

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Thursday, February 6, 2020

3:00 PM

Council Chambers

Liquor Commission

A. CALL TO ORDER:

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

B. ROLL CALL:

Present 9 - Mayor Steve Chirico, Pam Davis, Charles Maher, Paul O'Toole, Joe Vozar, Scott Wehrli, Kimberly White, Anthony Signorella, and Karyn Charvat
Absent 1 - Mitch Stauffer

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

C. PRESENTATION:

1. Installation of new Commissioners: Karyn Charvat and Anthony Signorella

Chirico installed Karyn Charvat and Anthony Signorella as new commissioners. He also acknowledged and thanked outgoing liquor commissioners, Whitney Robbins and Marc Blackman.

D. PUBLIC FORUM:

None

E. OLD BUSINESS:

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

Attachments: [Proposed Amendment](#)

Lutzke reviewed the recommendation from the Naperville Restaurant Association supporting the sale of crowlers with restrictions, or a cap, to avoid proliferation of crowler permits for all Class B license holders. The Police Department was asked to research the sealing of the crowlers and report any concerns. She recommended a cap of two permits in the downtown area.

Mayor Chirico stated that this action will require a change to the liquor ordinance and approval by the City Council. He went on to explain that Red Arrow holds one of two dispensary permits and crowlers are not considered packaged goods.

The Commission discussed the appropriateness of implementing a cap. Jeffries explained the Restaurant Association objective is to not create a packaged liquor license that is effectively just a to-go cup for every establishment.

The Commission discussed necessary equipment to seal and sell crowlers,

special packaging versus a to-go cup, that the proposed ordinance will only apply to craft beer, the appropriateness of issuing a cap but allowing businesses to apply for a license as the need arises.

Jeffries responded that crowler equipment is a significant investment, but it will not be deterrent to Class B license holders from seeking a crowler permit especially as the equipment becomes less expensive.

Lutzke confirmed that the state law has defined the equipment and packaging.

Mayor Chirico stated that other downtown businesses have proprietary craft beers on tap and may be interested in selling crows as well. He went on to say that an option could be to approve five permits in the downtown but have the Liquor Commission approve each request as it is submitted.

The Commission discussed the cost of the license and whether a higher cap should be set so it can include all of Naperville, not just the downtown.

Riggs reported that the Police Department does not have an issue with the crowler, but explained that it is resealable, which would make it difficult to detect open alcohol.

Lutzke explained there are specific state requirements for labeling alcohol and we can add additional labeling requirements for Naperville.

Joe Tota, founder and CEO Red Arrow, stated that Red Arrow currently sells crows at the Elmhurst location and uses a black can, with white fields to fulfill all the labeling requirements. He stated that the cans are resealable, however, it is clearly visible if the taped seal has been broken.

Davis made a motion to allow Class B licenses to sell Crows with a cap of 3 in the downtown area, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 7 - Davis, Maher, O'Toole, Vozar, White, Signorella, and Charvat

Nay: 1 - Wehrli

Excused: 1 - Mayor Chirico

Absent: 2 - Blackman, and Stauffer

F. NEW BUSINESS:

1. Consider Top Golf's request to allow the Class M license to include tastings

Mayor Chirico clarified the Scrivener's error on the agenda and stated that Top Golf currently has a Class B license.

Robert Anderson, Attorney for Top Golf, explained the request to revise Liquor Commission Article IX, Rule 9, to allow Class B licenses to have tastings on the premises. He stated that Top Golf does tastings at other locations within the

guidelines of the state law which provides for a total of three tastings to one consumer in one day, no more than 1/4 ounce of spirits, 1 ounce of wine or 2 ounces of beer. He explained that tastings are a means by which suppliers can introduce new or seasonal products to consumers, that they are administered by the suppliers who are registered tasting representatives with the state, and that Top Golf staff are BASSET and RAS trained to recognize intoxication in patrons and how to manage the responsible sale of alcohol.

The Commission discussed multiple tastings occurring at one time, where the tastings are located within the facility, and access to tastings by underage patrons of Top Golf.

Anderson explained that staff takes the tasting samples to each golf bay, rather than staying in one location, and that tasting representatives only approach adults and check IDs for those that sample. He stated that the tasting representative monitors service to patrons and Top Golf technology can track when a new group enters the bay.

Mayor Chirico asked if the tastings added to large festivals in Naperville recently have posed any problems.

Riggs stated that there are no issues and the tastings are closely monitored.

The Commission discussed the impact to existing Class B licenses, the value tastings bring the businesses, and that mobile tastings may assist with monitoring.

Lutzke stated that currently Class D, G, P, S, S1 and U licenses are able to have tastings with restrictions that correspond with the state law.

Commissioner Wehrli moved that Liquor Commission Article 9, Rule 9, Section 2 be revised to include Class B licenses, seconded by Vozar. The motion was approved and carried by the following vote:

Aye: 6 - Davis, O'Toole, Vozar, Wehrli, Signorella, and Charvat

Nay: 2 - Maher, and White

Excused: 1 - Mayor Chirico

Absent: 2 - Blackman, and Stauffer

2. Consider Axe Zone Throwing Lounge's request for a Class M Liquor License

Mohsin Ali, Owner of Axe Zone, explained the request to obtain a Class M liquor license to sell beer and wine in his axe throwing lounge.

Sandra Wardell, Manager for Naperville Animal Hospital, stated that since Axe Zone opened there have been issues of loitering, littering and drinking in the shared parking lot of their businesses. She said the hospital installed additional lights in the parking lot because staff did not feel safe walking to their cars at night and that patrons of Axe Zone bring their own alcohol to the establishment.

