

# City of Naperville

*400 S. Eagle Street  
Naperville, IL 60540*



## Naperville

### **Meeting Minutes - Final**

**Thursday, August 5, 2021**

**3:00 PM**

**Council Chambers**

**Liquor Commission**

**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 Commissioners, 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.

In keeping with the current Centers for Disease Control and Prevention (CDC) and Illinois Department of Public Health guidelines, fully vaccinated individuals will not be required to wear a face covering in Council Chambers. Those who are not fully vaccinated against COVID-19 must wear a face covering if they cannot socially distance from other individuals.

**A. CALL TO ORDER:**

In Mayor Chirico's absence, Commissioner Wehrli ran the meeting. Commissioner Wehrli called the meeting to order at 3:00 PM.

**B. ROLL CALL:**

**Present** 8 - Karyn Charvat, Dana Davenport, John Koranda, Anthony Signorella, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White  
**Absent** 2 - Mayor Steve Chirico, and Charles Maher

Staff Present: Miranda Barfuss, Assistant to City Council; Jennifer Lutzke, Senior Assistant City Attorney; Scott Thorsen, Police Sergeant

**C. PUBLIC FORUM:**

None

**D. OLD BUSINESS:**

None

**E. NEW BUSINESS:**

Consider Molly's Cupcakes request for a liquor license

**Attachments:** [Molly's Cupcakes Complete](#)

Stephanie and James Jacobson, owners of Molly's Cupcakes, presented their request to serve glasses of red, white or sparkling wine with white chocolate, milk chocolate, dark chocolate or caramel dipped rims. They would only offer wine Thursday - Sunday and ensure that all General Managers and staff leads are BASSET trained. They have ample

basement storage where the wine can be locked up. They also have cameras on site. They have been in business for 3 years without any incidents and will maintain a high level of compliance if granted a liquor license.

Commissioners asked if they have other locations with a liquor license, what their menu consists of, how the wine would be served and monitored and if they have enough on-premise seating. The Jacobsons replied that they also own a Molly's Cupcakes location in Schaumburg. It does not have a liquor license and they are not pursuing one. Their menu consists of center-filled cupcakes, create-your-own cupcakes, brownies, seven layer bars, mini pies, mini cheesecakes and rice crispy treats. A manager or BASSET trained staff lead would pour the wine and monitor the indoor seating area, which was utilized with greater frequency before COVID and can accommodate customers sitting and consuming the product on-premise.

Commissioners asked what the proposed hours of service for wine are and how the kitchen is equipped. The Jacobsons reported that they would offer wine starting at 5 PM on Thursdays and all day Friday-Sunday. Their kitchen is approximately 600 square feet and equipped with four high efficiency ovens and a large hood. Wehrli reported that although Christine Jeffries was not in attendance today, she did report that the Naperville Development Partnership and Downtown Naperville Alliance are in favor of the petitioner's request.

Commissioners asked if there are other establishments with liquor licenses that are similar, suggesting Jo Jo's ShakeBAR, Starbucks Reserve Bar and Le Chocolat du Bouchard. Lutzke reported that Jo Jo's ShakeBAR has a full menu and is applying for a Class B license. Starbucks Reserve Bar was denied twice by the Liquor Commission before they developed a more robust menu and the Commission made the determination that it fell within the liquor code's definition of a restaurant. They also have a Class B license. Le Chocolat has a full kitchen and a Class S license. This license class was considered. It is an off-premise license, however, and the petitioner's square footage is larger than the Class S allows. Lutzke asked the petitioners if they would consider selling off-premise bottles of wine to meet the definition for a Class S, if the square footage requirement were amended. After discussion, the Jacobsons confirmed that they do not want to sell off-premise wine.

Commissioners discussed their previous denial of a request for a liquor license for a business that only sold alcohol-infused ice cream and asked if

there are any similar licensed establishment with a very limited novelty menu. Lutzke and Barfuss confirmed there are not. The Jacobsons reported that a similar concept in another community is All Chocolate Kitchen in Geneva. They have a full bar, however, and they are not requesting that. Part of the success of their model is their speed and efficiency and they do not want to slow it down by offering anything other than wine and specialty dipped glasses.

Commissioners discussed the definition of restaurant, which contains the statement "The primary business conducted on premises to be licensed as a restaurant shall be the service of meals." Lutzke cautioned that the Commission has discretion to interpret the definition, however, if an establishment that only sells dessert items is considered a restaurant, other businesses with a similarly limited menu would also be granted the opportunity to apply for a liquor license without the review of the Liquor Commission.

