



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

Liquor Commission

Thursday, May 9, 2019

3:00 PM

Council Chambers

A. CALL TO ORDER:

Before the meeting was called to order, Mayor Chirico swore in the following Liquor Commission members - Davis, Maher, O'Toole, Robbins, Stauffer, Vozar, Wehrli and White.

Mayor Chirico called the meeting to order at 3:02pm.

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:

Consider Last Fling's request to sell spirits

John Barry, Star Events, was present to answer questions. They had given the commission members a report on how the liquor service would be handled.

Mayor Chirico asked how the area where the liquor will be batched is secured. It will be in a truck that will be locked.

Commissioner Stauffer asked if spirits are allowed to be served under the Special Event Permit.

Jennifer Lutzke, Senior Assistant City Attorney, responded that under the Temporary Permit it is only beer and wine but the Special Event Permit has no specifications. This is something the Liquor Commission can decide on without City Council approval.

Commissioner Maher asked what the advantages are with serving spirits. John Barry said the main advantage is to appeal to the saturated market. There are financial reasons by opening up sponsorship opportunities. The net on the spirit drink is higher because you can charge more for it.

Commissioner Vozar asked how many booths they will have. There will be two

booths, one in the parking lot off of Jackson Avenue and the other on Rotary Hill.

Commissioner Stauffer wanted to raise the point that we are creeping into something that was not the intent. Is there something clean about only serving beer and wine.

Jennifer Lutzke stated that the commission has discretion on what type of spirits to allow at special events.

Mayor Chirico stated that the commission could change their minds and not allow it next year. A rule could be implemented by the commission to not allow spirits.

Commissioner Wehrli asked Detective Riggs if the Police Department has an opinion on this. Detective Riggs stated that he had talked to Deputy Chief Anderson and several sergeants. They had some questions. Some of the questions were answered by the paperwork that was sent but they wanted to know about the fencing in the enclosed area. Yes, they would be using 6ft chain link fence where needed and bicycle barricade where needed. Detective Riggs asked how many off duty policemen would they have. They will have 30 per shift. Detective Riggs asked how they will be finding the professional bartenders. They have bartenders that the company has used. Those were the only concerns that the Police Department had raised. Other than that, they have no issues.

Commissioner Maher asked if this had to go to City Council. Jennifer Lutzke stated that at this time the Special Event Permit is silent as to spirits. If we wanted to prohibit spirits, we would have to change the code and go to City Council. If you want to allow spirits, a rule may be added and it does not go to City Council.

Commissioner Maher asked what types of alcohol they will have. They will not be using a high proof drink. It will be a vodka or whiskey with the same alcohol content as a glass of wine or a beer.

Commissioner Maher moved to allow spirits to be served at the Last Fling with the definitions as discussed at this meeting.

Aye: 7 - Davis, Maher, O'Toole, Robbins, Stauffer, Wehrli, and White

Nay: 1 - Vozar

Absent: 1 - Blackman

Abstain: 1 - Mayor Chirico

E. NEW BUSINESS:

Consider Starbuck's request to receive a Class A Liquor License

Taya Stenson, Starbuck's, and Zubin Kammula, Attorney, were present to request a Class B liquor license for Starbuck's Reserve Bar at 203 S. Main St. This request is completely different from the one that was before you a few

years back. That was a different program and a different concept. For this request, the Reserve Bar will implement some changes and bring in a substantial food program. As part of the food program, they are looking to add incidental liquor to the food service.

The commission members were given a packet of information that pertains to the Reserve Bar. If the liquor license is approved the location will shut down to make renovations.

The Reserve Bar will be bringing in a substantial food program. They will be keeping the same hours. In off peak hours, there will be table service. They will be adding equipment to the kitchen. They will be offering beer, wine and specialty cocktails.

Commissioner Davis asked if this met the requirements of a Class B. Mayor Chirico stated that the commission will decide that.

Jennifer Lutzke, Senior Assistant City Attorney, stated her concern that the primary business needs to be the service of meals. Taya Stenson responded that they have an extensive food production.

Mayor Chirico compared this to a Mod Pizza.

Commissioner Stauffer asked for the percentage of gross revenue of food. It is 25 - 30%.

Mayor Chirico asked for the percentage of alcohol sales. It is less than 10%.

Commissioner Vozar asked if they were looking at other locations in the western suburbs. They are looking at Naperville and Chicago at Oak and Rush St.

Commissioner Robbins asked if the traditional green dot stores are still selling alcohol. They have pulled that previous program from the entire organization. Alcohol is only sold at the Reserve locations.

Fast service would continue in the morning and then the menu would change in the afternoon.

Commissioner Wehrli asked about the preparation of the food. They will be serving Princi food. They are adding a full kitchen production. They are fresh baking food. Everything is made to order.

Back of the house is the prep kitchen. Pizzas and salads would be made there.

Commissioner Wehrli asked if a license was granted if they would submit the menu to be attached to the license. Yes, they would submit the menu.

