

City of Naperville

*400 S. Eagle Street
Naperville, IL 60540*



Naperville

Meeting Minutes - Final

Thursday, April 8, 2021

3:00 PM

On Zoom Due to COVID

Liquor Commission

CITY OF NAPERVILLE PUBLIC MEETINGS UPDATE:

On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

Pursuant to Section 120/7(e) of the Illinois Open Meetings Act, the continuation of the Governor's disaster proclamation, and Mayor Chirico's executive order determining that in-person public meetings are not currently practical or prudent because of the COVID-19 pandemic, we are holding the March 4, 2021 Liquor Commission meeting remotely.

TO JOIN A MEETING: The meeting will be conducted using the Zoom Video Conferencing. You do not need to download any software or create an account to participate.

To login on your computer or iPad:

Click the link to join the webinar, the password is provided on this agenda. Once connected, if you choose to speak, click the "Raise Hand" button at the bottom of Zoom screen and wait for the Chairman to recognize you. When it is your turn to speak, you will be unmuted. There will be a few second delay after you are unmuted until your mic will be live. Please identify yourself for the public record and speak clearly.

To login on your phone:

For iPhones, use the iPhone one-tap number provided on this agenda.

For telephones, dial one of the numbers provided and join the meeting by using meeting ID and password provided on this agenda.

Once connected to the meeting, press *9 to "raise your hand" and wait for the Chairman to recognize you. When it is your turn to speak, you will be unmuted. There will be a few second delay after you are unmuted until your mic will be live. Please identify yourself for the public record and speak clearly.

PARTICIPATION GUIDELINES: All viewpoints are welcome. Positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Commissioners, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.

Present 9 - Mayor Steve Chirico, Charles Maher, Mitch Stauffer, Joe Vozar, Scott Wehrli, Kimberly White, Anthony Signorella, Karyn Charvat, and Dana Davenport

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. [https://zoom.us/j/91912018591?](https://zoom.us/j/91912018591?pwd=bmtUYmhiVHlrODRWRWxuakYvUWpCQT09)
pwd=bmtUYmhiVHlrODRWRWxuakYvUWpCQT09
Passcode: 293649

Or One tap mobile:

+13126266799,,91912018591#,,,,*293649# US (Chicago)
+19292056099,,91912018591#,,,,*293649# US (New York)

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 919 1201 8591

Passcode: 293649

International numbers available: <https://zoom.us/j/9298919292>

A. CALL TO ORDER:

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

B. ROLL CALL:

Present 9 - Mayor Steve Chirico, Charles Maher, Mitch Stauffer, Joe Vozar, Scott Wehrli, Kimberly White, Anthony Signorella, Karyn Charvat, and Dana Davenport

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:

Consider Tasting DeVine's request to amend the Class S1 license

Attachments: Class S1 amendment

Lutzke reviewed the draft ordinance amending the Class S1 license. The text amendment includes a definition of small batch whiskey, a square footage requirement, allows on-premise consumption of 3 oz craft distilled whiskey or small batch whiskey, 18 oz of wine or 32 oz of craft beer per person per day. It also allows for off-premise sale of craft beer, wine and craft distilled whiskey or small batch whiskey in its original package. It leaves the tasting hours and annual fee in place. The petitioner agrees with the draft ordinance but has requested a lower fee.

Mayor Chirico reviewed that this is a municipal code change that, if approved by the Liquor Commission, goes to the City Council for final approval.

Wehrli reported that he approves of the draft amendment commenting on the square footage, special product offering and that it accommodates a long-standing and problem-free liquor license holder. He noted a scrivener error in the definition of small batch whiskey correcting "small bath productions" to "small batch productions." Maher asked how the fee is determined. Lutzke reported that the Liquor Commission considered comparisons in other municipalities when creating the S1 class and decided that it was a fair fee for the Vom Foss model at the time. The license is a cap of 1.

