENFORCE THE UNIQUE SITUATION THAT THIS TYPE OF  
8 CLASSIFICATION IN YOUR BUSINESS MODEL PROPOSES THAT ARE  
9 DIFFERENT THAN OTHER LICENSEES THAT ARE OUT IN THE VILLAGE  
10 TODAY?

11 ALL ALONG THIS PROCESS HAS BEEN UNIQUE.  
12 THIS IS ONE LICENSE THAT'S AVAILABLE. THIS IS A UNIQUE  
13 SITUATION. I THINK WE NEED, AS A VILLAGE, TO DO DUE  
14 DILIGENCE TO UNDERSTAND HOW ARE WE GOING TO MONITOR THAT  
15 YOU'RE FULFILLING THE OBLIGATIONS OF THE PRIVILEGE OF HAVING  
16 A LIQUOR LICENSE?

17 SO I THINK THAT'S PART OF THE REASON HERE  
18 IS --

19 MS. KUCHYNKA: I NEED TO FLIP THE TAPE.

20 CHAIRMAN MC INERNEY: FOR THE RECORD, WE'VE GONE MUCH  
21 LATER AND I THINK A FEW MORE TAPES, BUT REALLY, IT'S IN YOUR  
22 INTEREST THAT WE FLUSH THIS STUFF OUT NOW BECAUSE WE WANT

1 YOU TO BE SUCCESSFUL. THAT'S WHY WE'RE GOING THROUGH THIS  
2 PROCESS. WE WANT THE VILLAGE TO HAVE A SUCCESSFUL ADDITION  
3 TO THE COMMUNITY, NOT A DETRIMENT TO THE COMMUNITY, AND  
4 THAT'S WHY I THINK IN MY MIND I WOULD RECOMMEND THAT WE  
5 ADJOURN TO HAVE A HEARING WITH MORE FURTHER -- REPORT-OUT  
6 FROM THE POLICE DEPARTMENT SPECIFICALLY TO THE E-5.

7 I DON'T WANT TO BOG THIS DOWN WITH AN  
8 OVERALL ENFORCEMENT DISCUSSION. I AGREE THE POLICE  
9 DEPARTMENT NEEDS TO REVIEW LICENSE ENFORCEMENT IN GENERAL,  
10 AND I THINK AS PART OF THAT, THIS E-5 SITUATION PRESENTS  
11 SOME UNIQUE CHARACTERISTICS, PARTICULARLY AFTER HOURS  
12 OPERATION OF A LIQUOR LICENSE ESTABLISHMENT THAT IS AN  
13 ENTERTAINMENT FACILITY. IT'S DIFFERENT. IT'S NOT JUST A  
14 RESTAURANT STAYING OPEN SERVING OMELETTES UNTIL 4:00 IN THE  
15 MORNING. THERE IS MORE TO YOUR ESTABLISHMENT THAN THAT. I  
16 THINK IT POSTS UNIQUE CIRCUMSTANCES THAT THE VILLAGE NEEDS  
17 TO CONSIDER IF IT AWARDS YOU A LICENSE, KNOWING THAT THAT'S  
18 YOUR BUSINESS MODEL. AT LEAST HAVE THAT THOUGHT OUT.

19 AND IN FAIRNESS TO THEM, THIS DIDN'T  
20 EXIST UNTIL A MONTH AGO. I THINK THEY NEED TO REVIEW THIS.  
21 AND IN FAIRNESS TO YOU, I THINK REALISTICALLY WE CREATED A  
22 NEW LICENSE IN GENERAL. I REALLY DON'T THINK ONCE WE CREATE

1 A LICENSE CLASSIFICATION THAT APPLICANTS SHOULD COME BEFORE  
2 US IN PRINCIPLE BEFORE WE'VE GOTTEN THESE ENFORCEMENT ISSUES  
3 FLUSHED OUT FOR THESE UNIQUE CLASSIFICATIONS. THAT'S HOW WE  
4 GET AHEAD OF THE TYPE OF SITUATION WHERE WE'RE IN NOW AS A  
5 COMMUNITY WHERE WE'VE GOT MIXED LEVELS OF ENFORCEMENT OR  
6 CATERING TO LICENSEES. IF WE ASKED THIS QUESTION WHEN IT  
7 CAME UP, EACH ONE OF THESE LICENSEES COME UP AND THEN TAKE  
8 THIS APPROACH, I THINK THIS VILLAGE WE WOULD BE DOING A  
9 SERVICE AND OTHER LICENSEES A SERVICE AS WELL AS THE  
10 RESIDENTS. DON'T TAKE THAT PERSONAL, BUT THAT'S WHERE MY  
11 CONCERNS LIE BECAUSE IT'S A LOT -- THE SITUATION OF GETTING  
12 A LICENSE IS A LOT DIFFERENT THAN GETTING A LICENSE REVOKED.  
13 AND IN FAIRNESS TO YOU, I WOULD RATHER DO THIS AND BE UP  
14 FRONT AND FLUSH THIS STUFF OUT NOW. THOSE ARE MY THOUGHTS  
15 AND CONCERNS.

16 CAN I HAVE A RECOMMENDATION FROM THE  
17 COMMISSION WITH REGARD TO THE APPLICANT?

18 (NO RESPONSE.)

19 CHAIRMAN MC INERNEY: I'VE KIND OF OPEN-ENDED UP.  
20 CAN I HAVE A RECOMMENDATION FROM THE COMMISSION WITH REGARD  
21 TO THE APPLICANT AND ADJOURNMENT OF THE HEARING FOR THE  
22 BENEFIT OF FURTHER INFORMATION; IN PARTICULAR, FOR STAFF

1 REPORT-OUT ON POLICE ENFORCEMENT OF THE E-5 LICENSE  
2 CLASSIFICATION AND ANSWERS TO SQUARE FOOTAGE PERCENTAGES  
3 WITHIN THE ESTABLISHMENT?

