

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Draft

Thursday, December 9, 2021

3:00 PM

Council Chambers

Liquor Commission

A. CALL TO ORDER:

Mayor Chirico called the meeting to order at 3:04 PM.

B. ROLL CALL:

Commissioner Davenport joined the meeting at 3:08 PM.

- Present** 7 - Mayor Steve Chirico, Karyn Charvat, Dana Davenport, John Koranda, Anthony Signorella, Joe Vozar, and Scott Wehrli
- Absent** 3 - Charles Maher, Mitch Stauffer, and Kimberly White

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

C. PUBLIC FORUM:

None

D. NEW BUSINESS:

Consider Cheap Cheap Liquors request for Class D - Package Store licenses for two locations

Thomas Tillett, Manager, and Mantaj Singh, Owner, presented their request for a text amendment to the liquor code to allow them to open a location in the previous Peterson’s Wine & Spirits on Chicago Avenue and the current Peterson’s Wine & Spirits on Gartner Road. They are aware there is a restriction that allows only one Class D licensee per shopping center greater than 60,000 square feet and that Butera is currently a Class D license holder in the Chicago location and Trader Joe’s is currently a Class D license holder in the Gartner location.

Commissioners asked how long Cheap Cheap Liquors has been in business in other locations and about the origin of their name. Singh reported that their Plainfield location has been operating for 14 years and their family had a gas station before that, making them 20-year business owners. His father came up with the name for Cheap Cheap Liquors.

Mayor Chirico reviewed that the current liquor code allows only one Class D licensee per center of 60,000 square feet. The reason that two Class D licensees were located in each center is due to grandfathering when the requirement was put in place. Commissioners asked if the cap on Class D licenses would have to be raised, what the original reasoning for limiting the Class D license was, and if there is any history of the Commission

approving a request like this in the past. Barfuss reported that we currently have 27 Class D licensees and the cap is 14. Lutzke noted that the Commission can raise the cap or leave the cap in place, because the businesses over the cap were in existence prior to the liquor code change. Mayor Chirico reported that the reason for limiting the Class D to one per center was to avoid proliferation of liquor stores. Wehrli added that the limitation was put in place more than a decade ago and the square footage requirement pre-dates his time on the Liquor Commission. Mayor Chirico went on to say that we have had many requests for Class D licenses in centers less than 60,000 square feet and can't recall that any requests were approved.

Commissioners discussed licensing Trader Joe's and Butera as Class G grocery stores even if a variance is needed. Mayor Chirico stated that this would require Trader Joe's and Butera to be the petitioners. Wehrli stated that, since this will likely go to City Council for a final decision, a map of where the Class D licenses are located would be helpful and asked the petitioners for more information on what the store layout and signage will look like, to give greater support for why the liquor store should be permitted.

Commissioner Vozar made a motion to direct staff to provide options for amending the Class D or Class G licenses and for addressing the Class D cap, a map of Class D license holders, and historical decisions of the Liquor Commission on Class D licenses, seconded by Koranda.

Aye: 6 - Charvat, Davenport, Koranda, Signorella, Vozar, and Wehrli

Excused: 1 - Mayor Chirico

Absent: 3 - Maher, Stauffer, and White

E. OLD BUSINESS:

Consider revisions to the Special Event Permit

Attachments: [Special Event - 3rd Party 120121](#)

Lutzke reviewed the discussion from the last meeting and reported that options for revising the Special Event Permit include: requiring a certain amount of event proceeds donated to the charity, requiring the charity to be the liquor license applicant, or prohibiting third-party promoters from working with charities to hold events in Naperville.

Mayor Chirico clarified that charities holding an event and hiring a management company to run their event has not been an issue. The issue is third-party companies holding the event and only involving the charity

license holder in order to receive a liquor license. Wehrli reviewed that the intention of the Special Event Permit was to license a charity to hold an event and, if they choose to hire a promoter or management company to assist, that is up to them and the charity is responsible. The applicant definitely needs to be the charity and hold the insurance. Mayor Chirico reaffirmed that the Commission is only discussing third-party events with liquor licenses.

