

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
APRIL 14, 2009 AGENDA

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

SYNOPSIS

An ordinance has been prepared amending the Liquor Code which would allow on-site consumption of alcoholic liquor at a Billiard Hall facility.

STRATEGIC PLAN ALIGNMENT

The Downers Grove Vision for 2021 provides for *Businesses to Thrive* and a principle for that vision is *Unique, Quality Restaurants Serving Residents and Corporations*.

FISCAL IMPACT

N/A

RECOMMENDATION

Consideration on the April 21, 2009 active agenda.

BACKGROUND

Based upon a request, the Downers Grove Liquor Commission discussed creating a liquor license classification which would allow the consumption of alcoholic liquor at a Billiard Hall Facility. Currently, the Village allows on-site consumption of alcoholic liquor at entertainment facilities which are sport oriented. Under the current Code, however, there is a 16,000 square foot size requirement. The owner of 63rd Street Billiards (which is less than 16,000 square feet in size) has requested that a license be created in order to allow billiards as the primary business on the premises. Food service will be available at all times, however restaurant activities would not be the primary business of the establishment. The bar/lounge area will be limited to 20% of the total seating available in the establishment.

The Liquor Commission discussed this matter at their meetings of February 5, 2009 and March 12, 2009 and unanimously recommended that the ordinance be forwarded to the Council for their consideration and approval.

ATTACHMENTS

Draft Ordinance

Liquor Commission Recommendation & Minutes – February 5, 2009 and March 12, 2009

63rd Street Billiards – Letter of Request

Billiard Hall

ORDINANCE NO. _____

AN ORDINANCE CREATING AN ENTERTAINMENT/RECREATIONAL FACILITY LIQUOR LICENSE CLASSIFICATION FOR A BILLIARD HALL

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

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

3.13 Classification of licenses.

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

Class "B" Brew Pub Licenses

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

Class "C" Club (Private) Licenses

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

Class "E" Entertainment/Recreational Facility Licenses

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

1. Sales of alcoholic beverages shall be limited to contracted theater rentals and theater production/box office events.
2. Alcoholic beverage sales shall not be allowed during regularly scheduled motion pictures or films or during events that are primarily oriented for children.
3. Sales shall be made from portable bars containing alcoholic liquor, mixes and related preparation materials. Such portable bars shall not have seats or stools for patrons at which to sit.
4. Portable bars shall be removed and/or stored out of view during all regularly scheduled motion pictures.
5. No alcoholic liquor shall be served at a single contracted theater rental for more than six (6) consecutive hours.
6. Alcoholic liquor may be served during theater production/box office events during one (1) hour prior to the event, during intermission not exceeding two (2) consecutive hours and for no more than one (1) hour after an event. However, an extension of liquor serving hours may be granted in accordance with the provisions of Section 3.31(a).
7. Food service must be available during contracted theater rentals and theater production/box office events in which alcoholic liquor service exceeds two (2) consecutive hours. However, should there be a suspension of liquor service for a main event or attraction (at a minimum duration of one (1) hour),

Billiard Hall

such food service shall not be required.

8. The licensee shall submit a report to the Village within thirty days following each July 1 and January 1 setting forth each contracted theater rental/theater production/box office event and the number of hours for which liquor was served during the six months prior. In addition, such report shall describe any planned events currently scheduled by the licensee.

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

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

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

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

"E-3-D" Entertainment/Recreational Facility licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises where the major and primary business is that of a billiard hall recreational facility of not less than six thousand (6,000) square feet and having a guest seating capacity, excluding outdoor areas, of not less than one hundred (100). Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment. Such facility shall have an area where food is prepared on the premises and food service shall be available during operation. Such facility shall be limited to patrons 21 years of age and older.

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

1. Sale of beer or wine shall be limited to regularly scheduled art shows, exhibits, theatrical, musical or live performances or during contracted rentals that are not open to the general public.
2. The facility may not be promoted as a drinking establishment. Sale of beer or wine shall not be allowed at any time a regularly scheduled performance or activity is not in actual operation.
3. Sale of beer or wine shall be made from a service bar only. Such service bar shall not have seats or stools for patron seating.

Billiard Hall

4. Lounge area or theater seating may be altered to accommodate performances, art exhibitions and/or classes, however the service bar area shall not be expanded in any manner.
5. No portable bars and/or stations shall be allowed at the facility.
6. Food service must be available during all hours of operation that beer and wine is served.
7. The Village may request the licensee to submit a report setting forth any planned events currently scheduled by the Licensee and the activities during the twelve months prior.

