

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Draft

Thursday, June 3, 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:

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

B. ROLL CALL:

Present 10 - Mayor Steve Chirico, Karyn Charvat, Dana Davenport, John Koranda, Charles Maher, Anthony Signorella, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

Staff Present: Miranda Barfuss, Assistant to City Council; Jennifer Lutzke, Senior Assistant City Attorney; Dan Riggs, Police Detective

C. PUBLIC FORUM:

None

D. OLD BUSINESS:

None

E. NEW BUSINESS:

Installation of new Commissioner: John Koranda

Mayor Chirico installed new Commissioner, John Koranda, and ceremonially installed current Commissioner, Dana Davenport.

Consider Mall of India's request for a dispenser permit and Class B license

Attachments: [Hungry Horse restaurant menus](#)

[Mall of India Layout 2021](#)

Ajay Sunkara and Vinoz Chamalou, representing Mall of India, gave an overview of their request. To capitalize on a concept emerging in shopping

malls across the country they would like to install dispenser taps for alcohol in their food court. Customers would be able to fill a glass and walk around the mall while they are shopping. This is currently being permitted in Fox Valley Mall in Aurora and the Fashion Outlet Mall in Chicago. They propose having the Hungry Horse Restaurant in the food court be the Class B license holder, with the dispenser permit.

Mayor Chirico asked who is monitoring the taps. Tapville Social, for example, has BASSET trained servers overseeing the taps and customers use pre-loaded cards to dispense alcohol. Sunkara replied that it will be in the bar area so that it can be observed by the bartender. They would comply with any technology requirements currently existing for the dispenser permit in Naperville, which does require customers to utilize a programmable, preauthorized access card and video monitoring.

Commissioners asked if Mall of India currently has a Class M liquor license, which was approved at the July 2020 Liquor Commission Meeting. Barfuss clarified that Mall of India was approved to apply for a Class M license but has not applied yet. Lutzke asked the petitioners if they are seeking to apply for a Class B with a dispenser permit and an additional Class M license. The petitioners replied that they will apply for one license or two, pending direction of the Liquor Commission.

Commissioners discussed the quantity of drinks that customers would be able to pour at a time, how individuals would be prohibited from leaving the mall with a drink, and the product that would be dispensed. Sunkara replied that customers would have one drink per one glass and mall security and signs would be employed to prevent individuals from leaving the mall with a drink. The product dispensed will only be beer or wine, not mixed drinks. Commissioners discussed how this differs from individuals taking a drink from store to store in an outdoor shopping area. Mayor Chirico noted that the mall is an enclosed, private property establishment.

The Commission discussed current licensees like Mariano's who sell drinks at a bar but allow customers to walk around shopping with their beverage. Mayor Chirico noted that the "sip and shop" concept was not exactly what was intended in that license classification and requested Lutzke review the language on those licenses and bring recommendations on revisions, if needed, back to the Liquor Commission.

Commissioners discussed what the licensed premise would be - the food court, the food court with business suites, or the entire mall. Lutzke noted that dram shop insurance is required to cover any area where alcohol can be consumed. Sunkara reported that they would like customers to be able to carry drinks to each store, but if that is not possible, they want to ensure

the food court, business suites, business lounge and the common area connecting those areas are licensed. Lutzke confirmed that the Liquor Commission can place limitations on the license to require that alcohol consumption remain in the food court, business suites and business lounge area.

Commissioners asked if wristbands will be utilized to visually identify individuals age 21+ , whether there have been issues of either over-service or individuals leaving the premise of our current licensees that have dispenser permits, and what the capacity of the food court is. Riggs reported that there have not been issues with the licensees who have dispenser permits or the “sip and shop” licensed grocery stores. He inquired which mall staff will be BASSET trained and how the bartender will be able to monitor the dispensers and serve customers at the same time. Sunkara reported that they will inquire with the dispenser vendor regarding the technology of pre-loaded cards and they will utilize wristbands for individuals 21+. The capacity of the food court is 200 individuals.