4 COMMISSIONER STRELAU: BY A CERTAIN DATE?

5 CHAIRMAN MC INERNEY: BY THE NEXT MEETING, NEXT  
6 LIQUOR COMMISSION MEETING.

7 COMMISSIONER STRELAU: YOU WANT THAT TO HAPPEN BY THE  
8 NEXT LIQUOR COMMISSION, THE MAY MEETING?

9 CHAIRMAN MC INERNEY: MAY MEETING.

10 COMMISSIONER STRELAU: I WOULD WANT TO MAKE SURE WE  
11 DO IT.

12 CHAIRMAN MC INERNEY: I WOULD SAY THE MAY MEETING.  
13 YOU GOT THAT, CAROL?

14 MS. KUCHYNKA: YES.

15 COMMISSIONER BARNETT: I WOULD MAKE THAT MOTION AS  
16 LONG AS WE'RE TALKING ABOUT AN OPEN-ENDED THING. I STILL  
17 BELIEVE WE CAN -- I'M SPEAKING COMPLETELY OUT OF TURN  
18 BECAUSE I'M NOT PART OF THE POLICE DEPARTMENT OR VILLAGE  
19 COUNCIL OR CODE SERVICES, BUT IT ISN'T LIKELY GOING TO  
20 HAPPEN BY MAY 21, BUT I ALSO CAN'T IMAGINE IT BEING SIX  
21 MONTHS. I THINK IN SAYING WE WOULD LIKE TO MAKE THIS  
22 HAPPEN, WE THINK -- FRANKLY YOU'VE DONE PRETTY MUCH

1 EVERYTHING. TWO OR THREE OF US HAVE STARTED THE  
2 CONVERSATIONS. IN TERMS OF I THINK AS LONG AS WE GET SOME  
3 DATES DOWN TO PUSH OURSELVES TO THIS PROCESS GOING FORWARD,  
4 THE POLICE DEPARTMENT SAYS NO PROBLEM, THEN IT'S ONE THING.  
5 HOLY COW, WE GOT TO DO -- WE CAN'T WAIT UNTIL IT HAPPENS TO  
6 BE CONVENIENT FOR EITHER THEM OR STAFF OR THE MAYOR OR  
7 WHOEVER TO GET AROUND TO IT BECAUSE, IN FAIRNESS, THERE ARE  
8 PEOPLE TRYING TO DO REAL WORK HERE.

9 SO OUR RECOMMENDATION IS TO A SPECIFIC  
10 DATE. WE WANT TO HAVE ALL THAT ANSWERED BY THE MAY MEETING.

11 CHAIRMAN MC INERNEY: I'M ASKING DO I HAVE --

12 COMMISSIONER BARNETT: I MAKE THE MOTION AS YOU  
13 ORDERED AS LONG AS WE'VE GOT THAT DATE IN.

14 COMMISSIONER STRELAU: I SECOND IT.

15 CHAIRMAN MC INERNEY: MAY I HAVE A ROLL CALL.

16 MS. KUCHYNKA: MR. BARNETT?

17 CHAIRMAN MC INERNEY: POINT OF ORDER. WOULD THERE BE  
18 A MOTION FOR ANY DISCUSSION? LET'S OPEN IT UP FOR  
19 DISCUSSION.

20 COMMISSIONER KUBES: A QUICK POINT OF DISCUSSION.  
21 FIVE MONTHS IS AN EXTREMELY LONG TIME. WE APPRECIATE YOUR  
22 PATIENCE.



1 MR. BENJAMIN: THANK YOU.

2 COMMISSIONER KUBES: A LOT OF VILLAGES, A LOT OF  
3 ORDINANCES SAY THAT THE FIRST OF EVERY YEAR YOU CAN APPLY  
4 FOR A LICENSE, EVERY JUNE YOU CAN APPLY FOR A LICENSE. FIVE  
5 MONTHS IS A LONG TIME IN YOUR WORLD; IN OUR WORLD FIVE  
6 MONTHS, THIS HAS FLOWN BY VERY QUICKLY. WE'VE MADE A LOT OF  
7 CHANGES OVER THESE LAST FIVE MONTHS AND YOU'VE BEEN A SMALL  
8 PART OF THOSE THINGS. I THINK WE'VE DONE A GREAT JOB HERE  
9 TO GET IT THIS CLOSE, BUT I THINK WE ALSO HAVE SOME  
10 CONCERNS. IT JUST NEEDS A LITTLE BIT MORE TWEAKING. THAT'S  
11 WHAT MY POINT IS. I AGREE WITH BOB AND ALICE RIGHT NOW AND  
12 WITH THE MOTION AND THE SECOND. AND FIVE MONTHS HAS BEEN A  
13 LONG TIME IN YOUR SOCIETY, BUT NOT IN OURS. THAT'S WHAT I'M  
14 SAYING. WE DO NEED SOME MORE DISCUSSION. THAT'S ALL I NEED  
15 TO SAY.

16 COMMISSIONER STRELAU: I HAVE NO OTHER COMMENT.

17 COMMISSIONER KING: I DISAGREE. I THINK THAT THIS  
18 STUFF CAN HAPPEN WHILE HE IS GETTING ALL HIS STUFF TOGETHER.  
19 IT GIVES US TWO MONTHS TO LITIGATE WHAT WE'RE GOING TO DO.  
20 WE CAN'T POLICE HIM UNTIL TWO MONTHS FROM NOW. THAT GIVES  
21 US MORE TIME. AND AS LONG AS YOU NEED A CONDITIONAL  
22 STATEMENT AS LONG AS HE MEETS THE 20 PERCENT, BECAUSE HE HAS

1 TO MEET THE 20 PERCENT, I WOULD RATHER SEE HIM MOVE FORWARD  
2 THAN HOLD HIM UP. IT'S REDUNDANT. HE HAS TO MEET THE 20  
3 PERCENT BECAUSE IT'S ALREADY THERE. THAT'S ALL.

4 CHAIRMAN MC INERNEY: COMMISSIONER CAWTHORNE?

5 COMMISSIONER CAWTHORNE: I AGREE. THE ART HOUSE  
6 THING, THAT TOOK FOREVER TO PUT TOGETHER, AND NOW WE DID ALL  
7 THIS WORK. I GUESS I'M NOT -- I'M GOING ON A TANGENT HERE.  
8 WE NEED TO FIGURE OUT A WAY TO STREAMLINE THINGS BECAUSE  
9 THESE PEOPLE WANT TO DO BUSINESS IN OUR TOWN, AND THEN THEY  
10 GET HUNG UP ON US MAKING RECOMMENDATIONS AND CREATING NEW  
11 ORDINANCES. I KNOW IT TAKES A LONG TIME, AND I'M NOT TRYING  
12 TO BE -- I DON'T THINK YOU GUYS -- I DO CARE; OKAY? I'M  
13 JUST KIND OF FRUSTRATED RIGHT NOW. I'M VERY TIRED. I WOULD  
14 LIKE TO SEE THIS THING MOVE FORWARD. I FIND IT FISHY THAT  
15 WE HAVE A MOTION HERE TO ADJOURN THIS APPLICATION HEARING ON  
16 STARDUST UNTIL FURTHER INFORMATION. WE DON'T HAVE ANYTHING  
17 LIKE THAT FOR ANYBODY ELSE. I'VE NEVER SEEN THIS BEFORE.  
18 IT'S RAISING FLAGS IN MY HEAD RIGHT NOW. IT'S FRUSTRATING,  
19 AND I JUST CAN'T BELIEVE THAT WE HAVE TO -- HERE'S SOMEONE  
20 THAT WANTS TO MAKE A MAJOR INVESTMENT IN OUR COMMUNITY AND  
21 WE'RE HOLDING IT UP BECAUSE WE HAVEN'T DONE SOMETHING FOR  
22 YEARS.

