

## May 21, 2019 – City Council QA

Wednesday, May 15, 2019 3:34 PM

### F. AWARDS AND RECOGNITIONS:

1. **19-467** Present the 2019 Illinois Municipal Utilities Association (IMUA) Scholarship Award to Carissa Cavicchioni
2. **19-511** Proclaim May 22 - 27, 2019 as VFW Buddy Poppy Days
3. **19-527** Present the SolSmart Silver Designation for adopting solar best practices to the City of Naperville

### I. CONSENT AGENDA:

1. **19-518** Approve 04/05/2019 thru 04/30/2019 cash disbursement for \$14,651,892.41
2. **19-479** Approve the City Council SECA Grant Fund and Council Orientation workshop minutes of April 29, 2019
3. **19-480** Approve the special City Council meeting minutes of the May 5, 2019 Inauguration Ceremony
4. **19-513** Approve the regular City Council meeting minutes of May 7, 2019
5. **19-522** Approve the City Council meeting schedule for June, July & August 2019
6. **19-436** Approve the award of Cooperative Procurement 19-157, Unit 012, 014, 033, 035, and 096 Vehicle Replacements, to Roesch Ford Commercial Truck Center for an amount not to exceed \$155,200
7. **19-474** Approve the award of Job Order Contract DPW-002-CY19.A, Van Buren Parking Deck - Level 4 Maintenance Program, to F.H. Paschen for an amount not to exceed \$141,317.26
8. **19-487** Approve the award of RFP 19-032, Arc Flash Evaluation, to Crawford, Murphy & Tilly Inc. for an amount not to exceed \$167,204

Q:	<b>The vendor we are awarding came in with a bid 157% above the only other, LAN, and is well outside of the budgeted amount for consulting (\$80,800). I understand we did not go with LAN because of contractual issues, but with the price of Crawford, Murphy and Tilly so out of budget and higher than LAN, can we re-bid this? Is the contract language worth the city spending ~\$102K for the same service? Perhaps we can get the language we want as well as a cost more in line with budget if we ask other vendors, or if we can give something on scheduling, since that was the reason given for the other vendors not bidding the project.</b>	Sullivan
A:	Staff is requesting that this item be pulled from consent and that the City Council reject all bids associated with RFP 19-032.  Staff will be re-issuing a new RFP designed for greater response.	Blenniss

9. **19-373** Approve the award of Option Year One to Contract 18-140, Aggregate Materials, to Boughton Materials Inc. for an amount not to exceed \$235,096.75

10. **19-473** Approve the award of Option Year Two to Contract 17-182, Security Camera Installation, to Pace Systems for an amount not to exceed \$335,000 plus a 5% contingency
11. **19-433** Approve the award of Change Order #2 to Contract 16-083, Advanced Scheduling/ Timekeeping Software and Implementation Services, to NOVATime Technology, Inc. for an amount not to exceed \$15,000 and a total award of \$805,235
12. **19-516** Approve Mayoral Appointments to the Housing Advisory Commission, Sister Cities Commission and Special Events Cultural Amenities Commission
13. **19-517** Approve Mayoral Reappointments to the Advisory Commission on Disabilities, Board of Fire and Police Commission, Building Review Board, Downtown Advisory Committee, Financial Advisory Board, Historic Preservation Commission, Housing Advisory Commission, Naper Settlement Museum Board, Naperville Public Library Board of Trustees, Planning and Zoning Commission, Police Pension Board, Riverwalk Commission, Sister Cities Commission and Special Events Cultural Amenities Commission.
14. **19-521** Conduct the first reading of an ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code to provide the City Manager authority to enter into right-of-way use agreements as required by 9-1B-1 of the Naperville Municipal Code.

<b>Q:</b>	<b>What financial impact do these agreements have on the City? How many more agreements does the city predict? Does each installation have an impact on tree, landscape, etc on ROW?</b>	<b>Gustin</b>
<b>A:</b>	<p>The City receives an annual license fee of \$1.50 per each linear foot of newly installed facilities or \$.50 per linear foot for facilities located in existing excess or surplus facilities. For certain companies, the City receives the Simplified Municipal Telecommunications tax in lieu of the linear foot fee, which is significantly higher. The financial impact of these agreements will not change if the process becomes administrative.</p> <p>It is not possible to predict how many of these agreements will be requested. However, it has become apparent that additional fiberoptic infrastructure within the City's right-of-way will be required to support new technology advancements in both the telecommunication and smart city solutions arenas in the near future.</p> <p>While any installation within the City's right-of-way is likely to have some impact on trees, landscaping and other existing infrastructure, the installation impact on trees and landscaping has been reduced over the years as directional boring and other trenchless technologies improve. Also, each installation application is thoroughly reviewed by City staff from multiple departments to ensure compliance with the Code, including separation and clearance requirements. Further, the applicant is responsible for the restoration of our right-of-way after installation to like or better condition which is confirmed via City inspection. Applicants are also subject to financial bonds requirements for each installation.</p>	<b>Felstrup</b>

