

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Draft

Thursday, April 6, 2023

3:00 PM

Council Chambers

Liquor Commission

A. CALL TO ORDER:

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

Mayor Chirico advised Commissioners that their term ends when his term is up on April 30, 2023. He advised them that they should turn in their badges and thanked them for their service.

B. ROLL CALL:

Staff Present: Jennifer Lutzke, Senior Assistant Attorney, Rachel Pruneda, Assistant to the Mayor, Det. Marty Creighton, Naperville Police Department, Sgt. Scott Thorsen, Naperville Police Department,

Present 9 - Mayor Steve Chirico, Karyn Charvat, Kelly Douglas, John Koranda, Anthony Signorella, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

Absent 1 - Charles Maher

C. PUBLIC FORUM:

Naj Jaiswal thanked Mayor Chirico for everything he has done for the community. He and his wife are very thankful for the support that the Mayor has provided over the years. He also wants to welcome incoming Mayor Wehrli and he looks forward to developing a great partnership with the Indian Community.

D. OLD BUSINESS:**E. NEW BUSINESS:**

Consider Star 7's request for a variance of the square footage requirement for a Class D liquor license.

Lutzke explained to the Commission that Star 7 was located on a parcel that was annexed into the City. At the time because it was annexed into the City, it didn't meet the square footage requirements of the liquor code, but they were allowed to continue their operation because it annexed as a grandfather and they were granted a variance.

Irene Bahr of Bahr Anderson Law Group, LLC and Scott Pointner, Esq, Member, Rathje Woodward, LLC were present and accompanied by two Officers/Owners of Star 7 Corporation, Amiras Savani and Hemant Dhanani. Bahr stated that they are here today because of a variance request. There is no change in ownership. The facility they are in was grandfathered in, and the landlord is redeveloping the property and has requested that the owners of Star 7 relocate.

Savani thanked Mayor Chirico for his service and congratulated Scott on his win. He went onto explain that they have been operating Star 7 for 17 or 18 years and have not had any violations.

Bahr stated that the City has enacted a provision in the liquor code that allows the commission to make a recommendation to City Council to approve a variance request. The ordinance lays out certain requirements that allows a licensee to summon the City to grant a variance. The location that they are relocating to is 2/10th of a mile in a neighboring shopping center. Star 7 would like to apply for a Class D liquor license, but the shopping center is not 60K square feet.

Bahr stated that this facility is unique and there will only be one Class D in the new center and there is only one existing center. The new location is part of a PUD for that same area when it was developed. Strict enforcement of the code would result in practical difficulties because of the unique area that it is in. Star 7 does not want to move locations, but if they can stay in the same neighborhood it won't impact the clientele. The facility is unique and it's not going to open a floodgate of other facilities.

Mayor asked what is the total square footage of the entire shopping center and Pointner said it's 810K square feet. It was originally processed as a PUD but also finalized as a PUD. It was intended to have the town homes integrated right next to the commercial so it would be feeding these clients.

After further discussion by the Mayor and Commissioners about understanding that the task at hand is to make a recommendation to City Council.

Commissioners Koranda advised the petitioners that they did a great job with their presentation. Vozar asked if there have been any issues with this establishment to date to which Detective Creighton advised that there had not been any liquor or tobacco violations.

Mayor was advised that this was not an expansion and that establishment is only 30 or 40 square foot bigger.

A motion was made by Koranda and seconded by Charvat to recommend approval of Star 7's request for a variance of the square footage requirement for a Class D liquor license be referred to the next City Council meeting Motion carried by the following vote:

Aye: 9 - Mayor Chirico, Charvat, Douglas, Koranda, Signorella, Stauffer, Vozar, Wehrli, and White

Absent: 1 - Maher

Consider Vasili's request to add an Entertainment Permit to their Class B - Restaurant & Tavern License

Mayor Chirico advised Commissioners that the reason why he wanted this item to come before the Commission is to give some thought to a request for an entertainment permit at Vasili's in downtown Naperville. Entertainment permits do not typically come before Liquor Commission, but this request is for an outdoor entertainment.

