

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
March 11, 2009**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:32 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, Read, and Daniels. Trustees absent: none. Also present: Library Director Bowen, Assistant Library Director Carlson. Visitors: Resident John Mochel.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of February 25, 2009. It was moved by Read and seconded by Eblen **THAT THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 25, 2009 BE APPROVED AS WRITTEN.** Ayes: Eblen, Greene, Humphreys, Daniels. Abstentions: Read. 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 Greene **TO APPROVE PAYMENT OF OPERATING INVOICES FOR MARCH 11, 2009 TOTALING \$60,947.48; TO APPROVE A BUDGET JOURNAL ENTRY TRANSFER FOR STAFF PARKING TOTALING \$1,950.00; AND TO ACKNOWLEDGE PAYROLLS FOR FEBRUARY 2009 TOTALING \$169,245.26.** Ayes: DiCola, Eblen, Greene, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

**OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

**– Report on the Illinois Municipal Retirement Fund plans for future employer contributions**

As Bowen had reported earlier this year, one of his concerns for future budgets is the expected increase in the employer contribution to IMRF. Following a series of meetings on the status of IMRF, the IMRF Board has determined how they will deal with losses in the Fund's investments, in order to return IMRF to 100% funding. (The Board packet included copies of the Power Point presentation at one of the meetings Bowen attended, as well as a memo from Bowen reviewing IMRF in general.)

The IMRF recovery plan begins in 2010, to give employers the opportunity to budget for it. Employers will be able to pick one of two plans to move back to full funding of their employer reserve balance. The ARC (actuarially required contribution) plan would result in an increase in the employer base contribution from 9.27% to 16.63% of the employee salary. Since most employers cannot fund a 79% increase in their IMRF contribution, the IMRF Board is also offering a Phase-In option that will cap the increase in the employer contribution at 10% each year. Both plans meet IMRF's primary requirement -- that the cost of each year's benefit will be covered by that year's contribution. The difference is in the time it will take to recover the lost investments and restore IMRF to full funding. The downside of the Phase-In option is that, while each year's increase will be less, the final highest rate will be more, and it will take much longer to pay off the loss and get the employer contribution back down to a more manageable level. Bowen provided a chart labeled "Comparison of ARC to 10% Phase-In" that shows the impact of the two plans.

IMRF staff suggested that the best course of action for most employers might be to select the Phase-In plan, but to make an additional contribution equivalent to the cost of the ARC at the end of the year if funds are available. That would limit each year's increase to the Phase-In amount, but speed up the rebuilding of the organization's balance if funds are available for an additional donation each year. Bowen hopes that this is the choice that the Village will make. The Library is part of the Village of Downers Grove IMRF group, so the Village has the final determination of which plan will be selected.

The Village group's contribution is further complicated because the group is still paying off the last early retirement incentive. Instead of the normal base rate of 9.27% the library pays 12.37%. In the IMRF plans the employer's increase would be calculated from the 9.27% base, then the 3% for the early retirement incentive would be added to the new amount. Bowen believes that that early retirement incentive will be paid off in 2014. At that time the extra 3% will no longer be added to the library's rate. The actual choice of which plan will be selected must be made by the middle of this summer. Bowen has requested the Village staff to include him in any discussion about IMRF. As most of you know, the working draft of the library's Budget and Five Year Financial Plan actually projects out 10 years. Bowen is beginning to plug in a 10% increase in IMRF each year to indentify the long-term impact on the library's budget. The Board will be talking about this again soon, since the library will be planning for staff raises in May.

#### **– Report on the Illinois Library Association Trustee Forum Workshop**

Trustee Tom Read attended the recent ILA Trustee Forum workshop and reported that he found both the featured speaker and the ILA lobbyist's report very interesting. Read provided the attached report on the workshop.

#### **REPORT FROM THE ADMINISTRATION**

The library has gotten through the recent heavy rain in good shape. One small leak was discovered Sunday morning in the Junior Room, but the rest of the building has been dry.

One of the copying machines in the Reference Department has died. It is an old analog machine that is at least 10 or 11 years old. Copier companies are required to provide replacement parts for seven years after they drop a machine from their line, and the library has three machines in the building that have passed that milestone. It is no longer possible to find parts for the machine that has stopped working. The other two are still functioning, at this time. Bowen is getting quotes for replacement of one machine and will also ask what the deal might be if the library replaces two machines. The library did budget to replace two copiers this year.

The MLS Quarterly Administrator's meetings were last Thursday, and Bowen reported on two features that will soon be available to SWAN libraries through the Circulation system. One, that Downers Grove is not interested in using, is digital photos attached to the library card registration. A library would take a digital photo of the patron when he or she registers for a new card or renews an existing card. The photo would be stored in the database and would be visible to staff at the Circulation desk. This was tested at Woodridge Public Library and many patrons were very unhappy with the procedure. This is a feature that seems to be attractive to small libraries with relatively low use who are often much more rule-bound and restrictive. The libraries with bigger populations and much higher volume of business have learned to be much more flexible about things like family members use of each other's cards, for example.

The other feature that the library does plan to use is digital signatures. When registering a patron for new card or renewing an existing card, the patron would sign a digital pad, like people do with a credit card in many stores. This would allow the library to verify signatures online, and the library would no longer have to store thousands of registration cards. At the test site, patrons did not appear to have any problems with this. In both cases, the data is part of the circulation system database and is backed up and secured along with all other patron-related information.