Commissioner Stauffer asked if the alcohol would be served at the counter or at the table? Alcohol will be served at the bar and in the evening at the table. The alcohol wouldn't be served until 11am.

Mayor Chirico asked if the alcoholic drinks were ever served in paper cups. Absolutely not, they are served in glass ware.

Commissioner White asked how long they will be shut down for renovation. They will be closed 30 - 60 days.

Zubin Kammula stated that DuPage County Health Department has three classifications of food establishment licenses. With the renovations, Starbuck's will be moved to a Class 1 that is the same as any restaurant in town.

Commissioner Maher would like to direct staff to talk to DuPage County on how they classify restaurants.

Commissioner Maher would like it in the record that he does not want to be part of a lawsuit.

Commissioner Maher moved to direct staff to do research on the restaurant definition, seconded by Scott Wehrli.

Commissioner Davis made a motion in substitution to approve the project as presented and approve a Class B license, seconded by Commissioner Robbins.

Aye: 5 - Davis, O'Toole, Robbins, Vozar, and White

Nay: 3 - Maher, Stauffer, and Wehrli

Absent: 1 - Blackman

Abstain: 1 - Mayor Chirico

Consider Vita Sana's request for a liquor license.

Commissioner Davis moved to table this item, seconded by Commissioner Maher.

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

Absent: 1 - Blackman

Abstain: 1 - Mayor Chirico

Consider Rule of the Liquor Commission Pertaining to Electronic Appearance

Jennifer Lutzke, Senior Assistant City Attorney, stated that attached to the agenda item a proposed Rule allowing members of the Liquor Commission to appear telephonically.

Commissioner Vozar moved to approve the recommendation, seconded by Commissioner O'Toole. Motion was approved unanimously.

Consider Festa Italiana's request to sell spirits

John Barry, Star Events, was present to request the sale of spirits at Festa

Italiana. This is a boutique event with about 10,000 attendees. It will be held at Naper Settlement.

Commissioner O'Toole moved to accept Festa Italiana as presented, seconded by Commissioner Robbins.

Aye: 5 - Davis, O'Toole, Robbins, Stauffer, and White

Nay: 3 - Maher, Vozar, and Wehrli

Absent: 1 - Blackman

Abstain: 1 - Mayor Chirico

F. REPORTS:

REPORTS:

New Business

Commissioner Vozar moved to direct staff to look at the definition of what constitutes a restaurant, seconded by Commissioner Maher. Motion was approved unanimously.

Approval of April 4, 2019 meeting minutes

A motion was made by Commissioner Maher, seconded by Commissioner Vozar to approve the April 4, 2019 meeting minutes. Motion was approved unanimously.

1. Restaurant Association Report - Jeffries

No report.

2. BASSET- Employee Training Statistics - Riggs

Detective Riggs reported that in April 77 people attended with 14 no shows. Since the beginning of 2019 we have had 88 people complete the online course.

Mayor Chirico asked if the Tobacco BASSET mini course is available. Yes, it is ready. It is approximately an hour long. It goes through City and State ordinances. There is a section on carding and penalties.

Mayor Chirico asked if the tobacco licensees who had a violation have been notified about the course. They have not been notified yet. We are waiting for approval of the course.

Mayor Chirico informed the commission members to think about recreational marijuana.

3. Tobacco Enforcement Review - Riggs

Detective Riggs reported that they just completed the last rounds of compliance checks. Out of 77 establishments that were checked, one failed.

Jennifer Lutzke, Senior Assistant City Attorney, stated that with the prior

compliance checks, on February 2, 2019 Bucky's Express, 1290 S. Rt. 59, was cited for the underage sale of cigarettes. On April 16, 2019, they waived their right to a hearing and stipulated to the violation. That same day, Mayor Chirico as the Alcohol Tobacco Control Commissioner entered into an order finding them guilty of the violation requiring payment of a \$500 fine payable in 90 days.

4. Liquor Report - Riggs

Detective Riggs reorted that in April 2018 we had 25 DUI's and for April 2019 we had 17 DUI's.

Year to date for 2019 is 84.

5. Liquor Concept Committee Update - Trotz

Trotz reported the following Liquor Concepts
April 18, 2019

Summer AleFest
Naper Settlement decided not to be the charity this year so it will be the Parks Foundation.

Naper Nights and Oktoberfest
Nothing has changed with these events. They will be held at Naper Settlement under the license of the Heritage Society.

Festa Italiana
Naperville Jaycees will be their charity.

Doug Sharma - Vita Sana
Tabled until next meeting

MZ Bar - 1550 Rt. 59 (formerly Estebans)
They have requested a Class B liquor license. They were given the application for the Class B license without a late night. They have accepted that. They did ask if they waited until September if they could get a late night and were told no.

G. EXECUTIVE SESSION:

H. ADJOURNMENT:

Commissioner Stauffer moved to adjourn the meeting at 4:31pm, seconded by Commissioner Maher. Motion was approved unanimously.

/S/ Emy Trotz
Emy Trotz
Executive Assistant/Mayor