

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Thursday, July 9, 2020

3:00 PM

On Zoom - Open agenda to see phone & webinar options

Liquor Commission

A. CALL TO ORDER:

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

B. ROLL CALL:

Present 8 - Marc Blackman, Mayor Steve Chirico, Paul O'Toole, Mitch Stauffer, Scott Wehrli, Kimberly White, Anthony Signorella, and Karyn Charvat
Absent 3 - Pam Davis, Charles Maher, and Joe Vozar

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

C. PUBLIC FORUM:

None

D. OLD BUSINESS:

None

E. NEW BUSINESS:

Consider Mall of India's request for a Class C license

Attachments: [Mall of India Attachment Liquor Commission 070920](#)

Ajay Sunkara and Vinoz Chanamolu, representing Mall of India, reviewed their request for a Class C license. The food court in the Mall of India will have 8 multi-cuisine restaurants, a coffee shop and a juice shop. None of the restaurants in the food court will serve alcohol. Mall of India proposes to have a full-service bar in a 400-square foot suite adjacent to the food court and to allow liquor consumption to extend into the food court. Lutzke stated that there is a Class C license available and the Liquor Commission can approve it without action from the City Council.

Mayor Chirico asked for hours of the bar area and food court. Sunkara confirmed that the bar would not be open outside of food court hours and food will always be served while the bar is operating. The bar will not be advertised separately from the mall.

The Commission discussed seating in the bar area and monitoring of the food court area to ensure that patrons do not take alcohol out of the area or pass

drinks to underage individuals. Sunkara and Chanamolu stated that there is a small amount of seating in the bar area. The food court will have signage, mall security staff and security cameras to monitor for underage drinking and prevent customers from taking alcoholic drinks out of the food court area. They are willing to have their mall security staff BASSET trained and use wristbands to visually identify those who are over 21. Mayor Chirico clarified that those measures would be mall policy and cannot be mandated by the City. Lutzke agreed that the City cannot put specific limitations on a specific license for a specific entity.

Mayor Chirico stated that this is a unique situation, but the environment seems safe and he is comfortable with issuing a Class C license. He went on to say that enforcement and compliance checks can help identify and respond to issues if they arise. The Commission discussed concerns about issuing the Class C license, including its enabling of package sales and possible prohibitions regarding those under 21 entering the facility after a certain hour. Mall of India confirmed that they are not interested in doing package sales. The grocery store on site at the Mall of India will not sell alcohol either.

The Commission discussed Class A, Class B, Class M and Class U licenses as possible alternatives to the Class C. The license premise and requirements of the license premises were discussed for each.

Lutzke asked if the petitioners would consider moving liquor service into the food court to enable the licensed premise to be the food court, rather than the adjacent suite. Sunkara stated that the Mall of India is not interested in opening a restaurant themselves, but rather renting the restaurant space to tenants. They also want to keep the bar area separate to maintain a family-friendly atmosphere.

The Commission discussed the child care facility on site at the Mall of India and Lutzke confirmed that the distance from the proposed liquor license premise to the child care facility entrance is adequate to allow a liquor license to be issued. This has been confirmed by TED.

The Commission did not act. Mayor Chirico asked staff to determine whether an existing license class can be applied or if a modification of an existing license class is required. Mayor Chirico clarified that the Mall of India will not have to return to the Liquor Commission if an existing class of license can be issued. If a modification to the license rules is needed, however, it will be on the agenda for the next Liquor Commission meeting and then would need to go to City Council. Commissioners stated that they are supportive of the Mall of India liquor concept, but need to determine which license class would be most appropriate for the unique request.

Consider adjusting BASSET training requirements

Lutzke stated that Illinois state law requires employees to complete BASSET training within 120 days of their date of hire. The City of Naperville requires the employee to sign up for BASSET training within 30 days of hire and take the

class within 60 days of hire. No in-person BASSET classes have been held since February and the online class has been used instead.