The library has been awarded a 2009 Per Capita Grant of \$58,946.30, slightly less than the 2008 grant of \$58,990.15.

The Library 2.0 Staff Learning Program is going well with 82 participants to date, including Trustee Tom Read.

The Mini-golf event was highly successful in terms of patrons enjoying the event, and in raising \$3,600 from sponsors. Carlson expressed thanks for all the staff and Friends of the Library members who worked the event, as well as those who helped to set up and take down the course. Trustee DiCola will report on the event at the Foundation Board meeting following this meeting.

### **TRUSTEE REQUESTS FOR INFORMATION AND ANNOUNCEMENTS**

President Daniels reported that a patron had suggested that homeless patrons need a place to keep their belongings. Daniels explained that the library cannot take responsibility for patrons' personal belongings and that library policy does require patrons to keep their belongings with them. Staff will remove unattended belongings or belongings that are blocking patron access in the library.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 8:34 p.m.

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

Thursday, February 5, 2009

**I. CALL TO ORDER**

Chairman McInerney called the February 5, 2009 Liquor Commission meeting to order.

**II. ROLL CALL**

**PRESENT:** Ms. Strelau, Mr. Krusenoski, Mr. Adank, Ms. King, Mr. Clary, Ms. Fregeau, Chairman McInerney

**ABSENT:** None

**STAFF:** Assistant Village Beth Clark, Liaison to the Liquor Commission Carol Kuchynka

**OTHERS:** Joseph Pappalardo, Jack Border  
, Willis Johnson, Shirley Johnson, Linda Smith, Tom Cawthorne, Reggie Benjamin, Bob Taft, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman McInerney asked for approval of the minutes January 8, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the minutes of the January 8, 2009 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 taking the minutes verbatim.

**IV. APPLICATION FOR LIQUOR LICENSE**

Chairman McInerney made the following statements:

"The first order of business is to conduct 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."

**Alexander Bradley Burns Post #80 d/b/a Alexander Bradley Burns Post #80 - 4000 Saratoga**

Chairman McInerney stated that the first order of business was an application hearing for Alexander Bradley Burns Post #80 d/b/a American Legion Post #80 located at 4000 Saratoga. He stated that the applicant is seeking a Class "O", outdoor liquor license and noted that the applicant currently holds a Class "C", full alcohol, on-premise consumption liquor license for the interior of the premises.

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 Pappalardo and Mr. Jack Border were sworn in by the court reporter. They introduced themselves as members of the Post. Chairman McInerney asked the applicant to present their case.

Mr. Pappalardo advised that the Legion rents the facility for various activities. He stated that the Circuit Court holds traffic court for surrounding communities on a daily basis, the host bingo on Tuesday nights, and rent out the hall for private parties and events. He stated that they can host large or small parties and noted the hall facility can hold up to 300 people.

Mr. Pappalardo referred to the new pavilion layout/plan which will seat a maximum of 140 people. He stated that there are 24 tables which can seat up to 6 people. He noted that the large elongated rectangle on the plan was the bar.

Chairman McInerney asked staff if there were any comments. Ms. Kuchynka replied that the Council recently approved an amendment to the Class O license which would allow clubs to hold an outdoor liquor license. She advised that the Post obtained a special use permit for the addition of a pavilion and gazebo on the site. She stated that the liquor license would allow alcohol consumption in their newly constructed outdoor pavilion.

Mr. Pappalardo noted that the Post also constructed two garages on the property in addition to the pavilion and gazebo.

Mr. Pappalardo hoped to host outdoor events along with weddings on the property, with the ceremony taking place in the gazebo and the reception under the pavilion.

Mr. Border stated that the legion posts are having difficulty surviving in this economy and hoped that additional rentals will help the facility survive. Mr. Pappalardo noted that the pavilion is a 60' by 30' foot steel, roofed building with wood deck.

Ms. King wondered how they operate the facility. Mr. Pappalardo replied that they have a manager on duty two hours before and one hour after an event. He stated that they stop serving an hour prior to the end of an event. He stated that they also require renters to clean up after the event.

Ms. King asked if patrons will be able to have drinks near the gazebo. Mr. Pappalardo replied that the gazebo is in a tree-lined, grassy area away from the pavilion. He stated that they plan to limit consumption to the pavilion area only.

Ms. King asked when they serve alcohol outdoors, will there be a perpetual calendar about a patrons legal age at the bar area which shows current legal pieces of identification. Mr. Pappalardo replied yes and they have documentation also signed by the servers. He stated that they have three salaried bartenders. He noted that the three bartenders, along with five other members have certified training. He stated that there is always a monitor on-site during the entire rental.

Ms. King asked about their controlled buy record. Ms. Kuchynka replied that the Post does not have a controlled buy done at the establishment because of the older clientele and due to the fact that rentals are private in nature. She stated that the issue of monitoring has been discussed concern with this class as there is an assumption of increased activities at the facility. She planned to discuss monitoring issues later during the meeting. She stated that in some cases, conducting a test would be nearly impossible due to the nature of the event. She stated that the licensee will be required to submit documentation to the Village about their activities.