1                   AND I AGREE WITH MICHELE HERE. LET'S GET  
2 THE BALL ROLLING AND LET'S FIX US LATER AND FIGURE OUT  
3 DIFFERENT WAYS THAT WE CAN POLICE THINGS, BUT HE'S MET ALL  
4 THE REQUIREMENTS AND THEY'VE -- HE CAME IN FRONT OF US WITH  
5 THESE IDEAS BEFORE WE CREATED A LICENSE. AND LIKE I SAID  
6 BEFORE, THERE ARE OTHER LICENSE HOLDERS IN THIS TOWN THAT  
7 ARE NOT GOING THE DISTANCE AND WILLING TO DO THE THINGS THAT  
8 THESE FOLKS ARE PROPOSING TO DO, AND TO HOLD IT UP ANY  
9 LONGER AND HOLD THEM HOSTAGE, AND I THINK IT'S A BIG  
10 MISTAKE. I GUESS THAT'S ALL I'M GOING TO SAY.

11           CHAIRMAN MC INERNEY: COMMISSIONER BARNETT, ANYTHING  
12 TO ADD TO THE DISCUSSION?

13           COMMISSIONER BARNETT: YES, AND I AM PLEADING FOR  
14 LEGAL COUNSEL TO HELP ME OUT. WE ARE ALL TIRED AND WE ARE  
15 ALL CRANKY, AND I GUESS THERE'S TWO THINGS THAT ARE KIND OF  
16 COMING TO ME. AND I APOLOGIZE TO EVERYBODY, BUT THE  
17 QUESTION WE SORT OF STARTED WITH HOURS AGO WAS WHETHER OR  
18 NOT THE APPLICANT BEFORE US WAS QUALIFIED TO RECEIVE A CLASS  
19 E-5 LICENSE, AND I'M FEELING LIKE THE ANSWER TO THAT  
20 QUESTION IS YES.

21                   WHAT I'M ALSO FEELING LIKE IS BECAUSE  
22 WE'VE SPENT QUITE A BIT OF TIME, FRANKLY LONG BEFORE

1 STARDUST CONSIDERED APPLYING, LONG BEFORE THERE WAS AN E-5  
2 LICENSE UNSUCCESSFULLY DISCUSSING AND KICKING AROUND THIS  
3 ENFORCEMENT ISSUE RELATIVE TO SOME OF THESE NON-P, NON-R  
4 LICENSES THAT I THINK IT'S NOT A GOOD IDEA TO ISSUE ANOTHER  
5 LICENSE UNTIL THAT GETS SETTLED. THOSE ARE TWO THINGS THAT  
6 DON'T FIT WELL.

7 THE REASON -- IF I CAN TRY AND MAKE THIS  
8 POINT TO SOME OF MY COLLEAGUES, THE REASON I AM IN THAT SPOT  
9 IS BECAUSE, UNFORTUNATELY, WHAT WE HAVE LEARNED OVER THE  
10 LAST SEVERAL YEARS UP HERE IS THAT OUR POLICING EFFORTS AND  
11 MONITORING EFFORTS ARE FUNDAMENTALLY A FUNCTION OF CASH.  
12 THEY ARE A FUNCTION OF COST OF THE LICENSEE. THEY ARE  
13 DISENGAGED FROM THE LICENSE REMOVAL PROCESS BY SIX MONTHS,  
14 SIX MONTHS AFTER SAID ISSUANCE OF LICENSES, AND WE CAN'T GET  
15 INTO -- ALL WE CAN DO IS RECOMMEND THINGS. WE CAN RECOMMEND  
16 THINGS RELATIVE TO ENFORCEMENT. THEY GO UP THE FOOD CHAIN,  
17 AND UNLESS THERE IS SOME PROVISION WE SHOULD NEVER HAVE BEEN  
18 ABLE TO PUSH THE CONVERSATION INTO DETAIL. YOU CAN'T JUST  
19 DO ENFORCEMENT.

20 SO MY POINT IS, I THINK THAT PROBABLY THE  
21 ANSWER TO THE QUESTION ABOUT QUALIFICATION IS YES. I THINK  
22 THAT NEEDS TO SOMEHOW BE MADE, NOT PART OF OUR

1 RECOMMENDATION, BUT I THINK IT ALSO NEEDS TO BE OUR  
2 RECOMMENDATION TO BASICALLY THE LIQUOR COMMISSIONER. HE CAN  
3 SAY I CAN'T ISSUE A LICENSE. CERTAINLY IT'S HIS  
4 PREROGATIVE. SOMEHOW IT NEEDS TO PROPERLY REFLECT, IF WE  
5 ALL AGREE.

6 FROM MY STANDPOINT, THE QUALIFICATION  
7 ANSWER WOULD BE YES, BUT THE PROBLEM BEING WE CAN'T JUST SAY  
8 WE'LL ISSUE A LICENSE AND GET HIM ROLLING BY MAY 31 BECAUSE  
9 NO ONE KNOWS. THEY'RE GOING TO RE-ISSUE LICENSES BASED ON  
10 CERTAIN COST STRUCTURES, BUDGET'S SIX MONTHS OFFSET, AND NOT  
11 DO ANYTHING WITH THESE. AND SO, THAT'S A LITTLE BIT IN MY  
12 MIND THAT'S PART OF WHAT I'M STRUGGLING WITH. I APOLOGIZE  
13 FOR THAT RAMBLING.

14 COULD I GET SOME GUIDANCE FROM YOU GUYS?

15 MS. PEREZ: WHEN WE CREATED THE LICENSE THERE IS A  
16 FEE STRUCTURE THAT WAS CREATED WITH IT, AND THERE IS SOME OF  
17 THOSE FUNDS AVAILABLE FOR POLICE ENFORCEMENT. NOW THAT THE  
18 ACTUAL LICENSE EXISTS, WE CAN GO BACK TO THE POLICE  
19 DEPARTMENT AND TELL THEM WHAT THE LICENSE ITSELF CONSISTS  
20 OF. BECAUSE BEFORE WE WERE KIND OF TALKING IN ROUNDABOUT IF  
21 THE LICENSE IS LIKE THIS KIND OF A THING, SO NOW --  
22 LIEUTENANT BUDS WAS THE FACE THAT WE ALL HAD IN FRONT OF US

1 HERE. WE CAN GO BACK AND SAY THIS IS WHAT I HAVE, THIS IS  
2 THE MONEY THAT I HAVE, CAN I DO ANYTHING WITH THIS, OR WOULD  
3 I NEED MORE MONEY, WOULD I NEED LESS MONEY?

