

LIQUOR COMMISSION MINUTES
March 9, 2017

I. CALL TO ORDER

The Liquor Commission met on March 9, 2017 in the City Council Chambers.

Mayor Chirico called the meeting to order at 3:00p.m.

II. ROLL CALL

Liquor Commissioner
Commissioners

Mayor Chirico
Marc Blackman
Dr. Jim Ostrenga
Paul O'Toole
Whitney Robbins
Scott Wehrli

City Prosecutor
NDP Liquor Liaison
Secretary

Kavita Athanikar
Detective Dan Riggs
Emy Trotz

Absent

Chuck Maher
Joe Vozar

Mayor Chirico welcomed and swore in new liquor commission member Mitch Stauffer

III. MINUTES OF FEBRUARY 9, 2017 COMMISSION MEETING MINUTES

Minutes from the February 9, 2017 meeting were accepted and entered into record by Mayor Chirico. Marc Blackman moved to approve the minutes, seconded by Paul O'Toole. Vote 5 Ayes, with 1 abstention. Motion carried.

IV. PUBLIC FORUM

No one was present to speak under Public Forum

V. OLD BUSINESS

a. Liquor License – Mini Marts/Gas Stations-G1 License- tabled until further notice

This topic will be tabled until further notice.

b. Liquor Locker Storage Request – Empire

Kavita Athanikar stated that in the current liquor code there isn't anything that specifically addresses this request but it doesn't violate any of the provisions or restrictions that are in place. The petitioner wants to be able to allow for liquor storage in that a patron would purchase a high end bottle of liquor from the licensed establishment. The liquor would be served by a BASSET trained server from the establishment and then stored for later use. The provisions that are in the code that may affect this is that storage must be sanitary and the

establishment will offer for rent secured storage lockers for the unconsumed products. The patron can come back at a later date and request that that bottle be opened and reserved by a BASSET trained server. With all of those provisions in mind, it doesn't violate any restriction currently have in the code. If the Commission votes yes on this, the Commission can move forward without enacting a separate or new ordinance.

Marc Blackman clarified that the alcohol must be purchased on premise and a patron could not bring in their own bottle. That was verified as correct.

Scott Wehrli stated that the distinguishing difference between this and bottle service is that the patron cannot pour their own liquor and therefore he didn't have an issue with it.

Mayor Chirico asked if that is spelled out in the Rules that the service has to be by a BASSET trained server. The service and sale is the same as the Class B license, the difference is that it will be stored for further use. Mayor Chirico suggested adding language to the internal Rules that the bottle has to be served by the BASSET trained server and cannot be left on the table.

Mitch Stauffer asked about security for the lockers. They are wood cabinets with metal mesh. They are fully locked. The patron's name would be on the locker. There are security cameras. There are people in and out of this room all the time.

Mayor Chirico said we would modify the internal Rules to allow this.

VI. NEW BUSINESS

a. Sidewalk Permitting

Kavita Athanikar stated that in August 2016 there were two requests to City Council for outdoor seating on public sidewalks. Based on those requests, the City Council asked staff to come back through the Liquor Commission and provide criteria and a map on how this will look in the future. The Commission was presented two distinct options of how this can be achieved. The Illinois State Statute states that the sale or delivery of alcohol on municipal property is restricted unless there is an ordinance that allows for it OR the municipality transfers control of the public property to the licensee. That can be done by either lease or sale of the property. Option one is the lease of the City owned property to the liquor licensee in which we relinquish control of that property and they would be able to serve liquor on a public way. The State Statute also requires that the lease of a public property has to serve a public purpose. That definition is pretty broad. For a restaurant or bar to be able to do this the public purpose could easily be achieved through serving citizens and visitors as entertainment. Option two is to enact an ordinance that allows for liquor sale and service on City property.

Currently, we have outdoor seating as well as a sidewalk permit. The proposed language marries the two together, so we just have one permit. Right now we are operating with an outdoor seating permit for establishments that want liquor service and we have a sidewalk permit for establishments that don't want liquor service. The new ordinance would put all of that together into one. There would still be an application process and an allowance based on season when that service could occur. There would be regulations as far as what the outdoor seating would look like and what would be allowed. There would also be a list of restrictions as far as what the establishment can do. The outdoor seating can't restrict ingress or egress from the licensed establishment for a patron or any other establishment. The service and consumption of liquor should line up to the hours that are in place currently for the licensee so it wouldn't go past 11pm while meals are being served. The liquor can only be served by a

BASSET trained server in the outdoor seating area. There is no carry in or carry out of liquor by a patron. A patrons of the establishment shall remain seated in the outdoor seating area while consuming so they are not walking around with the liquor. No patron can leave the outdoor seating area with the liquor. Except for the areas that are being permitted, it remains unlawful for a person to consume liquor on public property. The fee for this permit will be \$500 for establishments that want to serve liquor and then \$250 for establishments that don't want to sell liquor. If there was a violation, it would go through the court system through an ordinance violation. A second violation could result in revocation of the permit or suspend the actual license. Staff recommends option 2. If the Commission agrees to move forward with option 2, then it would be presented to City Council for their review.

Allison Laff, TED, stated that the City is currently working on a Street Scape Plan for the downtown. The Downtown Advisory Commission has reviewed it and approved it. It will move forward to the City Council in the next six months. All outdoor seating areas would have to be approved by TED. Things are required like aisle widths, tables, and spaces between the seats. This will all be reviewed. They used the area in front of Craftsman as an example. TED will propose that the outdoor seating area be away from the building. You will have to cross the sidewalk to get to the area. The area would be confined with a fence per the building code requirement. Not everyone will have the space to accommodate outdoor seating.