Ms. King asked if they will be serving beer, wine and hard liquor. Mr. Pappalardo stated that beer and wine will be available in the pavilion. He stated that hard liquor will need to be obtained from the interior lounge.

Mr. Clary felt that additional rental use of the pavilion will help the facility. He asked if they will provide tapped beer, bottles or cans. Mr. Pappalardo replied that their beer is served in bottles, but for the pavilion, they will revert to plastic bottles.

Mr. Clary asked if their bartenders and servers will be on site at all times during events. Mr. Pappalardo replied yes and that someone will be roaming the area as a monitor.

Mr. Adank was familiar with Post organizations and was aware of the declining memberships. He was sensitive to the fact of them offering space for rentals in order to support the facility.

Mr. Adank asked about the property and noted its size. Mr. Pappalardo stated that they have 11 acres to the property. He stated that the gazebo is next to a memorial park area.

Mr. Adank asked how many parties they plan to have and if it was possible that there would be more than one at a time. Mr. Pappalardo could not guess the potential number of rentals but did not anticipate two parties being held at the same time.

Mr. Adank asked about access between the building and pavilion. Mr. Pappalardo replied they are separated by about 30 feet by a driveway and grassy area.

Mr. Adank was concerned about control of the space. He noted that the area is not enclosed and he wondered how they will keep the crowd confined and monitored. He felt that people might be migrating through the grounds with alcohol. Mr. Pappalardo replied that they will post signage that alcohol shall not leave the covered pavilion area. He noted that they will have a representative there monitoring as well. Mr. Adank asked how many the pavilion will hold. Mr. Pappalardo replied about 144. Mr. Adank asked if only one person would be monitoring that crowd. Mr. Pappalardo noted that there will be a bartender also.

Mr. Adank asked if the pavilion is roped off. Mr. Pappalardo noted that there was a fence around the property but no enclosure of the pavilion. Mr. Adank noted his concerns with monitoring and crowd and how they would control patrons who go between the building and pavilion.

Ms. Fregeau noted that they will have bartenders and monitors. She wondered if their liquor managers have changed regularly. Mr. Pappalardo replied that their current bar manager has been there for about 10 years.

Ms. Fregeau appreciated the detailed information in the packet. She asked about the rental agreement. She stated that the rental agreement states that "no food is allowed in the lounge". She understood that the food must be available while alcohol is being served. Mr. Pappalardo replied that all of their parties have food and food is available while the bar is open. Ms. Kuchynka noted that the Club license does not require regular food service and noted it is different from other license holders.

Ms. Fregeau was concerned that no food was allowed particularly in the lounge. Mr. Pappalardo clarified that the lounge area is carpeted. He noted that the lounge is available to legionaries at all times. He stated that the lounge area is for socializing and minors are not allowed in that area. Ms. Fregeau noted that minors may attend a private function and she was concerned about those areas where alcohol is available.

Ms. Fregeau asked staff if there is any provision for the outdoor area to be secured. Ms. Kuchynka replied that these events will be geared more toward private functions and rentals. She noted that the pavilion will not be open on a daily basis as an outdoor seating for a restaurant is open to the public on a daily basis. She noted that Class C licensees have additional provisions in Section 3-32 in which they must comply with. She stated that the pavilion bar will not be open all during the day, nor every day of the week and will be utilized only under a rental agreement or Post function.

Mr. Krusenoski read through their expansive manual. He referred to the provision that patrons must go inside the hall to obtain hard liquor and signage will be posted telling patrons not to leave the covered pavilion with drinks. He suggested that they create a separate section in their manual which spells out the rules specifically for the pavilion. Mr. Pappalardo stated they planned to update the agreement based on the outcome of the hearing and suggestions received at this meeting.

Mr. Krusenoski stated that he has been to the District 58 fundraiser and had no concerns about their ability to sell liquor.

Ms. Strelau noted the concerns with control buys at the facility and control of liquor outdoors.

Ms. Strelau asked if Ms. Paula Biermann is the liquor manager. Mr. Pappalardo replied she is the bar manager. Ms. Kuchynka clarified that Ms. Biermann serves in their capacity of a bar manager but is designated with the Village as their liquor manager. She stated that Ms. Biermann is her contact at the establishment. Ms. Strelau asked if Ms. Biermann would be present at the events. Mr. Pappalardo replied yes, unless she has a scheduling conflict. Mr. Pappalardo stated that another bartender who is certified would serve in her absence. He noted that there are five other legionaries who are certified.

Ms. Strelau referred to the Class O license definition. She stated that the license authorizes sales in an "enclosed seating area". She asked if the pavilion had walls. Mr. Pappalardo replied no. She understood that the functions are mostly private parties, but the ordinance reads that the area be enclosed. She asked staff for clarification and wondered if another licensee could come along and argue against the requirement for enclosure. Ms. Kuchynka noted that Section 3-32 has additional provisions that the Class C licensee must meet for outdoor service. She stated that the Code states that the "private parties shall be permitted in an outdoor seating area". She stated that statement does not require the area to be "enclosed" per say. She stated that no other licensee can operate under the provisions of the Class C license.

