



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### Liquor Commission

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Thursday, September 6, 2018

3:00 PM

Council Chambers

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#### A. CALL TO ORDER:

#### B. ROLL CALL:

**Present** 9 - Mayor Steve Chirico, Pam Davis, Charles Maher, Paul O'Toole, Whitney Robbins, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

**Absent** 1 - Marc Blackman

#### C. PUBLIC FORUM:

There was no one to speak under Public Forum.

#### D. OLD BUSINESS:

Discussion related to the retail sale of CBD (Cannabidiol) in Naperville.

Jennifer Lutzke, Senior Assistant City Attorney, stated that the State and Federal Government are looking into regulating CBD. The petitioner has withdrawn his request. This item will be tabled until the December meeting.

**Commissioner Wehrli moved to table this topic until the December meeting, seconded by Commissioner Vozar.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

Consider Noon Whistle Brewing's request to expand the Class P liquor license cap and direct staff accordingly.

Mike Condon, Noon Whistle Brewing Company, presented at the last liquor commission meeting asking for an increase in the Manufacturing cap. He is still looking for a location. At this time, there recently was an increase in the cap to three. That license is available.

#### E. NEW BUSINESS:

Consider Tasting Devine's request to increase the Class S - Specialty Wine Shop's serving size limitation from 12oz to 18oz of wine per person/day.

Gregory and Jodie from Tasting Devine were present to request an increase in

the serving size of wine from 12oz to 18oz. They stated that their concept has changed since they opened several years ago.

**Commissioner Vozar moved to amend the Class S license to include a provision that in the event a licensee sells their own specific branded product that the serving limit is raised to 18oz, seconded by Commissioner O'Toole.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

Consider Solemn Oath's request for a text amendment to the Class P - Manufacturer License and Marketing Event Permit.

At 3:24pm Commissioner Wehrli recused himself.

John Barley, Solemn Oath, stated that in 2012 Solemn Oath was the third tap room in Illinois to receive a state liquor license. He made the following requests to the Liquor Commission:

1. Remove the three (3) serving, 48 oz limit
2. Remove the language of only selling beer made on site.
3. Increase the Class P Marketing events to twelve (12).

Commissioner O'Toole asked for clarification on the Marketing events. Currently, they have two event permits. They have an annual anniversary party called Oath Day, that brings in about 2,000 people. They use a section of a parking lot that is in front of their building. In the fall, they have an Oktoberfest party for about 600 people with a similar set up in front of the tap room. They are located in an Industrial Park. The neighbors are notified and there haven't been any issues. These events are on private property.

Commissioner Robbins asked about serving food. On Fridays and Saturdays, food trucks come to their business.

Commissioner Stauffer asked for clarification on the comment that the removal of the three serving limit would put you on par with the other brewers, were you talking about brewers outside of Naperville? Yes, the majority in the State of Illinois.

There are roughly 160 breweries. Out of the 40 state license tap rooms, there are four (4) that have limitations on the number of servings. Nationally, this is an exception.

Commissioner Davis personally endorses his recommendations.

Mayor Chirico stated that we have six (6) Class C Tavern Licenses. They do not serve food and are not limited on the number of servings. At this time, Class P can only sell their own product.

Jennifer Lutzke clarified that they will only be serving craft beer and craft cider.

Commissioner Vozar supports the motion. He is not concerned about Solemn Oath. He is worried about the next ten that may come in to Naperville. He will reserve the right when it's the sixth or seventh, and it doesn't look like Solemn Oath to challenge it.

Jennifer Lutzke clarified that because we changed this license classification to Manufacturer, the craft distillery will still be required to only sell the product they make on premise until this ordinance is changed.

Commissioner O'Toole asked about cross marketing. This would be in line with the new state law.

Commissioner Maher asked if we had an available Class P license. We have one as of today. After that license is given out, any new requests would need to come before the Liquor Commission.

Commissioner White asked if for the marketing events they would be serving food. Yes, they would bring in a caterer or a food truck. They would like to have Auto Shows and Farmers Markets.

Mayor Chirico clarified that they have an application process that they need to go through to have the marketing events.

Commissioner Vozar asked Officer Riggs for the record, if there have been any instances at Solemn Oath over the years. There have been no issues.

Mayor Chirico stated that we have a powerful tool in our tool box and that is enforcement.

Commissioner Maher asked, concerning the marketing events, on how this compares to other groups wanting to have Special Events. Jennifer Lutzke reported that Special Events is limited to two events a year. Emy Trotz stated that for special events the State has a limit of two. Solemn Oath holds a Class P liquor license that currently allows 2 marketing permits a year.

**Commissioner Davis moved to approve a variance in order to grant the three requests, seconded by Commissioner Robbins.**

**Aye:** 7 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

**Recused:** 1 - Wehrli

Consider Craft and Draft's request for a liquor license classification.