Commissioner Wehrli made a motion to approve the draft text amendment to the S1 license and recommended it for approval by the City Council, seconded by Maher. The motion was approved and carried by the following vote:

Aye: 7 - Maher, Stauffer, Vozar, Wehrli, White, Signorella, and Charvat

Excused: 1 - Mayor Chirico

Absent: 1 - Davenport

E. NEW BUSINESS:

Consider Center Stage's request to amend the Class R - Legitimate Theater House liquor license

Attachments: [CenterStagePlaceProposal](#)
[WEHRLI CENTER STAGE RECUSAL](#)

Wehrli recused himself and left the meeting from 3:08 PM - 3:59 PM.

Dana Davenport joined the meeting at 3:10 PM.

Kandiss Hernandez, owner of Center Stage Place, presented her request. The Class R - Legitimate Theater House license they currently have does not fit the current business model of the facility. Center Stage frequently hosts rental events that includes live bands, cinema, birthday parties and other celebrations. The Class R license only allows liquor service one hour before the start of a theater performance and during intermission. Hernandez would like to be able to serve liquor for all rental events as well as for her live theater events.

Mayor Chirico reviewed that Center Stage has operated successfully with no liquor violations in the past. The Commission is supportive of the request, but needs to determine the best path forward.

Commissioners discussed options that would not require a text amendment to the municipal code. Mayor Chirico asked about plans to expand their café kitchen and convert to a Class A - Restaurant license. Hernandez reported that

the café is only open when the facility is open and she is looking at serving food from other partners rather than running a restaurant where the primary business is the service of meals.

The Commission discussed whether the rental events are considered private parties. Hernandez reviewed events that have been booked in the facility. Some do charge admission and are open to the public. Lutzke reviewed the state law for private parties and reported that if the event is open to the public it does not qualify as a private party. Center Stage would need a liquor license to serve liquor at any event that was advertised to the public.

The Commission discussed application of the Class K - Catering license. Lutzke confirmed that while Center Stage would not meet the definition for a Class K, if a licensed caterer were contracted for events in the facility, the licensed caterer could provide liquor but it would not enable Center Stage to serve liquor.

The Commission discussed the Entertainment Permit. Lutzke reported that the Entertainment Permit is an add-on to a liquor license that allows live music and entertainment at a bar or restaurant, but does not extend liquor service beyond what the liquor license allows.

The Commission discussed the Class M - Recreational license. Barfuss reported that there are 3 Class M - Recreational licenses currently available. The Commission discussed the definition of recreational activities and the Commission's ability to interpret rental events, of all types, as recreation at Center Stage. Lutzke reported that in the past the Liquor Commission did not want to define cinema as recreation because it would allow movie theaters to obtain liquor licenses. The Commission discussed the Class M similarly applying to golf courses where liquor can be sold whether the patron is actively golfing or not, however, the recreational activity does have to be occurring. Vozar noted that if a golf course stopped providing golf and only sold liquor their license would no longer apply and suggested that the action taken should ensure that the liquor license defines the business as primarily a theater.

Lutzke advised that if recreation is interpreted with a broad definition that includes movies and birthday parties, if another business applies for a Class M and there is a license available, the Liquor Commission would not be able to decide that they do not interpret their business as recreational. As a government, we can't treat one applicant different from another applicant. Mayor Chirico reviewed that applying the Class M would be a final decision of the Commission. Amending the Class R would be a recommendation to City Council. Stauffer suggested changing the Class R to be defined as primarily a theater acknowledging that it would require a text amendment and approval of the City Council. White agreed and noted that a business that only has an event space should not have a Class M.

The Commission discussed whether the amendment should include a cap on the Class R license. Vozar noted that the cap provides the opportunity to pause

and gives the Liquor Commission coverage to interpret new applicants. Mayor Chirico noted that it also adds a layer of bureaucracy that delays things for petitioners. The risk to the city with new theater businesses applying for the Class R amended license would be low. Davenport and Signorella stated that a broader discussion on caps would be beneficial for a future meeting.