15. **19-241C** Pass the ordinance rezoning the properties bounded by School Street, Wright Street, Columbia Street, and Franklin Avenue to the CU Zoning District (Little Friends)- PZC 19-1-18

<b>Q:</b>	<b>Please confirm what happens from a zoning perspective if this parcel is rezoned to CU Zoning and the sale between Little Friends and NCC does not take place in January 2020 as planned. Does it revert back to R2?</b>	<b>Sullivan</b>
<b>A:</b>	The rezoning ordinance that is up for consideration by City Council does not include a reversionary zoning clause; therefore, the CU zoning is effective	<b>Mattingly</b>

	upon passage of the ordinance. However, as indicated by the petitioner, North Central College and Little Friends have entered into a Real Estate Sale and Purchase Agreement. This Agreement includes a clause stating that in the instance the transaction does not close, the College will be responsible for submitting an application to rezone the Little Friends property back to R2.	
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<b>Q:</b>	<p><b>1) Is it true that the height restriction is currently 35' and would change to 50'? And that C/U zoning does not have any FAR restrictions?</b></p> <p><b>2) Depending on NCC's potential future use of the Little Friends property, how would the amount of required off-street parking be determined?</b></p> <p><b>I looked at the code to try to figure this out myself, but I couldn't quite tell the answer. The provisions I looked at are below (6-7G-5(2) and (3)), and to me seem to say that it depends on the college's master land use plan. Is that accurate? If so, what does their master plan call for in terms of parking at this location?</b></p>	<b>Kelly</b>
<b>A:</b>	<p>1) The maximum height in the R2 district for single family detached dwelling units and duplexes is 2 ½ stories, not to exceed 35', all other buildings and structures shall be 3 stories, not to exceed 40'. The height restriction for the CU district is 4 stories, maximum of 50'. The CU district does not have any FAR restrictions.</p> <p>2) The North Central College Master Land Use Plan includes policies to guide campus parking management for any increases in parking demand as the College expands. Upon submittal of a proposal for the site, staff will review the proposed parking plan and evaluate the parking against the policies provided in the North Central College Master Land Use Plan. If applicable, staff may request a parking study be submitted.</p>	<b>Mattingly</b>

<b>Q:</b>	<b>Does the historic designation remain after rezoning? If not, why not?</b>	<b>Gustin</b>
<b>A:</b>	Rezoning the property to the CU zoning district has no impact on the property's existing designation in the historic district. Any proposed changes at the subject property will be required to comply with the regulations stipulated in Title 6 Chapter 11 (Historic Preservation).	<b>Mattingly</b>

- 16. 19-439** Pass the ordinance establishing City of Naperville Special Service Area No. 30 for streetscape improvements in portions of Blocks 429 and 430 in the downtown area of the City of Naperville

<b>Q:</b>	<b>The City takes on debt for the full amount of the SSA improvements, and in this case, gives the tenants 15 years to pay back their portion through taxes in the next 15 years. Since SSA's are essentially a loan, what does the city do to measure or mitigate the risk that the tenants will default on the improvements? For instance, if there is a long term vacancy or bankruptcy? Not only for this SSA, but the others we are establishing?</b>	<b>Sullivan</b>
<b>A:</b>	It is not the tenants who are responsible for repaying the SSA assessment, it is the property owners. The establishment of the SSA authorizes a property tax assessment on the real estate tax bills of the properties within the special service area. If a property owner within the SSA did not pay its assessed property taxes, the taxes would be sold to a tax buyer who essentially has a lien on the property until the property owner redeems the taxes. Failure to redeem over a lengthy period of time can result in an owner losing title to the property, but the City stands in no danger of being unpaid. The City's recovery position is strong and secured. Property vacancies or fiscal solvency of tenants or property owners should not threaten the recovery of the City's SSA assessment because the assessment is attached against the property.	<b>DiSanto</b>