Ms. Strelau stated that there is no definition of "enclosed" with reference to outdoor seating areas. Ms. Kuchynka replied that there have been several discussions by the Commission in that past about what constitutes an "enclosure". She stated that height and materials and type of the enclosure has been discussed. She noted in certain instances, the type of enclosure needs to be in line with the licensed facility, surrounding area and should take public safety into consideration. Ms. Strelau questions was aimed toward being certain that the non-enclosure provision would open up possibilities to other outdoor license holders. Ms. Kuchynka interpreted the non-enclosure provision limited to the Class C license. Chairman McInerney noted that if staff determines there is a concern in the future, the ordinance can be amended to plug up any gaps.

Ms. Strelau asked how many parties they anticipate per year. Mr. Border replied that they would like to hold as many as they can schedule. Mr. Pappalardo noted it is difficult to determine. Mr. Krusenoski also noted that the pavilion would not be open during the colder months. Mr. Boarder anticipated the season to be 4 months.

Ms. Strelau was still concerned about Village monitoring at the facility. She was reluctant to agree to issue licenses when there is no mechanism in place by the Village in order to monitor them. She was in the hopes that licensees will do the right thing, but if the Village does not monitor, there could remain unknown violations. She stated that they have spoken with the Police Department who advised they have a mechanism in place, but cautioned the Post that should there be a violation, it will not be looked upon fondly by the Commission. Mr. Pappalardo stated that they have operated for numerous years without any problems, nor do they anticipate problems with the addition of the outdoor license.

Ms. Strelau reminded them that outdoor service presents different scenarios but felt they have given the issue a great deal of thought. She cautioned them and wished them luck.

Chairman McInerney stated that he had an opportunity to look at the pavilion area and its layout. He stated that it was a nice looking structure which is far removed from the entrance of the site. He felt they have a well run operation and organization. He encouraged them to continue their pattern of service and history without violations. He noted that when there is an uncontrolled area, there is more opportunity for



patrons to share drinks. He cautioned them and hoped that they understood that having the license is a privilege and not a right.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" , full alcohol, on-premise outdoor liquor license application.

**MS. KING MOVED TO FIND ALEXANDER BRADLEY BURNS POST #80 D/B/A AMERICAN LEGION POST #80 LOCATED AT 4000 SARATOGA, QUALIFIED FOR A CLASS "O" OUTDOOR, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. ADANK SECONDED.**

**VOTE:**       **Aye:** Ms. King, Mr. Adank, Mr. Krusenoski, Mr. Clary, Ms. Fregeau, Ms. Strelau, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The Motion carried.

Chairman McInerney concluded the application hearing portion of the evening's meeting.

## **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 stated that representatives from Tivoli Enterprises d/b/a Tivoli Theatre were present concerning an amendment to the theater liquor license classification. She stated that the draft ordinance was further amended to meet the Tivoli Theatre needs based upon last month's discussion. She stated that liquor service will not be allowed at regularly scheduled movies. She added that liquor service will be allowed at special functions which are open to the general public. She stated that liquor may be taken throughout the facility. She asked the Commission to provide any further comments.

Ms. Strelau asked Mr. Johnson if the draft ordinance meets his needs. Mr. Johnson replied yes. Ms. Strelau asked if they anticipate having any trouble being in compliance with the ordinance. Mr. Johnson replied no and noted that the ordinance changes address all of their concerns.

Ms. Strelau confirmed with staff that patrons will be allowed to bring drinks into the theater. Ms. Kuchynka replied yes. She stated that liquor service will be limited to one hour prior to an event, during intermission (not exceeding two hours) and one hour after an event. She noted that these provisions are in accordance with what Mr. Johnson had done in the past with events. She stated that the Tivoli may request an extension of liquor serving hours for the Grove Foundation and District 58 fundraisers.

Ms. Strelau cautioned Mr. Johnson to monitor drinking in the theater. She hoped that the amendment would help the business, but cautioned them to be sure to follow the ordinance guidelines. She thanked Mr. Johnson for his patience.

Ms. King asked for clarification about theater/box office events and asked for an explanation. Ms. Kuchynka replied that box office events are events open to the general public where patrons can purchase ticket from the box office, but are not for regularly scheduled movies. Mr. Johnson noted that After Hours Film Society would fall into this category. He noted that the weekly movies published in the paper are not included. He also mentioned the Grove Foundation fundraiser where the box office will be open so patrons could buy a ticket on the night of the event. He stated that the ordinance change would put them in compliance with the terms of the license.

There being no further questions, Chairman McInerney asked for a motion from the Commission concerning the ordinance amendment.

**MS. KING MOVED TO FORWARD THE THEATER LICENSE CLASSIFICATION AMENDMENT TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. FREGEAU SECONDED.**

**VOTE:**       **Aye:** Ms. King, Ms. Fregeau, Mr. Adank, Mr. Krusenoski, Mr. Clary, Ms. Strelau, Chairman McInerney

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 7:0:0**

The Motion carried.

Ms. Kuchynka hoped to get the item to the Village Council for their workshop agenda of February 24 and would provide the Commission with documentation.

Ms. Kuchynka advised the group that the amendment to Sunday liquor sales for off-premise consumption license holders will be on the Council workshop agenda of February 10, 2009. She distributed a packet of materials to the Commission. She stated that the change would be adopted on February 17<sup>th</sup>, barring any objection by the Council.

