



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

Liquor Commission

Thursday, October 3, 2019

3:00 PM

Council Chambers

A. CALL TO ORDER:

Mayor Chirico called the meeting to order at 3:03pm.

B. ROLL CALL:

Present 7 - Mayor Steve Chirico, Pam Davis, Charles Maher, Paul O'Toole, Whitney Robbins, Mitch Stauffer, and Scott Wehri

Absent 3 - Marc Blackman, Joe Vozar, and Kimberly White

C. PUBLIC FORUM:

Tony Notarangeli, Angeli's Restaurant, was present to request the sale of Limoncello bottles. His daughter owns the liquor distribution for this product. If this product is considered a wine, the Class S would be the appropriate license.

Jennifer Lutzke, Senior Assistant City Attorney, will work with him on the appropriate liquor classification and bring this back to the next meeting.

D. OLD BUSINESS:

Consider revisions to the Class M license pertaining to Lifestyle Amenities facilities

Jennifer Lutzke, Senior Assistant City Attorney, stated that at the last meeting we discussed making changes to the Class M license to separate Recreational facilities from Life Style Amenities facilities. In reviewing this, the proposed revision reduces the fee to \$250 per year for the Life Style Amenities facilities license and separates it from Recreational facilities license.

Commissioner Maher moved to accept the language as presented reducing the fee for Life Styles Amenities to \$250, seconded by Commissioner Davis.

Aye: 6 - Davis, Maher, O'Toole, Robbins, Stauffer, and Wehri

Absent: 3 - Blackman, Vozar, and White

Abstain: 1 - Mayor Chirico

Consider Red Arrow's request to allow Class B licensees to sell Crowlers and remove the onsite manufacturing requirement from the Growler Permit

Joe Tota, Red Arrow, was present to request the sale of crowlers for Class B licenses. A crowler is a 32oz can that is sealed. It requires special equipment to seal the can. They are a pour your own establishment but crowlers would be

poured by staff. They would sell for \$12 - \$16. Most beers of that size would be \$4. They offer 48 different taps in their restaurant. They buy from local smaller breweries.

Mayor Chirico asked if the Class S license allows the sale of beer. Jennifer Lutzke, Senior Assistant City Attorney, stated it allows the sale of craft beer for consumption off premises.

Mayor Chirico reminded the commission that downtown Naperville has an ordinance that prohibits the sale of package goods with the exception of Wine 64 and Walgreens. Emy Trotz, Executive Assistant/Mayor, stated that Tasting Devine has a Class S and Vom Fass has a Class S1.

Mayor Chirico stated that the Liquor Commission doesn't have the authority to grant permission to sell crowlers. This will be a recommendation to City Council.

Commissioner Stauffer feels that this would not be selling package goods. He would suggest taking out the phrase "manufactured on site" and allow the sale of crowlers.

Mayor Chirico asked Christine Jeffries to come forward. This has not been discussed with the Restaurant Association.

Commissioner Wehrli stated that there is a Class C - Tavern license that allows the sale of package goods. If we could create a Class C1 that would allow the sale of crowlers.

Joe Tota asked if the Illinois law states that these are not package sales.

Mayor Chirico would like to see what the Restaurant Association says about the sale of crowlers. I'd like to direct staff to contact the State to get clarification on the interpretation of package goods.

This might require another license or a permit.

Commissioner O'Toole moved to direct staff to look at the proposal for Red Arrow, work with the Restaurant Association and get feedback from the State of Illinois, seconded by Commissioner Maher. Motion was approved unanimously.

E. NEW BUSINESS:

Consider Pete Ellman's request for a liquor license for a jazz club

Commissioner Wehrli recused himself from the meeting at 3:40pm.

Pete Ellman was present to request a liquor license for a Jazz Club. This is very preliminary. He doesn't have a building.

A few years ago, he was visiting his sister in California and he came across a jazz club. For \$5 you would get a bowl of chili and beer and wine was available

for purchase. It would be a night club atmosphere. It would be one night a week or when a major artist is in town.

Mayor Chirico said the closest license we have is a Class R Legitimate Theater.

Mr. Ellman is looking where the School of Performing Arts was located.

Mayor Chirico asked Jennifer Lutzke if this fits as a Class R license. Mr. Ellman would like to have the service of beer or wine during the performance. The Legitimate Theater license would have to be revised to allow the service of alcohol during the performances.

