

**REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE
DOWNERS GROVE PUBLIC LIBRARY
FEBRUARY 24, 2010**

MINUTES

ROLL CALL

President Daniels called the meeting to order in the Library Meeting Room at 7:35 p.m. Trustees present: DiCola, Eblen, Greene, Humphreys, and Daniels. Trustees absent: Read. Also Present: Library Director Bowen, Assistant Library Director Carlson. Visitors: none.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting of February 10, 2010. It was moved by Humphreys and seconded by Eblen **THAT THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 10, 2010 BE APPROVED AS WRITTEN.** Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

PAYMENT OF INVOICES

The Board reviewed the list of invoices submitted for payment. It was moved by Greene and seconded by Eblen **TO APPROVE PAYMENT OF OPERATING INVOICES FOR FEBRUARY 24, 2010 TOTALING \$36,028.63.** Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT ON AGENDA ITEMS

None.

OPPORTUNITY FOR PUBLIC COMMENT ON OTHER LIBRARY BUSINESS

None.

OLD BUSINESS

None.

NEW BUSINESS

- Review and approval of the 2009/2010 Illinois Public Library Annual Report

A copy of the Illinois Public Library Annual Report (IPLAR) was included in the board packet. Steve Daniels pointed out that the copy in the packet had his old address. Bowen said it has been corrected on the online form that will be submitted.

The board had already seen most of the statistics and budget figures in other reports so Bowen did not review the report in detail. He did highlight the manner in which the report breaks down library revenue under **Operating Receipts by Source** (page 6). Line 9.1 the receipts from local government is the library's property tax levy of \$3,738,328. Receipts from state government are the Per Capita Grant and the Replacement Tax. Each was about \$58,000 in 2009. Other income on line 9.15a is all of the revenue the library receives mainly from overdue fines and non-resident fees, with a much smaller amount from meeting room rentals and copying and printing fees.

He also talked about the section on **Eliminated Librarian Positions** (page 13). The report directs libraries to list all positions held by staff with a library degree, regardless of the actual requirement of the position. The library's previous Technology Manager was a librarian with a Master's of Library Science degree, so that position was listed in previous reports. Our new Technology Manager has degrees in computer networking. So this year Bowen had to report that the library had eliminated a professional librarian position, even though the library has actually filled it with someone whose credentials are more relevant to the work of the position. Bowen included an explanation of this in the notes section of the report (page 20).

Bowen also mentioned that wherever the report refers to FTE (full time equivalent) staff, the figure is calculated on a 40 hour work week. The library's full-time week is 37.5, so the FTE for the library is a little less than Bowen would state if asked in another context. The purpose of doing this in the IPLAR is to allow comparisons with other libraries whose full-time weeks range from 35 to 40 hours.

For the first time, this report asked libraries to calculate the total number hours they were open for the year. In the past the report asked only for hours open in a typical week. Downers Grove was open 3,630 hours in 2009.

It was moved by Humphreys and seconded by DiCola **TO APPROVE THE ILLINOIS PUBLIC LIBRARY ANNUAL REPORT AS ESSENTIALLY ACCURATE AND CORRECT.** Ayes: DiCola, Eblen, Greene, Humphreys, Daniels. Abstentions: none. Nays: none. Motion carried.

REPORT FROM THE ADMINISTRATION

The library just participated in a statewide project to give a Snapshot of One Day in the Library, and Bowen was curious about how that day compared to an average day in the library. In fact, Snapshot day was a very busy day – great for the PR purpose of the Snapshot project. Since Bowen had the total hours the library was open for the year and the annual usage statistics in the IPLAR, he calculated a few interesting numbers.

Every hour the library was open in 2009 (3,630 hours), the library averaged:

276.5 items checked out *every hour*

159 visitors arrived *every hour*

25 reference questions were asked *every hour*

29 out of 30 public Internet computers were in use *every hour*

The library's website is available 24 hours per day, seven days per week, so the library averaged:

93 visits to the library's website *every hour, 24 hours per day, 7 per week*

Pretty impressive!

Trustee Humphreys asked, "Does the library have enough computers?" Bowen reminded the board that the library is hoping to add ten more computers in the new computer training lab for which the library recently applied for a grant, and those computers would be used by the public when not being used for classes.

Bowen reported that he completed the online training for the Open Meetings Act designee. So, he has now completed the required training and is registered with the State's Attorney General as the board's Freedom of Information Act Officer and the Open Meetings Act Designee.

