

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

Thursday, August 3, 2017

I. CALL TO ORDER

Chairman Strelau called the August 3, 2017 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Austin, Mr. Clary, Mr. Jacobson, Mr. Krusenoski, Ms. Pietrucha, Ms. Toerpe, Chairman Strelau

ABSENT: None

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

OTHERS: Shaun Black, Todd Davies, Sanket Shah, Rina Shah, Mansukhlal Ankola, Jayant Gopani, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the June 1, 2017 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the June 1, 2017 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 a liquor license application. 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 liquor 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) discussion by the

Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

Cadence Kitchen - 5101 Mochel Drive

Chairman Strelau stated that the next order of business was an application hearing for The Lemon Tree Grocer, LLC d/b/a Cadence Kitchen located at 5101 Mochel Drive. She stated that the applicant was seeking a Class R-1, full alcohol, on-premise consumption liquor license and a Class O, full alcohol outdoor liquor license.

Chairman Strelau asked that any individual(s) representing the applicant 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. Shaun Black and Mr. Todd Davies were sworn in by the court reporter. Mr. Black and Mr. Davies introduced themselves as part owners of Cadence Kitchen.

Chairman Strelau asked the applicant to present its case.

Mr. Davies stated that they were re-concepting the space at 5101 Mochel Drive. He stated that they are going to be a full-service, small plate restaurant. He stated that they will have more refined food, seasonal drinks, wine list and craft beers with full service inside and out.

Chairman Strelau asked for questions from the Commission.

Mr. Clary asked if they will continue to sell any groceries. Mr. Davies replied no. Mr. Clary asked what kind of food they will serve. Mr. Davies replied that they will serve eclectic American fare and work with local farmers.

Mr. Clary asked if staff will be 21 years of age and older. Mr. Davies replied yes, with the exception of hostesses and busboys. He stated that all wait staff will be BASSET certified.

Ms. Kuchynka stated that she provided the Commission with a revised floor plan. She noted that bar seating will be limited to 20% of the total dining seats. She stated that she spoke with the architect and advised that the soft seating may not be included in the count. Mr. Davies stated that the soft seating area will be a place for patrons to sit and relax while waiting for their party. He stated that there will be couch-style seating surrounding a fire place area. He noted that they may be able to get an appetizer or cocktail while waiting for their party.

Ms. Kuchynka advised the Commission that Mr. Black had previously held a liquor license from the Village as the Lemon Tree Grocer. She noted that they had successfully passed five control buys over the course of holding their license from 2011 through 2015.

Ms. Pietrucha was excited that they will be re-opening. She noted the hours of operation as being Monday-Thursday 11-1, Friday/Saturday 11-2 and Sunday 10-11. Mr. Davies replied those are tentative hours, but business will dictate how late they will remain open and may adjust those hours. Mr. Black added that they are conscious of their relationship with Building #3 at Acadia and noted that adjustments will be made if there are any issues with sound. He stated that they have added further soundproofing of the space. He stated that they do not want to upset the residents there.

Mr. Black stated that Cadence will be a more upscale establishment. He noted that they may not have the business to remain open late, but just wanted to have the option.

Ms. Pietrucha asked if they will have both outdoor and indoor seating. Mr. Black replied yes.

Ms. Pietrucha asked what measures they have in place to ensure that any parties they host are in compliance with local liquor laws and not serve underage patrons that are part of those events. Mr. Davies stated that the space is designed with a private dining room which would handle the bulk of the private functions. He noted that events with underage kids could have wristbands in order to ensure minors are not served.

Mr. Black added that they had similar events at the Lemon Tree. He stated that they do not accept the vertical license. He stated that their staff is well trained in carding. Mr. Davies added that they can also make the host aware that they will regularly card participants if there are minors as part of their group.

Mr. Jacobson noted that the restaurant may be able to accommodate 200 at any one time. He asked Mr. Davies if he ever managed an establishment this large and asked him about his experience. Mr. Davies replied that he was a corporate chef for 10 years and has since opened and run restaurants around the country. He stated that he worked for Blue Point Seafood, which was a 250 seat restaurant in Baltimore and ran a 420 seat Hard Rock Casino in Hollywood, FL. He advised he has 25 years of experience in the restaurant business.

Mr. Davies noted that they designed the facility to be able to shut down the private dining room, which will shrink the area which they will have to monitor. He stated that they will have a bar manager, a general manager and himself on the floor overseeing the operation.