"E-5" Entertainment/Restaurant Facility licenses shall authorize the sale of alcoholic liquor for consumption on the licensed premises, where meals are regularly served and entertainment is provided. Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment. The area devoted to dancing and/or entertainment shall be limited to twenty percent (20%) of the square footage of the establishment, excluding kitchen facilities, storage and office areas. Food service shall be available at all times.

Class "H" Hotel Licenses

"H-1" Hotel licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises of a hotel as defined herein, and the retail packaged sale of beer and wine in original packages to hotel patrons. This shall include sales occurring at facilities, or as part of activities, normally operated as an integral part of the hotel, such as, but not necessarily limited to, restaurants, cocktail lounges, room service and banquets. Provided, the licensed premises shall have at least one restaurant with a seating capacity of not less than one hundred twenty-five (125) operated as an integral part of the hotel.

Class "K" Catering Licenses

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

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

Billiard Hall

prior.

Class "O" On Premise Consumption, Outdoor Licenses

"O-1" Outdoor licenses shall authorize the sale and consumption of alcoholic liquor in an enclosed outdoor seating area. This license may only be issued to establishments holding a valid Class B, C, E, R or W license and shall be limited to the conditions of the Class B, C, E, R or W license issued to the establishment. The main and principal operation of the outdoor area for Class B, E, R or W license holders shall be for dining purposes and food must be available in the outdoor dining area at all times and shall be subject to the provisions set forth in Section 3-30. Operation of the outdoor area for a Class C license is limited to private party rentals and shall be subject to the provisions set forth in Section 3.32.

Class "P" Off Premise Consumption Licenses

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

"P-2" Packaged liquor licenses shall authorize the retail sale on the premises specified, of beer and wine in original packages, unopened only, and not for consumption on the premises. Such licenses shall be only authorized in locations where the main or principal business is that of a drug store, grocery store or convenience store as defined herein. No more than twenty-five percent (25%) of the retail sale square footage area shall be devoted to the sale of beer/wine and tobacco products.

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

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

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

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

Class "S" Special Event Licenses

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

(a) It shall be unlawful for any person who does not hold a valid liquor license pursuant to the provisions of this Chapter, to dispense or cause to be dispensed alcoholic beverages at a grand opening, wine tasting, open house or other special event open to the public, without first having obtained a special event license from the Local Liquor Commissioner. It shall be unlawful for any person holding a valid liquor

Billiard Hall

license to conduct a special event which exceeds the limitations on liquor sales or otherwise fails to meet the requirements inherent in the applicable license classification without first having obtained a special event license from the Local Liquor Commissioner.

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

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

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

\$ 375.00

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

\$ 90.00

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

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

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

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

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

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

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

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

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

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

(7) Except as otherwise provided in this section, the applicant shall comply with all

Billiard Hall

applicable provisions of the Downers Grove Municipal Code, including but not limited to, zoning, building, health and safety regulations.

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

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

Class "W" Wine Boutique.

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

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

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

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

3.14 Term - fees.

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

<u>License</u>	<u>Annual Fee</u>
"B-1" (Brew Pub)	\$2,925.00
"C-1" (Club, private)	\$ 670.00
"E-1" (Theater)	\$1,105.00

Billiard Hall

"E-2" (Comedy Club)	\$1,055.00
"E-3-A" (Golf Course)	\$1,725.00
"E-3-B" (Recreational Facility - beer/wine)	\$1,610.00
"E-3-C" (Recreational Facility - full)	\$2,985.00
"E-3-D" (Billiard Hall - full)	\$2,985.00
"E-4" (Cultural/Performing Arts Facility - beer/wine)	\$1,610.00
"E-5" (Entertainment/Restaurant Facility - full)	\$2,985.00
"H-1" (Hotel)	\$2,985.00
"K-1" (Catering - full)	\$ 805.00
"K-2" (Catering - Park District - beer/wine)	\$ 955.00
"O-1" (Outdoor)	\$ 260.00
"P-1" (Packaged - full)	\$1,850.00
"P-2" (Packaged - beer/wine)	\$1,160.00
"P-3" (Packaged - wine shop)	\$1,160.00
"R-1" (Restaurant - full)	\$2,870.00
"R-2" (Restaurant - beer/wine)	\$1,550.00
"S-1" (Special Event)	\$ 375.00
"S-2" (Special Event)	\$ 90.00
"W-1" (Wine Boutique)	\$1,310.00

