



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### Liquor Commission

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Thursday, June 6, 2019

3:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

**Present** 8 - Mayor Steve Chirico, Pam Davis, Paul O'Toole, Whitney Robbins, Mitch Stauffer, Joe Vozar, Scott Wehrli, and Kimberly White

**Absent** 2 - Marc Blackman, and Charles Maher

#### C. PUBLIC FORUM:

There was no one present to speak under Public Forum.

#### D. OLD BUSINESS:

Consider Vita Sana's request for a liquor license.

Commissioner Vozar moved to table item 19-483B until the next meeting, seconded by Commissioner Robbins. Motion was approved unanimously.

Consider revisions to the Restaurant definition

Jennifer Lutzke, Senior Assistant City Attorney, reported that at the last liquor commission meeting there was a discussion surrounding our restaurant definition. After researching the restaurant definition and the concepts that are currently classified as a restaurant, she found that our restaurant definition mirrors the state code and she is not recommending that we make any changes to the definition at this time.

Mayor Chirico stated that at the last meeting Starbuck's was approved and their was discussion on what is a restaurant.

#### E. NEW BUSINESS:

Approval of changes to the Liquor Commission meeting schedule

Emy Trotz, Executive Assistant/Mayor, stated that the July meeting is scheduled for July 4th and the municipal building is closed. The August meeting is scheduled for August 8th and Mayor Chirico and Commissioner Wehrli will be

out of town.

Mayor Chirico suggested that if there is a topic to discuss we will have the meeting on July 11th and also August 15th if needed.

**Commissioner Vozar moved to revise the Liquor Commission meeting schedule canceling July 4th and meeting on July 11th if deemed necessary and canceling the August 8th meeting and meeting on August 15th if deemed necessary, seconded by Commissioner White. Vote unanimously approved.**

Consider revisions regarding tobacco possession

Jennifer Lutzke, Senior Assistant City Attorney, stated that Tobacco 21 will go into affect on July 1, 2019. Through the enactment of Tobacco 21, the State decriminalized the possession of tobacco's by minors. This agenda item was brought to you to discuss what you wanted to do regarding possession of tobacco. Currently, possession of tobacco for anyone 18 years old or younger is a violation of our code. We can change the age to 21, make other changes as recommended or remove the penalties and violation of our code regarding tobacco possession.

Detective Riggs spoke to surrounding jurisdictions: Aurora, Bolingbrook, Woodridge, Warrenville, Lisle, Joliet, Elgin, Plainfield and Schaumburg as a comparable and also Wheaton and Glen Ellyn. The majority of these cities are raising the age to 21 for possession. Bolingbrook is the only one who is not raising the age right now.

Aurora, Lisle, Elgin, Plainfield and Glen Ellyn have changed their code to 21 for possession of tobacco.

Commissioner Stauffer asked Detective Riggs if the Police are keeping an eye out for possession of tobacco by minors. Detective Riggs stated some statistics. For schools in 2016 there were 6 violations by minors and in 2018 there were 38 violations. 2017 there were 18 violations in the schools. The School Resource Officers said now it's vaping. If possession was eliminated, it would cause problems. This is a City Ordinance citation. As a juvenile, it doesn't go on any criminal record.

Commissioner Wehrli asked how this relates to Hooka Bars. And also by matching the state law, this would be different from our surrounding communities. Hooka Bars are at 21.

Detective Riggs feels if possession is eliminated, we will have more problems in the schools.

**Commissioner Davis moved to match the state law regarding possession of Tobacco 21, seconded by Commissioner O'Toole.**

**Commissioner Davis withdrew her motion, seconded by Commissioner O'Toole.**

**Commissioner Stauffer moved that we change possession of tobacco to 21, seconded by Commissioner Robbins.  
This will go to City Council for approval.**

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

**Absent:** 2 - Blackman, and Maher

**Abstain:** 1 - Mayor Chirico

**Spa License** - this seems to be cost prohibited. We have the same problem that we had before. They are doing it and not being licensed. The Mayor would like all of these establishments to be in compliance. He would like the Liquor Commission to consider making this less of a hurdle both in the cost of the license and consider limited serving establishments not being required to have all of their employees BASSET trained. He would like this on the agenda for the next meeting.

Jennifer Lutzke, Senior Assistant City Attorney, stated that the State requires everyone serving alcohol to take BASSET.

**Marijuana** - Commissioner Stauffer is interested in learning more on the legalization of marijuana. Mayor Chirico stated that we need to establish rules. Legal is discussing this internally.

## **F. REPORTS:**

Approval of May 9, 2019 meeting minutes

A motion was made by Commissioner Vozar, seconded by Commissioner Stauffer to approve the May 9, 2019 meeting minutes. Motion was approved unanimously.

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

Christine Jeffries, Restaurant Association, stated that they are kicking off their summer season. Dine Naperville, enjoy the summer. In the sales report, Naperville has the highest retail sales in dining establishments.

Wine Walk was very popular.

Another issue is food trucks in the downtown. The Restaurant Association is opposed to Food Trucks.

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

Detective Riggs reported that in May 124 people attended with 10 no shows. There were 24 on-line renewals.

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

Detective Riggs reported that they completed their last rounds of tobacco checks that he reported on at the last meeting and are now in the process of renewing for the next season.

Jennifer Lutzke, Senior Assistant City Attorney, reported that with the compliance checks on February 2, 2019, St. Steven's Mart, 1303 Plainfield/Naperville Road, were cited for selling cigarettes underage. On May 13, 2019, they entered into a stipulation admitting to the violation and waiving their right to a hearing and agreeing to a \$500 fine. That same day Mayor Chirico as the Liquor Commissioner entered an order assessing the \$500 fine.

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

Detective Riggs reported that in May 2018 we had 23 DUI's and for May 2019 we had 20 DUI's.

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

Trotz reported the following Liquor Concepts  
May 16, 2019

India Day Celebration

August 11, 2019

He is requesting to sell spirits. He will have whiskey and possibly rum.

Moshi Moshi

He is selling to a niece. They have an A license.

Giordano's

Main St

Corporate is taking it over.

### **G. EXECUTIVE SESSION:**

### **H. ADJOURNMENT:**

Commissioner Vozar moved to adjourn the meeting at 3:45pm, seconded by Commissioner O'Toole. Motion was approved unanimously.

/S/ Emy Trotz

Emy Trotz

Executive Assistant/Mayor