<b>Q:</b>	<b>During construction how will businesses be affected? How will notices</b>	<b>Gustin</b>
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	<b>be provided? What type of notice was provided to property owners? Did we receive any objections?</b>	
A:	Public outreach and input will start well before construction; we will get the stakeholders involved during the design of the improvements. This is a very intrusive construction project, it will have a significant impact on the downtown and those adjacent to it. Our job is to minimize those inconveniences. Staff plans to work closely with the Chamber of Commerce, the Downtown Naperville Alliance, the business owners and employees and the property owners to build these improvements while keeping them open for business and profitable.  No, we did not receive any objections to the establishment of the SSA.	Novack

17. **19-421B** Pass the ordinance granting a variance to permit a 5' tall fence in the front yard at the subject property located at 1505 McDowell Rd (Iskcon Temple)  
- PZC 18-1-144

18. **19-502** Pass the ordinance granting an extension to the temporary use for parking facilities located on Monarch Landing Lots 1B, 1C and 2 to remain in place until commencement of construction on the property or until June 2, 2022, whichever occurs first - PZC 19-1-052.

<b>Q:</b>	<b>If 'temporary' designation is not to exceed 6 months, how temporary is the use, given the petitioner was granted approval in 2014 until June 3, 2019, or building commenced, and now wants a three year extension to June 2, 2022? Can we stipulate that this is the last extension for 'temporary use' that will be given, since these lots will have been 'temporary' for 8 years if petitioner does not commence building by June 2, 2022?</b>	<b>Sullivan</b>
A:	In 2018, the petitioner received approval to construct an event center on the subject property; currently the petitioner is obtaining financing for the project. It is the intention of the petitioner to be under construction by June 2, 2022.  City Council can add conditions, including the condition that this will be the final temporary use extension, to the approval at the dais.	Venard

19. **19-504** Pass the ordinance to establish temporary street closures and issue a Special Event permit for the Downtown Naperville Car Show to be held on Saturday, June 15, 2019

20. **19-438B** Pass the ordinance amending Sections 3-3-3, 3-3-5, 3-3-10, 3-3-11, 3-3-12 and 3-3-14 of the Naperville Municipal Code pertaining to liquor license applications, liquor and tobacco violation penalties, liquor license and permit classifications, liquor license restrictions, and unlawful acts and conditions pertaining to liquor.

<b>Q:</b>	<b>The April Liquor Commission Meeting minutes were cut off at page 4, right before the outcome of the vote on whether to have a Class O Confectionary license. I don't see this in the new legislation, so I want to confirm we are not establishing a new license of confectionary designation as part of the changes?</b>	<b>Sullivan</b>
A:	Correct. The proposed revisions do not include a confectionary license. The Liquor Commission meeting minutes were not complete at the time the agenda item was initially submitted, but are now complete and attached.	Lutzke

<b>Q:</b>	<b>Please define 'Growler'? Can staff include a provision addressing BYOB customers moving from one restaurant to another? What standards or enforcement will be considered?</b>	<b>Gustin</b>
A:	Growler is defined in the proposed liquor code text amendment as: a glass receptacle containing no more than two (2) liter (67.6 ounces) of craft beer or	Lutzke

cider manufactured at the licensed premises that is sold or offered for sale at retail for consumption off premises.

The proposed revisions only allow a patron to bring a bottle of wine into Class A, B, I, or J licensed establishments that possess a Corkage Permit. Otherwise, it specifically prohibits patrons from bringing alcoholic liquor into businesses open to the public for consumption therein.

The Corkage Permit allows a customer to leave a licensed establishment with a partially consumed bottle of wine secured in compliance with the state law. State law requires a partially consumed bottle of wine be securely sealed by the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag.

Non-compliant establishments are subject to enforcement including, but not limited to, citations for ordinance violations and liquor license violations. The police department's liquor enforcement liaison is knowledgeable regarding these regulations and will follow up with establishments as needed.

