

**REGULAR MEETING OF THE BOARD OF TRUSTEES  
OF THE  
DOWNERS GROVE PUBLIC LIBRARY  
December 16, 2009**

**MINUTES**

**ROLL CALL**

President Daniels called the meeting to order in the Library Meeting Room at 7:37 p.m. Trustees present: DiCola, Eblen, Humphreys, Read, and Daniels. Trustees absent: Greene. Also Present: Library Director Bowen, Assistant Library Director Carlson. Visitors: none.

**APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting of November 11, 2009. It was moved by DiCola and seconded by Humphreys **THAT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 11, 2009 BE APPROVED AS WRITTEN**. Ayes: DiCola, Eblen, Humphreys, Read, Daniels. Abstentions: none. Nays: none. Motion carried.

Trustee Green arrived at 7:45 p.m.

**PAYMENT OF INVOICES**

The Board reviewed the list of invoices submitted for payment. It was moved by Humphreys and seconded by Read **TO APPROVE PAYMENT OF OPERATING INVOICES FOR DECEMBER 16, 2009 TOTALING \$142,460.04 AND BUDGET JOURNAL ENTRY TRANSFER FOR STAFF PARKING TOTALING \$1,950.00 AND ACKNOWLEDGE PAYROLLS FOR NOVEMBER 2009 TOTALING \$169,307.48**. 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**

### **- Discussion of changes in the Illinois Open Meetings Act and Freedom of Information Act that go into effect in January 2010**

Changes to the Open Meetings Act and Freedom of Information Act go into effect in January. Most of the changes make it easier for individuals to obtain access to public records and will impact the way the library handles Freedom of Information Act Requests for library records, but some changes will affect the Board as well. Bowen reviewed the changes that appear to apply so the Board is aware of the changes and what the library plans to do to comply.

The new Act creates a presumption that all records are public. This has always been the library's working assumption, so Bowen did not mark this as particularly important; however, he did want to point out that this does not change the Library Records Confidentiality Act that makes records of a patron's use of the library private. The changes do presume that all records related to the operation and governance of the library are public.

Requests for records must still be in writing, but the library no longer can require that a specific form be used. The information on the State's Attorney's web site indicates that email requests must be accepted. The library form was useful because it asked for all the information required to track a request. The library will now have to remember to add the date a request is received the moment it is submitted, so the response time can be tracked.

The time in which a response must be made has been shortened from 7 to 5 business days, with the same reduction in the allowable extension.

The library is no longer allowed to ask why the information is being requested, other than to verify whether or not it is for a commercial purpose. Commercial requests have a much longer timeline.

Before these changes the Freedom of Information Act and Open Meetings Act did not have many sanctions, other than censure. The new Act creates a Public Access Councilor as part of the Attorney General's Office. The PAC has the authority to investigate complaints and issue binding opinions on whether or not a body has properly complied with the Acts, and now the courts may issue civil fines for violations of the act.

Personal information is still exempt, but the Act provides a much more specific definition of what constitutes personal information. The library's usual practice has been pretty much in line with the new definition, so this does not particularly affect the library.

Bowen's biggest concern is that the Act now requires the library to furnish a document in electronic format if requested, and feasible. He will ask for clarification on this when he attends the training that the State's Attorney is required to provide. He would have no problem

providing a PDF document, but he would rather not provide a document in Word or an Excel spreadsheet that can be easily manipulated or changed.

The public body must appoint a Freedom of Information Officer to receive and respond to FOIA requests. Bowen suggested that this be the Library Director, since he would monitor this very closely anyway. This will be a Board action at the next meeting. The Act requires the public body's designated Freedom of Information Officer to complete an annual FOIA electronic training program that will be prepared by the State's Attorney's Office Public Access Councilor.

In addition to the FOIA provisions the new Act includes changes to the Open Meetings Act. The Board packet included a copy of the memo that Trustee Thomas Read prepared for the Executive Service Corp that discusses the appropriate use of email and the requirement that a quorum be physically present. Bowen added that he has begun archiving all of the email that he sends to Trustees on CD. In the past he did not retain Trustee responses to emails, but will do so from now on.