Mayor Chirico asked about Front Street. They currently have the tables along the building. The preference would be to have the tables along the street. This will depend on the amount of space in front of each location.

Mayor Chirico asked if fencing is needed. This is seasonal seating. It needs to look nice but needs to be removed in the winter.

Kavita Athanikar stated that the outdoor seating permit mandates that the area shall be clearly designated with a permanent or semi-permanent fence and or barrier consistent with the existing zoning and building ordinances of this code.

Allison Laff showed the commission photos of the proposed street scape.

Layout of the area and type of furniture used will be up to staff approval. This will also apply to the businesses that are not serving liquor.

Scott Wehrli asked if they had looked at the downtown to who would qualify for outdoor seating. They have looked and have a list. Washington Street is too narrow.

SPEAKERS

Dan Littill, Front Street Cantina

He has been asking for outdoor seating for over 20 years and has always been declined. He has three other locations that have outdoor seating; Wheaton, Plainfield and Lemont.

Paul O'Toole asked how long they would be serving outside, Littill stated by 10 pm.

Mitch Stauffer asked what his vision is for outdoor seating. Mayor Chirico asked that as long as food service is available, that meets the requirement.

Mayor Chirico asked if the alley next to his restaurant is a public or private alley way. Dan Littill's understanding is that it's an alley way that he could use but the layout is not conducive for tables.

Mayor Chirico asked Allison Laff if they have looked at other areas in the downtown that could be used for outdoor seating. Allison Laff stated that there is an area by Mod Pizza. The proposal is for anything on public owned property.

Jim Ebel, Two Brother's Brewing Company/Craftsman
He feels that \$500 is expensive. He asked if this would be in addition to their current outdoor seating permit. This fee would include both areas.

On fencing, would a gate be required? Clarification would be helpful. Also, what consideration is there for security measures? This might be a requirement.

It would be better if food service wasn't required.

He questions the seasonality requirement. This is due to snow removal. It could be written that when unseasonal weather occurs at a certain temperature outdoor seating is permitted.

Marc Blackman asked about lighting requirements. Allison Laff reported that the downtown has decorative lighting throughout and they are looking to upgrade to LED. Restaurants would be encouraged to have additional lighting.

Whitney Robbins asked about closing streets. They are looking at Jackson between Main and Washington. She asked why not Jefferson. Jackson would have less impact versus Jefferson.

Mitch Stauffer asked Jim Ebel his vision for the outdoor seating area. He sees it as being a cheese plate and wine setting. These will be small spaces. He sees two to four people at a table drinking but with a snack.

Mayor Chirico stated that we need to discuss times of the outdoor seating and fencing.

Marc Blackman moved to adopt the recommendation that staff has brought to the commission as proposed, second by Dr. Ostrenga.

Marc Blackman amended the motion to direct staff to bring back language for a draft ordinance to the next meeting, seconded by Dr. Ostrenga.

Discussion followed. Hours of operation would be 10pm.

Christine Jeffries, NDP, agrees with 10pm. The Restaurant Association strongly endorses the outdoor seating and hopes it will be in play before the summer months. They agree also with the seasonality. They like the idea that the restaurants are allowed to use the areas in front.

Katie Wood, DNA, agrees with NDP. This is an extension of the businesses. This is good business practice. Downtown Naperville Alliance is very supportive of this.

Colin Dalough, Naperville Area Chamber of Commerce, said this is beyond the benefit of the restaurants but has a positive effect of promoting the downtown.

Items for discussion are weather permitting, food service, hours, enclosure, security cameras, heaters, amplified music and fencing. It is recommended to have a standard of fencing for all.

Mayor Chirico stated that there is a motion and a second to direct staff to bring back language for a draft ordinance on outdoor seating on public property for the downtown district only.

Roll Call. Vote unanimous, motion passed.

VII. REPORTS

a. Restaurant Association

No report

b. Beverage Alcohol Seller Server Education Training (BASSET) – Employee Training Statistics

February 135 attended, 22 no shows

c. Tobacco Enforcement Review

Detective Riggs reported that they will begin the 3rd rounds of compliance checks this month.

d. Liquor Reports

21 DUIs February 2017

23 DUIs February 2016

5 Under 21 compliance checks were completed in February and all were in compliance.

e. Liquor Concept Committee Report

February 16, 2017

Peterson's Wines

They are requesting a wine tasting event. March 18, 2017 1pm – 5pm and April 22, 2017 noon – 5pm. These were approved.

2 Fools Marketing Event

They want to have a marketing event on April 1, 2017. This was approved.

Magic Nails & Spa

2775 Showplace Dr. #103

Provides luxurious manicures and pedicures. They want to provide different types of beverages to their guests.

They have been given an application.

Seana's Breakaway Bar & Grill (formerly Danny's Pub)

She is purchasing Danny's and operating the same. She was given an application.

VIII. EXECUTIVE SESSION

None.

IX. ADJOURNMENT

Next Meeting: The next regularly scheduled Liquor Commission meeting will be held on April 6, 2017 at 3:00 p.m. in the Council Chambers. Marc Blackman made the motion to adjourn the meeting at 4:23p.m., seconded by Paul O'Toole. Vote unanimous, Motion carried.