

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COMMITTEE ROOM
801 BURLINGTON AVENUE**

Thursday, May 7, 2015

I. CALL TO ORDER

Chairman Strelau called the February 5, 2015 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

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

ABSENT: None

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

OTHERS: James Weyrick, Janice Weyrick, Salome Macaspac, Edwardo Macaspac, Brian McDermon, Jeff Gaspar, Linda Kunze, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the April 9, 2015 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, the April 9, 2015 minutes of the Liquor Commission meeting were approved as written.

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."

"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."

Downers Grove Sand Corporation d/b/a Downers Grove Sand Club

Chairman Strelau stated that the next order of business was an application hearing for Downers Sand Club Corporation d/b/a Downers Sand Club located at 1211 B Butterfield Road. She stated that the applicant is seeking approval for a Class "REC-1", full alcohol, on-premise consumption liquor license and a Class "O" outdoor 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. James Weyrick was sworn in by the court reporter. Mr. Weyrick introduced himself as the Liquor Manager and owner of Downers Sand Club.

Chairman Strelau asked Mr. Weyrick to explain the operation and their request for a liquor license. Mr. Weyrick stated that he has been offering indoor sand volleyball at the facility and in order for further success was hoping to expand the business by offering food and liquor. He stated he was seeking the recreation license versus the entertainment license in order to keep the facility all ages. He stated that they would like to allow birthday parties for kids, junior volleyball leagues and have league and recreational players of all ages.

Chairman Strelau asked for comments from the Commission.

Mr. Austin liked the manual and its degree of detail. He stated that at the point of sale he liked the language that only one drink is allowed per person and is a good safety measure. He had no further questions.

Ms. King asked Mr. Weyrick if he is currently operating. Mr. Weyrick replied that he took over in September of 2014 and offers strictly volleyball. He stated that they applied to the Health Department for food service and is looking for liquor service to compliment the facility.

Ms. King liked the "self audits" in the manual and asked him to explain them and how often they would occur. Mr. Weyrick stated that in addition to the Village compliance testing, he will periodically test his staff a couple of times per year to ensure that they are doing their jobs in accordance with his procedural manual.

Mr. Weyrick stated that he did not see this as a party place for teens. He stated that the primary business will be volleyball. Mr. Weyrick stated that he will not accept the vertical identification. He stated their policy will be to card everyone, regardless of age. He stated that those that wish to drink that are over 21 will be given a wristband. Ms. King liked the policy.

Ms. King asked where alcohol is allowed. Mr. Weyrick replied throughout the facility, with the exception of on the volleyball courts.

Ms. King stated asked about the termination policy. Mr. Weyrick stated that once an employee violates liquor laws, they will be terminated.

Mr. Krusenoski was impressed with the manual and addresses all liquor issues. He noted that the manual is only as good as it being made operational by management. Mr. Weyrick agreed.

Mr. Krusenoski asked Mr. Weyrick what his role for the establishment is. Mr. Weyrick replied that he will be at the site seven days a week. He stated that he and one other staff member who is in the process of being BASSETT certified will be on site. He stated that he will check identification and issue

wristbands to those that are over 21. Mr. Krusenoski asked Mr. Weyrick if this will be his full time job. Mr. Weyrick replied yes.

Mr. Krusenoski asked how many employees currently staff the facility. Mr. Weyrick replied five. He stated that includes himself, another staff to help with the bar, two staff members who handle leagues and a full time chef. He stated he hopes to grow to ten employees.

Mr. Krusenoski asked if all employee serving liquor will be BASSETT certified. Mr. Weyrick replied yes.

Mr. Krusenoski cautioned him on two people staffing three bars. Mr. Weyrick replied that the back bar by the volleyball court is the main bar and only one in operation. He stated that in the long term, he plans to make the front bar operational. He stated long term he was hoping to put in a brewery in the bowling area/bar which is currently closed off to patrons.

Mr. Krusenoski stated that Mr. Weyrick will id and issue bracelets while the other staff member will bartend and noted that as the business expands they will hire on additional staff. Mr. Weyrick replied yes.

Mr. Krusenoski noted Mr. Weyrick's two decades of liquor handling experience from 1990-2006.

Mr. Clary commented on the thoroughness of the manual.

Mr. Clary asked if the front and bowling area bars will have no liquor behind them. Mr. Weyrick replied yes. He stated that they are physical bars but are not functional.