Davenport made a motion to approve the request of the Mall of India with the proper provisions in place after review of similar licenses. Vozar seconded. Lutzke clarified that the motion would be to approve the request for a Class B license with a dispenser permit for the Hungry Horse Restaurant if dram shop insurance is in place for all areas where the alcohol is served and consumed. Commissioners asked to add the requirement of wristbands, define the areas where alcohol can be consumed, and require this to return to the Liquor Commission for final approval. Mayor Chirico summarized that staff will create the draft Class B license with a dispenser permit, requiring wristbands, requiring the pre-loaded dispenser card and defining the allowable consumption areas as the food court, business lounge, business suites and the common area connecting them. The motion was amended and seconded.

Commissioner Wehrli and White encouraged Commissioners to visit the Mall of India in advance of the next meeting to better understand the layout of the mall.

Commissioner Davenport made a motion to have staff draft a Class B license with dispenser permit for the Hungry Horse restaurant that includes a requirement to use wristbands and pre-loaded dispensing cards and defines the allowable area of consumption as the food court, business lounge, business suites and the common area connecting those areas, for review at the next Liquor Commission meeting, seconded by Vozar. The amended motion was approved and carried by the following vote.

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of April 8, 2021.

Attachments: [Liquor Commission Minutes 040821 DRAFT](#)

Commissioner Maher made a motion to approve the regular Liquor Commission Meeting Minutes of April 8, 2021, seconded by White. The motion was approved and carried by the following vote:

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehri, and White

Excused: 1 - Mayor Chirico

1. Restaurant Association Report - Jeffries

Jeffries reported that the State of Illinois is on track for full reopening on June 11 with the transition to Phase 5. The Bridge Phase preceding this phase has been good for restaurants. Many banquets and weddings have been postponed multiple times, but the industry will be able to resume with larger numbers of attendees in Phase 5. Dine Naperville has been adapting to the restrictions throughout the pandemic and extended thanks to the Mayor for the Executive Orders that helped restaurants and to all the residents that supported our restaurant industry during this time. The legislation allowing cocktails-to-go has been extended to Jan 2, 2024. This helps the businesses who invested in equipment for cocktails-to-go to continue offering this. Governor Pritzker additionally enabled bars and restaurants to offer a free drink to vaccinated customers from June 10 - July 10. Naperville is also promoting specials for visitors to the area who may be coming to view the Frida Kahlo exhibit at College of DuPage. The biggest issue for our restaurants currently is a lack of workers. Restaurants are reducing the size of their menu, closing on extra days or reducing hours. Dine Naperville is exploring options for partnering with the Career & Networking Center to pre-BASSET train potential employees. Mayor Chirico praised Dine Naperville for helping to get the information out about COVID-relief grants over the past year and noted that Naperville restaurants received the highest number of grants from DuPage County.

2. BASSET- Employee Training Statistics - Riggs

Riggs reported that he receives approximately 30 new applicants a week for the online BASSET class. There are currently 136 enrolled. He has inquired when he can resume holding in-person live classes and that is still pending.

3. Tobacco Enforcement Review - Riggs

Riggs reported that he completed compliance checks on tobacco licenses in May and there were 2 violations, one gas station and one vape shop. Lutzke reported that the 3 violations from March will be served with violations next week and they will have to contact us to schedule a hearing or negotiate a settlement. Mayor Chirico noted that we went multiple years without a violation and inquired whether we need to do additional training with tobacco businesses. Commissioner Maher asked if these violations relate to our Tobacco 21 law in Naperville. Riggs replied that during the most recent compliance checks he worked with teens who were 15 years old and 19 years old. Both were able to purchase vaping products. Mayor Chirico noted that the penalties for violating our tobacco rules are significant and operators learn through these compliance checks that it is not worth taking a chance on selling to a minor.