Riggs confirmed that police have received reports of suspicious vehicles, suspicious people and littering in the parking lot. He said the Police Department has increased patrol of that area and that open alcohol is not allowed in a parking lot.

The Commission discussed Internet photos of customers in Axe Zone with alcoholic beverages, children in the facility, the appropriateness of marketing it as a family-friendly establishment, and that no minimum age to participate is required.

Ali acknowledged confusion by his staff about whether customers are allowed to bring in their own alcohol, because that is allowed at their Chicago location.

Mayor Chirico questioned the layout of the business, the lack of significant safety separations between the axe throwing location and where patrons consuming alcohol would be standing.

The Commission discussed monitoring of the axe throwing, staff certifications, rules, and language from Axe Zone Lounge's website.

Ali stated that axe throwing is like any other sport offered for entertainment and it is only dangerous if the rules are not followed. He stated all patrons are given a demonstration on how to throw the axe safely, they have blunt edges to make them less dangerous, and they fall on wood chip floors, rather than rubber. He said patrons are monitored by a team of four employees at all times and, if granted a liquor license, consumption would be limited to two drinks per person.

Ali stated that axe throwing facilities in Aurora, Elmhurst and Chicago have been issued liquor licenses.

Riggs stated that the Police Department considers axes to be deadly weapons and would not recommend combining axe throwing with alcohol.

Commissioner Vozar motioned to approve AxeZone's request for a Class M liquor license, seconded by Commissioner Wehrli. The motion was denied and carried by the following vote:

Nay: 8 - Davis, Maher, O'Toole, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 2 - Blackman, and Stauffer

G. REPORTS:

1. Approve the regular Liquor Commission meeting minutes of November 7, 2019

Attachments: [Draft Minutes 110719](#)

Commissioner Vozar motioned to approve the Liquor Commission meeting minutes of November 7, 2019, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 6 - Davis, Maher, O'Toole, Vozar, Wehrli, and White

Excused: 1 - Mayor Chirico

Absent: 2 - Blackman, and Stauffer

Abstain: 2 - Signorella, and Charvat

1. Restaurant Association Report - Jeffries

Christine Jeffries reported that Restaurant Week was very successful with 53 restaurants participating and 200,000 webpage hits. She said Valentine's Day specials are now in effect for many restaurants and that Craft Beer Week is being introduced this year. It will culminate with the annual Winter Ale Fest on Saturday, February 29th in Frontier Park.

She said the evening of Wednesday, February 16 is tentatively scheduled for Bar Employee Security Training (BEST) and two or three sessions are planned for the summer. She explained that the training is optional, but Dine Naperville will subsidize the fee for businesses and all Naperville restaurant security staff and managers are invited to attend.

She concluded by stating that Dine Naperville has developed a Food Truck list for Naperville businesses that have mobile capabilities and they are encouraging local festivals and special events to use local restaurants for food vending when possible.

2. BASSET- Employee Training Statistics - Riggs

Riggs reported that the December BASSET class had 53 attendees and nine no-shows. The January BASSET class had 103 attendees and 11 no-shows.

3. Tobacco Enforcement Review - Riggs

Riggs reported that the first round of tobacco compliance checks resulted in three violations. He said two of the three involved vape products and that the first offender has had two other offenses.

Mayor Chirico reported that the violations have to be adjudicated and then a decision on a penalty will be made. He noted that facilities with a single employee or a small number of employees present, like gas stations, tend to be most problematic in terms of tobacco violations.

4. Liquor Report - Riggs

Riggs reported that in December 2019 there were 20 DUIs compared to 16 DUIs in December 2018. In January 2020 there were 12 DUIs compared to 16 DUIs in January 2019. In total, 2019 had 243 DUIs, compared to 216 DUIs in 2018.

5. Liquor Concept Committee Update - Trotz

Barfuss reported on the following Liquor Concepts:

Kings Cafe at Center Stage Theater

Currently hold a Class R license and are applying for a Class A. They were given the application and need to remodel the kitchen before submitting the application.

Ladies & Gents at 5 W. Jackson Ave.

New establishment applying for a Class B license with entertainment, late night permit and outdoor seating. The application is in process.

Godavari at 1568 W Ogden Ave Unit 140

This establishment is open but not serving liquor. They have attended a Liquor Concept meeting, are under new ownership, and applying for a Class B license. The application is in process.

Former Yu's Bistro, 658 Route 59

New business requesting a Class B license. The application is in process.

Our Children's Homestead fundraising event on May 15 - 280 Shuman Blvd.

The event is approved and will offer beer, wine and margaritas.

Career & Networking Center Soul Fest- 06/06/20 at Naper Settlement

The event is approved. They will be serving beer, wine and one cocktail.

Winter Ale Fest- 02/29/20 at Frontier Park

The charity is Naperville Parks Foundation.

St. Thomas the Apostle Trivia Night- 02/21/20 at the church

The event is approved. They will be serving beer, wine and cider. They have their license.

H. EXECUTIVE SESSION:

None

I. ADJOURNMENT:

Commissioner Maher made a motion to direct staff to review the state statute and rules for the consumption of alcohol in places where weapons are used for entertainment, seconded by Signorella. The motion was approved unanimously.

Commissioner Vozar offered thanks and recognition to Emy Trotz for her support of the Liquor Commission. She was given a round of applause.

Commissioner Maher made a motion to adjourn the Liquor Commission Meeting of February 6, 2020 at 4:32 PM, seconded by Signorella. The motion was approved and carried by the following vote:

Aye: 8 - Davis, Maher, O'Toole, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 2 - Blackman, and Stauffer

/S/ Miranda Barfuss
Miranda Barfuss
Assistant to City Council