21. **19-519** Pass the ordinance amending Ordinance 18-087 by approving an amended Preliminary/Final Plat of Subdivision for World Missions Society Church of God.
22. **19-525** Pass the ordinance approving the final plat of subdivision for Tartan Point Subdivision - PZC 19-1-011

<b>Q:</b>	<b>Please identify any curb cuts for access to major aerial or collector roads? I am assuming there will be no curb cut on Naper Blvd?</b>	<b>Gustin</b>
<b>A:</b>	Access will be provided off of both Naper Blvd and Wheaton Naperville Road. Lot 3 provides a cross access easement to both lots from the access points of the adjacent roadways. The access point on Naper Blvd. lines up with the existing traffic signal on Naper Blvd. near the McDonalds on the east side of the street.	<b>Novack</b>

23. **19-514** Adopt the resolution authorizing the City Manager to execute the Right-of-Way License Agreement with CenturyLink (Level 3 Communications, LLC) for placement of fiber and conduit in the City's Right-of-Way
24. **19-470** Approve the fireworks display application and issue a permit for the June 30, 2019 Naperville Country Club event
25. **19-472** Approve the firework display application and issue a permit for the July 4th, 2019 display at Knoch Park for The Exchange Club of Naperville

## **L. ORDINANCES AND RESOLUTIONS:**

1. **19-526** Adopt the resolution in opposition to the proposed DuPage Convention and Visitors Bureau hotel tax
2. **19-500** Conduct the first reading on an ordinance amending Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code.
3. **19-503** Conduct the first reading of an ordinance amending Chapter 11 (Comprehensive Plan) of Title 1 (Administrative) of the Municipal Code to approve the downtown streetscape standards

<b>Q:</b>	<b>Will Jennifer Loudon be presenting a brief overview of the streetscape standards? This is interesting and I think Council and the public</b>	<b>Brodhead</b>
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	would appreciate seeing a presentation on a big screen. The agenda looks fairly short so there should be time for this.	
A:	Yes, I can make a brief presentation outlining the standards.	Louden

Q:	<b>While Council Liaison for DAC during the creation of the Streetscape Plan, one of the concerns was on sidewalk service and its complications to pedestrian clear sidewalk access. Does the plan address this? If so, how? If not, can it be addresses in the future if needed?</b>	Gustin
A:	The plan addresses this concern. The streetscape standards specify a distinct concrete walking area and a separate brick amenity area that would include street furnishings. Any service areas would be located within the amenity area. The streetscape standards prioritize the walkway area. Amenity areas are to be constructed in the space remaining after the walkway area is established.	Louden

#### M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. **19-489** Approve the award of Option Year One to Contract 16-244, Cable Injection Services, to Novinium, Inc. for an amount not to exceed \$1,300,000

#### O. REPORTS AND RECOMMENDATIONS:

1. **19-505** Concur with the Special Events Team's recommendation to approve re-opening the 2019 Special Events Calendar, pass the ordinance establishing temporary street closures, and issue Special Event and Amplifier permits for the Water Street En Blanc Dinner scheduled on Sunday, August 25, 2019

Q:	<b>Please provide the history of events between this applicant and staff leading up to this point, starting from their interest in doing the event last year.</b>	Hinterlong
A:	<p>Water Street Timeline</p> <p>GRAND OPENING EVENT</p> <p>3/9/17 Doug Krieger and Dawn Portner met with Deb Neuman from the Water Street Development to discuss a Grand Opening event for June 25, 2017.</p> <p>3/13/17 Dawn Portner emailed Deb Neuman the Special Event application and let her know she would need to schedule a meeting with the Special Events team to discuss the event in detail.</p> <p>3/16/17 Application received</p> <p>3/23/17 Sent email to Deb Neuman to schedule meeting with the Special Events team. Dawn Portner also gave her a background on the meeting and what to expect. Meeting was scheduled for April 13, 2017</p> <p>4/11/17 Received an email from Deb Neuman cancelling the meeting and saying she will let us know about rescheduling.</p> <p>EN BLANC EVENT</p> <p>4/9/19 Mayor Chirico met with Deb Neuman about the En Blanc event.</p> <p>4/10/19 An email was sent to Deb Neuman after talking with Emy Trotz about the En Blanc Dinner proposal set for August 25<sup>th</sup>. A link to the</p>	Portner

	<p>application was sent to Deb Neuman and informed her we would need to schedule a meeting with the Special Events team to discuss the event specifics</p> <p>4/20/19            Special Event application received. Meeting would be scheduled after Deb Neuman returned from vacation.</p> <p>5/7/19            Planning meeting held with the Special Events team and Deb Neuman to discuss the specifics of the event. The Special Events team approved recommending the event, but additional discussions are needed to work out the specifics of the event.</p> <p>5/13/19            Agenda Item was submitted to City Council for the May 21<sup>st</sup> meeting.</p>	

2.    **19-515**    Receive the report from the Naperville Environment and Sustainability Task Force and provide feedback

