

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

Thursday, October 2, 2014

I. CALL TO ORDER

Chairman Strelau called the October 2, 2014 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Ms. Fregeau, Mr. Jacobson, Ms. King, Chairman Strelau

ABSENT: Mr. Austin, Mr. Krusenoski

STAFF: Assistant Village Attorney Dawn Didier, Liaison to the Liquor Commission
Carol Kuchynka

OTHERS: William O'Donoghue, David Thomasson, Dimce Sotiroski, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the September 4, 2014 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Ms. Fregeau stated that there was a typo concerning the square footage of the Bed, Bath & Beyond premises and should read 80,000.

Ms. Fregeau stated that her question concerning discount coupons and if they could be utilized for liquor purchases was not reflected in the minutes. Ms. Kuchynka asked Ms. Fregeau to bring up the question again in this evening's meeting.

Hearing no further changes, the September 4, 2014 minutes of the Liquor Commission meeting were approved.

Chairman Strelau 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 Strelau made the following statements:

"The next order of business is to conduct a public hearing for 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."

Bed, Bath & Beyond of California, LLC d/b/a Bed, Bath & Beyond

Chairman Strelau stated that the next order of business was an application hearing for Bed, Bath & Beyond of California, LLC d/b/a Bed, Bath & Beyond located at 1548 Butterfield Road. She stated that the applicant was seeking approval for a Class "P-2", beer and wine only, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant to step forward and be seated. She 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. David Thomasson and Mr. Dimce (Jim) Sotiroski were sworn in by the court reporter. Mr. Thomasson introduced himself as the regional manager and Mr. Sotiroski introduced himself as the store manager of the Downers Grove Bed, Bath & Beyond.

Chairman Strelau stated that Bed Bath & Beyond appeared before the Commission on September 4, 2014 and that the Commission requested that the application be reconsidered at the October meeting. She asked the representatives to explain revisions to the business operations and provide additional testimony in continued support of their request for a liquor license.

Mr. William O'Donaghue introduced himself as the attorney representing Bed, Bath & Beyond. He thanked the Commission for hearing their application again. He stated that with the help of Village staff, they have made updates to the training manual and created additional documents from the discussion at last month's meeting.

Mr. O'Donaghue stated that both store manager and associates will receive the training manual. He stated that they amended language in the manual to state that they will utilize the Learn to Serve training program which is an on-line BASSET course offered in Illinois. He stated that 75% of associates have been trained and he anticipates all associates will be trained by October 15th. He stated that they will offer quarterly refresher training. He stated daily discussion was discussed by corporate, however, they found with the size of the store and number of employees a daily huddle would be difficult. He stated if liquor issues arise, associates are encouraged to tell their manager who will share the information with associates throughout the store.

Mr. O'Donaghue advised that associates will not accept vertical identification. He stated that if an associate receives one and the customer is over 21 and insists on the sale, the manager will make the determination. He stated that they anticipate customers over the age of 35 based on their demographic studies.

Mr. O'Donaghue stated that they added detail concerning penalties to the manual. He stated that they also added an acknowledgment form that the employee must read and understand the training policy, law and penalties about the sale of liquor. He stated that all employees will be required to sign it.

Mr. O'Donaghue stated that there is no automatic termination policy, as they will adhere to their strict corporate Human Resource policy. He stated that they will consider termination if an employee is involved in a sale to a minor.

Mr. O'Donaghue stated that the Commission was concerned about their lack of experience. He stated that 25 of the 97 store associates have previous liquor handling experience. He stated that the Lead Associate of the Downers Grove formerly worked for Dominick's and has 17 years of liquor handling experience.

Mr. O'Donaghue stated that the regional manager has experience from opening up the Schaumburg store and will be overseeing the Downers Grove location. He noted that they have passed three tests conducted by the Schaumburg police department.

Mr. O'Donaghue stated that the Lead and Assistant Lead for the liquor department will be sent to Virginia from October 12-26 for liquor training experience. He stated it is one of the best run stores in the country. He stated when they return they will also spend 1-2 days training at the Schaumburg store. Mr. O'Donaghue stated that the District and Store managers will also spend time at the Schaumburg store working in the liquor department.

Mr. O'Donaghue stated that upon hire, all associates will go through the Learn to Serve program and be trained with the store manual. Mr. O'Donaghue stated that they will hold quarterly refresher meetings concerning liquor for all employees.

Mr. O'Donaghue stated that the POS system will prompt the associate to ask for identification any time a liquor product is rung up. He stated that those associates under 21 will be instructed to call someone over 21 to complete any liquor sales.