4. Liquor Report - Riggs

Riggs reported that there were 11 DUIs in March 2020 and 15 in March 2021. There were 5 DUIs in April 2020 and 11 in April 2021. Mayor Chirico noted that we are comparing current DUIs with last year's COVID shutdown period. Riggs added that in April 2019 we had 34 DUIs and agreed that we still experiencing a lower number of DUIs than we had previous to COVID.

5. Liquor Concept Committee Update - Barfuss

Barfuss reported that since the last Liquor Commission Meeting, the Liquor Concept Committee had two meetings on April 15, 2021 and May 20, 2021.

The following concepts were discussed:

JoJo's ShakeBar, located at 5 West Jackson

New business seeking a Class B license with outdoor seating and a late night permit. Their request was approved. Their application is in process.

Naper Nights, events scheduled for July 16-17, August 13-14, and September 17-18 at Naper Settlement

The charity is the Naperville Heritage Society. They are serving beer and wine only. The event is approved and their application is in process.

HomeFront Naperville, event scheduled for September 25-26 at Naper Settlement

The charity is Naper Settlement. They are serving beer and wine only. The event is approved and their application is in process.

Oktoberfest, event scheduled for October 1-2 at Naper Settlement
The charity is the Naperville Heritage Society. They are serving beer and wine only. The event is approved and their application is in process.

Howlin' at the Moon, event scheduled for October 22-23 at Naper Settlement
The charity is Naper Settlement. They are serving beer and wine only. The event is approved and their application is in process.

Last Fling, event scheduled for September 3 - 6 on Jackson Avenue
The charity is Naperville Jaycees. They are serving beer, wine, hard seltzer and two canned cocktails. The event is approved and their application is in process.

Naperville Food Truck Fest, event scheduled for August 7, 2021 at Naper Settlement
The charity is Community Access Naperville. They will serve beer, cider, and hard seltzer. The event is approved and their application is in process.

St. Peter and Paul Church 175th Celebration, event schedule for August 28, 2021 in their parking lot
They will serve beer and wine. The event is approved and their application is in process.

Naperville Salute, event scheduled for July 2-3 on Rotary Hill
The charity is Naperville Responds for our Veterans. They will serve beer, hard seltzer and two canned cocktails. The event is approved and their application is in process.

Naper Pride Fest, event schedule for September 11-12 at Naper Settlement
The charity is Naper Pride. They will serve beer, wine, hard seltzer, hard cider and two canned cocktails. The event is approved and their application is in process.

Mario Tricoci, located at 1512 N. Naper Blvd.
This existing business would like to apply for a Class M - Lifestyle Amenities license. Their application is approved and their application is in process.

Mayor Chirico noted that JoJo's Shake Bar is a full service restaurant and alcoholic milkshakes are not permitted to leave the premises.

G. EXECUTIVE SESSION:

None

H. ADJOURNMENT:

Commissioner Stauffer noted that the Commission often struggles with making new liquor concepts work with the existing liquor code. He asked if a principles-based approach may be more effective than the rules-based approach we currently have to ensure our liquor code is business friendly and possibly reduce the number of license classes. Mayor Chirico commented that the liquor code was revised recently and many of the liquor rules were thoughtfully crafted to be a bit difficult and avoid proliferation. Commissioner Wehrli noted that there have been many changes over time and the liquor rules were designed to prevent bars and package stores from turning up at every corner in the City. He went on to say that the biggest challenge today is to stay in front of trends and concepts that we never thought about before they arrive at the Liquor Commission for consideration. Signorella said he would support a review of the liquor license classes.

Commissioner Maher made a motion to adjourn the Liquor Commission Meeting of June 3, 2021 at 4:25 PM. Seconded by White. The motion was approved and carried by the following vote:

Aye: 9 - Charvat, Davenport, Koranda, Maher, Signorella, Stauffer, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico