

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Draft

Thursday, October 7, 2021

3:00 PM

Council Chambers

Liquor Commission

A. CALL TO ORDER:

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

B. ROLL CALL:

Commissioners Maher and Davenport joined the meeting at 3:05 PM.

Present 10 - Mayor Steve Chirico, Karyn Charvat, Dana Davenport, John Koranda, Charles Maher, Anthony Signorella, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

Staff Present: Rachel Pruneda, Administrative Assistant; Mike DiSanto, City Attorney; Dan Riggs, Police Detective; Marty Creighton, Police Officer

C. PUBLIC FORUM:

None

D. OLD BUSINESS:

Consider Molly's Cupcakes' request for a variance to the square footage requirement for a Class S license

Attachments: [Mollys Cupcakes Naperville Specialty Wine Variance V2](#)

Mayor Chirico reviewed the request for a variance to the square footage requirement for the Class S - liquor license.

Commissioner Signorella made a motion to approve the variance request and recommend it for approval by the City Council, seconded by White. The motion was approved and carried by the following vote:

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico

E. NEW BUSINESS:

Consider Go Wide Brewing's request for a liquor license

Attachments: [Liquor Concept Form](#)

[Go Wide Brewing Concept Meeting](#)

[2021_10_05_11_28_54 WEHRLI CONFLICT OF INTEREST](#)

Commissioner Wehrli recused himself and left the meeting at 3:29 PM.

Joe Chura, petitioner, presented his concept of starting the first non-alcoholic/low-alcoholic brewery in Illinois. The brewery would include

tasting room, live music and healthy activities, like yoga, on site. They would sell guest brews that do contain alcohol within the code requirement of less than 25% of the product offered for sale. They will sell through distributors as well as direct to consumer. They will be located in the space Two Fools Cider is vacating and the zoning is already approved.

Mayor Chirico asked if the request is for the Liquor Commission to make a recommendation to City Council to raise the cap on the Class P - Manufacturer license from 3 to 4. DiSanto affirmed that the concept fits within the current definition of the Class P license so the cap needs to be raised, but no other code changes are needed.

Commissioners asked for clarification on why the liquor license is needed, whether the petitioner has plans to brew beer with a higher alcohol content in the future and how non-alcoholic beer is brewed. Chura stated that the liquor license is needed for retail sale of the product if their recipes exceed .5% alcohol by volume. He does not have plans to brew beer with a higher alcohol content at this time, but it may occur in the future. Chura explained that there are multiple methods for brewing non-alcoholic and low-alcoholic beer, including removing the alcohol after it is brewed and brewing it with minimal alcohol from the beginning. They would employ both methods. He went on to say that even non-alcoholic beer does have some alcohol in it. They would want a threshold between 0 and 1.0% for the beers they manufacture, and the tasting room would offer guest beers that contain a higher alcohol content, but they would not sell the guest beers for off-site consumption. Commissioners asked if he has discussed the guest beer plan with the other local breweries, if there is a security plan and if it is legal for minors under the age of 21 to drink or purchase non-alcoholic beer. Chura replied that he has discussed the concept with Two Fools Cider and they are very supportive. He will meet with Noon Whistle and Solemn Oath to discuss it. He explained that all servers and managers will be BASSET trained and the premise will be 21+, or requiring the presence of an adult when individuals under 21 are present. Riggs stated that it is not legal in Naperville for minors to drink or purchase non-alcoholic beer, but it is legal in Illinois. Chura confirmed that individuals under 21 will not be permitted to consume or purchase the product. Mayor Chirico complimented the presentation and concept.

Commissioner Maher made a motion to approve the request to raise the cap on the Class P license by one and recommend it for approval by the City Council, seconded by White. The motion was approved and carried by the following vote:

Aye: 8 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, and White

Excused: 1 - Mayor Chirico

Recused: 1 - Wehrli

Discussion regarding new special events requiring a pre-meeting with the Liquor Commissioner

Mayor Chirico reported that we have had several new events in Naperville this year with new event company operators who are not familiar with the liquor rules in Naperville. At least twice this summer, the operators have inadvertently violated the rules. He would like to make it a requirement in our Liquor Commission Rules that all new special events be required to attend a pre-meeting with the Liquor Commissioner and the police liaison to ensure understanding of the rules prior to the Special Event Permit being issued.

Wehrli stated that the intent of the Special Event Permit was that it was available to local non-profit community organizations or government entities with local goals. He went on to say that now we have outside event companies that want to do an event in Naperville and their barrier to doing that is the liquor license. The only way to acquire a Special Event Permit is to have a non-profit license holder, so they donate money to a local non-profit to have them as the license-holder for the event, but this is often a token amount of money and the event company keeps the majority of the proceeds from the event. He does not feel that this is fulfilling the intent of the Special Event Permit. Mayor Chirico agreed that, though this concern was not part of the original agenda item, he would like to address this issue as well. He went on to say that events should be initiated by the non-profit license holder, because they are the ones taking the risk, without receiving the proceeds.