Ms. Kuchynka stated that the next item was to further discuss the extension of late night liquor serving hours. Mr. Benjamin requested an amendment to Friday night service hours to 2 AM in lieu of 1 AM. Ms. Kuchynka advised the Commission that last month's chart contained errors in the late night hours for surrounding communities. She inadvertently misread their on-line Municipal Code language. She stated that Darien, Naperville, Lombard, Lisle and Woodridge have 2 AM serving hours on Friday. Ms. Kuchynka informed the Commission that no surrounding community allows liquor service until 2 AM on Thursday evening. She asked for their comments.

Ms. King asked about the hours of surrounding communities on Saturday evenings. Ms. Kuchynka replied that they allow service until 2 AM.

Ms. Kuchynka replied that the Chief was not for or against the ordinance, per say, but did comment that any extension of liquor serving hours at on-premise licensees will potentially cause an increase in alcohol related activity such as an increase in DUIs and over service.

Chairman McInerney asked Ms. Kuchynka if she received any feedback from the Chamber. Ms. Kuchynka asked the Economic Development Commission to discuss it at a meeting, but she had not received any comments from Mr. Bedalov. She stated that the Chamber was not behind the request, it was a licensee's request. Ms. Kuchynka noted that only a small group of licensee remain open late night and was uncertain if any were members of the Chamber.

Mr. Reggie Benjamin and Mr. Thomas Cawthorne introduced themselves. Mr. Benjamin informed the group about his food sales on Friday. He noted that when they close at 1 AM, between 10-11 PM they sell about \$1,000 worth of food, between 11-12 AM they sell \$1,500 of food, and between 12-1 AM they sell \$200 worth of food. He stated that on Saturday they sell \$2,000 worth of food between 1-2 AM and \$500 of food between 2-3 AM.

Mr. Benjamin stated that on Fridays, customers know they can go to Lombard and drink past 1 AM. He noted that patrons are going to other communities for food and drinks. He noted that sell a lot of food after hours, but cannot compete with the surrounding communities.

Chairman McInerney asked Mr. Benjamin to clarify his request. Mr. Benjamin replied that he does not want to serve liquor until 2 AM on Thursdays. He stated that they would like a change to Friday hours so they can compete with surround communities. Mr. Cawthorne noted that the Village is giving away sales tax revenue and sending patrons to other communities. He noted that they have received negative feedback from their customers about the early closing hours. He stated that licensees must be responsible. He stated that they are not members of the Chamber. Ms. Kuchynka noted that she discussed the issue with the Downers Grove Economic Development Commission, but did not receive feedback. Chairman McInerney noted that the intent to contact other organizations was to determine if there were a number of licensees interested in amending the hours and what the demand for it was.

Ms. Fregeau stated that at the last meeting Mr. Cawthorne came forward as a resident initially. She asked for clarification concerning his relationship with Stardust. Mr. Cawthorne stated that he was a 10% investor in Stardust.

Mr. Benjamin stated that it is hard for Stardust to compete when licensees in surrounding communities can stay open until 2 AM. Mr. Cawthorne noted that their security staff pays attention to those who indicate they are drivers. He did not believe they had any DUI notifications. Ms. Strelau stated that they have had one on a night they requested an extension. Mr. Benjamin was concerned that a neighboring licensee may have implicated his establishment.

Mr. Krusenoski noted the hours of the neighboring communities and he feared that patrons would migrate from 1 AM establishments into Downers Grove. He stated that if the surrounding communities have 2 AM licenses, he was not as concerned with the migration of drunk drivers into Downers Grove.

Mr. Cawthorne noted Ballydoyle's comment at last month's meeting that they have experienced a migration of their customers in a rush to leave Downers Grove and go to other communities that have a later license.

Ms. Fregeau would not like to see patrons coming to Downers Grove for their last call. She noted that she had more concern when the Commission was informed that six out of eight surrounding communities had 1 AM licenses. She takes DUIs very seriously and it is an indication that patrons are being over served.

Mr. Benjamin stated they are keeping patrons there eating and noted his Saturday food sales. He noted that patrons do not tend to bar hop. He felt it was safer for everyone if patrons can stay without having to rush for last call elsewhere. He stated it is very hard to compete when other communities have the 2 AM license.

Chairman McInerney asked Mr. Benjamin if he would be willing to pay for a special late night license. He explained that not many licensees are open that late and those that want it should pay for it. Mr. Benjamin would rather not pay. Ms. Strelau wondered if some licensees would remain only until 1 AM. Chairman McInerney wanted to understand the need and the interest of the licensees. Mr. Krusenoski felt that the change should be for all.

Ms. Strelau noted her concern. She asked Mr. Benjamin when he opened. Mr. Benjamin replied four months ago. Ms. Strelau noted that Mr. Benjamin brought up the liquor serving hour issue several times. She stated that he was well informed of Downers Grove sales hours. She recalled that the Commission would discuss the matter after there was some history. She did not think four months was enough time to establish history.

Ms. Strelau believed that the Police Department was not in favor of the change. Ms. Kuchynka noted that they were not in favor of a Thursday night change. She stated that there was not concern with the off-premise Sunday sales, but noted that an extension to liquor serving hours would result in more police activity.

Mr. Cawthorne recalled the Commission discussion on the 4 AM license issue when they discussed the need for history at the licensed establishment. He noted that they are not looking for service until 4 AM. He stated that at this time, they are trying to keep up with the neighboring communities. He noted that they do not have to pay extra for 1 hour. He understood if the Commission felt more comfortable charging for the additional hour. Chairman McInerney noted that it is an open discussion to seek what licensees want and what action the Commission is comfortable with.

