



## Meeting Minutes

### Liquor Commission

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Thursday, February 8, 2018

3:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

**Present** 9 - Mayor Steve Chirico, Pam Davis, Charles Maher, Paul O'Toole, Whitney Robbins, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

**Absent** 1 - Marc Blackman

#### C. PUBLIC FORUM:

There was no one present to speak under Public Forum.

#### D. OLD BUSINESS:

##### 1. Approve Ribfest Additional Requests

Rick Grimes, Ribfest Executive Director, and Joel Carlson, 2018 Ribfest Chair, were present to request additional changes to the serving of alcohol at Ribfest. There will be two larger beer tents in the North Park. They will continue to have beer service in the Sponsor Tent with a second location if needed. There will be beer service in the Skybox and two locations at the front of stage. There will be three beer tents in the South Park. That is an increase from two beer tents last year. The South Park will be open to the public all four days at a cost of \$5 and they anticipate larger crowds. They had previously requested and were granted approval to serve 16oz beer cans. They will continue to serve beer in cups at the front of stage and the Sponsor Tent.

They are going to RFID bracelets. This will replace the ticket. The person's credit card will be downloaded to the bracelet. There will be tents available for people to go to with RFID questions or issues. The bonded personnel that sold tickets will now be in the beer tents taking cash.

They had asked and received permission to have a tasting in the Sponsor Tent from 2pm - 6pm each day. This would be a 1/4 oz of liquor and 1oz of wine. There would be a limit of three tastings and that would be controlled by the RFID bracelet. We are asking to expand this slightly by adding this

to the Skybox during the same time.

Commissioner Vozar questioned that they had already received permission to serve 16oz cans. Yes, they had received permission.

Commissioner Robbins asked Detective Riggs about the RFID bracelets and how easily they would be to take them off. He has been looking into this. Rick Grimes stated that the RFID has no impact on alcohol serving. It's a payment method. There will be a separate wrist band for 21 and over.

Commissioner Robbins wanted to know the reason to move to cans. It is believed that they will be able to serve quicker. They are also working on recycling efforts.

Commissioner Vozar asked how they will control the three tastings. The bracelet should not be able to be taken off.

Commissioner Vozar asked if what they approve has to go to City Council and it does not. He then asked if what they approve will be for just this event or all events. It will be for just this event.

**Commissioner Maher moved, seconded by Commissioner Davis to accept the proposal as presented.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

## **2. Receive staff report on Dispenser Permit**

Kavita Athanikar reported that at the last Liquor Commission meeting, staff was directed to bring back some language regarding self service through taps. A concept had come through and asked for a liquor license and because they were a Class B restaurant with a customer bar, liquor service may come from any source. They were approved for that license. Moving forward, this mechanism may become more popular. Staff did prepare an ordinance for your review. This is a baseline for consideration and discussion today. This is a brand new permit. The permit establishes certain requirements for the establishment. The permit is for an establishment that allows for the selfservice of beer and wine only. It's required any time the self dispensing taps are on premises. This would only apply for the Class B Restaurant & Tavern or a Class J Hotel license holders. The consumption would be on premises. The amounts are a maximum of 24oz of beer or 6oz of wine per pour. For food service, there would have to be a full menu and a fully staffed kitchen available just like the Class B and J licenses that is already required. The annual fee is slated at \$500 per permit. It would be capped at 2 in the downtown and 4

non-downtown.

Mayor Chirico stated that this is a follow up codification to have control over self service. Currently we have Red Arrow coming to town with 48 tappers and 64 Wine Bar. There is nothing in the code to prevent others from doing this.

This is a permit that will attach to a license and it is only for a Class B or Class J.

Commissioner Wehrli was concerned with supervision. When we dealt with Wine 64 and Red Arrow, we were assured that as part of their business model there would be BASSET trained servers around the tap mechanisms. We can make that a requirement for this permit. The business needs to know that they will be responsible for any over serving.

Commissioner Maher asked if we would be able to require cameras. That could be a requirement in the ordinance.

Commissioner Davis asked if we ever look at ordinances from surrounding communities.

Kavita Athanikar answered that there isn't an ordinance in Illinois regarding tappers at this time. The businesses are covered under a different license.

Commissioner Vozar reiterated Commissioner Wehrli in that there needs to be language in the permit that the establishment is responsible for any repercussions from self serving.

Commissioner Robbins stated that when Red Arrow presented in front of the Liquor Commission, they said that they have a software package that helps monitor the serving amounts. Is that something that we could look at? She would like to see a demo of this software.

Commissioner Stauffer asked if we could ask 64 Wine Bar and Red Arrow Tap for input.

Mayor Chirico stated that on the permit we can require supervision and that if there is a problem, the floor ambassador will be ticketed.

Commissioner Maher would be interested in having 64 Wine Bar and Red Arrow Tap to come back to the Liquor Commission one more time.

Mayor Chirico stated that once the permit is finalized, we will send it out to the businesses to get their input.

Directions to staff:

Security Cameras, retention of footage for 90 days

The ability to cut off a person and reup the card.

Violations are the managers responsibility.

This will be brought back to the Commission but not at the next meeting. Also,

have the Restaurant Group look at it.

**3. Receive the outdoor seating ordinance to remove the sunset provision.**

Mayor Chirico stated that this is coming back to the commission because there is a one year sunset. This commission made a positive recommendation a year ago and City Council approved it. There was a one year sunset which was the commission's recommendation. There is a cap of five. Two of the five took advantage of it - Craftsman and Quiubo. There was a short term temporary permit issued to Sullivan's when they remodeled their bar area. Craftsman purchased some temporary fencing because the cost to purchase what they wanted, they didn't feel they should invest until it was permanent. At this time, we are hoping that what ever decision is made from the Council will be a permanent solution.