Mr. Krusenoski asked Mr. Davies if he will be overseeing the front of the house. Mr. Davies replied yes.

Mr. Krusenoski noted that the same people ran the same location with no mishaps and had no reservation for them running a bigger establishment.

Mr. Krusenoski asked when they planned to open. Mr. Black replied sometime early next year.

Mr. Krusenoski asked what the meaning was behind "Cadence". Mr. Davies replied a restaurant operating on all cylinders with a wonderful rhythm and an upbeat groove.

Ms. Toerpe noted the location was in the crux of Downers Grove. She noted the pristine record of Lemon Tree Grocer. She referred to the "team effort" noted in their manual. Mr. Black replied that they learned a lot from their previous experience. He stated that with the addition of Mr. Davies they believe they have a winning formula.

Mr. Austin stated that the manual was well written and the applicant had abundant experience.

Chairman Strelau welcomed them back and for presenting another option for the location. She stated that this will be a different environment and the size is significantly larger. She hoped that they will keep and take their comments to heart that they will be watching and that the importance of liquor service matters. Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, receipt of the annual fee, Certificate of Occupancy, signed lease and signed amendments #1 and #2, a finalized menu, liquor liability insurance and receipt of employee certifications.

Ms. Kuchynka advised that the use of the public right-of-way for the café area will require a Temporary Use License Agreement. She stated that since they will not be open in time before the season ends on November 15th, she will inform Community Development to add them to the list to apply for the 2018 temporary use season.

Chairman Strelau asked for 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 Class "R-1" liquor license application.

MS. TOERPE MOVED TO FIND THE LEMON TREE GROCER, LLC D/B/A CADENCE KITCHEN LOCATED AT 5101 MOCHEL DRIVE, QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. AUSTIN SECONDED.

VOTE: **Aye:** Ms. Toerpe, Mr. Austin, Mr. Clary, Mr. Krusenoski, Ms. Pietrucha, Mr. Jacobson, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

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. AUSTIN MOVED TO FIND THE LEMON TREE GROCER, LLC D/B/A CADENCE KITCHEN LOCATED AT 5101 MOCHEL DRIVE, QUALIFIED FOR A CLASS "O", FULL ALCOHOL, OUTDOOR LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE: **Aye:** Mr. Austin, Mr. Jacobson, Mr. Clary, Mr. Krusenoski, Ms. Pietrucha, Ms. Toerpe, Chairman Strelau,

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Motion carried.

Savemax Liquors - 1728 Ogden Avenue

Chairman Strelau stated that the next order of business was an application hearing for Saanvi 9 Food & Liquor, Inc. d/b/a Savemax Liquors located at 1728 Ogden Avenue. She stated that the applicant was seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant 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. Sanket Shah and Ms. Rina Shah were sworn in by the court reporter.

Chairman Strelau asked the applicant to present its case.

Mr. Shah stated that he was seeking to purchase the assets of an existing business which currently holds a liquor license. He stated he entered into a contract for the existing Savemax Liquors at 1728 Ogden and was seeking a full liquor license for the location.

Chairman Strelau asked for questions from the Commission.

Mr. Austin asked if they were familiar with the Control Buy Program where the police department will attempt to purchase liquor using an underage agent. Mr. Shah replied yes.

Mr. Austin cautioned them on not serving minors. Mr. Shah stated that he has been monitoring both of their existing businesses and will take care in monitoring customers.

Mr. Austin asked how many employees they will have. Mr. Shah replied himself and his wife and perhaps two others, perhaps family members. Mr. Austin asked if anyone from their other store will be at the Downers Grove location. Mr. Shah replied one Shorewood store employee will transfer to the Downers Grove store. He stated that employee has worked for him for two years, but will be specifically trained for this location.

Mr. Austin asked if they sell lottery tickets and if they will use the machine to verify age. Mr. Shah replied no. He stated that they will verify the date of birth as he does not trust the machine and noted that sometimes the machine does not scan properly.

Ms. Toerpe asked if this location was currently operating as a liquor store. Mr. Shah replied yes.

Ms. Toerpe asked if he had any violations at the other store. Mr. Shah replied no, however, his wife made a mistake when carding for a purchase of both alcohol and cigarettes. He said she mistook the age for a cigarette sale and sold both the cigarettes and the alcohol to the minor with the 18 year olds id.