Bowen included in the board packet two brief articles from the January 18, 2010, *Publishers Weekly*. The first article "E-Readers for Everyone" is a review of the many new readers that were displayed at the recent Consumer Electronics Show. (He noted that the most recent issue of *Library Journal* also has an article on the show, with much better pictures.)

The second article in *Publishers Weekly* that really interested Bowen is the very short "Report Gauges E-book Market." This summary of the report shows the sources from which people who use ebook readers obtain the ebooks for their readers. It was no surprise that Amazon.com has 48% of the market, since they have been pushing ebooks for a relatively long time. Though with all of these cool new readers coming out in the spring, Amazon may have some real competition. Bowen was most surprised and pleased to see that 8% of the ebook consumers said that they look to their library to provide content to read. Since libraries generally are not yet into ebooks in a big way, he believes that this is significant. The discussion of the print book purchasing habits of

ebook readers is also interesting, though Bowen is not surprised that individuals who are heavy ebook consumers buy fewer print titles.

Bowen said he does not plan to include articles in every board packet, but he is thinking a lot about the future of the book and the library, as apparently are a lot of other people. He will share articles like these from time to time that may help the board understand what Bowen is talking about when the board discusses the future direction of the library during the planning for the next budget cycle.

Bowen sent the board an email report of the incident the previous week in which staff found a note claiming to report the location of the missing Stacy Peterson. Bowen turned the note over to the Downers Grove police, who forwarded it to the State Police who are doing the actual investigation. The state police talked with library staff who worked when the note was found, and they finger printed staff who had handled it so they can separate staff prints from those of the person who left the note. The officer told Bowen that the address given in the note is a real address and was being investigated at the same time the officers were at the library. Bowen assumed that if any real evidence had been found, it would have been reported in the news, so the note left in the library was probably a joke.

Bowen highlighted several items in the departments' monthly reports. Teen and Literature Librarian Lynette Pitrak and Reference Librarian Keith Barlog hosted **Exam Cram** in January, during the week of semester finals. The library meeting room was turned into a study room for high school students. Tables and chairs for study, laptops set up for teen use, and of course refreshments. The response was very positive with 25 teens at one session and 6 at the other. The teens suggested having the session earlier in the week, so staff will plan sessions on Tuesday and Wednesday in June.

The Circulation report mentioned that there were a record number of items on the pick list in January. Bowen felt pretty sure that none of the trustees knew what the "pick list" is so he explained it. Every morning staff at all SWAN libraries run a report called the pick list. It lists the items in the library's collection that have been requested by patrons of other SWAN libraries. Staff take the list and go to the shelves to collect the titles on that day's list; then they bring the material back to Circulation where it is processed for delivery and placed in large bins to be collected by the next morning's MLS delivery. The last thing staff do every day is wheel the carts of bins over to the delivery entrance for pickup. In January there were over 7,000 items on the pick list. That is a lot of material for staff to collect, process, and send out to other libraries. And the library received and processed that many more items sent to our library from other SWAN libraries to fill our patrons' requests. This is in addition to the 276.5 items per hour that the Circulation staff are checking out (and hopefully checking back in.)

Carlson and Trustee DiCola reported that all 18 holes for the Library Foundation mini-golf event have been sponsored. Many thanks go to John Mochel for helping to bring in a number of sponsors. Other businesses or organizations expressing interest in sponsorships can still donate prizes, and Bowen suggested that a business could sponsor the Teens and Kids Tournament.

TRUSTEE ANNOUNCEMENTS AND REQUESTS FOR INFORMATION

Trustee Humphreys asked what the “money collected for SAM copies” on the Reference statistical report was, and if it was all the money collected for SAM copies. Bowen and Carlson responded that this amount is not all the income for SAM copies, but is likely the amount of cash collected at the Reference and Computer Room desks when a patron cannot use an APM (automated payment machine). Carlson will confirm what this revenue is. Patron printing has decreased since the SAM computer and print management system was installed a few years ago. Patrons are more careful to print only what they need since the system forces them to pay after the first five free black and white copies. Since most patrons print the free five or fewer pages per day revenue from SAM is not a large amount; however, printing costs for the library are much lower.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

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

Thursday, January 7, 2010

I. CALL TO ORDER

Chairman McInerney called the January 7, 2010 Liquor Commission meeting to order at 6:32 p.m.