Maier made a motion to expand the service hours of the Class R license and define the business as primarily a theater, seconded by White. Davenport asked that the motion ensure that staff will work with the petitioner to ensure the revision meets their needs and the request. Maier amended the motion. White accepted the amendment. The motion was approved as amended and carried by the following vote:

Aye: 7 - Maier, Stauffer, Vozar, White, Signorella, Charvat, and Davenport

Excused: 1 - Mayor Chirico

Recused: 1 - Wehrli

Mayor Chirico reported that Pam Davis has resigned from the Liquor Commission. He commended her for her service and stated that he will be appointing a new Commissioner.

F. REPORTS:

Approve the regular Liquor Commission meeting minutes of March 4, 2021

Attachments: [Liquor Commission Minutes 030421 DRAFT](#)

Commissioner Maier made a motion to approve the regular Liquor Commission Meeting Minutes of March 4, 2021. Seconded by Stauffer. The motion was approved and carried by the following vote:

Aye: 8 - Maier, Stauffer, Vozar, Wehrli, White, Signorella, Charvat, and Davenport

Excused: 1 - Mayor Chirico

1. Restaurant Association Report - Jeffries

No Report.

Mayor Chirico noted that the restaurant association and Downtown Naperville Alliance have worked with the City to improve the design, safety and style of the temporary outdoor seating in the downtown. CARES money was used to pay for it.

2. BASSET- Employee Training Statistics - Riggs

Riggs reported that the online BASSET program has been extremely busy. There are currently 135 registered.

3. Tobacco Enforcement Review - Riggs

Riggs reported that the last compliance checks did yield three violations reported at the last meeting. Lutzke confirmed that the adjudication of these violations is in process.

4. Liquor Report - Riggs

Riggs reported that there were 9 DUIs in February 2021 compared to 23 DUIs in February 2020. March DUIs numbers are not yet available.

Maher asked if there have been issues with any of the marijuana dispensaries in Naperville. Riggs reported that there have been no issues with the operators and the facilities are very secure with IDs having to be scanned before entering the building, unlike a gas station or vape shop. Riggs noted that there have been protestors outside of the dispensaries at times. He went on to say that drug related DUIs in Naperville have not increased. Mayor Chirico reported that the police have been doing trainings for using sobriety tests to identify people who are high.

5. Liquor Concept Committee Update - Barfuss

Barfuss reported that since the last Liquor Commission Meeting, the Liquor Concept Committee had one meeting on March 18, 2021.

The following concepts were discussed:

Center Stage Theater, already reported

Chasers, 1811 High Grove Lane

Existing business seeking a Class M - Recreational license. Their request was approved, and their application is in process.

Xian Cuisine, 376 IL Route 59, Suite 128

New business seeking a Class B license. Their request was approved, and their application is in process.

Catrina Latin Bites, 2835 Showplace Drive #103

New business by owners of Paris Bistro who have relocated across the plaza. They were seeking a Class B license. Their request was approved, and their application is in process.

River Run Club, 4204 Clearwater Lane

Facility requesting a Class H-Club license in order to charge for alcohol at member events. They did not meet the code definition for the Class H and are considering their options to either hold private parties that meet the requirements of the liquor code or to obtain special event permits for their events.

SoulFest, event scheduled for June 5, 2021 at Naper Settlement

This event decided to work with a caterer and will not need a special event

liquor license.

G. EXECUTIVE SESSION:

None

H. ADJOURNMENT:

Mayor Chirico reported that he will request that the next meeting be in-person in Council Chambers.

Commissioner White motioned to adjourn the Liquor Commission Meeting of April 8, 2021 at 4:12 PM, seconded by Stauffer. The motion was approved and carried by the following vote:

Aye: 8 - Maher, Stauffer, Vozar, Wehrli, White, Signorella, Charvat, and Davenport

Excused: 1 - Mayor Chirico