4 COMMISSIONER BARNETT: WHEN HE SAYS HE NEEDS MORE  
5 MONEY, IF I'M WRONG, JUMP ME, BUT WE CAME UP WITH A DOLLAR  
6 FIGURE BASED ON KIND OF REVIEWING THE REST OF OUR LICENSEES  
7 AND ADDING A LITTLE BIT BECAUSE WE THOUGHT -- I WANT TO RUN  
8 TWO UNDERCOVER GUYS TWO DIFFERENT TIMES DURING THE YEAR TO  
9 CHECK ON WHETHER OR NOT TO SHUT THEM DOWN.

10 MS. PEREZ: RIGHT. OBVIOUSLY THE MONEY GOES FOR THE  
11 OVERTIME.

12 COMMISSIONER BARNETT: I CAN DO THIS. MAYBE HE  
13 CAN'T. WE HAVE NO IDEA IF HE CAN DO ENFORCEMENT OTHER THAN  
14 CONTROLLED BUY WHICH HE CAN'T -- THERE IS NOT GOING TO BE  
15 ANY 19-YEAR OLDS HANGING AT THE BAR IN THE MIDDLE OF THE  
16 NIGHT.

17 MS. PEREZ: BUT THEY COULD HAVE TWO UNDERCOVER POLICE  
18 OFFICERS GO IN WITHOUT A MINOR AND SEE WHAT THEY CAN DO AS  
19 FAR AS ENFORCEMENT ISSUES, WHETHER THEY'RE SERVING AT 3:00  
20 IN THE MORNING OR NOT. THOSE ARE TWO ADULTS.

21 COMMISSIONER BARNETT: FROM A MOTION STANDPOINT, IS  
22 THERE -- HELP ME WITH THE PROCESS. I WOULD LIKE TO PROPOSE

1 SOME WORDING THAT'S ESSENTIALLY AN AMENDMENT.

2 MS. PEREZ: I GUESS YOUR MOTION WOULD PROBABLY BE  
3 THAT WE SEND A COPY OF THE TRANSCRIPT TO THE POLICE  
4 DEPARTMENT ALONG WITH A REQUEST FOR THEM TO MAKE SOME  
5 RECOMMENDATION AS TO ENFORCEMENT ACTIONS THAT COULD POSSIBLY  
6 TAKE PLACE, AND WHETHER OR NOT THEY FUNCTION AS A RESULT OF  
7 THAT.

8 COMMISSIONER BARNETT: THE SECOND NEEDS TO INCLUDE  
9 WORDING "I THINK THEY ARE QUALIFIED BASED ON THE CURRENT  
10 DEFINITION E-5 LICENSE PROPOSED" THEY PUT BEFORE US FOR THAT  
11 LICENSE, AND IT'S ALMOST LIKE TWO THINGS.

12 MS. PEREZ: THEN ARE YOU RECOMMENDING THE  
13 QUALIFICATION EXCEPT THAT YOU WANT TO DO SOMETHING ELSE?

14 COMMISSIONER BARNETT: I AM RECOMMENDING THEY ARE  
15 QUALIFIED, BUT THE LICENSE NOT BE ISSUED UNTIL THE POLICE  
16 DEPARTMENT IS ENGAGED IN SOME WAY TO TRY AND -- THE LICENSE  
17 CAN'T BE ISSUED.

18 MS. PEREZ: HE'S GOT TO SUBMIT TO COMMUNITY  
19 DEVELOPMENT. THAT IN ITSELF CAN TAKE TWO MONTHS, BUT I'M  
20 JUST SAYING ONCE YOU GUYS WOULD DO YOUR JOB AS TO FIND HIM  
21 QUALIFIED, FOR EXAMPLE, HE'S GOT TO SUBMIT TO THE COMMUNITY  
22 DEVELOPMENT WHICH MAY TAKE TWO MONTHS OR MORE. IN THE

1 MEANTIME, WE CAN WORK ON THE POLICE ASPECT OF ENFORCEMENT  
2 AND --

3 COMMISSIONER BARNETT: OUR HISTORY UP HERE IS WE  
4 DON'T DO MUCH IN THE MEANTIME, NO OFFENSE TO YOU GUYS IN THE  
5 POLICE DEPARTMENT, BUT THAT'S OUR HISTORY.

6 MS. PEREZ: YOU COULD MAKE TWO MOTIONS, ONE TO FIND  
7 HIM QUALIFIED, IF THAT'S WHAT YOUR CHOICE IS, AND THEN  
8 ANOTHER MOTION THEREAFTER THAT WE SUBMIT THE TRANSCRIPT TO  
9 THE POLICE DEPARTMENT AND HAVE THE POLICE OFFICER COME BACK  
10 HERE IN THE MAIN MEETING, AS WE HAVE ALL DETERMINED, LIKELY  
11 GOING TO HAVE TO DISCUSS THOSE ISSUES AND HOW THEY ARE GOING  
12 TO ENFORCE IT TO KEEP THE BALL ROLLING. IN THE MEANTIME,  
13 MR. BENJAMIN CAN SUBMIT HIS APPLICATION TO COMMUNITY  
14 DEVELOPMENT WITH A FINALIZED PLAN.