II. ROLL CALL

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

ABSENT: None

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

OTHERS: John Villegas, David Villegas, Bill Clausen, Thomas Dekant, Jay Nagy, Nick
Nagy, Dean Pozarzycki, Court Reporter

III. APPROVAL OF MINUTES

Chairman McInerney asked for approval of the minutes November 5, 2009 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the November 5, 2009 minutes of the Liquor Commission meeting were approved.

Chairman McInerney reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman McInerney made the following statements:

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

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

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available licenses within 60 days in order to consult the Plan Commission for its recommendations."

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

V. Michael's Wine & Spirits, LLC d/b/a Michael's Fresh Market

Chairman McInerney stated that the first order of business was an application hearing for V. Michael's Wine & Spirits, LLC d/b/a Michael's Fresh Market located at 7241 Lemont 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. John Villegas and Mr. David Villegas were sworn in by the court reporter. John Villegas introduced himself as the general partner of V. Michael's Wine & Spirits. David Villegas introduced himself as the managing partner.

Chairman McInerney asked the applicant to present its case.

John Villegas distributed a presentation packet to the Commission. He stated that he and David are the owners of the V. Michael's Wine & Spirits, LLC. He stated that Michael's main operation is a grocery store. He stated that they have entered into a sublet agreement with the owners of Michael's Fresh Market to operate the wine and liquor area of the store. He stated that they were seeking a full alcohol license for off-premise consumption. He stated that their focus will be speciality wines and craft beers. He stated that they will not be selling kegs. He stated that they will be open from 10 am to 9 pm and noted that all liquor sales will be restricted to the liquor department. He stated that there were no separate entrances or access to the liquor department but through the grocery store. He stated that they have entered into a memorandum of understanding with the owners of Michael's Fresh Market which provides marketing rights for them and sets forth their business relations. Ms. Kuchynka distributed a copy of the memorandum of understanding.

John Villegas advised that they plan on training employees with their manual and that they become TIPS certified. He stated all employees will be over 21. He stated that they will be implementing an electronic identification system. He advised that they will not accept the vertical license.

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 certificate of occupancy, annual fee, satisfactory background checks, dram shop insurance, signed lease and signed memorandum of understanding.

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. Strelau had some confusion about the operation. She asked when the memorandum of understanding was created and why it was not included in the packet. John replied that it was drawn up within the past few weeks and signed on January 5th. Ms. Kuchynka advised that the packet went out before she

received the document. Ms. Strelau did not recall this type of scenario or operation by any other license holder.

Ms. Strelau asked who sublet the building. John Villegas replied that V. Michael's Wine & Spirits will own the license and are subletting the space from the owners of Michael's Fresh Market. He stated that the Michael's Fresh Market group concentrates solely on grocery sales and the elected to out source liquor sales. John added that Michael's Fresh Market owners are a separate group.

Ms. Strelau asked if V. Michael's Wine & Spirits will only focus on liquor portion of this endeavor. John replied yes.

Ms. Strelau asked David if he will be serving as liquor manager. David replied yes. She asked if he had any previous experience as a liquor manager. David replied no. He stated that he will be managing Michael's Fresh Market grocery store in addition to managing the liquor department. She asked if he has managed a grocery store before. David replied yes.

Ms. Strelau referred to the declaration page concerning their principal business and asked if they identified only their liquor revenues. David replied yes. Ms. Strelau noted sales were divided amongst wine and spirits at 70%, soda and juices at 10%, and sundry items at 20% of their expected revenues.

Ms. Strelau asked David if he felt comfortable with his ability to manage both the store and the liquor department even though he had no prior experience as a liquor manager. David replied yes. John noted that they both have experience in the liquor industry. Ms. Strelau asked John if he will be on-site. John replied he will be on site periodically for hiring and training, but David will be the liquor manager.

Ms. Strelau informed them that the Village conducts controlled buys. She wanted them to be aware that they will be tested.

Ms. Fregeau asked David to elaborate on his liquor handling experience at the Hardy Fresh Market as indicated on his liquor manager application. David replied that Hardy's sold alcohol at that location and he managed the store. She asked how many hours he will spend at the location. David replied he will be working every day from open to close, managing both the grocery store and liquor department.

Ms. Fregeau asked if customers will be paying for all alcohol in the liquor department of the store. David replied yes and that liquor sales are completely separated from the grocery store items.

Ms. Fregeau asked David what his biggest challenge was in managing the Hardy Fresh Market. David replied making a variety of customers happy and dealing with employees.