Q:	<b>Will this group add Live, Work and Play versus limited to environmental and sustainability components? If not, this seems similar to our current Environmental Sustainability headed by Operations Manager Amy Emery. Would Ms. Emery be a valuable conduit to the group?</b>	Gustin
A:	<p>While many of their initiatives and goals support a Live, Work Play community, the Task Force will have the final say if they want to add it as a formal component of their focus.</p> <p>Ms. Emery commenced on her environmental efforts while she was an employee in the City Manager's office. With her current position and duties in TED she no longer has the time and resources to head these efforts. I am the Task Force's point of contact with the City.</p>	Novack



## Meeting Minutes

### Liquor Commission

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Thursday, April 4, 2019

3:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

**Present** 8 - Marc Blackman, Mayor Steve Chirico, Charles Maher, Paul O'Toole, Whitney Robbins, Joe Vozar, Scott Wehrli, and Kimberly White  
**Absent** 2 - Pam Davis, and Mitch Stauffer

#### C. PUBLIC FORUM:

There was no one present to speak under Public Forum.

#### D. OLD BUSINESS:

Consider Balboa's Cheesesteaks' request for a BYOB liquor license.

Jennifer Lutzke, Senior Assistant City Attorney, stated that prior to this meeting she circulated a draft proposal for language if the commission recommends creating a Bring Your Own Bottle license. The definition section is on the first page of the proposed revisions. A new Class L license was created. Requirements would be that it would need to meet the definition of a restaurant, they would be limited to one bottle of wine not exceeding 750ml or three beers not exceeding 36 oz per person. Service of beer and wine has to be exclusively with and incidental to the service of food. Staff, employee or agent has to serve the beer or wine. The consumption is limited from 5pm - 11pm. This is what was required the last time we had this type of license. The annual fee is \$1,000. It states within the license, they cannot sell alcoholic liquor and the wine has to be sealed. If you already have a liquor license you would not be able to receive this license.

Previously, there was discussion about Corkage. Included in the draft revisions is a section pertaining to Corkage. This would be a permit with no fee allowed for Class A, B, I & J. This is only for wine.

Additionally added in the code under Prohibited Acts, those licensees that don't have Bring Your Own Bottle License or a Corkage Permit are not allowed to have people bring in their own beer and wine.

Karen Toner asked about the hours. Emy Trotz, Executive Assistant/Mayor, stated that the reason for the hours was because the previous licensee was

located near a day care facility. Mayor Chirico stated that wouldn't apply to this location and the hours could be modified.

Mayor stated that this is a code revision. This body is an advisory board and the final decision would be up to City Council.

Commissioner Vozar wanted BASSET training added to the Class L license requirements.

Regarding Corkage, Commissioner Vozar would like 750mil per person.

Commissioner Blackman feels they should get a Class A license.

Mayor Chirico stated that if BYOB is not recommended that there should be a recommendation to prohibit BYOB. He asked for clarification if BYOB and Corkage had to be tied together or if they could be separated. Jennifer Lutzke, Senior Assistant City Attorney, replied that they could be separated. Her recommendation would be since we currently have Corkage language on the permit should allow licenses A, B, I & J to continue that practice. And also, we should modify the BYOB and include the Class L or revise the language and make BYOB with the exception of Corkage to be prohibited.

Karen Toner replied that they are asking for the BYOB because it is very oriented with the Philly Cheese Steak in Philadelphia and they have storage issues.

Commissioner Maher asked if there would be a cap on this license class.

Mayor Chirico stated that the cap would be a decision of the Liquor Commission.

Commissioner Vozar asked if anyone had heard from the Chamber or the Restaurant Association. Mayor Chirico asked if we received a letter. Christine Jeffries, NDP, stated that the DNA did have a letter that the members unanimously did not support the BYOB. The Restaurant Association has not discussed this yet but the Chairman is not in favor of BYOB.

Commissioner O'Toole asked if the three beers could be reduced to two beers.

Commissioner Wehrli is not a fan of the BYOB and would encourage the petitioner to apply for a Class A liquor license.

**Commissioner Wehrli moved to deny the petitioners request for a BYOB license and amend the City Ordinance to reflect that BYOB is prohibited within the Liquor Code, seconded by Commissioner Maher.**

**Aye:** 2 - Blackman, and Wehrli

**Nay:** 5 - Maher, O'Toole, Robbins, Vozar, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

Commissioner Wehrli asked for input from the Police Department. Detective Dan Riggs stated he is concerned with pregaming and people walking the streets with beer. There is a two beer limit but how many times may they bring the beer in?