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

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

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

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

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

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

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

3.15. Limitation on number of licenses.

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

Billiard Hall

License Classification	Amount of licenses not to Exceed
"B-1" (Brew Pub)	1
"C-1" (Club, private)	6
"E-1" (Theater)	1
"E-2" (Comedy Club)	1
"E-3-A" (Golf Course)	1
"E-3-B" (Recreational Facility - beer/wine)	0
"E-3-C" (Recreational Facility - full)	2
"E-3-D" (Billiard Hall - full)	1
"E-4" (Cultural/Performing Arts Facility - beer/wine)	1
"E-5" (Entertainment/Restaurant Facility - full)	1
"H-1" (Hotel)	Unlimited
"K-1" (Catering - full)	4
"K-2" (Catering - Park District - beer/wine)	1
"O-1" (Outdoor)	Unlimited
"P-1" (Packaged-full)	17
"P-2" (Packaged -beer/wine)	10
"P-3" (Packaged - wine shop)	3
"R-1" (Restaurant - full)	Unlimited
"R-2" (Restaurant - beer/wine)	Unlimited
"S-1" (Special Event)	Unlimited
"S-2" (Special Event)	Unlimited
"W-1" (Wine Boutique)	2

(Ord. No. 244, § 4a; Ord. No. 284, § 1; Ord. No. 356, § 2; Ord. No. 1059, § 1; Ord. No. 1200, § 1; Ord. No. 1395, § 1; Ord. No. 1465, § 2; Ord. No. 1741, § 21; Ord. No. 2246, § 2; Ord. No. 2541, § 8; Ord. No. 2735, § 1; Ord. No. 2861, § 3; Ord. No. 3050, § 3.)

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

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

Mayor

Passed:
Published:
Attest: _____
Village Clerk

V. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman McInerney stated that Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of Chapter 3 or any State law pertaining to the sale of alcohol.

Stardust Chicago, Inc. d/b/a Stardust 1211 A Butterfield

Chairman McInerney stated that the next order of business was to conduct a disciplinary hearing for Stardust Chicago, Inc. d/b/a Stardust located at 1211 A Butterfield Road. He stated that the licensee has been charged with a violation of Section 3-33.1(b), Section 3-33.1(a)(6) and Section 3-17(c)(1) of the Downers Grove Liquor Control Ordinance.

Ms. Petrarca advised that the Village received and subsequently granted a continuance regarding the Stardust ordinance violations. She stated that the Commission will be notified of the new hearing date.

Chairman McInerney concluded the disciplinary hearing portion of the evening's meeting as the request for continuance was granted.

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 she prepared a draft ordinance concerning the creation of a billiard hall liquor license that was based on discussion from last month's meeting. Ms. Kuchynka stated that Mr. Taft from 63rd Street Billiards was present to answer any questions. She asked that the Commission discuss the matter and make a recommendation concerning draft ordinance.

Mr. Taft indicated that the draft ordinance was straightforward and would meet his needs.

Ms. King had no comments.

Mr. Clary had no comments.

Mr. Krusenoski had no comments.

Ms. Fregeau stated that the ordinance was clear.

Ms. Strelau had no comments.

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

MS. STRELAU MOVED TO FORWARD THE DRAFT ORDINANCE CREATING A BILLIARD HALL LICENSE CLASSIFICATION TO THE VILLAGE COUNCIL FOR CONSIDERATION. MS. KING SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The Motion carried.

Ms. Kuchynka hoped to get the item to the Village Council for a workshop agenda in April and would provide the Commission with documentation.

Ms. Kuchynka requested that Commission continue discussion on the extension of late night liquor serving hours to next month's meeting. She noted that she did not have adequate time to poll licensees. She advised that of the ones she did poll, there was little or no interest. The item was tabled until April.

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 stated that she provided Class "P-1", full alcohol, off premise license classification information to the Commission. She stated that the Mayor has received numerous requests from current beer and wine only license holders that wish to sell full alcohol, but cannot meet the 3,600 square foot minimum requirement. She added that the Mayor would like the Commission to discuss the possibility of amending the 3,600 square foot requirement. She stated that the convenience store owners have indicated loss of sales and loss of tax revenue to the community due to this limitation.

Ms. Kuchynka noted that the 3,600 square foot requirement for full alcohol sales has been on the books for a number of years. Chairman McInerney would like to know where the 3,600 square foot requirement originated. Ms. Petrarca recalled there being a lot of discussion about beer and wine license classifications regarding what was sold from convenience stores and tobacco facilities. Ms. Kuchynka recalled there also being concern that convenience stores were open 24 hours.

Ms. Fregeau asked if there are other communities which allow full alcohol sales at convenience stores. Ms. Kuchynka replied yes. She noted the 7-Eleven located at the corner of Maple and Belmont which is unincorporated DuPage County. She stated that some communities regulate the size of bottles sold from such locations and restrict display to behind the main register counter to limit access.