The real change is that the Open Meetings Act now specifically states the occasions on which a member of the public body can attend a meeting electronically – personal illness or disability, employment purposes or the business of the public body, or a family emergency. Vacations or other personal reasons are not included. Bowen does not think that it forbids someone from attending electronically as an observer, as long as they do not vote. He hopes to get clarification on this in the training that will be offered.

Currently the library's Freedom of Information Act procedures are not part of the library policy. Bowen will provide a new procedure that complies with the changes for the board's review at the next meeting.

### **REPORT FROM THE ADMINISTRATION**

Dale Galiniak has been hired as the library's Technology Manager. Galiniak was a part-time technology assistant and did a wonderful job of filling in for Ted Waltmire during his sick leave. Dale has undergraduate degrees in computer science and Japanese studies, and is working on a master's degree in network security. He was a tech assistant at the Center for Research Libraries for 2 years and is currently a tech assistant for the Hinsdale middle school district. He will begin working full time at the library at the end of the school term.

The library experienced major problems with its network server last week, so Dale experienced his baptism of fire. Ultimately it was discovered that two of the hard drives in the server failed at the same time. The library has multiple drives to provide redundancy in case one fails. Having two fail at the same time is unusual. The drives were under warranty but it took some time to get the HP techs to the library to help deal with the problem. The library has also been having some problems with the back-up system, so it was problematic as to whether or not good backup tapes were available. However, Dale and Mike Byrne the library's other part-time tech assistant have

been working on recovering data that was corrupted, and so far have been able to recover everything that was corrupted in the drive failures.

The library had budgeted to replace a server this year, but until this episode had not felt that it was needed. Since funds are available, a new server has been ordered and requested that shipment be expedited so that it can be paid for from the 2009 budget. The network server has been repaired, and it will be used to replace an older server. The library is reviewing backup procedures, support contracts, and other aspects of the network to help avoid a similar occurrence in the future.

The Board packet contained financial reports for November, and Bowen's memo mentioned his concern about the property tax collection. The library typically collects 99% of its total revenue and 100% of its property tax by the end of November. This year the library has collected 97% of its total revenue and 97.3% of its property tax. The library has collected a little more tax in the first two weeks of December, but Bowen is afraid that the total for the year will be a little lower than expected. On the other hand, the library finally shows more revenue from interest on investments so that line is beginning to catch up. The library's expenditures are looking good. The library typically spends about 85% of its budget by the end of November. This year the library has spent only 82% for the same period. Bowen is reasonably confident that the library's total expenditures will be low enough to compensate for any shortfall in revenue in 2009.

As the trustees know, Village Commissioner Bob Barnett is the liaison from the Village Council to the Library Board. In response to the comments made about the library budget at the recent village budget hearings, Bob made a written report to the council about the library. Bob's report is part of the board packet. Mr. Barnett has been committed to developing a Village budget that works within their seriously decreased revenue stream, so his positive remarks about the library are significant and appreciated.

Carlson reported that November statistics continue to show increases in circulation, reference questions, meeting room usage, program attendance, and computer usage. Circulation, reference questions, and program attendance are all up about 4%; meeting room usage is up 9.5%; and computer usage is up almost 23% for the year. It looks very likely that circulation will hit the one million mark for the first time this year!

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

Trustee Read, an MLS Board member, talked about the dire situation of Illinois library systems. Although all systems had 16% funding cuts, no system has yet received a payment from the state for this year. MLS has a reserve fund to carry them into January, a building fund to cover through March, and then they will have to get a line of credit to cover through June. MLS can operate for the year; other systems cannot. There will probably be a merger of a number of systems in the near future.

President Daniels suggested that a letter be sent from the Board reminding the state of the need of systems to support libraries, expressing concern, and asking what will happen to the services libraries depend on from the systems, for example, interlibrary loan delivery. Bowen will draft a letter for President Daniels.

Trustee Humphreys asked if staff have been affected by the H1N1 flu and how many staff have requested reimbursement for the vaccine. Bowen responded that a number of staff in the Circulation dept and throughout the library have had to use sick time for the flu, but that no one has asked for reimbursement for the vaccine to date.

Trustee Humphreys noted that the Village budget cuts included cuts in funding for community events such as Heritage Fest; so they are trying to determine if these events can be operated at no cost to the Village by getting non-profit organizations, such as the Rotary Club, Chamber, Economic Development, and other service clubs to sponsor the events rather than the Village.