Commissioners asked if third-party companies can create their own charity and receive a license, what neighboring municipalities have done, and for more information on the events that were a concern this past summer. Mayor Chirico replied that charities can have 2 liquor licenses for events in Naperville per year and it must be a Naperville charity. He went on to say that the event organizers this past summer said they would have BASSET trained servers and they did not, which caused our police department to scramble to get their volunteers trained. Event staff did not shut down the sale of liquor at the time required and there were multiple complaints of over-service and people purchasing more than 2 drinks at a time. Commissioner Vozar asked if waiting 3-6 months to see if the new liquor rule requiring the pre-meeting helps with the issue. Mayor Chirico replied that the two events that had liquor issues did have pre-meetings.

Commissioners discussed why the third-party company can't be the license holder, whether the Commission should get involved in the agreements formed between third-party companies and charities, and how many violations have been issued. Mayor Chirico stated that a formal violation for a special event has never occurred. Wehrli proposed creating a third-party promoter permit, which would not be a liquor license, but would allow the Mayor or Commission to pull the permit and stop the third-party company from finding another charity partner and holding an event in Naperville again.

Commissioner Wehrli made a motion to direct staff to bring back options for creating a third-party promoter permit, seconded by Davenport. The motion passed and was carried by the following vote:

Aye: 6 - Charvat, Davenport, Koranda, Signorella, Vozar, and Wehrli

Excused: 1 - Mayor Chirico

Absent: 3 - Maher, Stauffer, and White

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of November 4, 2021

Attachments: [Liquor Commission Meeting Minutes DRAFT 110421](#)

Commissioner Vozar made a motion to approve the regular Liquor Commission meeting minutes of November 4, 2021, seconded by Signorella. The motion was approved and carried by the following vote:

Aye: 6 - Charvat, Davenport, Koranda, Signorella, Vozar, and Wehrl

Excused: 1 - Mayor Chirico

Absent: 3 - Maher, Stauffer, and White

1. Restaurant Association Report - Jeffries

Jeffries reported that the labor shortage is continuing to affect restaurants. In partnership with the Career & Networking Center, they held 2 job fairs. City staff are working on a special application for BASSET training that allows Dine Naperville to offer scholarships to pay for BASSET training on behalf of the potential employee. They have funded 8 individuals so far. The 2021 Dining Guide will be mailed out January 1st and the highlighted charity this year is the front-line workers at Edward Hospital. Restaurant week is planned for January 15th - February 6th. They will also plan to do a second Restaurant Week to coincide with Chicago's in March. Front Street Cantina has reopened following their long renovation.

2. BASSET- Employee Training Statistics - Riggs

Thorsen reported for Detective Dan Riggs. BASSET continues to be offered online. An in-person training was planned for Costco, but that converted to being online as well. Thorsen and Officer Creighton have both completed the training to become licensed BASSET trainers.

3. Tobacco Enforcement Review - Riggs

Thorsen reported that they are ready for the next round of compliance checks and they will occur before the end of the year.

4. Liquor Report - Riggs

Thorsen reported that there were 8 DUIs in November 2021 compared to 12 in November 2020. Mayor Chirico noted that the year-to-date average is less than 2020 and significantly less than 2019.

5. Liquor Concept Committee Update - Barfuss

Barfuss reported that since the last Liquor Commission Meeting, the Liquor Concept Committee had one meeting on November 18th. The following concepts were discussed:

Board & Brush

New business seeking a Class M - Recreational license. They have not finalized their location, and their request is pending until they do.

Naperville Winter Ale Fest, event scheduled for February 25, 2022 at Frontier Park

This is a returning event organized by Lou Dog Events. They have not finalized their charity partner agreement yet and their request is pending until they do.

G. EXECUTIVE SESSION:

None

H. ADJOURNMENT:

Commissioner Davenport made a motion to adjourn the Liquor Commission meeting of December 9, 2021 at 4:02 PM, seconded by Signorella. The motion was approved and carried by the following vote:

Aye: 6 - Charvat, Davenport, Koranda, Signorella, Vozar, and Wehrl

Excused: 1 - Mayor Chirico

Absent: 3 - Maher, Stauffer, and White

/S/ Miranda Barfuss
Miranda Barfuss
Assistant to City Council