Mr. Clary asked how many staff members he would anticipate if business was busy. He asked if there will be wait service. Mr. Weyrick replied 10 or so and noted the bartender will also serve. Mr. Weyrick stated they will open from 3pm-1 am daily. He stated as they become more popular, they plan to open at 11 for lunch as well. Mr. Clary asked about volleyball being offered. Mr. Weyrick replied that they would offer volleyball all night long.

Mr. Clary asked about security and if they will have a bouncer for the facility. Mr. Weyrick replied yes. He stated that they will do security work and can assist as a bar back.

Mr. Clary noted the history with the facility and hoped that they can make a success of it.

Mr. Jacobson noted Mr. Weyrick's experience as a bartender and as a security guard.

Mr. Jacobson stated that the business seems to be growing. He noted a lot of responsibility will result with the addition of liquor service.

Mr. Jacobson asked for clarification about customers being permitted one hour beyond applicable closing. Mr. Weyrick noted that if they close at 1 o'clock, patrons have the hour to finish their drinks and vacate the building by 2. Mr. Jacobson noted that the manual states they will announce a "last call" 45 minutes before closing. Mr. Weyrick stated that they will announce last call at 12:15.

Mr. Jacobson noted that the manual will allow for employees to drink after their shift but cautioned that policy. Mr. Weyrick noted that employees can get a drink after work but he does not want to allow them to come in on their day off and drink at the facility.

Mr. Jacobson asked how they will verify a valid passport. Mr. Weyrick noted that they will check validity by the picture and personal information in the passport. He noted that they could request a second piece of identification to confirm their identity.

Mr. Jacobson stated that the policy to aid employees calculating a patron's age is confusing. He stated that there are signs that state "if you are not born by this date as of XX year". He also noted that the under 21 licenses read "under 21 until xx-xx-xx", so no calculations are required. He stated that he liked that they will not accept the vertical licenses.

Mr. Jacobson noted that volleyball will be the main entertainment and patrons will not come just to drink. Mr. Weyrick noted that they will eventually have pool tables, darts and bags and hope to have those leagues play in addition to the volleyball.

Mr. Jacobson stated that the policy will be to have a rotating schedule on the wristbands. He suggested that they randomly change the colors so as to keep someone from recognizing the pattern of changing them.

Mr. Jacobson was pleased that the designated driver program information was contained in the manual. Mr. Weyrick noted that he also plans to contact local cab companies to see if they offer a "free reverse ride". He stated that the program allows for a rider to pay for a way home and they can get a free ride back the next day to pick up a car left behind.

Ms. Fregeau liked the manual and noted the format was user friendly and very easy to read. She stated that she liked that they will have daily meetings and reaffirmation of the manual yearly. She noted that the vertical id section was addressed well and liked that they added information on the DUI Notification Program.

Ms. Fregeau asked Mr. Weyrick what he thought would be their biggest challenge besides the issue of monitoring such a large space. Mr. Weyrick replied safety. He stated that they do not plan on having any glass in the facility and all drink containers will be plastic or aluminum, as many players walk around barefoot regularly.

Mr. Weyrick noted that they have a unique opportunity to bring in all types from business professionals to families. He stated there is a potential for kids parties, corporate events and other social activities for adults.

Ms. Fregeau noted that he has been opened since September and asked if they primarily offered league play. Mr. Weyrick stated that Sunday through Friday they have league play. He stated that this is the last week of league play. He stated that they have hired on with Players Sports and Social Group with 14,000 members in order to promote summer indoor leagues. He stated they plan to host leagues for adults and summer clinics. He stated that Monday night they will reserve for corporate business activities and play.

Ms. Fregeau asked if under 21 patrons are allowed in at any time. Mr. Weyrick replied yes. He noted generally there are no kids in the facility after 10 pm. He did not plan to have a restriction at this point but may consider it in the future.

Ms. Fregeau noted the facility was 18,000 square feet. Mr. Weyrick agreed.

Ms. Fregeau asked what they charged for volleyball. Mr. Weyrick replied court rental is \$50 per hour. He stated that league fees start at \$220 for a team of two and \$300 for a team of six.

Ms. Fregeau noted on the Declaration page they projected 5% in liquor sales. She asked if he foresees that figure changing as the operation grows. She noted that capacity of the facility can be 300-400 and

noted that is a large space to monitor. Mr. Weyrick anticipated the liquor sales figure going up, but their main focus is volleyball. He stated that league players drink very little but they wanted to offer food and drink to those customers or to those who watch them play.