Mayor Chirico stated that right now his concept fits with the Class R Legitimate Theater license but the service of alcohol is limited to before the performance and during intermission.

Commissioner Maher asked how long the performances would be. The students perform from 6:30pm - 7:15pm and then his band plays from 7:30pm - 9pm.

Commissioner Davis moved to direct staff to make modifications to the Class R - Legitimate Theater license to accomodate continuous service throughout the performance with liquor service one hour before the performance and last call 30 minutes before the end of the performance, seconded by Commissioner O'Toole.

Aye: 5 - Davis, Maher, O'Toole, Robbins, and Stauffer

Absent: 3 - Blackman, Vozar, and White

Abstain: 1 - Mayor Chirico

Recused: 1 - Wehrl

F. REPORTS:

Commissioner Wehrl returned to the meeting.

Approval of September 5, 2019 meeting minutes

A motion was made by Commissioner Maher, seconded by Commissioner O'Toole to approve the September 5, 2019 meeting minutes. Motion was approved unanimously.

1. Restaurant Association Report - Jeffries

Christine Jeffries, Restaurant Association, reported on a follow up with the food trucks. She has had a really good response from the restaurants. She is putting together a list of food trucks and mobile restaurants. She will share the list with Marcie Schatz, Deputy City Manager.

Restaurant Week will be January 23rd - February 8th. These are the same dates as the Chicago Restaurant Week. Last year, there were about 50 restaurants that participated.

Every year they redo the Dining Guide. The 2020 Dining Guide charity is KidsMatter. The guide is distributed to 54,000 homes. This is the number 1 requested guide.

They also have a Banquet Guide. This is given out through the Visitors Bureau.

2. BASSET- Employee Training Statistics - Riggs

Detective Riggs reported that in September 91 people attended with 24 no shows.

3. Tobacco Enforcement Review - Riggs

Detective Riggs reported that the tobacco enforcement is still pending. We are waiting for the State to send out the retailer kits that are passed out to the retailers before they can do the compliance checks.

4. Liquor Report - Riggs

Detective Riggs reported that in September 2018 there were 19 DUIs and September 2019 there were 17 DUIs

5. Liquor Concept Committee Update - Trotz

Trotz reported the following Liquor Concepts
September 19, 2019

Pete Ellman - already discussed

Yuletide Festival - Naper Settlement

We are holding off giving them the liquor license application. There is a new rule that we need to see the vendor list before an application is given out.

LA Social House

This will be located off of North Aurora Road in the shopping center where Dominicks was located.

This is a restaurant that is connected to the tanning salon. No alcohol will be allowed in the tanning salon.

They are requesting a Class B license with a Late Night Permit.

July 4th event

This event will take place on Rotary Hill and Naper Settlement

The Argonaut Co. Catering

This is located out on Fort Hill Drive.

He deals a lot in seafood.

G. EXECUTIVE SESSION:

H. ADJOURNMENT:

Commissioner Maher moved to adjourn the meeting at 4:03pm, seconded by Commissioner O'Toole. Motion was unanimously approved.

/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:

Agenda Date & Item Number: OCTOBER 3, 2019 LIQUOR COMMISSION MEETING

Name: SCOTT WEHRLI

Position with City: LIQUOR COMMISSION MEMBER

Name of entity contracting with City: PETER ELLMAN

Proposed contract, business, or transaction: PROPOSAL FOR JAZZ CLUB LICENSE

I have an Ownership Employment Family Appearance of Impropriety Other

interest in the proposed contract, business, or transaction as follows: I OWN A MINORITY INTEREST

IN MILL STREET PROPERTIES, LLC. MR. ELLMAN'S MUSIC STORE IS CURRENTLY A TENANT
UNDER LEASE AT MILL STREET PROPERTIES.

Dated: OCTOBER 3, 2019

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:

BUSINESS OR TRANSACTION:	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.
CONTRACT:	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.
EMPLOYMENT INTEREST:	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.
FAMILY INTEREST:	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.
OWNERSHIP INTEREST:	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:

<ol style="list-style-type: none"> 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. 	<ol style="list-style-type: none"> 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.
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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:

<ol style="list-style-type: none"> 2.1 Decks. 2.2. Patios. 2.3. Room Additions. 2.4. Garages. 2.5. Temporary electric service changes. 	<ol style="list-style-type: none"> 2.6. Swim pools. 2.7. Lawn sprinklers. 2.8. Construction trailers. 2.9. Gazebos. 2.10. Sheds.
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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.