### **OPPORTUNITY FOR PUBLIC COMMENT**

None.

### **ADJOURNMENT**

The meeting was adjourned at 8:53 p.m.

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

Thursday, November 5, 2009

**I. CALL TO ORDER**

Chairman McInerney called the November 5, 2009 Liquor Commission meeting to order at 6:35 p.m.

**II. ROLL CALL**

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

**ABSENT:** Mr. Clary, Mr. Adank

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

**OTHERS:** Larry Spatz, Joseph Frankel, Ronald Michalski, Pat Romanow, Bill Romanow, Steve Ryd, Walter Fornek, Mike Binstein, Jason Bell, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman McInerney asked for approval of the minutes October 1, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Ms. Strelau noted that several important points made by Mr. Spatz were omitted from the October minutes. She noted that these statements were important as they demonstrate his stated intent for his new business. Based on the notes she took, Mr. Spatz stated his "original concept where food was not part of the business would have been a huge mistake and went on to say Rita's would now be a serious restaurant and marketed as such". She noted that Mr. Spatz "was not interested in recreating the wheel but would rather turn to an established local family restaurant to run the kitchen in his new facility".

Hearing no further changes, corrections or additions, the October 1, 2009 minutes of the Liquor Commission meeting were approved as amended.

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."

**Gold Standard, Inc. d/b/a Binny's Beverage Depot**

Chairman McInerney stated that the first order of business was an application hearing for Gold Standard, Inc. d/b/a Binny's Beverage Depot located at 2010 Butterfield Road. He stated that the applicant is seeking a Class "P-1", full alcohol, off-premise consumption license.

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

Mr. Michael Binstein and Mr. Walter Fornek were sworn in by the court reporter. Mr. Fornek introduced himself as the President of the Binny's Beverage Depot. Mr. Binstein introduced himself as the owner of the company.

Chairman McInerney asked the applicant to present its case.

Mr. Fornek stated that they acquired an existing liquor store and were seeking an off-premise packaged liquor license. He stated that Sam's Wine & Spirits is 26,000 square feet. He stated that they made no changes to the existing facility and have no immediate plans to alter the floor plan.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka stated that issuance of the license remains contingent upon receipt of the annual fee and receipt of satisfactory background checks.

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

Chairman McInerney asked if there were any comments from the Commission.

Mr. Krusenoski had no questions.

Ms. Fregeau noted Binny's lengthy liquor handling experience. She asked what has been their biggest challenge in operating a packaged liquor store. Mr. Fornek replied the biggest challenges are customer service, having fair pricing, being responsible and being recognized in the community as good corporate citizens.

Mr. Fornek noted that they have not had problems with underage service violations. He stated that was in part due to the carding system in place. He advised that the customers date of birth has to be entered into their system. He stated they card anyone who appears under the age of 40. He stated that if the customer is at 21 years of age, the computer system locks up and a manager has to complete the sale.

Ms. Fregeau asked if they are tested in other communities. Mr. Fornek replied they are tested in many communities regularly, including Highland Park, Hawthorne, Buffalo Grove, Naperville, Plainfield and Skokie. He advised that they are tested in Chicago and have been tested by the Illinois Liquor Control Commission.

Ms. Fregeau complimented them on the liquor manual and the Downers Grove addendum.

Ms. Fregeau asked what happens to employees involved in the sale to a minor. Mr. Fornek replied that they will be terminated immediately.

Mr. Fornek advised that they card anyone looking under the age of 40 and refuse third party sales. He stated that they have a monthly observation log where every cashier is tested. He stated that if employees fail during their observation and do not follow policies they are immediately terminated.

Ms. Fregeau advised that the fines to servers recently increased from \$250 to \$500. She suggested that they update the fines in their manual on page 5(a).

Ms. Fregeau recalled when they appeared before the Commission previously and there was some discussion about a café concept. She asked if they will only conduct packaged sales. Mr. Fornek stated the remodeling of this store will be tabled until January or February. He stated that they are now just trying to transition the business. He stated before they can sit down to determine what can be done at the facility, they have to concentrate on training all employees and integrate into the new operation.

Ms. Fregeau asked what procedure they have in place if a fake identification is presented to a cashier. Mr. Fornek stated that they would confiscate the identification and contact the police.