Ms. Fregeau asked how many employees they will have. David replied sixty-five. John clarified that three, who are over 21, will be hired to work solely in the liquor department.

Ms. Fregeau asked David if he was TIPS certified. David replied not yet, but will soon be.

Ms. Fregeau mentioned that the State of Illinois website has kits available that may have tools, signage and helpful information for them.

Ms. Fregeau referred to their manual and that they would require identification showing proof of age from anyone who appears to be under 30. John replied yes.

Ms. Fregeau asked about their experience with the vertical license and if they will accept them. John replied that they will not accept the vertical identifications. He was aware that they expire three months after the date of birth.

Ms. Fregeau wondered what consequences would be if an employee serves an underage patron. John replied that could be grounds for immediate termination. She asked if termination would be under their discretion and due to circumstances of the case. John replied yes, but if an employee negligently fails or does not follow procedures, they will be terminated. She suggested that they spell out that policy more clearly in the manual.

Ms. Fregeau wondered what procedures they have in place if they are presented with fake identification. John replied that their identification scanning software should detect a fake id. He noted that they would confiscate it and contact the local authorities that an attempted purchase was made.

Mr. Adank asked if there was only one entrance to the liquor department. David replied yes and added that customers would have to enter the grocery store and then enter through a second set of sliding glass doors to gain entry into the liquor department.

Mr. Adank noted that David was acting as manager between the grocery store and liquor department. He wondered what percentage of the day would be committed to liquor responsibilities. David replied that he will dedicate more time toward the liquor department and noted that there will be many managers under him monitoring the grocery store portion. David replied that there are 8-10 managers, one per department. He will also have a manager serving under him in the liquor department.

Mr. Adank recalled that employees hired for the liquor department will be 21 and older. He asked if they will be separate employees from the grocery store. David replied yes.

Mr. Clary asked if this was their venture into the liquor business. John replied yes.

Mr. Clary asked David how he will manage the liquor department employees versus the grocery store employees. David replied that the grocery store employees will be spread amongst his management team.

Mr. Krusenoski asked if any other Michael's Fresh Market locations sell liquor. David replied no. David noted that Harvey's Fresh Market did sell liquor, but is not involved with Michael's.

Mr. Krusenoski asked how many Michael's Fresh Market locations exist. David replied Downers Grove is the second and they were planning to open a third in Oak Park.

Mr. Krusenoski asked David if he will be an employee of both Michael's Fresh Market and V. Michael's Wine & Spirits. David replied he is part owner of V. Michael's Wine & Spirits and is a manager/employee of Michael's Fresh Market.

Mr. Krusenoski referred to the Employee Acknowledgment Form in the manual. He wondered why "on-premise consumption" was listed and wondered if that was an error. John replied yes and that he would fix that statement to reflect only off-premise consumption. John added that pursuant to their Memorandum of Understanding, on-premise consumption is prohibited and there will be signage posted to that effect.

Ms. King questioned who would be liable if they fail a control buy test. John replied their company, along with their employees are fully responsible.

Ms. King wondered how accessible David will be if an employee in the liquor department has a question about checking id's. David replied that he will have a pager and cell phone on him. He added that his office is next to the liquor department. He noted that employees can also page him over the store intercom.

Ms. King asked if employees will be required to physically run an identification through the scanner or if an employees can manually enter an auxiliary date in to complete a transaction. John replied he was working with the point of sale provider so that the license must be physically scanned in order for the transaction to be completed.

Ms. King asked about wine tastings. David replied that vendors will conduct them periodically in the liquor department and management will be on site overseeing them. He noted that no alcohol may be removed from the liquor department and served in the store.

Chairman McInerney stated that they clarified the ownership structure in that they are operating a liquor store within a grocery store.

Chairman McInerney asked staff in terms of the P-1 definition and in terms of the size of the facility if it was permissible for them to have a liquor store within the grocery store operated by another vendor. Ms. Kuchynka replied that they have a valid lease for the operation within the store structure which sets the square footage. He wanted to be sure the P-1 license was appropriate license for this facility. Ms. Kuchynka replied yes. She noted that there was an agreement between the parties to also operate the facility within a grocery store and have a lease for the premises utilized. Chairman McInerney also noted that access to the liquor department is limited through the grocery facility.

Ms. Kuchynka noted that if the licensee were to violate the ordinance, the liquor department could be completely closed off and the grocery store portion can remain open.

