ATTACHMENT 3

LIQUOR COMMISSION MINUTES
February 12, 2015

I. CALL TO ORDER

The Liquor Commission met on February 12, 2015 in the Human Resources Conference Room.

Mayor Pradel called the meeting to order at 3:00 p.m.

II. ROLL CALL

Liquor Commissioner	Mayor Pradel
Liquor Commission Member	Mary Howenstine
	Nancy Johnson - 3:03 p.m.
	Court Kenaston
	Jack McCambridge
	Dr. Ostrenga - 3:11 p.m.
	Scott Wehrli
Absent:	Jack Barry
Prosecuting Attorney	Mike DiSanto
Asst. City Prosecutor	Kavita Athanikar
NPD	Deputy Chief Brian Cunningham
	Detective Mark English
City Clerk	Nancy Bright
	Bernadette Kolodziej
Other's Present:	
	Jodelle Maglaya, NCTV
	Marie Wilson, Daily Herald
	Councilman Steve Chirico
	Councilman Doug Krause
	Marty Walker
	Clifford Preston, Riverwalk
	Charile Brown, Former Chairman Riverwalk Commission
	Jimmy Bergeron, The Wise Boxer
	Christine Jeffries, Naperville Development Partnership (3:07 p.m.)
	Anthony Losurdo Naperville Restaurant Assn.
	Ray McGury, Naperville Park District
	Brad Wilson, Naperville Park District
	Eric Shutes, Naperville Park District
	Ashley Penick, Heaven On Seven
	Stephanie Penick, Positively Naperville

III. APPROVAL OF JANUARY 8, 2015 COMMISSION MEETING MINUTES

Minutes from the January 8, 2015 meeting were accepted and entered into record by Mayor Pradel.

Jack McCambridge moved to approve the minutes, seconded by Scott Wehrli.
Vote unanimous. Motion carried.
Absent: Jack Barry

IV. PUBLIC FORUM

No one was present to speak under Public Forum

V. OLD BUSINESS

None

VI. NEW BUSINESS

a. Mayor's New Proposals

No report

b. Naperville Park District Riverwalk Eatery

Scott Wehrli recused himself at 3:06 p.m.

Cliff Preston spoke against liquor at the Riverwalk Eatery. Mr. Preston served as chairman of the Riverwalk Commission for ten (10) years and spoke of the commission's early commitment to keeping the Riverwalk family friendly including keeping alcohol off the Riverwalk. Mr. Preston expressed concern about selling liquor in proximity to the quarry, paddle boats and Centennial Beach.

Charlie Brown, a former Riverwalk Commission member, spoke against liquor at the Riverwalk Eatery. He said that it would create separate standards for concert goers who are not allowed to bring liquor but customers sitting on the Riverwalk patio can purchase beer or wine. Mr. Brown added that there are plenty of places downtown to purchase alcohol and the Riverwalk should not be one of them.

DiSanto stated that the Naperville Park District is requesting a text amendment to the liquor code to allow the Riverwalk eatery to sell individual servings of beer and wine as an amenity. They are doing a renovation to add a 60' outside patio, and if granted the liquor license, it would require an outdoor seating permit. Liquor Commissioner recommended that the Class T (Heritage Society Cultural License) be modified to make it applicable for park district use. This license is for a public body and allows consumption of beer and wine only for limited hours.

The ordinance has been prepared and the options are whether or not to recommend it, to take it under further consideration or make a recommendation to City Council to adopt the ordinance.

Ray McGury, Executive Director of the Naperville Park District, spoke in favor of allowing the Eatery to sell beer and wine. He noted that the Chamber of Commerce is neutral on the issue, the Park District has experience selling liquor at the Springbrook Golf Course; the Eatery will only be open for full hours in late spring through summer when most students are out of school.

Kenaston asked about the boundaries where liquor may be sold and consumed.

DiSanto responded that the ordinance specifies that it would only be on the licensed premises. This includes the interior of the eatery, and the new patio which is proposed to be 1500 square feet. The alcohol would be served on the patio by a Basset trained server. There will be security cameras and burglar alarms on the premises. The license is tailored to cover the Pre-Emption House at Naper Settlement and the Riverwalk Eatery. It is not applicable to Centennial Beach nor any other place on the Riverwalk.

Dr. Ostrenga moved to recommend to the City Council for consideration the Naperville Park District's request for a liquor code text amendment modifying the Class T - Heritage Society Cultural License to accommodate the Park District's request for a liquor license at its Riverwalk Eatery. Second, Howenstine.