At 3:56pm, Commissioner Wehrli returned to the meeting.

Sean Quinn presented his concept of Craft & Draft. It is a hybrid craft beer store

and tap. It would combine off premise sales and on premise sales. He does not have a location yet. Mayor Chirico relayed to him that the location must be in a shopping center of 60,000 sq. ft of building space. He is looking for 1500 - 2000 sq. ft. building. They will not have food but would encourage people to bring food in and eat on site. It will be a small bar with 8 - 12 taps and a few tables. They would like to do daily tastings and samples. They would have limited retail hours. They would offer wine by the glass. They would not be brewing or manufacturing their own product. There are five of these businesses within a twenty mile radius of Naperville.

Commissioner Vozar said this feels similar to an S license except taking the restriction off. He will be a no on this.

Sean stated that this was discussed in the Liquor Concept meeting and it was suggested that he seek a subclass of the Class C Tavern License.

Commissioner Wehrli stated that this does seem like a Class C Tavern license. There is a cap on the Class C license.

Similar store would be the Beer Cellar in Glen Ellyn. This would be wine and beer only.

Commissioner Maher looked up Beer Cellar in Glen Ellyn on the internet.

There is one opening up in downtown Downers Grove. There is one in Mokena, Tinley Park and Romeoville. This is something that exists already.

Commissioner Wehrli stated that when World of Beer concept came in it was the location that drove their ability to get a license. That classification had not been issued for twenty years. Because they were locating in an under served area, got them the license.

**Commissioner Stauffer moved to table this concept for a month during which the commission will consider, seconded by Commissioner White.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

## F. REPORTS:

Approval of August 9, 2018 Liquor Commission Meeting Minutes

**A motion was made by Commissioner Maher, seconded by Commissioner O'Toole to approve the August 9, 2018 meeting minutes.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

### **1. Restaurant Association Report - Jeffries**

Christine Jeffries, NDP, stated that on behalf of the Naperville Area Chamber of Commerce and the Naperville Development Partnership, they would like to thank the commission for the consideration of the expansion of the Class P license.

The 2019 Dining Guide will be delivered door to door to fifty six thousand homes. They will be doing an insert about Shop Local and will use the car dealers as an example that will show that every time you shop local, every tax dollar that you spend in the community really comes off your property tax bill.

September is Hunger Action Month. The restaurants are partnering with Loaves and Fishes and are promoting "Hunger Up, Hunger Down". Every dollar donated goes to Loaves and Fishes.

Mayor Chirico asked if the Restaurant Association or Visitors Bureau have worked with Uber or Lift to bring people downtown? They have partnered with Uber Eats but not Uber or Lift. She will look into this.

### **2. BASSET- Employee Training Statistics - Riggs**

Detective Riggs reported that in August we had 142 attend with 33 no shows.

### **3. Tobacco Enforcement Review - Riggs**

Detective Riggs reported that Tobacco 21 did not pass in Illinois. The State is now issuing the informational booklets to pass out to our licensees. Once that is completed, the tobacco compliance checks will begin.

### **4. Liquor Report - Riggs**

Detective Riggs reported that in August 2017 there were 21 DUI's and August 2018 there were 18 DUI's

### **5. Liquor Concept Committee Update - Trotz**

Trotz reported the following Liquor Concepts:

August 16, 2018

Craft & Draft- this was previously discussed.

Spent sometime discussing the liquor concept forms. These have been revised and are now available online.

## **G. EXECUTIVE SESSION:**

Jennifer Lutzke stated "members of the Local Liquor Commission, a motion would be in order to go into closed session to discuss matters of discipline under the jurisdiction of this quasi-adjudicative body as provided under Chapter 5 of the Illinois Compiled Statute, section 120/2(c) (4)".

Commissioner Vozar moved, seconded by Commissioner O'Toole to move to Executive Session at 4:22pm.  
Vote was approved unanimously.

The Liquor Commission closed Executive Session at 4:34pm and went into regular session.

**H. ADJOURNMENT:**

Commissioner Vozar moved to adjourn the meeting at 4:35pm, seconded by Commissioner O'Toole. The motion as approved unanimously.