David Villegas noted that the grocery store opens at 7 a.m. and the liquor department has different sales hours, within the grocery store hours. Ms. Strelau wondered where the store hours were listed. David replied that they were not listed. Ms. Kuchynka replied that the hour differences were permissible, as the legal serving hours do not begin until 8 a.m. John noted that they will be open from 10 a.m. to 9 p.m. daily.

Ms. Strelau noted that this operation seems more restrictive than typical grocery stores where liquor sits out on the shelves. He advised that the doors to the department will be locked when not in operation.

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 V. MICHAEL'S WINE & SPIRITS, LLC D/B/A MICHAEL'S FRESH MARKET LOCATED AT 7241 LEMONT ROAD, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

ALB Enterprises, Inc. d/b/a Toscana's Grill & Pub

Chairman McInerney stated that the next order of business was an application hearing for ALB Enterprises, Inc. d/b/a Toscana's Grill & Pub located at 994 Warren Avenue. He stated that the applicant is seeking a Class "R-1", full alcohol, on-premise consumption liquor license and a Class "O" outdoor, 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. Bill Clausen and Mr. Thomas Dekant were sworn in by the court reporter. Mr. Clausen introduced himself as the vice president of ALB Enterprises, Inc. Mr. Dekant introduced himself as president of ALB Enterprises, Inc.

Chairman McInerney asked the applicant to present its case.

Mr. Clausen advised that they have been operating as Rocca's Mexican Grill since June of 2008. He stated that he has been working for the establishment since its inception. He stated that he has since become partner of the company and Tom became a partner in January of last year. He stated that they decided in May of 2009 to utilize the space more wisely and expanded the business to include Toscana's carry outs. He stated that since Toscana's has been in operation, they have had numerous customer requests to fully switch over to Toscana's. He stated that they have been successful with the carry outs and are in the process of switching over. He noted that it is the same company, with a revamped concept. Mr. Clausen advised that they have outdoor dining as well. He advised that the operation will remain the same and policies in place will apply. Mr. Clausen stated that it was his responsibility to monitor the patrons and the staff.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka advised that the license is contingent upon receipt of an updated certificate of occupancy, the annual license fee, receipt of satisfactory background checks, updated dram shop insurance and a signed lease.

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 wondered what made them change their business focus and how they planned to survive amongst other Italian style restaurants. Mr. Clausen replied that customers have been constantly asking when they were going to change over. He stated that their chef has a background in Italian cooking. He stated that they wanted to open Italian originally but were asked by Downers Grove to open as another concept.

Ms. King asked if they had issues with the planters on the Warren Avenue patio. Mr. Clausen replied there were some issues when the planters were first put in. He advised that they upgraded the enclosure, raised the planters, added greenery and it was closed off better to prevent people from sneaking in. He noted that they have had few, if any, issues and noted that staff monitors the area effectively.

Ms. King was pleased with their good control buy record.

Mr. Krusenoski asked if they plan to keep the take out portion of Toscana's on Main Street. Mr. Dekant replied yes. He asked if the tables will remain. Mr. Dekant replied yes. Mr. Krusenoski asked if they planned to serve alcohol on the Main Street patio. Mr. Clausen stated that alcohol is served on the inside and customers can carry it out in a plastic cup. He advised they have not had any issues as the patio is enclosed and monitored.

Mr. Krusenoski asked how patrons will pick up the carry out. Mr. Clausen advised that patrons can enter from the Warren Avenue entrance and walk through the main restaurant or up through the stairs from the Main Street entrance.

Mr. Clary felt that Toscana's was a great addition to the Village and he was pleased that were changing and staying in Downers Grove.

Mr. Adank asked if the alcohol menu will change much from what they currently serve. Mr. Clausen replied yes in relation to the serving of margaritas. He noted that they will be selling less tequila and more craft/pub style beers.

Ms. Fregeau was pleased that the business is expanding. She asked about the outdoor plan. She asked if they will make any further changes. Mr. Clausen replied that was the original plan. She asked if there has been any issues due to the fact they are next to the ice cream store where youngsters congregate. Mr. Clausen replied no.