Commissioner Blackman feels this is not needed. It will cause too many issues.

Commissioner O'Toole reiterated that the DNA is saying no. Other respected groups are saying no to this concept. Police are saying this is questionable. This is a difficult decision.

Commissioner Vozar sees this causing confusion on where you can go for BYOB.

**Commissioner Maher moved to accept as written with the amendment to put a one year review with one location, and reduce the beer to two bottles, seconded by Commissioner O'Toole.**

**Commissioner Maher moved to amend the municipal code to allow for a Corkage Permit allowing 750 mil per person of wine and to specifically exclude anyone without a Corkage Permit from allowing alcohol to be brought on the premises, seconded by Commissioner Blackman.**

**Aye:** 7 - Blackman, Maher, O'Toole, Robbins, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

Consider Buzzed Bull Creamery's request for a new liquor license classification

Chip Vonlehman was present to request a liquor license for the Buzzed Bull Ice Cream Shop.

Cathy Bouchard, Le Chocolat, read about this in the newspaper. This is not fair. Years ago, what she went through to get a liquor license to serve a chocolate martini in a chocolate shop. It cost well over \$60,000 to comply with Naperville codes and restrictions to get a liquor license. Now an ice cream shop comes along and they will be granted a license. Licenses are very costly and it's not fair that the code is changing. I was told no several times. I wanted to be heard that two years later it's just being given to someone to add it to ice cream. It was a struggle.

Cathy owns Le Chocolat with three locations and holds two liquor licenses. She put the restaurant in to qualify for the liquor license.

Commissioner Maher stated that this concept is just ice cream no liquid drinks with alcohol.

Commissioner Vozar is a firm no on this. His concern is what will be next (cupcakes, fruit). He asked if the Chamber, DNA or Restaurant Association

have spoken about this. Christine Jeffries said the Chairman of the Restaurant Association feels this is a Tavern License. We have tried to limit the Tavern Licenses. There are five other ice cream stores in the downtown, it would have to be offered to them too. You can't give an exclusive license to someone who comes in. Colin Dalough, Director of Government Affairs, Naperville Area Chamber of Commerce, stated that they have no official opinion on this concept. Katie Wood, DNA, stated that they discussed this at their February meeting. Their board was favorable to the idea. The Chairman of DAC was not in favor of this concept. They felt there was a cap but others would be able to come and ask for this license.

Commissioner Maher stated that this could be equipment based, how it is being produced. If others wanted to do this, they could add this equipment.

Commissioner Wehrli stated that when going through the rewrite of the ordinances, we tried to get a handle on all of the different license classifications. We have twenty license types and ten permit types. There are three license classifications that you qualify right now, Class A-Restaurant, Class B-Restaurant/Tavern and Class C-Tavern. Most likely you would need a Tavern license since you don't have a kitchen. Those are the most restrictive license in Naperville at this time. He is not a fan.

Commissioner O'Toole stated that if we open this up then the gelato places will come in. He is a no.

Commissioner White agrees with Commissioner O'Toole. She struggled with this the last time. She asked Detective Riggs what he felt. Detective Riggs replied that if a new license was created, competitors would want to do the same. Regarding the Police, there would be different rules on how the ice cream would be offered to children.

Chip Vonlehman reiterated that they would not be serving any drinks only alcoholic ice cream.

Mayor Chirico stated that currently he fits the Tavern License but it is capped and would need City Council approval to raise the cap. A new license was also created. The Mayor asked the petitioner if they would like to be presented as a Tavern License or the new Confectionary License. Chip answered he didn't have a preference on which license he would receive.

Commissioner Vozar stated that at the last meeting staff was asked to create a new classification.

A recommendation is needed to go to City Council.

**Commissioner Vozar moved to approve the Class O Confectionary License and approve the petitioners request to receive this license, seconded by**

**Commissioner Maher**

**Aye:** 1 - Maher

**Nay:** 6 - Blackman, O'Toole, Robbins, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

**E. NEW BUSINESS:**

Consider Last Fling's request to sell spirits

Tyler Petersen, Last Fling Director, and John Barry, Star Events, were present to request the opportunity to sell spirits. It's not a full bar nor is it shots. It will be a mixed beverage, vodka lemonade. It would be pre mixed in a five gallon dispenser. They would follow the same restrictions and rules that are in place for serving beer and wine.

