

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes

Thursday, November 7, 2019

3:00 PM

Council Chambers

Liquor Commission

A. CALL TO ORDER:

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

B. ROLL CALL:**C. PUBLIC FORUM:**

No one was present to speak under Public Forum.

D. OLD BUSINESS:

1. Consider Red Arrow's request to allow Class B licensees to sell Growlers and remove the onsite manufacturing requirement from the Growler Permit

Mayor Chirico stated that at the last meeting we learned that the State doesn't consider the sale of Growlers as package goods. There is a Naperville Ordinance that prevents the sale of package goods in the downtown area. The question is if the new definition works around that ordinance. We had asked Christine Jeffries to survey the restaurants to find out their position. He handed out a report to the Commissioners from Christine Jeffries with the results of the survey. Action does not have to take place today but there can be discussion.

Commissioner Stauffer stated that at the last meeting it was discussed if Growlers and Growlers were considered package sales.

Jennifer Lutzke, Senior Assistant City Attorney, stated that she had talked to the state and they do not classify them as package goods. This Commission would have to determine if they want to follow the state or consider them as package goods.

Commissioner Stauffer stated that if we did not consider Growlers and Growlers package goods, we could allow it to be sold downtown.

Mayor Chirico stated that the Restaurant Association supports the sale of Growlers with restrictions. It would be a special use permit added to the B license with restrictions on the hours of the sale of Growlers.

Jennifer Lutzke, Senior Assistant City Attorney, stated that the proposed amendment changes the Growler Permit to add Growlers. This would be a recommendation by the Liquor Commission to City Council for approval.

Commissioner Vozar stated that there are 100 Class B licenses. If the Class A licenses requested the sale of Growlers, there would be over 150 places that could sell Growlers. The Restaurant Association supports this but does not support a proliferation of Growler permits for all B license holders and suggests they be restricted and/or separately permitted in some way.

Commissioner Maher asked for clarification on what we are seeking.

Mayor Chirico stated that currently Growlers are sold where there is onsite

production. There are two issues. We don't have an ordinance for a Class B license to get this permit. Second, we would have to make a determination if this circumvents the ordinance prohibiting package goods sales in the downtown.

Jennifer Lutzke, Senior Assistant City Attorney, stated that currently the Growler Permit is available for Class B & Class P. It is restricted because it has a requirement that it has to be manufactured on site. When you look at the Growler Permit, you would have to remove that restriction in order to allow Red Arrow to do that. Crowler is not listed or addressed in the code. This would have to be added to the Growler Permit ordinance and call it a Growler/Crowler Permit. The restriction on the sale of package goods in the downtown only applies to the businesses in the downtown.

The ordinance states this is for craft beer or cider.

Commissioner White would be in favor if there was a cap.

Commissioner Wehrli would like input from the Naperville Police Department on the labeling requirement and the sealing of the package.

Detective Riggs stated that there is a tamper proof seal. He's not sure if they are all like that.

The State Law has labeling requirements. Mayor Chirico would like to find out what the State requires to sell Crowlers.

Jennifer Lutzke stated that we only regulate the retail sale not the packaging. We can specify glass instead of aluminum. There are specific state laws that they would have to follow.

Commissioner Stauffer moved to direct staff to provide a proposed amendment at the next Liquor Commission meeting to allow Class B licensees to sell Crowlers, remove the onsite manufacturer requirement and have the Police Department do research on packaging for Crowlers and Growlers, seconded by Commissioner Maher. Motion was approved unanimously.

E. NEW BUSINESS:

1. JUUL Safety Presentation

JUUL did not make a presentation because they weren't aware that the Liquor Commission meeting is a public meeting.

2. Security Training Discussion

Commissioner Wehrli stated that several years ago after downtown related incidents had occurred, the Restaurant Association hired the former alcohol enforcement officer from the City of Champaign to give a program called Bar Employee Security Training (BEST). Some of the Liquor Commissioners at that time took the class. It is specific to how to train security personnel on how to deal with intoxicated people. It is an advanced look at the ID process, recommendations for surveillance, and other topics. The general idea is to get across the liability and exposure you have working as a security person for a bar or a liquor licensee. It was a really good training.

Mayor Chirico added that it has been awhile since we had this training. He has reached out to Christine Jeffries, Restaurant Association, who sponsored it and paid for it the last time. They have agreed to do that again.

Commissioner Maher asked if there would be BASSET credit when taking this program? He further asked if we could add BASSET training to this program? Detective Riggs responded that BASSET is a four hour class.

Commissioner Wehrli stated that the Security Training is more for the door people and the managers where BASSET is more for the servers and bartenders. There is a little crossover content but the State is very specific for the curriculum for BASSET. BEST is not a State recognized class although it has been recognized nationally as a good program. It would be cool if we added Security Training to BASSET.

Commissioner Vozar asked Detective Riggs if he was interested in this training. Yes, he will be attending.

Commissioner White mentioned that the Restaurant Association has the training set up for January.

Commissioner Maher requested that Detective Riggs explore adding Security Training to BASSET.

Commissioner Maher moved that we explore and set up a Security Training Program as soon as possible and direct staff to reach out to the Restaurant Association to host the Security Training. Motion withdrawn.

F. REPORTS:

1. Approval of October 3, 2019 meeting minutes

A motion was made by Commissioner Stauffer, seconded by Commissioner Maher to approve the October 3, 2019 meeting minutes. Motion was approved unanimously.

1. Restaurant Association Report - Jeffries

Christine Jeffries was not present but she had given the Commission a written report.

Restaurant Week will be held January 24 through February 8.

A new event for 2020 is the Craft Beer Week February 21 through February 29.

Another new 2020 event is the Taste of Naperville at the Naperville Responds for our Veterans 4th of July festival.

2. BASSET- Employee Training Statistics - Riggs

Detective Riggs reported that in October 62 people attended with 8 no shows.

3. Tobacco Enforcement Review - Riggs

Detective Riggs reported that the tobacco enforcement is still pending. We are waiting for the State to send out the retailer kits that are passed out to the retailers before they can do the compliance checks.

Mayor Chirico mentioned that the Fire Department is no longer doing liquor inspections. The State has taken over that responsibility

4. Liquor Report - Riggs

Detective Riggs reported that in October 2018 there were 17 DUIs and October 2019 there were 20 DUIs.

5. Liquor Concept Committee Update - Trotz

Trotz reported the following Liquor Concepts
October 17, 2019

Sky High Sports
2244 Corporate Lane
They requested a Class M license. They were given the application.

Meatheads
2555 W. 75th Street
They are open. Wanted to add alcohol. They are requesting a Class A license.
They were given the application.

A person wants to take over Yu's Bistro. He was given the application.

G. EXECUTIVE SESSION:**H. ADJOURNMENT:**

Commissioner Stauffer moved to adjourn the meeting at 3:37pm, seconded by Commissioner Maher. Motion was unanimously approved.

/S/ Emy Trotz
Emy Trotz
Executive Assistant/Mayor