Maher suggested making a rule that specifies the percentage of proceeds that should go to the non-profit. Stauffer disagreed with specifying a percentage of proceeds but would like to add language to the Liquor Commission rules that says the primary beneficiary of the special event is the charity and include the requirement of all new events requiring a pre-meeting with the Mayor. Koranda stated that it is most important to protect the non-profit as the license holder and suggested that staff survey the non-profits who have partnered with event companies in the past to see what the donation or agreement was. Mayor Chirico stated that it can be part of the pre-meeting process that the Mayor's Office contacts the non-profit license holder to make sure they understand the risk and intent of the Special Event Permit.

Commissioner Vozar made a motion to direct staff to draft a proposed Liquor

Commission rule that requires new applicants for the Special Event Permit to have a pre-meeting with the Mayor and ensures the charity understands the risk and rules for partnering with an event company, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of August 5, 2021

Attachments: [Liquor Commission Meeting Minutes DRAFT - 080521](#)

Commissioner Stauffer made a motion to approve the regular Liquor Commission meeting minutes of August 5, 2021, seconded by Vozar. The motion was approved and carried by the following vote:

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico

1. Restaurant Association Report - Jeffries

None

2. BASSET- Employee Training Statistics - Riggs

Riggs reported that we have 120 people registered for BASSET with 30-40 going through the online course each week. We have not held the in-person training for over a year. Maher asked if the number of applicants is normal. Riggs replied that we would have 1,200 trained through the in-person course, but the online registrations seem to be on track with previous years. There was a slow down during the pandemic shut-down. Maher commented that restaurants have had trouble hiring staff and Riggs agreed that staff seem to be moving from one establishment to another. The Naperville BASSET training is good for 3 years and goes with the employee if they move to another Naperville establishment.

Mayor Chirico welcomed Officer Marty Creighton as the incoming Alcohol & Tobacco Liaison.

3. Tobacco Enforcement Review - Riggs

Riggs reported that we are in the middle of a grant period. The new grant for 2022 begins this month. Riggs will distribute materials to every tobacco license holder and the compliance checks will be done by the end of the year.

4. Liquor Report - Riggs

Riggs reported that there were 7 DUIs in August 2021, compared to 26 in August 2020. There were 9 DUIs in September 2021, compared to 18 in 2020. Stauffer asked why there are so few Naperville establishments reported in the DUI report. Riggs stated that many individuals refuse to say where they had been and even deny that they have had a drink at all. Riggs said he would reiterate to officers they should ask where the individual is coming from when they are handling a DUI. Mayor Chirico asked if the number of individuals from outside of Naperville is normal. Riggs replied that it varies.

5. Liquor Concept Committee Update - Barfuss

Rachel Pruneda reported in place of Miranda Barfuss. Since the last Liquor Commission Meeting, the Liquor Concept Committee had two meetings. One on August 19th and one on September 16th.

The following concepts were discussed:

X Golf Naperville, located at 790 Royal St. George, Suite 139C

New business seeking a Class M - Recreational license. Their request is approved and their application is in process

Freedom Brothers Pizza, located at 1293 S. Naper Blvd

New business seeking a Class B - Restaurant & Tavern license with a late night permit. Their request is approved and their application is in process.

St. Margaret Mary Parish Picnic, event scheduled for September 12th at the church

They were serving beer and wine only. Their request was approved and their temporary license was issued.

Naperville Music Festival, event scheduled for September 25th at Naper Settlement

Event requesting a special event permit, serving beer, wine and hard seltzer. Their charity was Naperville Neighbors United. They were approved for a special event permit but decided to engage a caterer instead.

Zade's Lounge, located at 22 E. Chicago Ave.

New business seeking a Class B - Restaurant & Tavern license with a late night permit. Their request is approved and their application is in process.

Spartan House, located at 3032 English Rows Ave.

New business seeking a Class B - Restaurant & Tavern license with a late night permit and an outdoor seating permit. Their request is approved and their application is in process.

Red Rock Pizzeria, located at 796 Royal St. George

New business seeking a Class B - Restaurant & Tavern license with an outdoor seating permit. Their request is approved and their application is in process.

Evo & Ash, located at 796 S. Route 59

New business seeking a Class B -Restaurant & Tavern license with a late night permit. Their request is approved and their application is in process.

DashMart, located at 2835 Aurora Ave. Suites 115 and 119

New business seeking a Class D - Package Store license. Their request is approved and their application is in process.

Chili's and Maggiano's with the Brinker Restaurant Group

Existing businesses seeking Class D - Package store licenses to sell unopened beer, wine and spirits with customer carry out orders. Their request is being reviewed.

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

Commissioner Vozar made a motion to adjourn the Liquor Commission Meeting of October 7, 2021 at 3:48 PM, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 8 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, and White

Excused: 2 - Mayor Chirico, and Wehrli

/S/ Miranda Barfuss
Miranda Barfuss
Assistant to City Council