Ms. King asked if the Commission can have a trial period for changing service hours. Ms. Kuchynka replied that the Commission may recommend a change to the ordinance at any time. Ms. Fregeau asked if the Commission can recommend a sunset clause. Ms. Clark replied yes.

Mr. Krusenoski wanted to be consistent with the logic they used when extending Sunday off-premise selling hours and in the name of competition for local business.

Ms. Fregeau felt that there was a difference between extending hours from noon to late night drinking. She did not want anyone to feel rushed into drinking before the businesses close. She saw that DUI notices and correlate with licensee closing hours. Mr. Krusenoski confirmed that they are within an hour of closing times. Ms. Fregeau was unsure if the number of DUI notifications would go up or down. She was less comfortable with the late night hours, but did not want Downers Grove to lose business. She would not be uncomfortable being 1 of 2 that errs on the side of earlier hours than later without further understanding the ramification of later hours and drinking longer.

Chairman McInerney agreed that there is a distinction between packaged liquor sales and late night service. He stated that the Village does not have a DUI problem at 11 AM. He considers Friday night a part of the weekend. He was comfortable with pursuing change, but would like to know if there is more interest. He stated that discussion for change and what good it brings to the Village should be taken into consideration. He understood that Stardust is an advocate of what is good for them and the Liquor Commission wants to be receptive to reasonable changes. He was torn that Stardust does not have a long track record as a licensee. He would like to know the interest of other licensees. Mr. Cawthorne did not believe licensees knew about the discussion. Chairman McInerney noted that it was only new business as of last month.

Ms. Strelau asked Ms. Kuchynka if staff received DUI notification the Police Department for January 9<sup>th</sup>. Ms. Kuchynka was unsure as she did not yet get the DUI notification information for the month of January.

Mr. Adank stated that he was open to the change. He felt that by the time the change took effect and after discussion there would be history.

Chairman McInerney recommended tabling the issue until the Commission receives additional community input for a future meeting. Ms. Kuchynka asked if they would like more feedback or if she should draft an ordinance. Ms. Strelau felt that Ms. Kuchynka should draft an ordinance and circulate it to the Chamber and ask licensees for feedback and if they have interest in the change.

Chairman McInerney asked if it would be easier for staff to survey licensees. Ms. Strelau wanted licensees to be aware of the potential change and if they are interested in it at all. Ms. Kuchynka asked if she should ask licensees if they would be willing to pay an additional fee for late night service. Ms. Strelau was uncomfortable with the scenario that one establishment is open and another is not. Chairman McInerney noted that the extra hour of service may be worth something to a licensee. He noted that it could be an expense to the Village to provide additional DUI coverage and protection. He felt that the licensees should bear the costs. Ms. Strelau wondered how that would be administered. Chairman McInerney felt that if they make the change, the rate be changed for all licensees. He stated that there is increased exposure for police. Ms. Strelau agreed.

Ms. Kuchynka stated that will conduct a survey of the licensees. Mr. Krusenoski asked how staff communicates with licensees. Ms. Kuchynka replied that she will contact liquor managers via phone. Mr. Krusenoski asked how many calls she would have to make. Ms. Kuchynka replied about 35. Chairman McInerney wondered if an article could go into a newsletter. Ms. Kuchynka replied it would be easier to call. She stated that some managers would also have to call the corporate office for feedback. She noted that when hours change, there could be a need for changes to the menu, etc. Ms. Kuchynka noted that a majority of the licensees do not remain open after 11 PM on Friday. She noted that a majority of the establishments will be in the entertainment licensee classification. Ms. Strelau was not sure if there would be an overwhelming response for or against the change but the change should fit the Village.

Ms. Kuchynka stated that she left the Findings and Order concerning North Beach for the Commission. Mr. Krusenoski wondered the significance of the dates that were chosen for the suspension. Ms. Strelau wondered if North Beach was able to choose the dates. Ms. Kuchynka replied yes. She stated that they have events pre-booked and the Village gave them the opportunity to chose dates that would not conflict with their scheduled events. She stated that any suspension, fine or costs must be received and/or

completed by the end of the license year, which is June 30<sup>th</sup> and before a new license is issued. Chairman McInerney stated that although the suspension was not consecutive, he was pleased that the suspension was to be served on a Thursday, Friday and Saturday, which was a reasonable compromise. Mr. Krusenoski was still concerned that they hired someone off the street. Ms. Fregeau understood the \$5,000 fine as the girl continued to serve on a number of occasions.

Ms. Kuchynka stated that the Mayor requested that the Commission discuss a request from 63<sup>rd</sup> Street Billiards for a license classification amendment. Ms. Kuchynka introduced the owner of 63<sup>rd</sup> Street Billiards, Mr. Robert Taft.

Ms. Kuchynka advised the Commission that pool halls are classified under the recreational facility definition and would be considered under the Class E, entertainment license category. She stated that Mr. Taft cannot comply with the ordinance as written. She stated that there is a 16,000 square foot and 125 dining seat requirement. She stated that the hall is about 7,500 square feet in size and they may be able to meet the 35 seat dining seat requirement of the beer and wine only license, however, it did not suit the needs of the owner. She requested their input to consider an ordinance amendment.