15 CHAIRMAN MC INERNEY: SO IT WOULD BE TWO DIFFERENT  
16 MOTIONS. WE HAVE A MOTION ON THE FLOOR.

17 CAN I HAVE A ROLL CALL ON THE CURRENT  
18 MOTION OR REREADING OF THE CURRENT MOTION?

19 MS. KUCHYNKA: MR. BARNETT?

20 COMMISSIONER BARNETT: NAY.

21 MS. KUCHYNKA: MS. STRELAU?

22 COMMISSIONER STRELAU: NAY.



1 MS. KUCHYNKA: MS. KING?

2 COMMISSIONER KING: NAY.

3 MS. KUCHYNKA: MR. KUBES?

4 COMMISSIONER KUBES: AYE.

5 MS. KUCHYNKA: MR. CAWTHORNE?

6 COMMISSIONER CAWTHORNE: NAY.

7 MS. KUCHYNKA: CHAIRMAN MCINERNEY?

8 CHAIRMAN MC INERNEY: AYE.

9 MOTION FAILED.

10 COMMISSIONER BARNETT: CAN I MAKE ANOTHER ONE?

11 CHAIRMAN MC INERNEY: YOU BET. WE ARE A

12 MOTION-FRIENDLY COMMUNITY.

13 THE COURT REPORTER: NICE AND LOUD, PLEASE.

14 COMMISSIONER BARNETT: MR. CHAIRMAN, I MOVE TO FIND

15 STARDUST CHICAGO DOING BUSINESS AS STARDUST AT 1211

16 BUTTERFIELD QUALIFIED FOR A CLASS E-5

17 ENTERTAINMENT/RESTAURANT FACILITY LICENSE.

18 COMMISSIONER CAWTHORNE: I SECOND.

19 COMMISSIONER KING: THIRD.

20 CHAIRMAN MC INERNEY: MAY I HAVE A ROLL CALL, PLEASE.

21 MS. KUCHYNKA: MR. BARNETT?

22 COMMISSIONER BARNETT: AYE.

1 MS. KUCHYNKA: MR. CAWTHORNE?

2 COMMISSIONER CAWTHORNE: AYE.

3 MS. KUCHYNKA: MS. KING?

4 COMMISSIONER KING: AYE.

5 MS. KUCHYNKA: MR. KUBES?

6 COMMISSIONER KUBES: NAY.

7 MS. KUCHYNKA: MS. STRELAU?

8 COMMISSIONER STRELAU: NAY.

9 MS. KUCHYNKA: CHAIRMAN MCINERNEY?

10 CHAIRMAN MC INERNEY: NAY. IT'S FAILING.

11 MS. PEREZ: MOTION FAILS.

12 COMMISSIONER BARNETT: CAN I MAKE ANOTHER MOTION?

13 CHAIRMAN MC INERNEY: SURE.

14 COMMISSIONER BARNETT: MR. CHAIRMAN, I WOULD LIKE TO  
15 MAKE A MOTION THAT THE LIQUOR COMMISSION REQUEST INVOLVEMENT  
16 FROM BOTH THE LIQUOR COMMISSIONER AND THE POLICE DEPARTMENT  
17 BETWEEN NOW AND OUR MAY MEETING SO WE PREPARE AT THE MAY  
18 MEETING TO HAVE A LENGTHY DISCUSSION ON THE SUBJECT OF  
19 ENFORCEMENT OF E-5 CLASS LICENSES.

20 COMMISSIONER STRELAU: SECOND.

21 CHAIRMAN MC INERNEY: ROLL CALL, PLEASE.

22 COMMISSIONER KUBES: CAN I ADD ONE QUICK AMENDMENT TO

1 THAT? CAN I ADD THAT THIS APPLICATION HEARING DOESN'T HAVE  
2 TO BE REPEATED AT THE NEXT MEETING, WE'VE ALREADY GOT THE  
3 INFORMATION. CAN WE ADD THAT TO THAT?

4 MS. PEREZ: IT'S MR. BARNETT'S MOTION.

5 CHAIRMAN MC INERNEY: CAN I JUST ASK A POINT OF  
6 ORDER? THE DISCUSSION AND THE APPLICATION AS PRESENTED IS  
7 IN THE MINUTES AND ON THE RECORD BEFORE THE VILLAGE LIQUOR  
8 COMMISSION TODAY. WHETHER WE CHOOSE TO VOTE ON ANY  
9 CONTINUED DISCUSSION OF THIS, WE WOULDN'T HAVE TO START FROM  
10 SCRATCH. IS THAT A FAIR STATEMENT?

11 MS. PEREZ: RIGHT, BUT WE SHOULD MAKE A MOTION TO DO  
12 THAT.

13 CHAIRMAN MC INERNEY: UNDERSTAND. I JUST WANTED TO  
14 CLARIFY.

15 COMMISSIONER BARNETT: AND WITH THE AMENDMENT.

16 MS. PEREZ: WHAT ABOUT THE AMENDMENT?

17 COMMISSIONER KUBES: BOB'S IS FINE.

18 MS. KUCHYNKA: I DIDN'T CATCH A SECOND ON THAT.

19 COMMISSIONER STRELAU: I DID.

20 MS. KUCHYNKA: MR. BARNETT?

21 COMMISSIONER BARNETT: AYE.

22 MS. KUCHYNKA: MS. STRELAU?

1 COMMISSIONER STRELAU: AYE.

2 MS. KUCHYNKA: MS. KING?

3 COMMISSIONER KING: AYE.

4 MS. KUCHYNKA: MR. KUBES?

5 COMMISSIONER KUBES: AYE.

6 MS. KUCHYNKA: MR. CAWTHORNE?

7 COMMISSIONER CAWTHORNE: AYE.

8 MS. KUCHYNKA: CHAIRMAN MCINERNEY?

9 CHAIRMAN MC INERNEY: AYE. MOTION CARRIED.

10 COMMISSIONER KUBES: AND THEN I WOULD LIKE TO MAKE A  
11 MOTION THAT THE MINUTES OF TODAY'S MEETING AND THE  
12 APPLICATION HEARING PRESENTED BEFORE US WILL STILL BE  
13 ACCURATELY FOUNDED ON NEXT MONTH'S MEETING SO WE DON'T HAVE  
14 TO REPEAT THIS THREE-HOUR ORDEAL.

15 MS. PEREZ: AND WITH CONTINUED DISCUSSION.

16 COMMISSIONER KUBES: AND WITH CONTINUED DISCUSSION  
17 OBVIOUSLY.

18 COMMISSIONER CAWTHORNE: SECOND.

19 MS. KUCHYNKA: I DIDN'T CATCH THE SECOND.

20 CHAIRMAN MC INERNEY: COMMISSIONER CAWTHORNE.

21 MS. KUCHYNKA: MR. KUBES?

22 COMMISSIONER KUBES: AYE.

1 MS. KUCHYNKA: MR. CAWTHORNE?

2 COMMISSIONER CAWTHORNE: AYE.

3 MS. KUCHYNKA: MS. KING?

4 COMMISSIONER KING: AYE.

5 MS. KUCHYNKA: MR. BARNETT?

6 COMMISSIONER BARNETT: AYE.

7 MS. KUCHYNKA: MS. STRELAU?

8 COMMISSIONER STRELAU: AYE.

9 MS. KUCHYNKA: CHAIRMAN MCINERNEY?

10 CHAIRMAN MC INERNEY: AYE. MOTION CARRIED.

11 ANY ADDITIONAL MOTIONS RELATED TO THE  
12 CURRENT APPLICANT?

13 (NO RESPONSE.)

14 CHAIRMAN MC INERNEY: THANK YOU.

15 COMMISSIONER BARNETT: YOU GUYS UNDERSTAND WHERE THIS  
16 ALL ENDED UP TONIGHT? DO YOU WANT TO RECAP?

17 CHAIRMAN MC INERNEY: JUST TO RECAP, THE MOTIONS THAT  
18 HAVE BEEN PASSED HAVE BEEN THAT YOUR APPLICATION BEFORE THE  
19 LIQUOR COMMISSION IS STILL PENDING ESSENTIALLY, AND I KIND  
20 OF LIKE TO DEFER TO STAFF TO PROPERLY SUMMARIZE THE  
21 PARTICULARS HERE, BUT YOUR APPLICATION IS STILL PENDING.