Ms. Fregeau stated it was good to show the identification samples in the manual and that they would not accept any vertical licenses. Mr. Fornek replied that they will conduct re-training on the vertical licenses. He was under the impression that alcohol purchases are not allowed with the under 21 vertical license. Ms. Kuchynka clarified that there is no local ordinance where they cannot accept the vertical license if the individual is 21. She believed that Binny's enters the date of birth for anyone appearing under the age of 40. She understood that a manager would have to key in approval for those patrons bordering 21 as the license is locked out of the system.

Ms. Strelau noticed that several employees serve as BASSETT certified trainers. Mr. Fornek replied eight. Ms. Strelau wondered if a BASSETT trainer will be placed in the Downers Grove store. Mr. Fornek replied yes. He stated that the Naperville manager and Director of Recruiting are certified trainers. He stated that training will be done at the Downers Grove store.

Ms. Strelau asked how many employees they will have. Mr. Fornek replied 22, with more added during the holidays.

Ms. Strelau asked if any employees will be under 21. Mr. Fornek replied no.

Ms. Strelau asked if they installed their own register system to verify age and identification. Mr. Fornek replied yes.

Ms. Strelau informed them if their floor plan changes, they need to advise staff.



Ms. King stated that their manual was very comprehensive. She thought the inclusion of information for employees involved in a hold up was interesting.

Ms. King stated that their original presentation was for an on-site cafe within the packaged goods store. She asked if that was still a possibility and wondered if the location was large enough. Mr. Fornek replied that the store needs freshening up. He stated that the store was 26,000 square feet which was about 3,000 square feet larger than their other stores. He stated that they do have room to do something different and make it unique.

Ms. Kuchynka advised that the Village did not pass the ordinance which would allow on-site consumption at a full alcohol packaged store. She stated that should they want to proceed, the Village Council would need to consider and approve the amendment in order for them to upgrade the license to allow on-site consumption.

Chairman McInerney was pleased that they found a location in the Village. He stated that Binny's is in the business of selling liquor. He mentioned underage sales and advised that Sam's location had issues in the past. He stated that they had a history of violations and wanted to be sure that Binny's does not have that same type of exposure.

Ms. King asked if they plan to hire their own employees or if Sam's employees were taken on. Mr. Fornek replied that they hired all of Sam's employees, less one.

Hearing the testimony given in this case, Chairman McInerney asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-1", full alcohol, off-premise consumption liquor license application.

**MS. FREGEAU MOVED TO FIND GOLD STANDARD ENTERPRISES, INC. D/B/A BINNY'S BEVERAGE DEPOT LOCATED AT 2010 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. STRELAU SECONDED.**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 5:0:0**

The motion carried.

**Small World Entertainment, LLC d/b/a Rita's American Roadhouse and Mama Romano's Kitchen**

Chairman McInerney stated that the next order of business was an application hearing for Small World Entertainment, LLC d/b/a Rita's American Roadhouse and Mama Romano's Kitchen located at 1211A Butterfield Road. He stated that the applicant is seeking a Class "E-5", full alcohol, on-premise consumption liquor license.

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

Mr. Larry Spatz, Mr. Joseph Frankel and Ms. Pat Romanow were sworn in by the court reporter. Mr. Spatz introduced himself as the managing partner of Small World Entertainment. Mr. Frankel introduced himself as the operating manager. Ms. Romano stated she will be operating Mama Romano's Kitchen.

Chairman McInerney asked the applicant to present its case.

Mr. Spatz advised that much has changed since he appeared before the Commission two months ago. He stated that the original concept was an entertainment center without focusing on operating as a restaurant. He noted that after receiving feedback from the Commission and based on business judgment, they felt that being a serious pizza restaurant would create a more successful business. He hoped that they would attract a 25-45 year old officer worker customer base.

Mr. Spatz stated that the key is to have great pizza. He stated that he has developed a relationship with Patti who operated the family-run Como Inn. He stated that she also operated the Spaghetti Bowl in Western Springs for 50 years. He stated that they developed a business relationship where she will serve as his food partner for Mama Romano's Kitchen. He advised that Pat will be closing the Western Springs operation and devoting all of her business time to running this operation. He stated that her income and livelihood are dependant on a good food product. He stated that his responsibility is to bring customers to the space.