Mayor Chirico asked if it would be mixed on site. Yes, it would be mixed on site. The proportion of alcohol would be what the City suggests.

John Barry stated that they want to sell like they do beer and wine. This is financially driven. They would like to get a liquor sponsor. The amount of alcohol being controlled is the same as in a beer or glass of wine. He has done this at other events and hasn't had any issues.

Commissioner Wehrli said there are two areas where they serve beer and wine. Is your plan to add on to those beer and wine booths or a new space? They would be added to those two locations. There wouldn't be spirits at Naper Settlement.

Commissioner O'Toole asked if these drinks would be mixed as ordered? No, they will be premixed in a 5 gallon giant bucket.

Commissioner Blackman asked if professional bartenders would be mixing the drinks? Yes, professional bartenders would be making these drinks. There will be a mixed station behind the booths. They will have a strict menu that they need to follow the recipe.

Mayor Chirico stated that the Jaycees had said that the Last Fling would go back to being a smaller community event. This seems like it's going in the opposite direction. John Barry said it's more for customer service. He's trying to accommodate what the consumer expects.

Commissioner White asked if they will be limited to two drinks at a time. Yes, only two drinks at a time. She asked if it would be only vodka. It will depend what alcoholic company will sponsor the event.

Mayor Chirico asked the total content of each drink. It would be a 12oz drink with

1 1/2oz alcohol.

Commissioner Vozar asked Detective Riggs what he thought. Detective Riggs stated that the drink with spirits has the same alcoholic content as a beer. He does not see an issue.

Commissioner Blackman asked if there are any concerns that if this is allowed other events will want to do the same thing. Detective Riggs would like verified what is being brought in the coolers. This is a concern.

Commissioner Maher stated that we have to be cautious because Ribfest is on the agenda next and if this is allowed they may ask for the same thing. Mayor Chirico responded that we take each request on a case by case basis.

Commissioner Vozar asked staff what the process is for this permit. Is it beer and wine only?

Commissioner Blackman asked John Barry if he would come to the next Liquor Commission meeting and give the Commission some Best Practices to help them make a decision.

John Barry is happy to come and outline protocol. He said the timing is of the essence.

Mayor Chirico asked if he would include the security of the liquor.

Commissioner Vozar asked if they would be willing to only sell the alcohol at one location for the first year.

John Barry agreed.

Mayor Chirico requested John Barry to also bring back a layout of the serving area.

**Commissioner Vozar moved to table this agenda item to the May 9, 2019 meeting and ask the petitioner to bring back the information discussed, seconded by Commissioner Maher.**

Consider Ribfest's request to include three spirit samplings consisting of one ounce of spirits each with the purchase of admission

Rick Grimes, Ribfest Executive Director, wanted to talk about sampling opportunities at the park. They are looking on expanding the samplings. They are looking at three locations - Sky Box, VIP and general park area. They are not using the RFID system this year. The wrist bands will have 3 tabs on it for the 3 tastes. For the Sky Box and VIP Area, would have a 1oz spirit with 3oz mix. The other would be a 2oz sampling of hard cider. The sponsor would have people making the drinks. In the general area, there would be a 2oz sampling of cider and 1/4oz of spirits for a total of a 1oz sample.

Detective Riggs stated that there were no issues last year with the tastings.

Commissioner Blackman asked if there was a cost for the samples. No, they are part of the admission.

Mayor Chirico asked if the ticket stub is attached to the wristband. Yes, it is attached.

Commissioner Vozar said the combination of the two samples to total three samples.

Commissioner Blackman asked if someone appears to be over served, would they be able to receive the three samples. No they would not be served.

**Commissioner Maher moved to accept the proposal as presented, seconded by Commissioner O'Toole.**

**Aye:** 7 - Blackman, Maher, O'Toole, Robbins, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

Consider proposed revisions to the Liquor Commissioner's Rules concerning cash sales at Special Events and residency requirements

Jennifer Lutzke, Senior Assistant City Attorney, stated that she had circulated draft proposed revisions to the Rules since the last Liquor Commission Meeting. The proposed new Rule would require that all events with expected attendance of more than 1,800 people shall not have a cash bar unless the bar is staffed by employees, staff members, or a third party-company that is licensed, bonded and insured. Instead of a cash bar, an event may use ticket sales, Radio-Frequency Identification technology, or a similar technology approved by the Liquor Commissioner for the sale of alcoholic liquor. Additionally, we removed the Rule that pertained to residency requirements. This is before the Commission for approval of those revisions.

