

LIQUOR COMMISSION MEETING

August 6, 2009

The Liquor Commission met on August 6, 2009, in the Mayor's Conference Room.
Mayor Pradel called the meeting to order at 3:08p.m.

ATTENDANCE:

Liquor Commissioner	A. George Pradel
Liquor Commission Member	William Young Jack McCambridge Dr. James Ostrenga Court Kenaston Scott Wehrli
Assistant City Attorney	Jill Pelka-Wilger
Liaison Officer NPD	Mark English
Deputy City Clerk	Nancy Bright
Secretary	Emy Trotz
Absent:	John Barry, Commission Member
Others Present:	John Gustin, Naperville Police Department Riff Menza, Restaurant Association of Naperville

MINUTES:

Minutes from the July 9, 2009 meeting were accepted and entered into record by Mayor A. George Pradel. The motion to approve the minutes was made by Jack McCambridge and seconded by Bill Young. Motion carried.

NEW BUSINESS

Last Fling: Matt Liethen and Laurie Dekruif were present to discuss the Last Fling. Mayor Pradel wants to know what's happening this year and if there are any concerns. We want you to talk to us about the dispensing of liquor. The volunteers will be trained by Detective English.

There will be tent captains at each beer tent to explain the procedures. Mayor Pradel asked if they will be monitoring the tables in the sponsor tent for over serving. They will and there will be tent cards asking to drink responsibly. Make sure that only 2 beers are served at a time. Security is ASI.

Bill Young asked if there was any thought about selling tickets for alcohol instead of cash. At this time, no there isn't. It is a possibility to consider in moving forward. The argument against doing this would be the man power issue of needing more people to sell the tickets.

The license this year ends at 9:45pm.

There is an after hour party in the Sponsor Tent for Jaycee members and volunteers.

The lineup this year is –

Friday, September 4th - Robert Cray

Saturday, September 5th - Jason Aldean

Sunday, September 6th - Train

Monday, September 7th - The Hat Guys

Naper Settlement: David Burn and Steven Grosskopf were present to discuss an Oktoberfest event at Naper Settlement. It would not be on the scale of the previous Oktoberfest but more intimate. The dates they are looking at are October 2 & 3. Hours of operation on Friday will be 6pm – 10pm and Saturday will be 4pm – 10pm. Maximum capacity per day would be 500 people. The reason they are at this meeting is to get feedback from the Liquor Commission to see what you thought about this idea. They are looking at ways to draw people into the Settlement grounds. This year the Settlement had Naper Days and Summer Nights.

Oktoberfest would have a beer garden and a German themed band on Friday night and local entertainment later on Friday and on Saturday. Food served will be brats, dessert, and German flare. Admission cost will be \$10. The Settlement grounds will be open but you cannot leave the tent. The buildings will be closed.

Mayor Pradel stated that there is a problem with the liquor license. The Special Events license has already been used. You could use a caterer but the sale would have to take place at the caterer's office. You will have to find a not for profit to work with to get the liquor license and give a portion of the profits to them.

You have time to think this over and come back to the September 3rd meeting.

Booze Crews: Bob Jopp and Kevin Oliver with Booze Crews were present to introduce their business to the Liquor Commission members. They are a designated driving service. They are classified as a Drunk Driving Advocacy Group. They displayed their folding scooter, 49cc's. It weighs 65lbs. It has license plates and folds to the size of a set of golf clubs. It runs by gasoline.

They have been in the downtown for the past month. There have been articles in the Naperville SUN, Chicago Sun Times and they have been interviewed on TV and radio.

The insurance goes under the insurance of the car owner. What the owner doesn't have will go under Kevin's insurance. He asks for proof of insurance and checks their vehicle stickers. The customer signs a waiver giving permission to drive their vehicle. Mayor Pradel asked for a copy of the waiver.

The cost is \$35 plus \$2 per mile.

The question was asked as to how they make contact. Right now, they are just handing out business cards and flyers.

Mayor Pradel asked if a single lady over 21 wanted a ride, do you have insurance so that someone can't make claims against you. He does not but this is what the waiver is for. The waiver is signed before the people go out for the evening.

This is a Naperville based, Naperville owned company. He does not need State permits to operate other people's vehicles. This is the same as a personal valet service.

The hours of operation are Thursday – Sunday, 8pm – 3pm. They anticipate taking 2- 3 cars home per hour.

In the winter, he will have a chase car, (another person will follow in a car and pick him up).

Mayor Pradel brought up questions to focus on –

- Registration
- Insurance & Liability
- Police & City Council

There are a lot of questions to be answered. Mayor would like information from other states, LA, California, North Carolina, Colorado, Florida and Atlanta, Georgia.

Mayor Pradel stated that we need to determine what action needs to be taken and where does it go from here. We need to find out if Council would allow something like this to happen in Naperville. Booze Crews needs to make a formal request that this is what they want to do in Naperville. Mayor Pradel will talk to the City Manager and have him do some research, work with Legal and report back to the Mayor.