Riggs stated that he has 95 individuals completing the online training right now and described the online training format. He went on to say that the only delay he is experiencing is with the state issuing BASSET cards once employees are trained. Employees are able to print a temporary card, however, so he does not have any issues continuing to provide BASSET training in this manner.

Lutzke confirmed that no modification to liquor rules or an executive order is needed to enable first time BASSET participants to take the online course rather than an in-person course. Mayor Chirico asked if the online training is specific to Naperville or if other communities could also utilize the training. Riggs confirmed that though there is specific information for Naperville included in the training, the BASSET certification is valid in any municipality.

Mayor Chirico would like to offer the online class to other communities via the DuPage Mayors and Managers Conference. Christine Jeffries will email members of Dine Naperville to inform them that the online training is available for their employees and new hires.

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of June 4, 2020

Attachments: [DRAFT Liquor Commission Minutes 060420](#)

Commissioner Stauffer motioned to approve the Liquor Commission meeting minutes of June 4, 2020, seconded by White. The motion was approved and carried by the following vote:

Aye: 7 - Blackman, O'Toole, Stauffer, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 3 - Davis, Maher, and Vozar

1. Restaurant Association Report - Jeffries

Jeffries reported that the Mayor's Office and Dine Naperville have been informative and helpful to restaurants during the pandemic by issuing executive orders and sharing information on loan and grant programs. She thanked the Mayor for advocating on behalf of our restaurants and issuing the Executive Orders allowing package sales, cocktails to-go and temporary outdoor seating. Jeffries shared that the Dine Naperville website was redesigned to highlight to-go and curbside dining, then switched to outdoor dining, and is now promoting indoor dining as well. Next year's Naperville Dining Guide is also underway.

Edward Hospital has produced signs promoting requirements for face

coverings and the restaurants are using these signs to promote a unified message. Jeffries emphasized that supporting our restaurants is of primary importance and encouraged the Commission to promote the #MasksinNaperville initiative on social media.

Jeffries reported on the effort to close downtown streets (e.g. Jackson between Washington and Main Street) to car traffic for certain portions of the weekend. This would promote a festival atmosphere for outdoor dining, however, some retailers have not wanted to close the streets and other issues continue to be explored. Weekly meetings on this topic are occurring with TED and the Downtown Naperville Alliance.

Commissioner Stauffer inquired on the outcome of the Liquor Commission's recommendation to City Council to waive certain liquor and tobacco fees for the year. Lutzke confirmed that the item is on the upcoming 07/21/20 City Council agenda.

2. BASSET- Employee Training Statistics - Riggs

Riggs stated that he has nothing further to report on BASSET.

3. Tobacco Enforcement Review - Riggs

Riggs reported that he has submitted paperwork for the next upcoming year's tobacco compliance checks. For the most recent cycle, the state did not want to run compliance checks due to the COVID pandemic, but Riggs reported that he worked with the state to do educational compliance checks instead. Eighteen-year-old teens were used for the compliance checks and if the business did not ask for ID, the scenario was interrupted to provide education to the business that IDs should be routinely requested to ascertain a customer's age since masks make visual identification more difficult.

Lutzke reported on two tobacco violations which are still pending and stated that they would be adjudicated by the next Liquor Commission meeting.

4. Liquor Report - Riggs

Riggs reported that in May 2020 there were 4 DUIs compared to 20 DUIs in May 2019. In June 2020 there were 5 DUIs compared to 27 in June 2019.

5. Liquor Concept Committee Update - Barfuss

Barfuss reported that there are no new liquor concepts.

G. EXECUTIVE SESSION:

H. ADJOURNMENT:

Commissioner White made a motion to adjourn the Liquor Commission Meeting

of July 9, 2020 at 4:32 PM, seconded by Commissioner O'Toole. The motion was approved and carried by the following vote:

Aye: 7 - Blackman, O'Toole, Stauffer, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 3 - Davis, Maher, and Vozar

/S/ Miranda Barfuss
Miranda Barfuss
Assistant to City Council