Ms. Toerpe asked if they will accept the vertical license. Mr. Shah advised since they had the violation they changed their policy and stopped accepting the vertical license for the alcohol.

Mr. Krusenoski noted that this will be their third store in operation simultaneously. Mr. Shah replied yes. Mr. Krusenoski asked Mr. Shah how much time he will spend at the Downers Grove store. Mr. Shah replied 40+ hours. He stated that one store is handled by his partner. He stated that his wife will spend 40 or so hours a week there too.

Mr. Krusenoski advised them to be cautious as all they are selling is liquor and that every transaction matters. He stated that they need to be aware every day, not to sell to underage and to request identification. He stated that the identification of customers who look under 30 should be scrutinized.

Mr. Jacobson asked what they received as punishment for the violation. Mr. Shah replied a \$500 fine to the business.

Ms. Pietrucha asked what town the violation occurred in. Mr. Shah replied Shorewood. Ms. Pietrucha asked how long ago the violation occurred. Mr. Shah replied May of 2015. He stated that his wife checked the identification and got it mixed up with the age for cigarettes.

Mr. Clary asked where the other stores are. Mr. Shah replied Shorewood and River Grove.

Mr. Clary asked if they will have any scanners. Mr. Shah replied that they do not have scanners. He stated that employees get lazy with the scanner so he put buttons on the register where employees have to enter the date of birth of the customer manually into the register. He stated that if the age does not come up as 21, they cannot ring up the item.

Chairman Strelau stated that the Commission provided some advice and information on how other licensees have run afoul. She stated that running a family business is a wonderful thing, but advised them not to let family members help out at the store if they do not have a BASSET card. She stated that will end up as another penalty if they get caught selling without properly certified employees.

Chairman Strelau noted that three stores is a lot to operate. She cautioned them to properly train their staff, meet expectations of the Village and be diligent in requesting identification, especially when just selling liquor.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, receipt of the annual fee, Certificate of Occupancy, signed lease, liquor liability insurance and receipt of employee certifications.

Chairman Strelau asked for 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 Class "P-1" liquor license application.

MR. KRUSENOSKI MOVED TO FIND SAANVI 9 FOOD & LIQUOR, INC. D/B/A SAVEMAX LIQUORS LOCATED AT 1728 OGDEN AVENUE, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Mr. Krusenoski, Mr. Clary, Mr. Austin, Ms. Pietrucha, Mr. Jacobson, Ms. Toerpe, Chairman Strelau,

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

Motion carried.

Liquor 2 Go - 6234 S. Main Street

Chairman Strelau stated that the next order of business was an application hearing for JMMP Liquors, Inc. d/b/a Liquor 2 Go located at 6234 S. Main Street. She stated that the applicant was seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant 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. Mansukhlal Ankola and Mr. Jayant Gopani were sworn in by the court reporter. Mr. Ankola introduced himself as the owner of JMMP Liquors, Inc. Mr. Gopani introduced himself as the liquor manager.

Chairman Strelau asked the applicant to present its case.

Mr. Ankola stated that he is seeking a full liquor, off-premise consumption liquor license for the store located at 6234 S. Main Street which was recently closed. Ms. Kuchynka advised that this was the former Cork Wine & Spirits location. She stated that this was not a purchase of the store as it was closed since April, 2017 with no inventory.

Chairman Strelau asked for questions from the Commission.

Mr. Clary asked Mr. Ankola about his liquor handling experience. Mr. Ankola replied that he holds three liquor licenses. Mr. Clary asked where they were located. Mr. Ankola replied that he holds licenses for stores in Westmont, Darien and Manteno. Mr. Clary asked about the Westmont store. Mr. Ankola replied that he owns Westmont Liquors on Ogden Avenue.

Mr. Clary asked if they have had any violations. Mr. Ankola replied no.

Mr. Ankola stated that he worked in the family-owned Prestige Liquors in Downers Grove for four years and is familiar with local ordinances.

Ms. Pietrucha asked Mr. Ankola if he had any violations at the Monee location. Mr. Ankola replied that was his partners' store and he is not involved with it. He was uncertain if his partner had any violations.

Ms. Pietrucha asked if there were every any violations at the Manteno location. Mr. Ankola was unsure. Ms. Pietrucha was concerned with that answer as he did not know details of the history of that location.

Ms. Pietrucha asked staff if there was a limited number of P-1, full alcohol, off-premise consumption licenses given out. Ms. Kuchynka replied yes and noted 17.