Ms. Fregeau asked that they review the site plan and talk about planting, sizes and height of materials in the planters. She wondered what changes, if any, they were looking to make. Mr. Clausen believed that they will plant some taller items this time, but have not pinpointed exactly what they will plant yet. He believed with the bad summer, many of their plantings went dormant and they were not able to bring the plantings back to life. He asked if the Commission would like them to have higher plantings. Ms. Fregeau replied that the Commission does not legislate patio design. She felt that they did a good job with the fencing on Main Street and felt anything they can do to protect their license and prevent the passing through of drinks would be up to them. She felt that adding height and limiting access would give them some peace of mind. She noted that the Village does not have specific regulations. She mistakenly believed the layout submitted was new because it talked about tall grasses and items being planted. She would like more specifics as to what they actually plan to do next year.

Ms. Fregeau wondered what prevents customers from walking through the carry out and taking alcohol outside the patio enclosure. Mr. Clausen replied it is their job to monitor patrons and mentioned that he has had people try to leave with drinks where he has personally stopped them.

Ms. Fregeau was pleased to see the beverage list and was happy to see that they do not accept the vertical license. She asked if they have any postings at the registers. Mr. Clausen replied that they have postings stating customers cannot purchase unless they are of age. He also advised that they have an identification checking guide near the register. Ms. Fregeau mentioned that the State website has postings and free materials.

Ms. Strelau stated it is good to have licensees come back and expand, change or upgrade their business. She stated that their control buy record to date was 100% complaint. She also liked seeing their beverage list and felt that it helps the Commission get an idea of the quantities delivered to customers.

Ms. Strelau also believed they were making changes to the outdoor seating. Ms. Strelau stated that the Commission is not the aesthetic police but wondered if they were comfortable with the barriers to their outdoor area. Mr. Clausen replied yes. She noted that some licensees utilize fencing in lieu of foliage. She felt that they are aware of what goes on in their restaurant and believed Mr. Clausen has been candid about the situations that they have encountered.

Chairman McInerney also questioned the outdoor barrier. He wanted to sure that they will follow up with what they say they are going to do. He was excited that they are taking on this change with the business and will continue to operate in Downers Grove. He wished them luck.

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

MR. KRUSENOSKI MOVED TO FIND ALB ENTERPRISES, INC. D/B/A TOSCANA'S GRILL & PUB LOCATED AT 994 WARREN AVENUE, QUALIFIED FOR A CLASS "R-1" FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. STRELAU SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

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

MS. KING MOVED TO FIND ALB ENTERPRISES, INC. D/B/A TOSCANA'S GRILL & PUB LOCATED AT 994 WARREN AVENUE, QUALIFIED FOR A CLASS "O" FULL ALCOHOL, OUTDOOR, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

Nagy Brothers, Inc. d/b/a Another Round

Chairman McInerney stated that the next order of business was an application hearing for Nagy Brothers, Inc. d/b/a Another Round located at 5141 Main Street. He stated that the applicant is seeking a Class “R-1”, full alcohol, on-premise consumption liquor license and a Class “O” outdoor, 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. Jay Nagy and Mr. Nick Nagy were sworn in by the court reporter. Mr. Jay Nagy introduced himself as the president of Nagy Brothers, Inc. Mr. Nick Nagy introduced himself as the liquor manager. Mr. Dean Pozarzycki introduced himself as the architect for Another Round.

Chairman McInerney asked the applicant to present its case.

Ms. Kuchynka advised the Commission that she provided them with a revised floor plan.

Jay advised that they have been operating a family restaurant in Downers Grove for the past 16 years. He stated that they expanded their business to Lombard two years ago and now have an opportunity to open a third location in Downers Grove.

Chairman McInerney asked if there were any staff recommendations pertinent to the application. Ms. Kuchynka advised that the license is contingent upon receipt of a certificate of occupancy, the annual license fee, receipt of satisfactory background checks, proof of dram shop insurance, the lease in the d/b/a name and a finalized menu.

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. Strelau asked if they plan to keep the existing Roundhead’s location at 63rd Street. Jay replied yes. She wondered how they will split the time between the three locations. He stated that his dad, brother and sister run the 63rd Street location. He and Nick will run the downtown location. He stated he has another general manager which operates their Lombard location.

Ms. Strelau referred to the floor plan. She stated that there were two pool tables on the layout. She noted on the new plan, they have been relocated. She asked if it is a separate room or area. Jay replied that was all one room.

Ms. Kuchynka advised that the previous restaurant had two parallel dining rooms with a banquet room toward the back of the facility. She advised that they have taken over the store front which was previously occupied by a redeveloper as a office for condominium sales. She advised that Another Round has taken over that space as well.