Ms. Fregeau asked if they have a dress code. Mr. Weyrick replied no. Ms. Fregeau noted that other licensees have conducted costume or pajama themed parties. Mr. Weyrick replied that they may host some events and or themed tournaments. He stated that there will be stipulations to those events.

Ms. Fregeau asked if they planned any entertainment. Mr. Weyrick noted that they might have karaoke, or trivia night, pool, darts and may add fooze ball or air hockey in addition to volleyball. He stated that these activities will be allowed in the front. Ms. Kuchynka noted there are regulations against beer pong. Ms. Fregeau asked what the staff-to-patron ratio will be once alcohol is implemented. Mr. Weyrick replied one per every 10 customers. He anticipated upwards of six in the kitchen. He stated he would like to keep his labor budget in line but safety and customer service will be priorities.

Ms. Fregeau noted that there was not a drink menu and asked what he planned to offer. Mr. Weyrick replied that he wanted to keep the pricing competitive with the neighboring businesses. He stated that initially they will be serving beer and eventually offer wine and full liquor. He stated that he wants to take a slow, methodical approach to the business progress.

Ms. Fregeau noted that Ms. Kuchynka would provide him guidelines on events and special offers for liquor sales and promotions. She advised him to be sensitive as to how to address his marketing.

Chairman Strelau asked about the wristbands and how they will be administered. Mr. Weyrick replied that upon entry the patron will be asked if they will be drinking and if they say no they will be let in and not asked for an id, if they say yes they must produce an id. He stated the id is checked and validated, the patron will be fitted with a wristband which cannot be removed without it being destroyed. He noted that he would change colors of the wristbands regularly and can also issue a distinguishing mark on the id so the customer cannot reproduce it.

Chairman Strelau asked what will happen if a patron goes to the bar and decides to have a drink. Mr. Weyrick stated the bartender will request id, check/validate the id and fit the patron with a wristband.

Chairman Strelau asked if someone will always be at the door. Mr. Weyrick replied it will be his goal to have someone posted at the door. He noted that he will greet patrons and roam the establishment initially. Chairman Strelau cautioned Mr. Weyrick that he is one individual. She noted that it is only good as he will be able to carry out. She suggested that he start out with dedicated staff at the door as a precautionary measure so he does not get overwhelmed. She noted that he was well organized and thought through the procedure but cautioned him not to take too much on by himself and benefit from the support of others as this is such a huge facility.

Chairman Strelau stated that she also liked the daily meetings and stated it is important for management to set the tone and tenor as to how staff sees the importance of liquor service.

Chairman Strelau asked if there were any comments from staff pertinent to the application. Ms. Kuchynka replied that satisfactory background checks, receipt of the annual fee, dram shop insurance, employee training certifications Certificate of Occupancy and Health Department approval is required.

Chairman Strelau asked if there were any comments from the public.

Mr. Brian McDermon stated that he has played at the facility since it operated as North Beach. He stated he was aware of the issues they had at the facility and has seen a number of owners come and go. He stated that he was a former volleyball coach and stated that he has done some coaching at this facility.

Mr. McDermon stated previous owners have operated the facility just to make money. He noted that Jim is at the site every night and operates the establishment with a lot of integrity and constantly asks players what he can do to put out a better product at the facility. He stated he has offered help to Jim by way of networking and getting volleyball business in the door.

Mr. McDermon noted Jim's integrity and was excited for this opportunity for him.

Mr. Jeff Gaspar stated that he has been playing volleyball at the facility since 1997 and had experienced the changes in ownership over the years. He stated that Jim runs the facility very well and has a lot of integrity. He stated he cares about the facility more than the previous owners who ran the facility for the profit and party aspect.

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 Class "REC-1" liquor license application.

MR. JACOBSON MOVED TO FIND DOWNERS SAND CLUB CORPORATION D/B/A DOWNERS SAND CLUB LOCATED AT 1211 B BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "REC-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. FREGEAU SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0

Motion carried.

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 Class "O" liquor license application.

MR. CLARY MOVED TO FIND DOWNERS SAND CLUB CORPORATION D/B/A DOWNERS SAND CLUB LOCATED AT 1211 B BUTTERFIELD ROAD, QUALIFIED FOR A CLASS "O", OUTDOOR LIQUOR LICENSE. MR. JACOBSON SECONDED.