22 THE TESTIMONY AND THE DISCUSSION THAT WE HAD

1 TODAY IS ON THE RECORD. THERE WILL BE A CONTINUATION OF  
2 THAT DISCUSSION PENDING THE DISCUSSION AT OUR MAY MEETING  
3 AND A REPORT-OUT FROM THE POLICE DEPARTMENT AND LIQUOR  
4 COMMISSIONER AS TO ENFORCEMENT PLAN RELATED TO E LICENSES AS  
5 SO MOVED HERE TONIGHT.

6 MS. PEREZ: THAT'S CORRECT.

7 CHAIRMAN MC INERNEY: IS THAT A GOOD SUMMARY?

8 MS. PEREZ: EXACTLY, BUT THAT STILL MEANS YOU CAN  
9 STILL CONTINUE TO MOVE FORWARD WITH THE COMMUNITY  
10 DEVELOPMENT IF YOU CHOOSE TO AT THIS POINT. YOU DON'T HAVE  
11 TO WAIT A MONTH. THEY'RE GOING TO CONTINUE AND DISCUSS YOUR  
12 APPLICATION AGAIN NEXT MONTH, BUT THAT DOESN'T MEAN YOU HAVE  
13 TO SIT FOR A MONTH.

14 CHAIRMAN MC INERNEY: I WOULD SAY, FURTHER, I WOULD  
15 ENCOURAGE SEVERAL NON-COMMISSION RELATED DISCUSSIONS WITH  
16 VILLAGE STAFF TO WORK OUT ANY DETAILS THEY HAVE AS THEY  
17 PRESENTED EARLIER, QUESTIONS THAT THEY HAVE RELATED TO THE  
18 APPLICATION SO THAT YOUR PROCESS CAN MOVE FORWARD.

19 COMMISSIONER KING: DOES THE LIQUOR COMMISSIONER GET  
20 THIS, NOT -- HE DOESN'T GET THIS UNTIL IT'S A MOTION PASSED?

21 MS. KUCHYNKA: NO, HE GETS EVERYTHING. HE'LL GET ALL  
22 THE MOTIONS.



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HAD AND TESTIMONY TAKEN IN THE  
ABOVE-ENTITLED CAUSE.)



1 STATE OF ILLINOIS )  
 )SS.  
2 COUNTY OF DU PAGE )

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4 I, LINDA M. CIOSEK, NOTARY PUBLIC DULY  
5 QUALIFIED AND COMMISSIONED FOR THE STATE OF ILLINOIS, COUNTY  
6 OF DUPAGE, DO HEREBY CERTIFY THAT I REPORTED IN SHORTHAND  
7 THE PROCEEDINGS HAD AND TESTIMONY TAKEN AT THE HEARING OF  
8 THE ABOVE-ENTITLED CAUSE, AND THAT THE FOREGOING TRANSCRIPT  
9 IS A TRUE, CORRECT AND COMPLETE REPORT OF THE ENTIRE  
10 TESTIMONY SO TAKEN AT THE TIME AND PLACE HEREINABOVE SET  
11 FORTH.

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CERTIFIED SHORTHAND REPORTER  
NOTARY PUBLIC

21 MY COMMISSION EXPIRES:

22 DECEMBER 21, 2009.

**VILLAGE OF DOWNERS GROVE**  
**Stormwater and Flood Plain Oversight Committee Meeting**  
**January 10 2008, 7:00 p.m.**

**Downers Grove Public Works Facility**  
**5101 Walnut Avenue, Downers Grove, Illinois**

**Call to Order**

Chairman Eckmann called the meeting to order at 7:00 p.m. A roll call followed. A quorum was established.

Members Present: Mr. Eckmann, Mr. Crilly, Mr. Gorman, Mr. Scacco

Members Absent: Ms. Matthies, Mr. Bollenberg

Staff Present: Robin Weaver, Interim Public Works Director, Mike Millette, Assistant Director of Public Works – Engineering, Jim Tock, Staff Engineer, and Lori Godlewski, Recording Secretary

Others Present: Jacqueline Neuendorf of 4628 Oakwood, Gerry (no last name provided) James Sangala of 1947 Curtiss, Mrs. Reidy of 1943 Curtiss, Mark Thoman of 1109 61<sup>st</sup> Street and Bernard Bak of 1930 Bending Oaks Ct..

**Approval of December 13, 2007 Minutes**

Minutes from the December 13, 2007 meeting were accepted with corrections as follows – last page should read, made the motion and a motion was made seconded and passed to adjourn the meeting at 8:55 p.m..

**Mr. Gorman made a motion to accept the minutes with corrections. Mr. Crilly seconded the motion. The motion carried by voice vote.**

**Public Comments -**

Residents wanted to know why some of them were not notified earlier than with a 2 day notice regarding this meeting. Mr. Eckmann explained what had taken place and apologized on the behalf of the staff.

**New Business**

**A. Review a recommended scope for the proposed Sterling North Park stormwater project.**

Mr. Eckmann asked the residents to listen to the presentation and questions would be taken afterwards.

Mr. Millette explained about the concept regarding the Watershed Plan, he defined a 100 year storm event and presented to the committee and residents a power point presentation. Mr. Millette stated

that back in the 1960's the main concern was to get the water away, if it was a problem; get it out of the way. In the 1970's the concern was how to store it, in 1986/87 the concern was don't hurt the down stream, and now in the 21<sup>st</sup> century the concern is to manage and improve the water quality. The causes of the stormwater problem are inadequate stormwater storage and insufficient maintenance.

Mr. Millette explained that the Village is working with stormwater engineering consultants to identify specific definite causes and recommended solutions. He stated that discussion and efforts are centered on "high" priority projects; which includes new storm sewers, upgrade and replacement of storm sewers, new detention areas, enhanced existing detention areas, enhance natural storage areas, stream improvement, new and improved overland flow routes, street improvements regarding drainage (the way the street is pitched) and curbs. He also explained additional consideration will be: approach, funding, physical constraints, construction, combined projects, and partnerships (e.g. Park District).

Mr. Millette explained the area of the planned improvements and showed the locations on the map. He included historical examples of where water locations were located in the 1960's and 1970's. He informed the audience that the Village is looking at detention basins and Low Poor Drainage Areas. Mr. Millette discussed the options to help relieve the problem: detention basin construction, new storm sewers, high efficiency inlet grates, storm sewer replacement and re-grading of existing depressional areas.

Mr. Bak asked where is the water going? Will he still flood? Mr. Millette explained that there may not be a change. If you flood now, you will probably flood again, but with this process, there will be less of a water flow. Mr. Millette stated that the goal here is to have the detention ponds dry within 72 hours. He explained it will be a balancing act. Mr. Millette did say that this will help protect the Village from flooding. Mr. Sangala said he was upset that the project would not remove the flood plain from this property.