Rita's American Roadhouse: At the last Liquor Commission meeting, Kathy West was present representing Rita's American Roadhouse. Larry Spatz, owner, was contacted by phone. Mayor Pradel asked Jill to do some research. Jill has given the Commission members a memo of her findings. Rita's American Roadhouse clearly meets the definition for a tavern but the tavern license is capped. The options given were the Commission could deny the request for a license,

raise the tavern cap by one, Rita's American Roadhouse could meet the Class B requirements, or the Commission could establish a Late Night Permit.

Bill Young stated that a Late Night Permit is the way to do this. This is a Night Club as several establishments are downtown. They are no longer restaurants after 11 o'clock at night. They become Night Clubs and they should all be permitted to be Night Clubs after a certain time. That would fit this particular business.

Rita's American Roadhouse qualifies for a B license up until 9pm. After that, they are a Night Club. They don't fit into a Night Club classification because they have customer bars. It was suggested to amend the Night Club classification and put a cap on it or limit square footage.

The Late Night Permits could be capped. All existing B license holders would be grandfathered. New businesses would have to get a B license and a Late Night Permit.

Mayor feels research needs to be done in a couple of areas. The Late Night Permit might be a consideration. If the Commission goes with this, it will have to be taken to Council.

A precedent has been set by turning down an applicant who did not meet the license requirements.

Jill received an email from Kathy West inquiring about the status of the Liquor Commission's position on this. Jill emailed her back and told her that she had prepared a memo with four options and that there is a general concern about security and specifically that they have projected 60 employees and at Baja there were 240 and that the police department would be available for calls for service but they can't project calls for service because they don't have a satisfactory security plan on the table. This has not been addressed. Mayor Pradel needs to make a decision if this is the best for the community or if we should try to find a license. This is a tough decision to make. The committee makes the recommendation but the Liquor Commissioner makes the final decision. I feel we will have to take this to Council and they will have to make the final decision as far as if they want that sort of business in our town. Mr. Spatz has been totally honest with the commission. He is a reputable businessman but you have to look at the City and see what burden that would be on us. Mayor Pradel would like to research some areas. The Late Night might be a consideration. If we go for the Late Night, then we will have to take it to Council. They will research what that would entail as far as this establishment.

A concern is that this is a new concept. Mr. Spatz knows what's available and how he could get a license here but he's making a choice to program his operation his way. The fear is that it is standing room only. Mayor Pradel would like to bring Larry Spatz back in to see if he would change his operation. Find out what he really wants. We don't have a license that fits a restaurant in the afternoon and entertainment in the evening. We can see if he can modify his plan and fit into the current licenses. Mayor asked Jill to talk to Kathy and have her talk to Mr. Spatz and see if he would still want to come to Naperville if he had to fit into an existing license. If not, then the Commission could consider a Late Night Permit City wide.

OLD BUSINESS:

Employee Training/BASSET: Held a class in June. The August training class is full at 50 attendees. A date is being set up for special training for Hollywood Palms.

Tobacco Enforcement Review: Walgreens is pending. They sold a cigar to a 13 year old. Mayor Pradel is finished with all of the hearings.

Concept Committee Update:

No report.

Fire Watch: Court Kenaston questioned if outside patios have occupancy rates posted. The Fire Dept. has this on their check list. Mayor Pradel will look into this.

When a restaurant has a liquor license, it is only posted in one place. He was questioning if that was okay. Mayor Pradel said that they only receive one license.

RESTAURANT ASSOCIATION OF NAPERVILLE REPORT: Riff Menza handed out a Restaurant Association Report. They are staying on top of the Fire Prevention stuff. Soraya is working with the Restaurants in getting them to complete their forms. The Fire Watch Program is getting a positive response.

The Solheim Cup is coming up. The Restaurant Association will have a booth there.

Mayor Pradel asked Riff if the Restaurant Association met with Ken Karlsen about the video "Let's Meet in Downtown Naperville." Yes, they have.

Mayor Pradel said that the association is putting out great advertising. Naperville is known all over the State because of that. Mayor Pradel should come to one of your meetings to let the restaurants know all the good things he's hearing about them.

Reports:

May 42 DUI's

June 41 DUI's

July 47 DUI's

Court Kenaston mentioned that Nancy Bright has been extremely helpful by attending the Fire Watch meetings. The Police Department has been extremely co-operative. The Police Department and the Fire Department are doing a great job and have been working together.

Commander John Gustin stated on behalf of the Police Department, the establishments have been great. The co-operation that they have received is a compliment to the establishments and to this commission who keeps an eye on things.

Business Cards: Mayor Pradel mentioned that business cards are being ordered for the Commission members. We will continue to use the Mayor's Office phone number on the cards.

EXECUTIVE SESSION:

No session.

Next Meeting:

The next meeting will be held on September 3, 2009 at 3:00 p.m. in the Mayor's Conference Room.

Adjournment:

No further business before the commission. Dr. James Ostrenga made the motion to adjourn the meeting at 5:10pm, seconded by Bill Young. Vote unanimous, motion carried.