Mr. Spatz recalled the Commission asking about the business name and how people would know whether it is a restaurant or entertainment center. He stated that he would market the establishment as a restaurant and entertainment center. He stated that since the last meeting they have changed the name to add "Mama Romano's Kitchen". He believed that they have altered the concept which he hoped to get national attention. He noted that if it is created well and the design works, this will be a prototype with the potential for national growth.

Mr. Spatz advised that he is relocating his corporate offices. He stated that Rita's and his electric vehicle company will operate out of the Village and is committed to Downers Grove. He advised that Joe Frankel, who resides in Colorado, will be relocating to the area also.

Mr. Spatz advised that it will be clear that the establishment will be a pizza restaurant and entertainment center which they will market as such. He mentioned that they plan to conduct focus groups to determine the name. He advised that they have filed the d/b/a name as Rita's American Roadhouse and Mama Romano's Kitchen and advised that may change. He advised that there are four potential names they are considering and he may ask permission for the d/b/a name change. He stated that the potential name will have some mixture of Mama Romano's Kitchen and Mama Romano's Pizza.

Mr. Spatz stated that he has been dealing with the Economic Development Commission. He summarized by reading a letter directed to Greg Bedalov regarding the concept. He stated as follows:

"I am writing to acknowledge the positive experience I have had in dealing with employees of Downers Grove. As background, I am planning to open a restaurant and entertainment center, Rita's American Roadhouse, in Downers Grove. I previously owned and operated the largest entertainment/restaurant chain in the world. I had five different concepts with 40 locations in 12 different states in addition to locations throughout Europe. The restaurant/entertainment center is a joint venture with Patti Romano, who will be closing her Spaghetti Bowl which has operated in Western Springs for 50 years. She will develop and operate the restaurant. The center will employ 60+ people. The reason I mention this is because in our lengthy business history, Patti and I have rarely ever dealt with a city and city employees as pleasant and helpful as Downers Grove. Carol Kuchynka has made the process of creating an ordinance a more pleasant experience by her professional and knowledgeable assistance. In addition to her effort, the help an input from Lt. Budds, Fire Marshal Mike Gilbert and city attorney Enza Petrarca

has made Downers Grove a great city to start a new concept. My goal is to develop a prototype in Downers Grove that can be then be rolled out nationally and internationally. In response to the support Downers Grove has give me I hope to create a concept that will make the city proud”

He provided a copy of the letter to the Commission.

Mr. Spatz stated that the letter expresses his experience with the Village. He stated that they are excited to bring this concept to Downers Grove.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka advised that the E-5 license category was adopted on November 3<sup>rd</sup>. She stated that the license is contingent upon receipt of the annual license fee, receipt of satisfactory background checks, a certificate of occupancy and proof of dram shop insurance.

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

Chairman McInerney asked if there were any comments from the Commission.

Ms. King asked if they will have any under 21 servers. Mr. Frankel replied no.

Ms. King asked Ms. Romanow if she will retain her employees. Ms. Romanow replied no, as most were not over 21. She stated that only her manager will be coming along with her.

Ms. King stated that the manual was specific about repercussions for someone who violates a control buy. She stated that the first offense was going to be met with a two week suspension and retraining upon their return. She felt that may be too minimal and suggested that it may be more effective if termination is possible as opposed to suspension. Mr. Spatz replied that sometimes it may be hard to make that decision because they may have acted with due diligence. He stated that Joe will ultimately make the determination to keep the employee or not. Ms. King noted that some employees may argue against their termination if they are not advised of that possibility up front. Mr. Frankel stated that they can re-phrase the statement to include “up to and including possible termination”.

Ms. Strelau asked Mr. Frankel if he was currently in Colorado and will be relocating. Mr. Frankel replied yes.

Ms. Strelau asked when they hoped to open the establishment. Mr. Spatz replied March 1<sup>st</sup>.

