

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Thursday, November 5, 2020

3:00 PM

On Zoom - Open agenda to see phone & webinar options

Liquor Commission

CITY OF NAPERVILLE PUBLIC MEETINGS UPDATE:

Pursuant to Section 120/7(e) of the Illinois Open Meetings Act, the continuation of the Governor's disaster proclamation, and Mayor Chirico's executive order determining that in-person public meetings are not currently practical or prudent because of the COVID-19 pandemic, we are holding this Liquor Commission meeting remotely.

The commission members and staff participating in this meeting will all be in different locations in accordance with social distancing guidelines, and steps have been taken to ensure that the commission members can hear one another and all discussion and testimony. The public has been provided notice of alternative means of access to the meeting so they are able to contemporaneously hear all discussion, testimony and votes. All votes shall be taken by roll call. The means by which the public may watch, listen, and/or participate in the meeting are described below.

TO JOIN A MEETING:

The meeting will be conducted using the Zoom Video Conferencing. You do not need to download any software or create an account to participate.

To login on your computer or iPad:

Click the link to join the webinar, the password is provided on this agenda. Once connected, if you choose to speak, click the "Raise Hand" button at the bottom of Zoom screen and wait for the Chairman to recognize you. When it is your turn to speak, you will be unmuted. There will be a few second delay after you are unmuted until your mic will be live. Please identify yourself for the public record and speak clearly.

To login on your phone:

For iPhones, use the iPhone one-tap number provided on this agenda.

For telephones, dial one of the numbers provided and join the meeting by using meeting ID and password provided on this agenda.

Once connected to the meeting, press *9 to "raise your hand" and wait for the Chairman to recognize you. When it is your turn to speak, you will be unmuted. There will be a few second delay after you are unmuted until your mic will be live. Please identify yourself for the public record and speak clearly.

PARTICIPATION GUIDELINES: All viewpoints are welcome. Positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Board members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://zoom.us/s/97360748976?pwd=OVpOcDdlMURmUDhvL2FFS250NUdXZz09>

Passcode: 965034

Description: General Meeting

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 301 715 8592 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 973 6074 8976

Passcode: 965034

International numbers available: <https://zoom.us/u/aeuShRxAWc>

A. CALL TO ORDER:

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

B. ROLL CALL:

Present 9 - Mayor Steve Chirico, Pam Davis, Charles Maher, Mitch Stauffer, Joe Vozar, Scott Wehrli, Kimberly White, Anthony Signorella, and Karyn Charvat

Absent 1 - Paul O'Toole

Also Present: Miranda Barfuss, Assistant to City Council; Jennifer Lutzke, Senior Assistant City Attorney; Rachel Pruneda, Administrative Assistant; Christine Jeffries, President-Naperville Development Partnership

C. PUBLIC FORUM:

None

D. OLD BUSINESS:

None

E. NEW BUSINESS:

Consider lowering the cap on the Class C - Tavern liquor license

Chirico provided background on the Class C - Tavern License. The license class currently has a cap of 6 and the current licensees are: White Tavern, Lantern, VFW, Orazio's, It's a Southern Thing (previously World of Beer), Miss Kitty's Saloon. The Class C license does not require a kitchen or food to be served. It also allows for package sales, though not in the downtown. Chirico reported that Orazio's was sold to the City of Naperville, leaving one Class C license available for any business who qualifies. Chirico questioned whether it is the Liquor Commission's desire to ask the City Council to reduce the cap to 5. Commissioner Maher voiced support for lowering the cap to 5 with the knowledge that the cap could be raised again in the future.

Commissioner Stauffer motioned to lower the cap on Class C licenses from 6 to 5, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 8 - Davis, Maher, Stauffer, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 1 - O'Toole

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of July 9, 2020

Attachments: [DRAFT-Liquor Commission Meeting Minutes 070920](#)

Commissioner Stauffer motioned to approve the regular Liquor Commission Meeting Minutes of July 9, 2020, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 8 - Davis, Maher, Stauffer, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 1 - O'Toole

Approve the regular Liquor Commission Meeting Dates for 2021

Attachments: [Liquor Commission Meeting Dates 2021](#)

Commissioner Signorella motioned to approve the regular Liquor Commission Meeting Dates for 2021, seconded by Wehrli. The motion was approved and carried by the following vote:

Aye: 8 - Davis, Maher, Stauffer, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 1 - O'Toole

1. Restaurant Association Report - Jeffries

Jeffries reported that restaurants are suffering under additional state mitigations. She thanked the Mayor for the Executive Orders that have allowed cocktails-to-go and City Council for reducing the liquor license fees by 50% this year. Both Will County and DuPage County are under mitigations that ban indoor dining. Dine Naperville is promoting the message "Mask Up and Carry Out."