Mr. O'Donaghue thanked Carol for her assistance with their changes to the manual.

Chairman Strelau asked for comments from the Commission.

Ms. King thanked the representatives for addressing their concerns. She stated it was very thorough. She had no questions.

Mr. Clary thanked the representatives for the revisions. He had no questions.

Mr. Jacobson stated that he was impressed with the changes they made and that they clearly understand the intent of the Code and spirit of the ordinance.

Ms. Fregeau thanked the representatives and noted that a lot of work went into their changes. She stated that they set the tone and tenor of the establishment and was pleased that they addressed the Commission's concerns.

Ms. Fregeau asked about the store operation and if they plan to have desk help at or near the liquor department as they do at other departments within the store. Mr. Sotiroski replied yes. He stated that a station will be manned with an associate that can answer questions while they observe the liquor area.

Ms. Fregeau asked about the size of containers sold and asked if they would be selling growlers. Mr. O'Donaghue replied that they cannot. He stated that only a brewery may sell growlers. He stated it is a container which is typically 64 ounces in size and filled with craft beer. He stated that they are filled on-site by a brewing facility.

Ms. Fregeau noted the packaging of craft beer and they often do not resemble alcohol or are sold in 6-packs. Mr. O'Donaghue replied the craft beer market is saturated and that they come up with unique

ways to distinguish themselves and market their product. He stated that liquor products will be able to be identified by their scanner which will prompt the associate to request identification.

Ms. Fregeau asked about the 20% off coupons and if they could be utilized for liquor purchases. Mr. O'Donaghue replied that coupons are legal in Illinois and was unaware of any restrictions for use of them at Bed bath & Beyond. Mr. Thomasson stated they do accept coupons for liquor purchases at the Schaumburg store. Ms. Kuchynka did not believe there were any regulations concerning coupons and that she would make sure there is no restriction when used for alcohol sales. She stated that she has seen coupons that specifically exclude alcohol or tobacco products from coupon use. Mr. O'Donaghue stated that he would check with corporate to be certain it was their intent to allow the 20% off coupons to be used for beer and wine sales.

Chairman Strelau thanked them for the diligent work on upgrading the manual.

Chairman Strelau asked if tastings would be affected by ordinance provisions. Ms. Kuchynka stated that staff is in the process of correcting inconsistencies in the Code to allow for all types of tastings and noted it was not the intent to limit tastings to wine.

Chairman Strelau asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that the background checks have been completed and satisfied. She stated that the license is contingent upon receipt of the annual fee, dram shop insurance, employee certifications and revised certificate of occupancy, if required.

Chairman Strelau asked if there were any comments from the public. There were none.

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

MR. CLARY MOVED TO FIND BED, BATH & BEYOND OF CALIFORNIA, LLC D/B/A BED, BATH & BEYOND LOCATED AT 1548 BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "P-2", BEER AND WINE ONLY, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 5:0

Motion carried.

V. OLD BUSINESS

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

Ms. Didier advised the Commission that staff was working on amendments to the ordinance. She stated that in addition to the tasting provision, they reviewed the entire chapter and made non-substantive

changes to the code and will fix typos, inconsistencies and duplication of wording throughout the chapter. She stated that staff will present it to the Council some time in the near future. Ms. Fregeau asked that staff provide the Commission with a copy of the ordinance.

Ms. Kuchynka noted that the tasting issue will be addressed. She stated limited tastings to wine was an oversight. She stated that under a distributors license, it is allowed. Mr. Jacobson asked if most tastings are conducted by the distributor. Ms. Kuchynka replied yes. She stated that the distributors try to see if a new product will be successful in a store. She stated that they provide the individual doing the tasting, the supplies and product.

Mr. Jacobson asked about the definitions of license classes. Ms. Didier replied that the State definitions are just as inconsistent.

Ms. Kuchynka advised the Commission about Naperville and their limits to hours and serving provisions due to incidents involving liquor in their downtown area. Ms. Fregeau asked if there was any discussion about late night license fees. Ms. Kuchynka stated that some communities have late night licenses and charge extra due to increased monitoring of the establishments. She stated that she has not experienced issues in downtown Downers Grove as Naperville has.

VI. NEW BUSINESS

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

Ms. Kuchynka stated there will not be a November meeting but was planning to hold a December meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Ms. Fregeau moved to adjourn the October 2, 2014 meeting. The meeting was adjourned by acclamation at 7:07 p.m.