Ms. Kuchynka noted that there are no available Class E licenses and stated that a license would need to be created so that it can be applied for. She stated that either the square footage and seating amount can be amended to reduce the minimum requirements or another classification created that the hall may comply with. She advised that if the minimum requirements are reduced, existing licensees can fall back on the lower requirements.

Chairman McInerney recalled discussion by the Commission as to if billiards was considered a sport. He recalled that the ordinance passed Council. Ms. Kuchynka stated that the ordinance was amended to allow pool halls, but the requestor, who had an establishment on Ogden, never followed through with application. Ms. Strelau recalled that the location did not have kitchen facilities. She recalled that the Commission held out on the food service requirement. Ms. Kuchynka believed that he only wanted a pool hall with liquor service.

Ms. Kuchynka noted that Mr. Taft did plan to have a full menu available. She noted that he would have no means by which to qualify under the existing standards of the E-3 licensees.

Mr. Taft thanked the Commission for their time. He informed the Commission that he has owned 63<sup>rd</sup> Street Billiards since 1998. He stated that he purchased and has operated Q Billiards & Sports Bar in Darien since 2001. He stated it is the largest bar in Darien and accommodates over 500 people. He noted that they have one of the lowest liquor related incident rates. He stated that all of his employees are BASSETT trained. He stated that he purchased Shark City Billiards in Glendale Heights two years ago. He stated that facility holds 1,100 people and he has a good relationship with the Police Chief. He added that the facility is 17,000 square feet and can accommodate 1,100 people. He stated that they also have a 4,000 square foot beer garden. He noted he has a food relationship with the Police Chief. He advised that the 63<sup>rd</sup> Street Billiards facility is 7,000 square foot with a maximum seating capacity of about 100 people. He stated that their main focus will be billiards and would offer food service. He noted that he did not want to have 63<sup>rd</sup> Street Billiards and Q to be in competition and wanted to gear the 63<sup>rd</sup> Street location toward the serious pool players.

Mr. Taft preferred not to be limited to beer and wine service. He stated that he has liquor handling experience and has security and management on duty. He stated that he has a special use permit in

Darien. He stated that he planned to have 10 pool tables and add a bar and kitchen area. He stated that he wanted to also enter into an arrangement with the neighboring Mexican restaurant and offer their menu at the hall as well. He stated that they have a similar arrangement with Rosati's Pizza at Q Billiards. He stated that although they have food at Q Billiards, the kitchen is not quite large enough to accommodate a full crowd.

Mr. Krusenoski asked where the billiard hall is located. Mr. Taft replied behind the Mobil gas station at the corner of Belmont & 63<sup>rd</sup> Street. He noted that pool halls have dwindled over the years. He felt that there is a good market for pool and there are a lot of serious players. He stated that he would want to gear the 63<sup>rd</sup> Street location toward pool with a relaxed, subdued atmosphere.

Ms. Fregeau asked about their clientele. Mr. Taft replied that their Q Billiards clientele is 21-60. He stated that the clientele at 63<sup>rd</sup> Street are 15-21 year olds. He stated that he would amend the age limit to 21 and over at all times. He stated that he can allow 18 year olds into Q Billiards, but does not. Ms. Fregeau confirmed that he planned to target a different audience with liquor service. Mr. Taft agreed.

Mr. Krusenoski asked if there was a kitchen facility now. Mr. Taft replied that they use a hot air oven. He stated that they make burgers, hot dogs, mozzarella sticks and hot wings. Mr. Krusenoski asked if he planned an upgrade and have the Mexican restaurant menu available. Mr. Taft replied he would do a combination of both. Mr. Krusenoski mentioned that Roundhead is close too. Mr. Taft agreed and wanted to offer more variety for his customers.

Chairman McInerney noted that he has been to Q Billiards and felt that was a well run establishment. Mr. Taft noted that they have few incidents.

Ms. Fregeau noted that the applicant may be responsible, look good and have a good repertoire in operating other businesses successfully. She wondered if staff foresees any difficulty with this license classification. Mr. Taft noted that Darien created a license for him as a special use for that specific location and laid out specific rules for how he operates. Ms. Kuchynka preferred to create another Class E license type, with specific restrictions and limit it to one in number. She noted that the primary business would be pool with a menu available. She did not prefer to amend the existing Class E requirements. Chairman McInerney agreed and would prefer to create a license parallel to that of the theater and wine boutique.

Ms. King wondered how the 16,000 square foot requirement came about. Ms. Kuchynka believed that it was in relation to North Beach by way of them offering on-site volleyball and bowling at the facility and was tailored for them.

Ms. Kuchynka would prefer that a menu and dining seats be available at the pool facility and categorize it under the Class E, entertainment facility class. She noted that when there have been licenses created for specific activities, there is more control and restrictions placed on the license holder. She asked if the Commission would be comfortable with her attempt at a draft ordinance. Chairman McInerney asked if there were any objections. There were none. Ms. Kuchynka advised Mr. Taft that she would be in contact with him over the course of the month concerning a draft ordinance. She asked that he get her information on the exact square footage and what type of menu items he plans to offer.

Ms. Kuchynka asked Mr. Taft to be patient as the creations of a license class can take time. Chairman McInerney stated that he would like to see more development in that 63<sup>rd</sup> Street mall area. Mr. Taft

replied that there is not a lot of traffic in the area and was hoped it would get better. Mr. Taft thanked the Commission for their time.