The Liquor Commission discussed ways to allow liquor sales on a trial basis.

AMENDED MOTION: Dr. Ostrenga amended his motion by adding a one (1) year sunset clause. Second concurs.

Roll Call:	Motion carried.
Ayes:	Howenstine, Johnson, Kenaston, McCambridge, Ostrenga
Nays:	None
Recused:	Wehrli
Absent:	Barry

Scott Wehrli returned to the meeting at 3:43 p.m.

c. E-Cigarette Regulations

DiSanto presented a report and proposed text amendment requested at the January Liquor Commission meeting on tobacco code changes to include e-cigarettes. He explained the limited information about adverse health effects and product disclosure from the Illinois Health Department and the FDA. The FDA is proposing a rule that extends their agency's authority over these alternative nicotine products. The state has passed some laws regarding alternative nicotine products; including prohibiting the sale to people under 18 years of age, alternative product and refills be in special packaging, that they be sold behind a counter and effective January 1, 2016 is requiring all tobacco and alternative tobacco retailers to have a license. The draft ordinance adds "alternative nicotine products" under the definition of tobacco products requiring a Tobacco License, prohibits the sale to minors, makes it illegal for minors to possess it, and expands the Naperville Smoke Free Act.

Pradel asked whether there were any problems with enforcement by the Police Department.

English responded that it would address problems with enforcement.

Wehli asked about establishments requiring a license.

DiSanto responded that the city does not require business licenses, but that there is one establishment known to the City that would require a tobacco license for the sale of E-cigarettes.

Dr. Ostrenga moved to recommend to City Council for consideration a liquor and tobacco code text amendment regulating the sale, possession, and use of alternative nicotine products. Second, Johnson.

Vote unanimous. Motion carried.
Absent: Barry

d. Liquor Code Restrictions on Elected Officials

DiSanto stated that the Naperville Municipal code (Section 3-3-15:14) states that "no liquor license shall be issued to any elected public official, Naperville officer or employee, or member of any board or commission; and no such official shall be interested in any way either **directly or indirectly** in the manufacture sale or distribution of alcoholic liquor". In this instance an elected City Council member would not be able to have any interest in the sale of alcoholic liquor.

This section of the Naperville code has been carried over from the State code passed in 1934. The Naperville liquor code was adopted in 1960 and has been in the Naperville code since. In 2005 the General Assembly in Springfield amended the State code to create an exception allowing city council members in other municipalities, county board trustees and other village trustees to have an interest in liquor provided that they adhere to conflict of interest principles, meaning that they would be unable to participate in the debate or vote of any type on liquor related issues that came before the body. Naperville never amended its code similarly.

DiSanto stated that, Mr. Bergeron who is a candidate for City Council, made a request to the liquor commissioner to have staff draft an ordinance similar to the State's.

James Bergeron stated that this issue was passed in Springfield in 2005. He was unaware that it had not been amended in Naperville. He is requesting that this process be addressed by the Liquor Commission and City Council. He stated that he suspended his campaign until this issue is resolved. He added that this could be a potential issue for individuals with indirect interest such as a landlord leasing to a restaurant or bar, and serving on a board or commission.

Wehli asked what is a Naperville officer?

DiSanto responded that going back to the State code it applies to any law enforcing public official. When Naperville adopted the State code, a list was provided of who this would include.

The Commission discussed the existing language also does not distinguish between "Naperville" and "City of Naperville" and might have broader implication to any government body in the city limits instead of just the City Council, boards and commissions.

Wehrli stated that the present language in the Naperville code leaves a lot to be desired. It is outdated and should be addressed. There are a lot of people that serve on City Council and other elected officials in this community who will at some time have a conflict of interest. There are laws on the books that are significant and that address these conflicts. He recommended that the language that has been drafted be supported.

Wehrli moved to recommend to City Council for consideration a liquor code text amendment modifying the restriction that prohibits elected officials from having any interest in the sale of alcohol. Second, Dr. Ostrenga.

Roll Call:	Motion carried.
Ayes:	Johnson, Kenaston, McCambridge, Ostrenga, Wehrli
Nays	Howenstine
Absent:	Barry

VII. REPORTS

a. Restaurant Association

Tony Losurdo spoke about Restaurant Week, starting Monday, February 16 – March 1, 2015. There will be 21 restaurants participating in it citywide offering a prefixed menu or a special at a discounted price.