Ms. Strelau referred to the Business Activity Declaration page of their application. She stated that the concept has changed and that they are going to operate as a restaurant. She notices that they only attributed 25% of sales to food. She stated that same amount (25%) is allocated to private parties and merchandise sales. She asked them to explain how the facility which is focused as a restaurant can attribute only 25% of its sales to food. Mr. Spatz replied that figure is pure food sales and he did not include soft drink sales which would count for another 10%. He estimated 40% in liquor sales. He stated that private parties and corporate events will be major food events where of that 25% private party estimate, 2/3 would be estimated food sales and 1/3 would be estimated liquor sales. He stated if the percentages are put together, they would be around 40% food and food attributed (soft drinks), 20% combination of entertainment fees (cover charges), bottled Mama Romano’s spaghetti sauce and t-shirt sales. He believed that they would end up at 50/50 in sales but did not want to underestimate. He stated their objective is to be a restaurant and plan on marketing food first. He stated if they have a full restaurant at 9 o’clock and all the fun and entertainment starts, business will grow from those people there eating.

Mr. Spatz stated that his part of the contract with Patti is to bring business to her. He noted that if the kitchen does not have enough sales, he has to supplement Patti's income. He stated that the establishment is geared toward food, they have priced food items competitively and moderately. He stated that it is in his best interest to have a full restaurant and keep patrons there for the entertainment.

Ms. Strelau understood that it is difficult to make precise allocations. She stated that it helps the Commission understand the direction of the business and provides them with insight as to what the sales will consist of.

Ms. Strelau asked if patrons will be over 21. Mr. Spatz replied yes. He stated that nobody under 21 will be allowed into the facility.

Ms. Strelau referred to the security plan. She advised that as nobody under 21 will be allowed in, they may want to revise their Door Host function list on page 18 of the manual and move Item #8 - "minors under 21 years of age will not be allowed into the establishment" to Item #1. She stated that the license classification by ordinance requires patrons to be over 21.

Ms. Strelau asked if the manual is complete. She noticed page numbering errors where ten pages marked "34". Ms. Kuchynka stated that page number error may have occurred when she printed out their amended Word document received via email.

Ms. Strelau reviewed the menus. She wondered if they had a corresponding drink menu. Mr. Spatz replied no. Ms. Strelau recalled some interesting items found on drink menus such as mini-kegs and drink towers. She advised that Downers Grove has regulations as to the manner in which quantities are served to a table.

Ms. Strelau noticed several rooms on the plan and asked for an explanation of the layout. She asked him to describe the rooms and what activities will take place in them. Mr. Spatz replied that upon entering patrons step into the 5-6,000 square foot main room. He stated that to the left will be a warm, knotty pine Wisconsin type roadhouse atmosphere with a raised seating area. He stated that to the right will house the mechanical bull. Mr. Frankel stated that there will be banquette seating with tables with red and white checkered table cloths and there will be a bar in the middle. He stated that there will also be a DJ booth and dance floor. He stated that the area will be barn/road house motif.

Mr. Frankel stated that there will be a sports bar area to the rear of the establishment. He stated that the far right front room will be the piano bar. He stated that there five areas to the facility which include a restaurant area, sports bar area, dance floor area, bull riding area and dueling piano bar area. Mr. Spatz noted that there is dining seating throughout and the entertainment will be visible throughout the facility.

Ms. Strelau asked staff if they will meet the minimum seating requirements. Ms. Kuchynka replied yes. She stated that they much maintain a 125 dining seat requirement. She advised that there was a seating and occupancy breakdown supplied with the floor plan layout.

Ms. Strelau asked if the seating within the piano bar area is bar seating. Mr. Spatz replied that they are not cocktail sized tables, but are food service tables at 20x30 and 30x30 in size.

Mr. Frankel stated that patrons can order food anywhere in the 12,000 square foot facility. He stated that all servers will be trained to serve food.

Ms. Strelau noted that Mr. Frankel ran several operations. She asked what will be the biggest challenge of operating the 12,000 square foot facility. Ms. Frankel replied that this will be one of the smaller

locations he has managed and advised that the facilities he overlooked ranged from 10,000-40,000 square feet. He felt that he could effectively run the facility due to his background.

Ms. Strelau asked how many patrons they anticipate to have in the facility on a Friday or Saturday night. Mr. Frankel replied that the maximum occupancy is about 700. Mr. Spatz stated that the facility was approved for an 800 capacity. Mr. Frankel noted over the course of the evening they hoped about a 1,500 head count which would be a turn and a half to two turnovers.