TED and the Fire Department are working on approving new tents and heating apparatus to help restaurants maximize outdoor seating during the cold months ahead. Heaters must be 10 feet outside of the tent and the building, maintain walkways and the tent flaps must be 50% open to be considered outdoor dining.

Commissioner Davis asked Mayor Chirico what he has been hearing from Edward Hospital. Chirico reported that he has data from the hospital every day and numbers are absolutely going up. Hospital data is timely, accurate and complete. Occupancy has more than doubled in the last month. Unlike the first wave, this wave is hitting all the states at one time so there is no ability to share medical personnel. That is the biggest concern. Commissioner Davis noted that city and hospital leadership are communicating appropriately and trying to weigh the balance between long term economic disaster and the short term disaster of COVID. There is no clear answer.

Jeffries noted that Illinois had the highest number of unemployment claims in recent days. The restaurant association is discussing in-house delivery options to help businesses keep their employees working. The city is going to test pilot a train box car for an outdoor dining option. The Public Works Department is welding sliding doors into the box car and will place it in a downtown parking spot outside of Features. They believe they can retrofit these box cars for under \$5,000. If that's the case, they will do more. Downtown Naperville Alliance will decorate the box cars for the holidays.

Jeffries reported that the City of Naperville will offer \$100,000 in CDBG COVID-relief grant funds for small businesses in Naperville. Grantees must be an existing business open today and have a physical presence in Naperville. Grants applications will be accepted starting 11/12 and are due 11/19.

2. BASSET- Employee Training Statistics - Riggs

None

3. Tobacco Enforcement Review - Riggs

Lutzke reported that underage compliance checks were completed by the police department in 2020. Two businesses were cited for selling alternative nicotine products to individuals under the age of 21. They were: BP Amoco located at 1983 Brookdale Rd. and River Road Mobil located at 1280 Ogden Ave. We issued violations against their tobacco licenses. Both businesses stipulated to the violations and the Mayor entered an order assessing a \$250 fine for each of the violations.

Chirico added that normally the fine is \$500. He went on to say that violations for underage tobacco violations often occur at gas stations where there is only

one employee on site.

4. Liquor Report - Riggs

None

5. Liquor Concept Committee Update - Barfuss

Barfuss reported that since the last Liquor Commission Meeting, the Liquor Concept Committee had two meetings on August 20th and October 15th. The following concepts were discussed:

Lou Dog Events, organizers of the Naperville Summer and Winter Ale Fests Existing business seeking options for converting their Ale Fest events into a take-home experience requiring a retailer license. The meeting was informational, and they have not yet solidified a plan.

Krazy Jalapeno, 1316 N. Illinois Route 59 #108 (previously Jalapeno Grill) New business seeking Class A Restaurant license. They are settling issues concerning their occupancy and food and beverage tax owed by the previous owners.

2 Fools Cider, 1665 Quincy Ave. #155

Existing business wanting to add frozen cider to their product offerings. Their request was approved. Chirico commented that it was reported that the product was alcohol-infused ice cream in the media. It is not ice cream. After clarification, we learned that it is more like a slushie.

Vasili's, 135 Water Street, Suite 101 (previously Midici)

A new Francesca's Restaurant Group business seeking a Class B Restaurant and Tavern license with outdoor seating and a late-night permit. The application is in process.

G. EXECUTIVE SESSION:

None

H. ADJOURNMENT:

Commissioner Signorella asked what the Liquor Commission's responsibility is regarding the regulation and oversight of adult use recreational cannabis businesses in Naperville. Chirico shared that most of the rules are dictated by the State, but the City has issued a cap of 3 and zoning regulations. Lutzke noted that under these ordinances a variance for adult-use recreational cannabis businesses would go to the Planning & Zoning Commission. Commissioner Maher asked if the state is doing underage compliance checks and who has authority to issue fines. Lutzke stated that the state has primary jurisdiction over cannabis businesses, but she will investigate if the City has secondary jurisdiction. Chirico noted that the locations are highly regulated, video monitored and secure. It would be difficult for a minor to gain access to

the facilities. Lutzke reported that the licensees, employees and operators are regulated by the state so there is a coordination of safety and security measures, but police purview only concerns building safety and not personnel. Commissioner Wehrli stated that while we do not currently have as much control over this area as we do with our liquor and tobacco businesses through our local license process, the state may not have considered local issues that may arise. Chirico agreed that the Liquor Commission may have to put a process in place to get ahead of issues and adopt a local ordinance to allow the city to do compliance checks. Lutzke will research the state law and report back at the next meeting.

Commissioner Maher motioned to adjourn the Liquor Commission Meeting of November 5, 2020 at 3:40 PM, seconded by Vozar. The motion was approved and carried by the following vote:

Aye: 8 - Davis, Maher, Stauffer, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 1 - O'Toole

/S/ Miranda Barfuss
Miranda Barfuss
Assistant to City Council