Bobby De Maria was present on behalf of Vasili's. De Maria is an employee of Scott Harris Hospitality Group and explained that they are looking to create a chill lounge atmosphere and play music on the patio on Friday evening from 9:00 p.m. to midnight, where guests can enjoy the weather and view after dinner. Christina Garcia of Marketing was also present.

Mayor and the Commissioners expressed their concern about there being several surrounding restaurants in the area and asked if they met with the owners of these restaurants to which De Maria replied he had not.

Commissioners asked if there will be a live band, acoustics guitar player or a dj? De Maria stated that there will be a dj playing tracks. Douglas asked if there had been focus testing. De Maria stated that they have played entertainment at other restaurants and it has worked well. Wehrli stated that music travels and he has noise concerns. Stauffer expressed his concern that this sounds like a music event and that is a point of concern.

Charvat and Koranda stated that they understood the concept in trying to create an after-dining experience. Koranda agreeing with the concept, but they are also concerned with the sound.

De Maria added that Scott Harris Hospitality plans to layout a program that includes a whole week of entertainment at their various restaurants.

Wehrli asked if there is any acoustic engineering study in the works and if not, De Maria should come back with one and provide the decimal parameters.

Overall consensus of the Commission is for Scott Hospitality Group to come back with a well thought out plan that includes a sound study, and a discussion with neighboring restaurants. Signorella asked staff for a list of entertainment permits in that area.

Mayor directed the applicant and staff to bring forth additional details and the applicant can re-submit for a full-time entertainment permit or a trial run basis, which can be decided at that time.

Mayor has directed Scott Harris Hospitality to come back with their request with additional information. It will be decided at that time if we will consider a one-time permit or a full-time entertainment permit.

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of November 3, 2022

Commissioner White made a motion to approve the regular Liquor Commission minutes of November 3, 2022, seconded by Koranda, approved. The motion carried by the following vote:

Aye: 9 - Mayor Chirico, Charvat, Douglas, Koranda, Signorella, Stauffer, Vozar, Wehrli, and White

Absent: 1 - Maher

1. Restaurant Association Report - Jeffries

Jeffries was not present to provide a report.

2. BASSET- Employee Training Statistics - Creighton

In November there were 85 in person attendees and 20 online renewals. In December there were 87 in-person attendees and 19 online renewals. In January, there were 68 in-person attendees and 23 online renewals. In February, there were 97 in-person renewals and 29 online renewals. In March, there were 140 in-person attendees and 17 online renewals.

Creighton advised the Mayor that at the last Liquor Commission meeting the Mayor asked about BASSET costs and no shows. Cost of BASSET training is \$30 and that cost is paid up front. If the registrant is a no-show, they are allowed to attend a future class at no additional charge, but if they continually sign-up and do not show, the \$30 registration fee is applied as an administrative fee. There are no refunds.

3. Tobacco Enforcement Review - Creighton

Creighton reported on the unusually high number of Tobacco violations. In November 2022, there were 9 and in March 2023, there were 12 violations. In October, a seven- page informational packets were delivered to each business and when these packets are delivered we do require that someone sign for it. The packet includes hangars/signs that say this date makes you eligible to purchase tobacco, pregnancy warnings, etc. Vozar asked if there have been repeat offenders to which Creighton responded, yes. Mayor stated that we clearly have an issue and asked Thorsen and Creighton what is our philosophy while doing compliance checks? Our checks are not a trap, we are looking for compliance to keep tobacco out of the hands of kids.

Mayor asked what the penalties are. Lutzke reported that majority of fines are \$100 to the individual who sells. The business itself are cited \$500 fines and up.