BEST Training - Fifty (50) people attended bar security training over a two (2) day period. Participants who completed the course received a wallet card certificate valid for three (3) years.

b. Tobacco Enforcement Review

Detective English reported there were no violations.

c. Liquor Concept Committee Report

Bright presented the January Concept Committee recommendations from January 19, 2015.

Pie Five Pizza Company
2611 West 75th Street (near Whole Foods)
Pie Five is requesting a Class A – Restaurant liquor license.

- A fast, casual pizza restaurant.
- 62 seat location
- Maybe outdoor Seating
- Closes at 10 p.m.

Mayor Pradel approved Pie Five to receive a liquor license application.

Aldi
1440 Naperville/Wheaton Road
Aldi is a discount grocery store that wants to sell packaged beer and wine. Their stand-alone store is not allowed a liquor license under Naperville's Location Restrictions (Section 3-3-11-6.1.1). Aldi is requesting a change in the liquor code.

- Approximately 17,000 s.f. store
- Small liquor area
- Will be less than 2% liquor sales
- Closes by 9 p.m.
- Aldi holds approximately 1,000 liquor licenses in Illinois

Will come before the Liquor Commission in March.

ATTACHMENT 3

Ribfest
Knoch Park, July 2015
Ribfest is a large, annual event that is applying for a Class L – Special Event Liquor License. The Exchange Club is proposing the addition of a craft beer event in a tent for two days.

- Beer tasting event on July 3-4
- In a tent from 12:30 to 5 p.m. each day
- 500-1,500 participants per day

Will come before the Liquor Commission in March.

Twisted Olive
232 South Washington
Twisted Olive wants to implement new privileges allowed by the Class S text amendment (Ord. 14-191).

- Drinks by the glass during store hours
- Small glasses for food pairing class
- Limited to a maximum of 12 ounces per person per day (Section 3-3-11-20.2.3)
- Seating for patrons

Mayor Pradel approved the submitted concept addition.

d. Liquor Reports
Mark English reported there were 30 DUI's in January. Last year at this time there were twenty-two (22).

VI. EXECUTIVE SESSION
None

XI. ADJOURNMENT
Next Meeting: The next meeting will be held on Thursday, March 5, 2015 at 3:00 p.m. in the Mayor's Conference Room.

No further business to come before the commission.

Nancy Johnson made the motion to adjourn the meeting at 4:31 p.m., seconded by , Jack McCambridge.

Vote unanimous, motion carried.

ATTACHMENT 3

1-13-6: - BOARDS AND COMMISSIONS:

It shall be lawful for members of the various boards and commissions of the City, established from time to time by the ordinances of the City and the statutes of the state, to have an ownership, employment, or family interest in any contract, business, or transaction with the City, provided that said member shall file with the City Manager and with the chairman or vice chairman of the member's board or commission, the following disclosure:

DISCLOSURE OF INTEREST
IN CONTRACT, BUSINESS, OR TRANSACTION

Name: **SCOTT A. WEHRLI**

Position with City: **LIQUOR COMMISSION MEMBER**
Name of entity contracting with City: **NAPEVILLE PARK DISTRICT**
Proposed contract, business, or transaction: **APPLICATION FOR LIQUOR LICENSE AT RIVERWALK EATERY**

I have an Employment interest in the proposed contract, business, or transaction as follows: **I AM EMPLOYED PART-TIME BY THE NAPERVILLE PARK DISTRICT.**

Dated: 2 / 12 / 2015
Signature

1. Said disclosure shall be filed before any board or commission (including the member's own) or the City Council considers approval of the proposed contract, business, or transaction.
2. In the event the member's own board or commission is to review or recommend upon such contract, business, or transaction, the member shall leave the chamber where deliberations take place during the discussion and vote on the interested matter and such member shall have no vote upon the matter.
3. The disclosure form filed by said member shall be attached to and made a part of the minutes of the meeting of said board or commission and shall be attached to and made a part of the report or recommendation made by said board or commission to the City Council, the City Manager, or any other board or commission of the City to whom such report or recommendation is rendered. Such disclosure shall be included with the agenda when the matter is proposed for approval by the City Council.
4. Any member of a board or commission who knowingly fails to file a disclosure required by this Section shall be subject to immediate removal from such board or commission by the City Council.

(Ord. 87-70. 6-2-1987)