Wehrli clarified that altering an existing license class, introducing a new license class, or editing the restaurant definition would require a text amendment to the liquor code and must be approved by City Council. Lutzke added that the petitioner could also file for an exception to the Mayor, as Liquor Commissioner. This would entail paying a \$400 fee and explaining their hardship in meeting an existing license class. The Mayor could then approve the exception.

Commissioners discussed revising the restaurant definition, revising a license class, and what harm could arise from approving this request. Stauffer asked whether the Commission's goal in revising the code, rather than approving the request, is due to a concern about public safety or avoiding the proliferation of having liquor in every establishment that serves any kind of food. It does not strike him as a public safety risk. Wehrli reviewed that, in the past, the Class B licenses were abused using the example of Jilly's, which presented a full menu when they applied for their liquor license, but did not actually operate as a restaurant, but more of a bar where no food was available. The Liquor Commission revised the liquor code to better specify the definition of a restaurant and restaurant/bars. He went on to say that there will always be new concepts and another unique feature of this request is that it is for a very limited scope of service, with only wine requested and only on certain days of the week.

Vozar made a motion to direct staff to bring back 2-3 options of license class or restaurant definition revisions that would allow a limited wine-only

license, with limited hours, that accommodates the petitioner, to be considered at the next Liquor Commission meeting. Seconded by Stauffer.

Signorella added that he would like to review and revise the liquor code on a global scale to see if other modifications could be made to avoid these discussions in the future. Davenport agreed stating that licenses can be stale and out of date, particularly when many businesses are pivoting in response to COVID. Wehrli suggested that, with respect to the petitioner, the Commission vote the existing motion. Signorella agreed to vote the existing motion.

**Commissioner Vozar made a motion to direct staff to bring back 2-3 options of license class or restaurant definition revisions that would allow a limited wine-only license, with limited hours, that accommodates the petitioner, to be considered at the next Liquor Commission meeting, seconded by Stauffer. The motion was approved and carried by the following vote:**

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

**Absent:** 2 - Mayor Chirico, and Maher

**F. REPORTS:**

Approve the regular Liquor Commission meeting minutes of July 8, 2021

Attachments: [Liquor Commission Minutes DRAFT 070821](#)

**Commissioner Davenport made a motion to approve the regular Liquor Commission meeting minutes of July 8, 2021, seconded by Stauffer. The motion was approved and carried by the following vote:**

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

**Absent:** 2 - Mayor Chirico, and Maher

**1. Restaurant Association Report - Jeffries**

None

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

None

**3. Tobacco Enforcement Review - Riggs**

None

**4. Liquor Report - Riggs**

Sergeant Scott Thorsen reported in place of Detective Dan Riggs. Thorsen

reported that there were 16 DUIs in July 2021 compared to 15 in 2020 and 16 in 2019.

Thorsen also reported that Officer Marty Creighton will be replacing Detective Riggs as the Liquor and Tobacco Liaison for the Naperville Police Department at the end of the year.

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

Barfuss reported that since the last Liquor Commission Meeting, the Liquor Concept Committee had two meetings on July 13th and on August 2nd.

The following concepts were discussed:

**Molly's Cupcakes**, today's petitioner

### **Monarch Landing, located at 2255 Monarch Dr.**

Existing business with a Class B liquor license. They requested the ability to deliver unopened bottles of wine and cans of beer to resident's rooms and for sale in the onsite mini-mart to residents only. They implemented this during COVID and requested the ability to continue. The Mayor, as Liquor Commissioner, approved the request with the restriction that sale be to residents only.

### **St. Raphael Family Fun Fest, event scheduled for September 10th at St. Raphael Church**

They are serving beer and wine only. Their request is approved, and their application is in process.

### **Jeanine Nicarico GLOW 5K, event scheduled for September 25th at 5th Avenue Station**

The charity is the Jeanine Nicarico Memorial Fund for Literacy. They are serving beer and wine only. Their request is approved, and their application is in process.

### **Hispanic Fest, event scheduled for September 18th in Central Park**

This event decided to work with a caterer and will not need a special event liquor license.

### **Naperville Summer Ale Fest, event scheduled for August 28th at Naper Settlement**

The charity is the West Suburban Irish. Their request is in process.

**G. EXECUTIVE SESSION:**

None

**H. ADJOURNMENT:**

**Commissioner White made a motion to adjourn the Liquor Commission Meeting of August 5, 2021 at 3:48 PM, seconded by Vozar. The motion was approved and carried by the following vote:**

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

**Absent:** 2 - Mayor Chirico, and Maher

/S/ Miranda Barfuss  
Miranda Barfuss  
Assistant to City Council