Ms. King wondered what the discrepancy in square footage from the requirement were existing license holders are at. Ms. Kuchynka believed that most beer and wine only licensees were at or near 3,000 square feet in size. She would review their files to determine square footage.

Ms. Petrarca stated that the Mayor has consistently denied requests to reduce the 3,600 square foot requirement, however, he wanted to readdress it due to the economy and such sales may bring additional tax revenue to the community.

Chairman McInerney was receptive to discussing but would like more background. Ms. Kuchynka would compile information and present additional background materials to the Commission at next month's meeting for further discussion of this matter.

completed by the end of the license year, which is June 30th 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 63rd Street Billiards for a license classification amendment. Ms. Kuchynka introduced the owner of 63rd 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 63rd 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 63rd 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 63rd Street Billiards and Q to be in competition and wanted to gear the 63rd 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 & 63rd 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 63rd 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 63rd 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 63rd 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.



SHARK CITY
2240 Bloomingdale Road
Glendale Heights, IL 60139
630-893-9346

SharkCity.com
MySpace.com/SharkCity1

filed 1/14/09

Dear Carol Kuchynka,

I am writing this letter in response to our conversation in early December 2008. My name is Robert Taft and I am the owner of Datab Corporation d/b/a 63rd Street Billiards located at 2145 W. 63rd Street. I have owned that business since November 1998. I would like to make a request to the Village of Downers Grove to create a liquor license for my business. I do realize that Downers Grove does not currently have a license that suits my needs and that is why I am asking to have one created.

I do currently hold two different licenses. The first one is in Darien at Q Billiards and Sports Bar. The business is located at 8109 S. Cass Avenue. I have owned that location since May 2001. I run a very clean and upscale establishment and feel it is an asset to the community. I have never had any notable problems with my license and have a very good relationship with the Darien Police Department. The location is approximately 10,000 square feet and when busy holds over 400 people. So I have experience running large establishments. Our web site is www.qbilliards.biz please feel free to check it out so you can get a feel of what I would like to do at 63rd Street Billiards.

The second current license that I hold is in Glendale Heights at Shark City Billiards and Sports Bar. That business is located at 2240 Bloomingdale Road. I have owned that location since June 2007. Shark City is an even larger establishment at over 17,000 square feet plus a 3500 square foot beer garden with a capacity of just under 1,000 people. Again my licensee is also in good standing without any notable problems. I have a good relationship with the Village and Police Department also. The new web site there is www.sharkcity.biz (used to be .com) please check out that location also.

Basically at 63rd Street Billiards like would like to turn it into a similar type of business. It is much smaller than my other two locations at just over 6,000 square feet so you can have confidence that I would not have any problems handling the responsibility of owning a liquor license. I would run the business with the utmost respect for the community surrounding me. I also live locally at 7714 Linden Avenue in Darien so I will be there all the time. I have very competent managers at my other two locations so I am not at either of them much anymore. I would be spending all of my time at this new location. I'm not asking for a license that would allow customers under 21 to enter. I will not allow anyone under the age of 21 into the establishment at any time of day. In Darien according to the liquor law I can allow customers under 21 to enter with parents during certain hours but I choose to only allow people 21 and over. I also would have a full menu available every day until we close as I do at both my other locations. It would



SHARK CITY
2240 Bloomingdale Road
Glendale Heights, IL 60139
630-893-9346

SharkCity.com
MySpace.com/SharkCity1

include appetizers, sandwiches, and a partnership with the Mexican restaurant a couple of doors down where I would also sell their full menu as well. I do something very similar at Q Billiards with the Rosati's Pizza near us. It helps me add to the selection of food that I can offer my customers and helps another local business owner. I would like to be allowed to open everyday at 11am so I can serve lunch. I would like to be able to remain open Sunday through Thursday until 1am and until 2am on Friday and Saturday. Those hours are the same as my other 2 locations. I am certified by the Illinois Department of Public Health for food service and I am certified by Learn2Serve in Selling/Serving alcohol. So I am familiar with the rules regarding this type of establishment.

I hope that we can work towards creating a license that would suit my needs so that I can run a successful location in the Village of Downers Grove. Please let me know if this would be possible and if so what needs to be done to proceed from here. I have spoken with the owner of the property (Arun Enterprises) and he has the full faith in my ability to run a successful business and is looking forward to my obtaining a liquor license for 63rd Street Billiards. Also let me know if the Mayor/Liquor Commissioner would like to meet me and I would look forward to doing so.

Sincerely,

Robert D. Taft
President Datab Corp.
630.926.1454