Ms. Kuchynka advised that the establishment is divided into three areas. She stated that there is the north dining room which was the wine bar portion of Stillwater. She stated that the middle portion will serve as

the main dining room and the south dining room will have seating and the pool tables located in the front of the room. She asked Jay to explain how the rooms can be partitioned off to hold private parties.

Jay explained that they opened up the entire unit by taking down the interior walls that separated the three rooms and replaced the walls with rolling shutters. HE stated that they will be able to close the side areas off for private parties to keep the rooms versatile. Ms. Kuchynka noted that Community Development requires that the main room be open at all times as the restroom facilities need to remain accessible for the remainder of the facility. Jay agreed.

Ms. Strelau asked if the pool tables change the use from a restaurant to an entertainment facility. Ms. Kuchynka replied no. She stated that they may have pool tables in the restaurant so long as the main and principal business is that of a restaurant. She referenced the new plan and stated that they can utilize the pool tables for seating in the case of a private party, but that seating cannot be counted toward the total dining seat required. Jay stated that they can turn the pool tables into tables for extra seating or a serving area for the banquet room or private party.

Ms. Kuchynka referred to the north room of the new plan. She advised that they will be offering a buffet lunch service Monday-Friday. She stated that tables will be moved to accommodate the buffet setup. She stated that was indicated on the alternate layout highlighted on the revised plan.

Ms. Strelau noted that their control buy record was good. She mentioned that they have had some DUI Notifications. She asked that they keep them in mind as that those can be an indicator of over service. She asked them to keep vigilant in that regard.

Ms. Fregeau was pleased that they set their carding age for anyone who appears 40 and under. She stated that the manual was thorough and easy to read and liked their standard practices. She noticed a possible discrepancy in the manual about accepting traffic tickets. She noted that in and section they cannot be accepted and in another section, if someone gives a traffic ticket, they are to ask for a second form of identification. Jay said they would clarify the manual.

Ms. Fregeau noted that they plan to have a sign posted advising the cut off date for 21 and over patrons. Jay replied the signage will be posted by the bar area. She advised that the State has free online materials. She was happy to see them expand.

Mr. Adank asked the size of the existing Roundhead's location. Jay replied 200 seats total, with 125 on the inside. Mr. Adank noted that this location will be three times as large as Roundhead's and wondered if that would be an issue for them. Jay replied no. He noted that their Lombard location has 225 seats.

Mr. Adank asked how they see improving upon the spot and making the location viable. Jay replied that they are an everyday, affordable type establishment.

Ms. Kuchynka asked the Nagy's to explain the motif and decor of the establishment. Jay replied that it will be a casual, pub style motif with tv's all around and will be a fun, relaxed, friendly place to hang out.

Mr. Adank asked when they planned to open. Jay replied March.

Mr. Clary was pleased to have them back. He felt this is what the downtown needs. He noted their good name and felt that they took a great interest in Downers Grove.

Mr. Krusenoski has known the Nagy's for 18 years when they took over La Italia on 63rd & Main Street. He had always had positive experiences with them.

Mr. Krusenoski felt it was a great concept. He stated that the 234 seat restaurant is sizeable. He asked how many servers they plan to have. Jay replied 25 on staff with 14 on the floor at any given point. Mr. Krusenoski asked if they will be new hires. Jay replied that they will take some of their existing servers and integrate them into the new location to help train new employees.

Mr. Krusenoski asked Jay if he will be working primarily be at this location. Jay replied yes, both he and . Nick. He stated that his other brother, dad and sister will be at the 63rd Street location.

Ms. King was excited about this location. She had no questions.

Chairman McNerney stated from a practical standpoint they know their business. He stated it was great to see a successful licensee continuing to grow their business. He had no questions and looked forward to their opening.

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

MS. KING MOVED TO FIND NAGY BROTHERS, INC. D/B/A ANOTHER ROUND LOCATED AT 5141 MAIN STREET, QUALIFIED FOR A CLASS “R-1” FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

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

MR. KRUSENOSKI MOVE TO FIND NAGY BROTHERS, INC. D/B/A ANOTHER ROUND LOCATED AT 5141 MAIN STREET, QUALIFIED FOR A CLASS “O” FULL ALCOHOL, OUTDOOR, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

The motion carried.

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 stated that the Mayor indicated his intent to issue the license to Rita's.

Ms. Kuchynka stated that she went to an ILCC seminar and provided the Commission with materials in their packet.

