



Meeting Minutes

Liquor Commission

Thursday, April 4, 2019

3:00 PM

Council Chambers

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