Mr. Sangala asked about water flow and also will this area become a "party land" for underage drinkers. Mrs. Weaver stated that this land is owned by the Park District. The Village and Park District staff have security concerns.

In response to Mr. Sangala's statement that government just shoves things down resident's throats, Mrs. Weaver stated that to date three stormwater project scopes have changed based on input from residents at these meetings.

Mr. Bak asked about the contamination of the water. Mr. Millette stated that the samples taken (NPDES) have not shown any contaminants. Mr. Millette stated we will be hiring 2 new employees that will be monitoring the creeks. They will be taking samples of the water (quality of the water), walk the creek area look for vegetation growing (make sure that the plants are growing), and will be creating a stream bank vegetation plan with installation.

Mr. Eckmann spoke about the maintenance program and that a list was made ie: manholes, sewers, all to be looked at. Mr. Bak stated that it was about time that the Village looked into these items. Mrs. Weaver stated that we also now have a new Vactor truck, and that the Village has received new software for record keeping. Mr. Sangala stated that he has noticed that the creek is cleaner now and has seen tad poles. Mr. Millette stated that the Village has increased street sweeping and catch basin

cleaning. He also explained about what bounce is and the difference between detention and retention. Mrs. Weaver distributed a preliminary concept drawing from the Park District. She noted that there are changes already as grasses will not be mowed to the water's edge around the entire pond in order to stabilize the area and help to avoid geese problems. Mr. Sangala asked if the area with stagnant water will have an odor. Staff and Chairman Eckmann said no odor problem is likely. Mrs. Weaver also stated that the Park District staff wants a 10 foot deep area for fish. A fishing pier may replace the depicted canoe launch.

Mr. Sangala asked about a problem he was having with a neighbor who has a bridge on her property. It fills up with dirt and debris and the water then flows to his property and floods his area. Mr. Millette stated that he would look into this matter.

Mrs. Neuendorf asked about the impact of the project on her property (4628 Oakwood). Mr. Millette explained to her that a pipe will be installed and showed on the map where it will be placed. Mrs. Weaver said that with this pipe being installed, she will see a difference. Mrs. Neuendorf stated that she would like to have a shed put on her property but she will need to get a topographical survey and it costs a lot of money to get this done. Mr. Millette stated that the requirement exists to project adjacent properties. Mr. Millette stated that the ordinance prohibits stormwater discharge within 5 feet of the lot line.

Mrs. Neuendorf then stated that she appreciated that the Village recognizes that there is a problem and is willing to fix the problem. Mr. Millette stated that other residents have already asked if they can work with the Village on the "cost share program".

Mr. Sangala asked if the county may possibly do a buy out program. Mr. Millette stated that the county does have a program like this but funding is limited. Mr. Eckmann stated that the county is having some financial problems right now.

Mr. Thoman asked 2 questions, 1<sup>st</sup> one – will there be a control weir by Belmont Ave and 2<sup>nd</sup> regarding the pipe at Warren. Mr. Millette stated re: the 1<sup>st</sup> question, there will be a control weir only at Belmont. Mr. Millette answered the 2<sup>nd</sup> question regarding the pipe to Warren - can not handle the water and why it was not able to handle the water flow.

Mr. Scacco asked was it pipe storage, and Mr. Millette stated yes. Mr. Eckmann stated that we can't allow the town to flood. Mr. Millette stated that water will be discharged into the river. Mrs. Weaver stated that improved maintenance will help as well.

Mr. Eckmann asked if there were any more questions, and Mr. Gorman asked if there would be an aeration fountain. Mr. Millette stated that we don't know yet as we are at a preliminary stage. Mr. Gorman then explained to residents that a safety shelf is required one foot deep and extending 10 feet into the pond from the pond edges.

Mr. Scacco asked about any location for online storage, is there any consideration? Mr. Millette showed on the map where he was talking about.

Mr. Eckmann commented on the detention pond, mosquitos and possible West Nile virus. He would hope that this would be considered as a detention pond rather than a retention pond or else the Park District should be responsible for mosquito management.

Mr. Eckmann asked the Stormwater Flood Plain Oversight Committee to recommend to the Village Council to approve the North St. Joseph Creek Subwatershed C detention basin Cornell and Warren Avenue storm sewer project be constructed.

The motion was made to approve, Mr. Gorman 2<sup>nd</sup> the motion and the motion carried by voice vote.

**Old Business**

**A. Discussion of revising meeting start time to 6:30 pm.**

The members of the committee stated that it would be hard for them to get to the meetings if they were at 6:30 p.m. Meetings will continue to have the starting time of 7:00 p.m.

Mr. Eckmann asked if there were any updates regarding county stormwater ordinance and if the mayor has received a response on the letter that was sent. Mr. Millette stated there was no response at this time, only an acknowledgement of receipt of the letter. The next DuPage County Stormwater Committee will be meeting January 15, 2008. Mr. Eckmann then stated that he keeps hearing about the mansions that are being built and where flooding has occurred since the building. Mr. Eckmann stated that this committee should consider the topic of drainage to street requirements at a future meeting.

A motion to adjourn the meeting by Mr. Gorman at 9:35 p.m., seconded by Mr. Crilly.

Respectfully submitted,

/s/ Lori Godlewski  
Lori Godlewski, Recording Secretary

VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
MINUTES OF JANUARY 23, 2008 MEETING

**Call to Order**

Chairman White called the meeting to order at 7:30 PM.

**Roll call**

**Present:** Mr. Benes, Mr. Domijan, Ms. Earl, Mr. LaMantia, Ms. Majauskas,  
Mr. Stanton, Ch. White

**Absent:** None

**A quorum was established.**

**Staff:** Jeff O'Brien, Stan Popovich

**Minutes of December 12, 2007**

**Mr. Domijan moved to approve the minutes of the December 12, 2007 Zoning Board of Appeals meeting as presented. Mr. Benes seconded the Motion.**

**AYES:** Mr. Domijan, Mr. Benes, Ms. Earl, Mr. LaMantia, Ms. Majauskas,  
Mr. Stanton, Ch. White

**NAYS:** None

**The Motion passed unanimously.**

**Meeting Procedures**

Chairman White reviewed the procedures to be followed during the public hearing. He explained that this item was presented to the Board at the December meeting; however, the petition has been altered by the petitioner since that time. He called upon the Petitioner to make their presentation.