Ms. Strelau stated there will be a lot of occupants and noted they indicated they will be using their solar bus to manage people in the parking lot. Mr. Spatz stated that parking is a significant issue. He advised he has been in contact with the office facility next door to acquire spaces at night for valet service. He stated that they will use their electric cars for crowd movement and safety. He stated this will allow them to spread out parking and provide safe transportation for a customer to their vehicle. He felt this is a unique way to deal with security and parking issues as well as a way to get publicity for his electric cars.

Ms. Strelau stated that there can be as much extra curricular activity outside as there is inside. She noted that was also their responsibility. Mr. Spatz advised that outside security is important. He stated that Ron will be dealing with parking lot issues, safety and security. Mr. Spatz advised that they also have a crew at the end of the night responsible for clean up of exterior areas.

Ms. Fregeau stated that they have gone through a lot of strategic and operational transformation.

Ms. Fregeau asked if they planned to charge a cover charges over the course of the evening. Mr. Frankel replied there will be no cover charge during dinner hours of 4-9, but will charge a cover to maintain the entertainment after 9 or 10. He stated that the fun, reasonably priced restaurant will be their early energy which feeds the entertainment factor later.

Ms. Fregeau stated that they advised of entertainment consisting of dueling pianos, dancing and bull riding. She asked if employees will be involved in entertaining guests. Mr. Frankel replied yes. Ms. Fregeau asked if employees will be in costume or uniform. Mr. Frankel replied that employees will be fully clothed and encouraged them to wear a costume, but there will be parameters to what is allowed. He advised that they have choreographers that worked for Disney who will teach choreographed things for employees. He stated that they will be cued with something 80's to entertain the customer.

Ms. Fregeau was pleased that they will not be accepting any vertical identifications. She felt the testing was good. She liked the anti-pass back scanner provisions.

Ms. Fregeau noted that the lease stated the facility is a "nightclub, bar and restaurant, nightclub restaurant and entertainment center". She wondered if the landlord understood that the restaurant is their main focus. Mr. Spatz stated that the lease was negotiated before they evolved the concept and the purpose of those statements was to put everything that they plan to do, otherwise the landlord could come back and say they could not do what they intended.

Ms. Fregeau was impressed with hearing about their history and their dealings with local police departments and the State regarding fake identification and confiscation procedures.

Ms. Fregeau noted that the manual cites Illinois State law violations. She looked them up on-line and noticed they were listed as proposed rules and recommendations. She wondered if they were passed as law or if they were still recommendations. Mr. Michalski stated that many on-line sources are not updated regularly and are only codified periodically. Ms. Fregeau wanted to be sure they are validated as correct and updated. Mr. Frankel stated regardless if they are adopted as law or not, they wanted to adopt them as part of their internal operating procedures.

Ms. Fregeau asked what their biggest challenges in the past have been. Mr. Frankel replied that the challenge of protecting the customer, the employee, protecting the liquor license and making the experience for the customer great. He stated that they are very serious in keeping everyone safe while protecting and upholding the law.

Ms. Fregeau stated that they will set the tone and tenor for the employees. Mr. Frankel agreed.

Mr. Krusenoski was concerned with the initial concept of the night club. He enjoyed the evolution of their strategy and was pleased with new the emphasis on the restaurant versus entertainment.

Mr. Krusenoski noted that they will have to address signage issues. Mr. Spatz replied that he was advised by Greg Bedalov to bring awareness that they need bigger signs.

Mr. Krusenoski felt that the roadhouse theme may still confuse people into thinking an urban cowboy establishment. He felt what comes out in their focus groups will be interesting.

Chairman McInerney stated that the past happy hour environment is very different from what is allowed today. He felt that the concept and focus on the restaurant to draw in crowds was good.

Chairman McInerney stated that they mentioned staff entertainment and asked what their plans were for that and the required attire. Mr. Frankel replied blue jean bottoms, skirts, short or pants with any variation of plaid for the tops. He stated that security staff will have a distinguished, highly visible t-shirt with a graphic saying "security". Mr. Spatz advised that they audition employees. He stated that they get great energetic applicants. Mr. Frankel stated that they hire based on personality, creativeness, flare and ability to dance.

Chairman McInerney noted for the Commission's benefit, it helps them to get a better understanding of what to expect once they open.

Chairman McInerney asked how many staff members they anticipated. Mr. Frankel replied 60+. He stated that the average operating staff will be 20.