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

Nay: None

Abstain: None

MOTION CARRIED: 7:0

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. Kuchynka provided the Commission with a draft ordinance amending liquor product identification sign restrictions. She stated that she received a letter from the Downtown Management Organization requesting that liquor product identification be allowed on umbrellas. She added that the Commission discussed the matter last month. She stated Ms. Linda Kunze was present in support of this change. Ms. Kuchynka noted that neon signs, banners and attention getting devices with product logos will continue to be prohibited. She stated that the Village does not regulate the content of patio umbrellas at licensed or non-licensed establishments that may advertise non-alcohol related products such as “coca-cola” or “gonella”.

Ms. Kunze stated that the purchase of patio umbrellas is a big expense to new licensees. She stated that distributors will give licensees tasteful umbrellas free of charge. She noted the umbrellas typically only last one summer and are an expensive cost for them to replace yearly. She stated that the ban has been in place since 1993 and requested that the ban on umbrellas with alcohol logos be reconsidered.

Mr. Austin stated that the section of the code was amended from time to time. Ms. Kuchynka would have to pull background on the section to see what has been changed over the course of many years.

Mr. Austin asked how licensees deal with the umbrella issue. Chairman Strelau stated that the establishments have purchased plain umbrellas at their own expense. The group agreed that removing the ban would apply to every license holder. Ms. Kunze stated that Ballydoyle, Emmett’s, RBK, Lemon Tree are just a few of the licensees that have approached her about the ban. Ms. Kunze stated that the distributors umbrellas are done tastefully. She stated that this would help licensees with this expense.

Mr. Austin asked about uniformity. Chairman Strelau agreed and recalled the last time the Commission spoke there was some concern the decor would resemble spring break. She asked if the Commission would be crossing into the esthetics police. She stated that years back alcohol sales were banned until noon on Sunday, which was deemed archaic.

Mr. Jacobson agreed with the change and noted that many communities allow umbrellas with logos. He noted most times umbrellas are closed and he did not think the signage would impact café areas much.

Ms. Fregeau did not feel the use of umbrellas with logos was offensive. She felt any way the Village can help the businesses would be beneficial. She stated that the Liquor Code has come a long way since 1993 and it was time to move with the times.

Ms. Kuchynka requested a motion for the ordinance to be forwarded to the Village Council for consideration on an upcoming agenda.

MS. FREGEAU MOVED THAT THE DRAFT ORDINANCE AMENDING LIQUOR PRODUCT IDENTIFICATION SIGNS BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.

VOTE:	Aye:	Ms. Fregeau, Mr. Jacobson, Mr. Austin, Mr. Clary, Ms. King, Mr. Krusenoski, Chairman Strelau
	Nay:	None
	Abstain:	None

MOTION CARRIED: 7:0

Motion carried.

Ms. Kunze thanked the Commission for their consideration of the matter.

Mr. Krusenoski asked Ms. Kunze about the status of the new Mexican restaurant. He stated that there was some internet chatter that the Liquor Commission was holding up the liquor license. Ms. Kunze replied that Mia's Cantina had found the Curtiss Street location which formerly housed a retail building that needs to be converted to a restaurant. She stated that it took the operator awhile to find an architect to submit plans to the Village and stated that the contractor eventually took another job.

Ms. Kuchynka noted that Mia's application is on file and it is a very strong liquor application. She stated that staff has met with them on a few occasions to discuss major build out matters at the site. She stated that fire suppression, hood and duct work and adding restrooms are major items required. She noted that Curtiss will need to be dug up to get water access to the site, which tap is located across the street. She stated that the building also lies on the property line and that grease traps and garbage dumpster placement are also issues. She stated that staff met with the owners and contractors to explain what they needed to submit.

Ms. Kuchynka stated that the original floor plan submitted could not be utilized as the building department did not review it. She stated that she will need a plan that has been reviewed in order to place the item on a future agenda for their consideration. She stated that permits to cut open the street may be affected by other construction projects and special events that are scheduled over the summer.

Mr. Krusenoski asked about the old Carlson paint building. Ms. Kuchynka replied that she has not received application for that establishment. Ms. Kunze stated that Blacksmith will be located on ground level and Oakley Home Builders will be upstairs. She stated it will be a small plate, wood fire grill. She expected an early to late fall opening.

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 be a June meeting to conduct a disciplinary hearing and two application hearings on file.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Ms. King moved to adjourn the May 7, 2015 meeting. The meeting was adjourned by acclamation at 7:30 p.m.