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**ZBA-23-07 (Continued from 12-12-07) A petition seeking sign variation for the property located at the Northwest corner of the intersection of Lee and Maple Avenues, commonly known as 5524 Lee Avenue, Downers Grove, IL (PIN 09-07-305-013); Downers Grove Seventh-Day Adventist School, Petitioner; IL Association of Seventh-Day Adventists, Owner.**

Mr. Rod Metcalf stated he represents the Seventh-Day Adventist School located at 5524 Lee Avenue. He said since the December meeting he has spoken with Mr. Stan Popovich, Village Planner, and based on that conversation the original variance request has been amended. He gathered from the tone of the previous meeting that the Board was hesitant to grant the initial request. Therefore, he said they are asking that the existing school sign be allowed to remain in place until the amortization period expires on May 4, 2012. They will set back the current sign ten feet from the lot line in conformance with the existing setback requirements. Mr. Metcalf said it is their hope that between now and the expiration of the amortization period the Village may consider an amendment to the current Sign Ordinance for multi-use institutions.

Mr. Benes asked for clarification of the request, and Mr. Metcalf said they are requesting to keep their present sign, and relocate it to be in conformance with the setback requirements.

Ms. Majauskas stated she understood the reason for the requested variance is that the one sign is the primary source of advertising for their school. She questioned how she would support granting the variance if another institution were to come forward and say that the variation was unfair and did not treat institutions equally.

Mr. Metcalf said they had a sign in place since 1984 and updated it in 1993. There was no intent on the part of the school to break the law. The footprint will be essentially the same, and they wanted to put new panels on the sign which needed repair. Ms. Majauskas said she is thinking of a school like the Montessori across the street from the subject school, and she would not know how to address a question concerning granting the variance. She does not see this as treating everyone equally. It was noted the Montessori school across the street is unincorporated DuPage County. Mr. Metcalf responded this is not as though they are putting in a totally different sign, because they intend to keep the same footprint and simply repair the sign with new panels.

Mr. Benes explained the subject sign is a non-conforming sign which was installed prior to the Sign Ordinance.

#### **Staff Presentation:**

Mr. Stan Popovich, Planner for the Village, said the Petitioner has revised their initial variance request and wishes to amortize the sign, which would be removed by May 4, 2012. He referenced Staff's report dated January 23, 2008 wherein Staff finds there is no particular hardship or unique condition to grant the requested variance. He said granting the variance for the new sign, which was replaced without a permit, would convey a special privilege on the Petitioner. He said the Zoning Ordinance for institutions allows one sign per lot and granting the variation would result in two signs for the subject lot.

Ms. Majauskas said she sees them needing two variances, the first because they have two signs, and the second because of the size of the sign. Mr. Popovich agreed that they would be exceeding the square footage allowed.

Ms. Earl said she thought it was also too close to the street, and Mr. Popovich said it would be moved back as part of the petition. There was some question as to the documents in the Village records concerning the size of the signs.

Mr. Benes said regardless of what happens the sign will still have to come down by 2012. Mr. Popovich agreed. If the variance is not granted, the sign needs to come down immediately.

Mr. Metcalf responded they would like to have the sign grandfathered in to allow them to keep the existing sign until 2012. Mr. Metcalf noted the building's location and the property's slope are physical hardships associated with the petition.

There being no further comments or questions, Chairman White closed the opportunity for further public comment.

### **Board Deliberation:**

Ms. Majauskas said this is a difficult decision because they want to help the church and school; however, in Boy Scout merit badge training, the one thing that is repeated is that you treat all the Scouts the same. She cannot get beyond that issue in this situation. Many schools and churches are bound by the Sign Ordinance, and she sees nothing to make this particular school unique. She believes they need to keep everyone the same and granting this would be unfair to the other institutions in Downers Grove.

Mr. Benes asked her to define what she sees the variance to be. Ms. Majauskas said they want two signs, and the sign is bigger than allowed. Mr. Benes said the first sign was erected before the Ordinance was in effect. Ms. Majauskas said it has been completely removed. Mr. Benes did not understand that it had been removed.

Mr. Domijan said he would be hard pressed to see a school or institution in the Village that has only one sign. He thinks the Petitioners see themselves as being penalized with only the one sign. Ms. Majauskas pointed out other churches on the street that had only one sign. Mr. Domijan referred to the church across from the fire station on Highland Avenue that was before the Board two years ago. He thinks the Seventh-Day Adventists are asking to stay within the range of the other institutions.

Mr. Stanton said he is more concerned with the size of the sign not complying with the Ordinance.

Mr. LaMantia asked if it is possible for the Board to set some date other than 2012 for this petition. They could give them a twelve or eighteen-month grandfathering period, which would give them time to figure out a better solution rather than wait until 2012.

Mr. O'Brien said Staff would not object to changing the date from 2012 to a date chosen by the Board. Ms. Majauskas said she could agree with giving the petitioner twelve months. She would like to have a reason to grant the request and has not been given a reason.

Mr. Benes noted that all institutions are in the same situation and have to have compliance by 2012. He noted the sign was existing before the Ordinance was enacted, and it is, therefore, non-



conforming. The board deliberated the consequences of taking the sign down versus allowing it for an additional twelve months.

**Ms. Majauskas made a motion that the Zoning Board of Appeals amend Item 4 of the updated recommendation on Page 4 of Staff’s report to read as follows: “The non-conforming sign shall be removed on or before January 23, 2009.” Mr. Domijan seconded the Motion.**

**AYES: Ms. Majauskas, Mr. Domijan, Ms. Earl, Mr. LaMantia, Mr. Stanton, Ch. White**

**NAYS: Mr. Benes**

**The Motion carried 6:1.**

**Ms. Majauskas made a motion that the Zoning Board of Appeals grant the variations associated with case ZBA 23-07 with the following conditions.**

- 1. The proposed school sign shall comply with the sketch attached to this report prepared by Downers Grove Adventist School dated November 11, 2007.**
- 2. The petitioner shall apply for and receive a sign permit for the school sign. The petitioner shall pay the appropriate fees (\$160.00) when the permit is issued. The permit shall be issued and fees paid by close-of-business on Thursday, January 31, 2008.**
- 3. The non-conforming sign shall be located at least 10 feet from the south property line.**
- 4. The non-conforming sign shall be removed on or before January 23, 2009.**

**Mr. Domijan seconded the Motion.**

**AYES: Ms. Majauskas, Mr. Domijan, Ms. Earl, Mr. LaMantia, Mr. Stanton, Ch. White**

**NAYS: Mr. Benes**

**The Motion passed 6:1.**

Chairman White explained to the Petitioner that he has one year to bring the signage into compliance. He suggested, as did Mr. LaMantia, that institutions in the Village look into seeking an amendment to the Sign Ordinance, since by 2012 most of those institutions will be noncompliant.

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Mr. O’Brien said he distributed updated Zoning Ordinance to the Board reflecting the changes made to the Ordinance during the past year. He said there is nothing for the February meeting at this time.

There being no further discussion, Chairman White adjourned the meeting at 8:10 PM.

Respectfully submitted,

Tonie Harrington  
Recording Secretary