Douglas asked what can the Commissioners do? Mayor said we could assess higher fines and suspend licenses, if necessary. Mayor also asked what would it take to be more robust? Creighton said we could do compliance checks more often. Creighton reported that there are currently 82 businesses who sell tobacco. Vozar recommended and asked if we can recheck previous violators? We should review this and get back to the Mayor, adding that the repeat offenders are concerning. Vozar recommends looking at the violations and making them even steeper. Mayor said that we can direct Lutzke to start fining at the high end. Wehrli asked for a list of fine amounts. Lutzke stating that they are not in the code, but she will provide a copy to Commissioners. Lutzke stated that she settles the disputes with the businesses. Mayor directed staff to send a letter to businesses and include a copy of the fine schedule. Mayor asking if we can get approval from the Police Chief to do another compliance check.

Mayor suggested imposing that if there are 2 violations in one year, it's a 7 day suspension and a \$2,500 fine. We have to send a message. If there are 3 violations in one year, it's a 30-day suspension and a \$5,000 fine. Thorsen added that if the City starts closing businesses down that would have a big impact. Mayor said let's go in this direction and follow-up with the Commission.

Koranda asked what is the deterrent would you suggest and Creighton replied that we should run more concurrent checks.

Mayor asked Creighton and Thorsen if we can check with the State to see if there's been an overall uptick in violations.

4. Liquor Report - Creighton

Creighton reported that there were 11 DUI's in October, 2022 compared to 14 DUI's in October, 2021. He also reported that there were 14 DUI's in November, 2022 compared to 10 DUI's in November, 2021. In December 2022, there were 20 DUI's compared to 21 in December 2021. In January, 2023 there were 12 reported DUI's, compared to 11 in January 2022. In February, 2023, there were 4 reported DUI's compared to 13 in February, 2022.

5. Liquor Concept Committee Update - Pruneda

Since the last Liquor Commission Meeting, the Liquor Concept Committee has had six meetings on Nov 17, Dec 15, Jan 19, Feb 9, Feb 16 and March 16.

The following concepts were discussed:

Bar Louie, 2835 Showplace Drive, Suite 139

New owners. Seeking a Class B Liquor License. Their request was approved and their application is in process.

Ogden Wine & Spirits, 1568 W. Ogden Ave

New owner. Making no changes to the business concept. Their request was approved, and their application is in process

Fiamme, located at 19 N. Washington

New owner. Full-service restaurant seeking a Class B Liquor License. Their request was approved, and their application is in process.

Sure Shot Pickleall, locating at 2244 Corporate Lane

New business seeking a Class M - Recreational Liquor License. Service of alcohol when pickleball courts are open and available. Counter service.

Downtown Naperville Wine Walk, event scheduled for June 4 & October 1.

Organized by Arranmore & Downtown Naperville Alliance. Each wine walk supports a different non-profit. They will serve a 1 oz. pour at each location.

Naperville Summer Ale Fest, event scheduled for July 8 at Naper Settlement

Special Event Permit with 3rd Party Promoter. Organized by Lou Dog Events. The charity license holder is the Naperville Humane Society. They will be serving craft beer, cider & canned cocktails (margarita or moscow mule). Their request was approved and application is in process.

Ram Miryala Musical Concert, event scheduled May 7th at Yellow Box Community Church, 1635 Emerson Lane

Temporary Permit. The charity license holder is Chicago Telangana Association, 228 Cortez Dr, Naperville. They will be serving beer and wine. Their request was approved and their application is in process.

Moti, 888 Route 59, Unit 108

New business. Indian/Italian Restaurant seeking a Class B Liquor License. Their request was approved and their application is in process.

Absolute BBQ, 5109 Ace Lane #103

New business. Full Service Indian Restaurant seeking a Class A Liquor License. Their request was approved and their application is in process.

White Crane Restaurant, 1715 Freedom Drive

New business. Full-Service Thai & Sushi Restaurant seeking a Class B Liquor License. Their request was approved and their application is in process.

Golconda, 158 W Ogden Ave, Suite #140

New business. Full-Service Indian Restaurant seeking a Class B Liquor License. Their request was approved and application is in process.

G. EXECUTIVE SESSION:**H. ADJOURNMENT:**