Ms. Kuchynka advised that the Village passed a video gaming ordinance which became effective January 1st. She stated that the Village will ban video gambling at licensed establishments. Ms. King asked if the Moose had gambling on premises. Ms. Kuchynka replied that if they are not-for-profit establishments can offer pull tab games and bingo as they are exempt from the gambling regulations under State law.

Mr. Krusenoski asked if the billiards hall or the Lemon Tree obtained their licenses. Ms. Kuchynka replied that the Lemon Tree anticipates a March opening and she was waiting for the billiard hall to finish their remodeling.

Ms. Strelau asked if staff spoke to Ballydoyle concerning their DUI Notifications. Ms. Kuchynka replied that she contacted Phil Cullen. She stated that she was most concerned about the time of the arrest. Chairman McInerney also was concerned about the timing of the incident. Ms. Fregeau stated that over the past few months, the BAC levels have been 2-3 times the legal limit. Ms. Kuchynka advised that she contacted Brick House. Ms. Fregeau noted that a few licensees are exceeding last years record and suggested that staff bring it to the licensees attention. Ms. Kuchynka replied that she can conduct on-site training at the problematic establishments and will also address the issue in an upcoming newsletter.

Chairman McInerney asked if the Village monitors businesses for after hour service. He suggested that those open late should be monitored. Ms. Kuchynka stated additional monitoring is covered in licensee fees and advise the Police Department to do so.

Ms. Strelau asked if North Beach had any incidents with their extended New Years Eve hours. Ms. Kuchynka replied that she had not heard of any incidents or complaints for that evening. She was aware of some other incidents at the location and noted that the Village will continue to monitor them.

Chairman McInerney asked when Rita's would be opening. Ms. Kuchynka anticipated March.

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 stated that she received a request for the creation of a liquor license for a gaming facility. She distributed information to the Commission. She stated that they do not qualify for any exiting license classification.

Greg Bedalov stated that customers would play video games against other people all over the world in a virtual setting.

Ms. Strelau asked where the facility would be located. Ms. Kuchynka replied at 63rd and Woodward area.

Ms. Kuchynka advised that the facility would not be 21 and over and would be a mixed age facility. She noted staff concerns with their target market and questioned how they would be able to control liquor with the mixed age groups. She stated that they would be serving a limited amount of food, if any. She stated that the principal business would be video gaming.

Ms. Kuchynka did not know the exact details on how or where the liquor would be served.

Chairman McInerney asked how important liquor service was to the business model. Ms. Kuchynka replied their estimated liquor sales would be 5-10% . Chairman McInerney noted that they indicated that high school students would be in the facility until 10 p.m. Ms. Kuchynka replied that was a staff concern. She stated that other licensees allow youngsters in their facility, however, she did not believe this facility was going to have servers to monitor. She wanted to know if the Commission was in favor of creating a license for this type of facility. Ms. King expressed concern about alcohol being set down while patrons were playing games. Ms. Strelau agreed that the activities are interactive. Mr. Bedalov believed that the alcohol service would be geared for waiting parents and may be offered in its own separate section.

Ms. Kuchynka noted that they plan to open whether or not they were allowed alcohol service. She advised them that creation of a license creation can take months. She was unsure what license type to compare their request to but noted that Dave 'n Busters could be a comparable facility. Mr. Clary noted that patrons can take their alcohol throughout that facility. Ms. Kuchynka noted that facility is 21 and older after 10 p.m.

Chairman McInerney recalled a facility in Addison with indoor go cart racing with liquor service. He stated that they have a full entertainment area set up and a separate lounge area. He was not in favor of liquor service throughout a video arcade but would consider a license of that type if they had a separate lounge area.. He felt that monitoring would be a difficult aspect. Mr. Krusenoski mentioned Papa Passero's facility. Chairman McInerney believed that the primary business was a restaurant.

Ms. Strelau felt that the Commission should hear directly from the operator before they form an opinion as to what activities might occur at the establishment. She asked that they provide the Commission what their intent is in a clear cut statement and what type of license they want. She noted that a bowling alley might be a comparison for this type of facility.

Chairman McInerney asked Ms. Kuchynka if she could forward them the information that was referenced in her email. Ms. Kuchynka stated that she would ask the operator as she was unsure how public the information could be.

Chairman McInerney stated that the Village has a good track record for being open to new ideas and business ventures. He wanted to get clarification on the project.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Ms. Strelau moved to adjourn the January 7, 2010 meeting. The meeting was adjourned by acclamation at 8:10 p.m.