Mayor Chirico said at the last meeting the number was 2,000 but it was lowered to cover all major events.

Commissioner Vozar asked Detective Riggs if this was consistent with what the Police Department recommended. Yes, it is consistent with their recommendation.

**Commissioner Vozar moved to accept the changes to the Rules as presented by staff for revisions to the ticket cash sales, seconded by Commissioner Blackman.**

**Aye:** 7 - Blackman, Maher, O'Toole, Robbins, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

**Consider removal of the Outdoor Seating Permit's "Sunset Provision"**

Jennifer Lutzke, Senior Assistant City Attorney, stated that last year the Liquor Commission recommended to City Council that they remove the sunset provision to the Outdoor Seating Permit. Instead of accepting the recommendation, City Council extended the sunset provision to April 30, 2019. This is before the Liquor Commission to make one of the following recommendations: vote to remove the outdoor seating permit from the liquor code, vote to remove the sunset provision portion of the outdoor seating permit from the liquor code or vote to extend the sunset portion of the outdoor seating permit for another year.

Mayor Chirico asked Detective Dan Riggs if there have been any issues or complaints regarding outdoor seating. There haven't been any issues or complaints. Mayor Chirico stated that the first year there was a complaint on the Craftsman's seating area but that was changed and he is not aware of any further complaints.

Commissioner Vozar stated that the businesses owners would like to see the sunset provision removed in order for them to invest in nicer furniture and a better layout.

**Commissioner Vozar moved to remove the sunset provision for outdoor seating from the Liquor Ordinance.**

**Aye:** 7 - Blackman, Maher, O'Toole, Robbins, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 2 - Davis, and Stauffer

**F. REPORTS:**

Approval of February 7, 2019 meeting minutes

**A motion was made by Commissioner Maher, seconded by Commissioner Vozar to approve the February 7, 2019 meeting minutes.**

**1. Restaurant Association Report - Jeffries**

Christine Jeffries, NDP Executive Director, said that on DineNaperville.com has a listing of the Easter Brunch specials.

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

Detective Riggs reported that in February 101 people attended with 17 no shows. The March class had 99 people attend with 24 no shows.

Mayor Chirico asked about the online training. There have been just under 100 people trained through the online training.

### **3. Tobacco Enforcement Review - Riggs**

Detective Riggs reported that they are currently inbetween the tobacco compliance checks. They are finalizing the violations from the last time.

Jennifer Lutzke, Assistant Senior City Attorney, stated that 7-eleven at 1490 E. Chicago Avenue was cited for their employee selling cigarettes to a minor on February 2, 2019. In March 29, 2019 7-eleven entered into a stipulation waiving their rights to a hearing, admitting to the infraction and agreed to pay a \$500 fine. On April 1, 2019 Mayor Chirico, the Liquor Commissioner, entered an order assessing the \$500 fine for that violation.

Mayor Chirico stated that we have had seven violations on tobacco this past year. Currently, there is a provision in the code that states if you receive a violation for selling tobacco products to a minor that you have to have your employees take a special course for a year. We currently don't have this program but Detective Riggs will put together a class similar to BASSET that talks about age specifications and ID checking.

Commissioner Wehrli asked if the violations were for cigarettes or vape. It was only cigarettes.

### **4. Liquor Report - Riggs**

Detective Riggs reported that in February 2018 we had 23 DUI's and for February 2019 there were 18 DUI's. For March 2018, there were 22 DUI's and in March of 2019 there were 33 DUI's. We did have some special grants in March around St. Patrick's Day that accounts for an increase in DUI's by about 10.

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

Trotz reported the following Liquor Concepts  
February 21, 2019

Gyu-Kaku  
47 E. Chicago  
This is a Japanese Steak House with no Late Night.

Last Fling and Ribfest have already been discussed.

Hampton Inn would like a liquor license.

Absolute BBQ on Ace Lane, formerly India BBQ is requesting a Class A liquor license.

March 21, 2019  
Food Truck Festival will be held in August at Naper Settlement. He is looking for a charity. It will be 20 - 30 Food Trucks.

## **G. EXECUTIVE SESSION:**

## H. ADJOURNMENT:

Commissioner Vozar moved to adjourn the meeting at 5:00pm, seconded by Commissioner Robbins. Motion was approved unanimously.

/S/ Emy Trotz  
Emy Trotz  
Executive Assistant/Mayor