## **V. NEW BUSINESS**

Chairman McInerney asked if there was any discussion, update from staff or comments from the Commission regarding any new business. Ms. Kuchynka informed the group that the Mayor administratively approved a floor plan change for Hooters. She advised that they are planning a partial remodel of the establishment. She stated that there is a wall dividing the banquet and main rooms. She noted that the wall will be removed and a bar area created in the space. She noted that bar seats will increase from 24 to 39, but bar stools will be removed from an existing counter area. She stated that they remain in compliance with the maximum 20% bar seating ratio. She noted that the menu, decor and motif will remain the same. She advised that they have a 70% to 20% food versus alcohol ratio. Chairman McInerney advised the newer members that other plans have also been approved administratively by the Mayor. Ms. Kuchynka noted that the more complicated floor plan, menu and motif changes typically go before the Commission for review and consideration.

Ms. Kuchynka advised the Commission that the Legal Department staff met with the Police Department to discuss new monitoring initiatives for the Class E license holders and the monitoring of outdoor seating areas. She advised that the Village typically responds to complaints on a reactive basis. She noted it was clear that the Class E license holders require more monitoring than restaurant license holders. She stated that she will be doing another Cost Center Analysis. She anticipated an across-the-board increase in license fees based upon updated salary figures. She noted that with additional monitoring planned, the Class E license holders may experience a significant jump in the annual license fees. She stated that staff discussed having an extra control buy, licensee sales hours and over service will be monitored. She wanted to set fees to take into consideration cover charge costs and Police Department staff overtime costs. Chairman McInerney stated that was good news. He asked if there was anything the Commission could do to support those efforts. Ms. Kuchynka replied not at this time. She asked the Police Department to determine the amount of time and money they will need to devote to the additional work. She noted that she will need the Commission's vote and support for the increase in license fees and appropriate ordinance changes.

Ms. Kuchynka noted that the entertainment license classifications are relatively new and staff has discovered that there is increased activity on these premises. She felt that these new license holders should bear the burden of the costs associated with monitoring them. She noted that new issues have come up with the creation of the licenses which now must be taken into consideration.

Ms. Fregeau asked staff to consider the fees of surrounding communities. She believed that there may be feedback from the Chamber and EDC about fee increases. Ms. Kuchynka replied that Downers Grove license fees have been in-line with other communities. She noted that the Cost Center contains a lot of detail and provides justification for the fees that are charged. She stated that the Village offers more monitoring programs than other communities. She noted that some communities charge licensees large sums and use the license fees as a source of revenue. She stated that Downers Grove attempts to charge licensees what it costs to administer the license. Chairman McInerney felt that it should be fair for the licensees, tax payers and the community. He would offer support when the changes are brought before them.



Ms. Strelau asked if licensees receiving multiple DUI notifications will appear before the Liquor Commission before license renewal. Ms. Kuchynka replied that the Liquor Commissioner will handle those with staff and, based upon staff's recommendation, whether to renew the license. She was glad that something was going to be done with the information, otherwise she would suggest they stop doing the program. Mr. Krusenoski liked having the information. Ms. Strelau found it to be frustrating that the Commission receives the information, but cannot use it against a licensee. She stated that patrons are clearly being over served, as results in some instances were double the legal limit. She stated that the group knows there is a problem, yet they do nothing with the information. Chairman McInerney understood her frustration. He felt the program is a mechanism to provide feedback to licensees on how well they are doing. He noted that they do not have issues with 90% of the licensees. Ms. Strelau noted that nothing is really being done with the information, but felt better if the Liquor Commissioner will use it to evaluate a licensee's history at renewal. She noted that some licensees have a ridiculously high number of DUI notifications. Chairman McInerney asked staff for clarification and if they were providing the Mayor with the information prior to renewal. Ms. Kuchynka replied yes. Ms. Kuchynka noted that she has conducted on site-seminars based upon the number of DUI notifications an establishment has received, held off on renewal, has had personal conversations with managers and makes calls when a DUI notification information is questionable.

Ms. Kuchynka noted that establishment atmosphere lends itself toward a drinking crowd. Ms. Fregeau noted that their staff is supposed to be trained to not over serve. Ms. Strelau noted that establishments should be staffed to accommodate their clientele. She stated that they should not have a license if they cannot staff their establishment appropriately. Ms. Kuchynka stated that her worry is the DUI notification that have high numbers. Ms. Strelau stated that one has to question how someone got another drink, especially if the patron is a two or three times the legal limit. Chairman McInerney understood the argument of the volume of business. Ms. Kuchynka noted that there are some individuals are professional drinkers who do not exhibit signs of intoxication. Ms. Kuchynka advised that additional monitoring will be done to address over service issues. Ms. Strelau stated that was a step in the right direction.

Ms. Kuchynka stated that the next Liquor Commission meeting will be held on March 5<sup>th</sup>. She planned to place the late night hours and billiard hall items on the agenda.

## **VII. COMMENTS FROM THE PUBLIC**

There were none.

## **VIII. ADJOURNMENT**

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

Ms. Strelau moved to adjourn the February 5, 2009 meeting. The meeting was adjourned by acclamation at 8:30 p.m.