Keep in mind, this is a permit that needs to be applied for every year and you could be denied. Two of the other three did not do this until they knew it would be permanent, that was Front Street and Sullivan's. Mod Pizza went with outdoor seating without alcohol.

Commissioner O'Toole asked if there were any issues. Detective Riggs stated that there were no issues.

**Commissioner Maher moved to recommend to City Council to eliminate the Sunset clause regarding outdoor seating, seconded Commissioner White.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

**E. NEW BUSINESS:**

**1. Receive staff report on Catering and Bartending Service Permit**

This is being brought back to tighten up an ordinance that was past regarding caterers who are coming from outside of Naperville. We are in the process of trying to identify them and make sure they are aware that they need a Naperville license too. This particular agenda item also includes bartending service. They are not caterers but are companies that just provide the service of alcohol.

Kavita Athanikar reported that we already have the catering permit in existence. What this is doing is adding the provision for the bartending service.

Commissioner Wehrli asked where we were on allowing caterers to have a cash bar.

Kavita Athanikar stated that Belgio's was looking into this with their catering association and working with the Chamber and we are waiting for them to get back to us.

This requirement is part of the State Liquor Code. Someone would have to bring this to the State for them to change the legislation.

Mayor Chirico stated that we will send a letter to our caterers and the State Liquor Commission regarding this issue.

**Commissioner Vozar moved to add bartending service to be included under the Catering Permit, seconded by Commissioner Robbins.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

**2. VR 360 request to expand the cap for the Class M liquor license.**

Marcus Beam was present to request the expansion of the Class M liquor license. He would like to bring a family entertainment center to Naperville, VR360. He gave a short presentation. VR360 is a virtual reality center. \$15 for the first experience and \$10 for the following experiences. Each adventure takes 1 - 5 minutes. The hours will be 11am to 11pm.

The locations are 1700 - 2200 sq. ft. There will be a full bar with cans of beer and prepackaged wine products. Patrons have to go to the bar for service. The Naperville location is at 22 E. Chicago Avenue. They expect 100 patrons a day. Everyone signs a disclaimer.

Mayor Chirico asked Katie Wood, Downtown Naperville Alliance to come forward. She asked about the zoning. Where does this fit in the downtown? Does it meet the zoning code?

There is no kitchen. They will be serving prepackaged gourmet good.

Commissioner Vozar stated that under the Class M license, there is the lifestyle amenities and experience. This would probably come under the experience and he is concerned with people just sitting at the bar.

Commissioner Davis is not concerned about people sitting at the bar all day.

Commissioner Stauffer asked about the business plan and would he allow someone to stay all day if they weren't taking part in an experience. There is a very small bar area with some retail. He never envisioned this as a hang out spot.

Commissioner White asked if he would move forward without alcohol? Yes, he would but he prefers not to. He is not opposed to a two drink maximum.

Commissioner Maher asked if a condition of a two drink maximum could be put on this license. If it was, it would be for everyone who has a Class M (recreational license). If it was classified as a lifestyle amenity, then it would have the two drink maximum.

Mayor Chirico introduced Trevor Dick of the TED Department to discuss the zoning of this business. It was recommended that they go to the Planning and Zoning Commission.

Trevor Dick and Katie Wood demonstrated the Virtual Reality.

Mayor Chirico advised the petitioner that he will have to go to the Planning and Zoning Commission. He further advised him that the DNA will give an opinion. Regarding the liquor service, once the concept matures the Liquor Commission will make a recommendation.

## **F. REPORTS:**

### **1. Approval of November 9, 2017 Liquor Commission Meeting Minutes**

**Commissioner Maher moved to approve the minutes of the November 9, 2017 Liquor Commission meeting, seconded by Commissioner Robbins.**

**Aye:** 8 - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli, and White

**Excused:** 1 - Mayor Chirico

**Absent:** 1 - Blackman

### **1. Restaurant Association Report - Jeffries**

No report.

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

Detective Riggs reported that the December 2017 Class had 72 attendees with 8 no shows. The January 2018 Class had 41 attendees with 11 no shows.

The online training has begun and one person has taken it.

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

Detective Riggs reported that we have received the 2018 Tobacco Grant from the State of Illinois.

Before the tobacco checks take place, we do an educational disbursement of the materials and that will be completed by the end of February.

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

Detective Riggs reported that in December, 2017 there were 22 DUI's compared to 11 DUI's in 2016. In January 2018, there were 15 DUI's compared to 9 DUI's in 2017.

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

Trotz reported the following concepts:

November 6, 2017

Wild Rice Sushi & Grill, used to be Fat Noodles on Ogden

Liquor Delivery Service - warehouse with drivers to deliver alcohol. She met with the Mayor and Kavita and was directed to do further research and she hasn't come back.

December 20, 2017

Winter Ale Fest - end of February

Potter's Fest - requested to do a fest but have been denied by the Special Events Committee.

Hoshi Sushi - formerly Taka Sushi  
2960 Artesian Road

January 18, 2018

Ribfest

Wal-Mart Delivery Service - preorder and then go to the store to pick it up.

Malloy's Beer Tasting Event - They had planned an event before they came to us. The Mayor is allowing it with some limitations.

We met with the new owners of an existing restaurant for a location on Rt. 59. It

will be small plates and wood fired pizza.

There are three places that area changing ownership - Miss Kitty's, Front Street Cantina and Paris Bistro.

**G. EXECUTIVE SESSION:**

**H. ADJOURNMENT:**

Commissioner Maher moved to adjourn the meeting at 4:36pm, seconded by Commissioner Vozar.

/S/ Emy Trotz

Executive Assistant/Mayor