Ms. Pietrucha was concerned that Mr. Ankola did not know the history of the Manteno store unless he was not fully involved in that store. Mr. Ankola stated that he was involved with another partner at that location and was fully involved with the Westmont and Darien liquor stores.

Ms. Pietrucha asked how long Midtown Wine & Spirits in Manteno has been in operation. Mr. Ankola replied since 2007.

Mr. Jacobson asked Mr. Ankola how long he has been a partner with the Manteno store. Mr. Ankola replied since 2010. Mr. Jacobson asked since 2010, has Midtown has any liquor violations. Mr. Ankola replied no.

Mr. Jacobson stated that Mr. Ankola has a wealth of experience and that he is not aware of any violations at the establishments he has operated.

Mr. Jacobson reviewed the materials and stated that page 4 of the manual was difficult to read and the font is very small. Mr. Ankola agreed. Ms. Kuchynka noted that she would make a note for them to fix the font of the document.

Mr. Krusenoski noted that Mr. Ankola has been in the liquor business a long time. He was pleased that they will take over the Cork vacant space.

Ms. Toerpe asked what policies they have in place that have contributed to their success. Mr. Ankola replied they train their employees in local and state ordinance, he stated that they thoroughly check id's and have regular review of their policies and address and correct any problems. He stated that they do not serve minors or those that appear intoxicated in order to keep the community safe.

Ms. Toerpe asked if they accept the vertical id. Mr. Ankola replied yes. He stated that they have to be 21 years old and the license cannot be expired.

Mr. Austin asked if the store inventory will be similar to Cork Wine & Spirits. Mr. Ankola replied no it will be a full liquor store and they will offer more variety in the store.

Mr. Austin asked if employees from any other stores will move over to the Downers Grove location. Mr. Ankola stated that he will work 40 hours a week and noted that Mr. Gopani who currently works in the Westmont store will relocate to the Downers Grove store and serve as the liquor manager.

Mr. Austin asked how many hours a week they will work. Mr. Ankola replied 40+. He stated that their hours are Monday through Saturday from 10 AM-10 PM and Sunday 11 AM - 7 PM.

Chairman Strelau commented to Mr. Ankola that there were six liquor licenses listed upon which have been operated by either him or his partner. She asked Mr. Ankola to clarify whether any store he has owned/operated had any violations. Mr. Ankola replied no.

Chairman Strelau noted that if they have any family members filling in at the store in a time of need that they are BASSET certified and are diligent in following their policy.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, receipt of the annual fee, Certificate of Occupancy, liquor liability insurance and receipt of employee certifications.

Chairman Strelau asked for 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 Class "P-1" liquor license application.

MR. CLARY MOVED TO FIND JMMP LIQUORS, INC. D/B/A LIQUOR 2 GO LOCATED AT 6234 S. MAIN STREET, QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. TOERPE SECONDED.

VOTE: **Aye:** Mr. Clary, Ms. Toerpe, Mr. Austin, Ms. Pietrucha, Mr. Jacobson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0:0

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 referred to the July month end report and advised she included information about the floor plan change the Mayor approved for Ballydoyle.

Ms. Kuchynka stated that she provided a current copy of the liquor classification chart that includes all the licensees who renewed for the 2017/18 license year.

Mr. Krusenoski asked staff to explain the situation with Karma and asked if they were open. Ms. Didier replied they are not open. She noted that they asked for another continuance of the disciplinary hearing and agreed to continue the hearing on the condition they would remain closed until the hearing proceeds. Ms. Didier noted that their license expired, however, they applied for a renewal, which was denied and appealed to the Illinois Liquor Control Commission. She advised that the matter was pending.

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 advised that the Village adopted a 1% food and beverage tax. She will be providing information to new licensees concerning their requirement to collect the tax.

Mr. Krusenoski asked about the bourbon/burger establishment in the downtown. Ms. Kuchynka replied that Pierce's Tavern has submitted application and expects to put the application on the October agenda. She noted that details about the outdoor seating proposal are still pending and the outdoor application remains incomplete at this time. She noted that the use of Village property will also require a temporary use license for the operation of the café on public property.

Ms. Kuchynka advised she did not anticipate a September meeting.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

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

Mr. Austin moved to adjourn the August 3, 2017 meeting. The meeting was adjourned by acclamation at 7:35 p.m.