Chairman McInerney asked how they planned to train the staff. Mr. Frankel replied that the audition process will start a month out before opening. He stated that the overall training, BASSETT training, security training, choreography training and music cue training, promotional training and bartending will take three to four weeks. He stated that they also bring in MADD (Mothers Against Drunk Driving) representatives for a high-impact alcohol training.

Ms. Clark asked for clarification about the uniform which may consist of any variation of plaid for the top. She asked about coverage and asked if they required a shirt or if staff could wear a bikini top. Mr. Frankel replied that they do not want to come off with sexual innuendos and envisioned a female employee wearing a bikini top with a plaid shirt tied at the waist covering over it.

Chairman McInerney believed they knew what challenges they have to face based on their experience. He advised that some facilities who solely rely on door staff to catch all those under 21 who try to enter may be an issue. He stated that in some instances the Village's agent made it though the front door and other employees mistakenly assumed the agent was over 21 since they made it through the door. He wanted to be sure that servers know they will be held accountable if they serve a minor and wanted to be sure they cover that scenario with staff. Mr. Frankel stated that individual employees will be responsible for the legality of their serving.

Mr. Spatz stated that servers will be trained to check identification. He stated that at 5 pm, they might not have somebody at the door.

Ms. Fregeau stated that page 19 of the manual states that "the door will never be left unattended". Mr. Spatz replied that it will be attended, but the door person may not necessarily be responsible for checking identifications. Ms. Strelau asked how they will make sure patrons are not under 21 when they enter. Mr. Spatz stated that they will check identification at the door and the servers will check as well.

Ms. Strelau noted the importance of checking identification at the door and that the license classification requires that patrons be over 21. Ms. Fregeau re-addressed that point as it opens them up to the possibility of underage entrants.

Chairman McInerney noted that when the Village conducts compliance testing they could be cited for letting someone under 21 into the facility in addition to citing them if they serve the agent. He wanted to be sure they clearly understood their obligations. Mr. Frankel stated that they will not let anyone under 21 into the building.

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 "E-5" liquor license application.

**MS. KING MOVED TO FIND SMALL WORLD ENTERTAINMENT, LLC D/B/A RITA'S AMERICAN ROADHOUSE AND MAMA ROMANO'S KITCHEN LOCATED AT 1211A BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "E-5", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.**

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

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 5:0:0**

The motion carried.

Ms. King asked if they will have a website. Mr. Spatz replied yes, prior to opening. Mr. Frankel noted that they have a marketing department which will set up sites on MySpace, Facebook and Twitter.

## **V. OLD BUSINESS**

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

Ms. Kuchynka left the Commission the final adopted version of the Entertainment/Restaurant Facility Ordinance. Ms. Strelau asked if it was different from what they saw previously. Ms. Kuchynka replied yes and stated it was amended to incorporate Council's request to clarify what the primary business is for each classification.

Ms. Kuchynka advised that North Beach was issued their liquor license. She stated that she conducted a walk-through inspection with Code and Fire Prevention officials. She believed that they would be open to

the public this week. She noted that they had a soft opening with volleyball league participants up to now.

Ms. Kuchynka advised that Chama Gaucha had their grand opening on November 4<sup>th</sup>. She stated that they desired an October 22<sup>nd</sup> opening, but pushed it back in order to celebrate their one year anniversary at the San Antonio location.

Ms. Kuchynka provided the Commission with a revised Liquor Manager application which requests further detailed information about the managers' liquor handling experience. Ms. Fregeau thanked her for amending the application.

## **VI. NEW BUSINESS**

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

Ms. Kuchynka noted that she did not receive application from Walgreens to date. Ms. Kuchynka noted the last minute change to the entertainment ordinance which increased the number of beer and wine licenses based upon requests from Walgreens.

Chairman McInerney noted that the Tribune had an interesting article about the rationale behind Binny's decision to buy Sam's Wine & Spirits. Ms. Kuchynka noted that Binny's bought the Chicago location.

Ms. Kuchynka advised that she may cancel the December meeting due to lack of agenda.

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

There were none.

## **VIII. ADJOURNMENT**

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

Mr. Krusenoski moved to adjourn the November 5, 2009. The meeting was adjourned by acclamation at 8:12 p.m.