/S/ Emy Trotz  
Emy Trotz  
Executive Assistant/Mayor

**NAPERVILLE BOARD AND COMMISSION**  
**DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS, OR TRANSACTION**

**1-13-6: BOARDS AND COMMISSIONS:** It shall be lawful for members of the various boards and commissions of the City, established from time to time by the ordinances of the City and the statutes of the state, to have an ownership, employment, or family interest in any contract, business, or transaction with the City, provided that said member shall file with the City Manager and with the chairman or vice chairman of the member's board or commission, the following disclosure:

Name: SCOTT WEHLLI

Position with City: LIQUOR COMMISSIONER

Name of entity contracting with City: \_\_\_\_\_

Proposed contract, business, or transaction: \_\_\_\_\_

I have an  Ownership  Employment  Family  Appearance of Impropriety  Other

interest in the proposed contract, business, or transaction as follows: I am 4.5% owner  
of Naperville Small Business Park LLC - lessor to  
SOLEMN OATH BREWERY

Dated: 9/6/2018

Signature: 

1. Said disclosure shall be filed before any board or commission (including the member's own) or the City Council considers approval of the proposed contract, business, or transaction.
2. In the event the member's own board or commission is to review or recommend upon such contract, business, or transaction, the member shall leave the chamber where deliberations take place during the discussion and vote on the interested matter and such member shall have no vote upon the matter.
3. The disclosure form filed by said member shall be attached to and made a part of the minutes of the meeting of said board or commission and shall be attached to and made a part of the report or recommendation made by said board or commission to the City Council, the City Manager, or any other board or commission of the City to whom such report or recommendation is rendered. Such disclosure shall be included with the agenda when the matter is proposed for approval by the City Council.
4. Any member of a board or commission who knowingly fails to file a disclosure required by this Section shall be subject to immediate removal from such board or commission by the City Council.

**1-13-1: - DEFINITIONS:** The following definitions shall apply to this Chapter:

<b>BUSINESS OR TRANSACTION:</b>	Licenses, permits, approvals, and benefits granted, given, or entered into by the City. Business or transaction restrictions shall not apply to those applicants exempted under Section 1-12-5 of this Title, unless specifically hereinafter provided.
<b>CONTRACT:</b>	Any agreement between the City of Naperville and any person, firm, corporation, or entity for the purchase of materials, goods, or services or real estate from the entity. Contract shall also mean any agreement whereby real estate, materials, goods, or services are sold by the City to the entity. Contract shall also mean a deposit of monies, loans, or other financial services provided to the City by banks and other thrift institutions. Contract shall include employment by the City.
<b>EMPLOYMENT INTEREST:</b>	An employment interest exists where a person is an employee or agent of the entity contracting or having any business or transaction with the City, and:  1. The person is compensated in a manner so that he would receive a commission, bonus, or profit sharing distribution based in whole, or in part, on the contract, business, or transaction with the City, or  2. The total of all contracts, business, or transactions between the City and the entity, in any calendar year, amount to more than twenty-five thousand dollars (\$25,000.00).  An employment interest shall not include employment by another unit of government.
<b>FAMILY INTEREST:</b>	A family interest exists where a person has a wife, husband, son, daughter, father, mother, brother, or sister who has an ownership or employment interest in a contract, business, or transaction with the City.
<b>OWNERSHIP INTEREST:</b>	An ownership interest exists where a person is the sole proprietor, owner, partner, stockholder, or joint venturer of the entity contracting, or having any business or transaction with the City.

**1-12-5: - EXEMPTIONS:**

1. Disclosures in accordance with the provisions of this Chapter shall not be required of applicants for the following described contracts, permits, licenses, approvals or benefits:
  - 1.1. Vehicle Stickers.
  - 1.2. Parking Permits.
  - 1.3. Bicycles licenses.
  - 1.4. Dog licenses.
  - 1.5. Electrical contractor's licenses.
  - 1.6. Plumbing contractor's licenses.
  - 1.7. Sidewalk contractor's licenses.
  - 1.8. Alarm permits.
  - 1.9. Amplifier permits.
  - 1.10. Taxicab, liver, limousine and carriage licenses.
  - 1.11. Block party permits.
  - 1.12. Going out of business permits.
  - 1.13. House moving permits.
  - 1.14. Parade permits.
  - 1.15. Peddlers' and solicitors' permits.
  - 1.16. Raffle permits.
  - 1.17. Purchase orders or contracts involving amounts less than ten thousand dollars (\$10,000.00).
  - 1.18. Sign permits (if no variation is requested).
  - 1.19. Applications for historic preservation district designation.
  - 1.20. Applications for landmark designation.
  - 1.21. Applications for utility service.
  
2. Disclosures in accordance with the provisions of this Chapter shall not be required to be under oath for building permits for the following structures:
  - 2.1 Decks.
  - 2.2 Patios.
  - 2.3. Room Additions.
  - 2.4. Garages.
  - 2.5. Temporary electric service changes.
  - 2.6. Swim pools.
  - 2.7. Lawn sprinklers.
  - 2.8. Construction trailers.
  - 2.9. Gazebos.
  - 2.10. Sheds.

**1-13-8: - NO DISCLOSURE REQUIRED:** Notwithstanding any other provision of this Chapter, no disclosure is required under Sections 1-13-6 and 1-13-7 of this Chapter where the only interest is five percent (5%) or less ownership of shares of a publicly held corporation traded on a stock exchange.