

**LIQUOR COMMISSION MINUTES**  
**October 6, 2016**

**I. CALL TO ORDER**

The Liquor Commission met on October 6, 2016 in the City Council Chambers.

Mayor Chirico called the meeting to order at 3:05p.m.

Joe Vozar moved to allow Marc Blackman participate in the meeting by phone, seconded by Dr. Ostrenga. Vote unanimous. Motion carried.

**II. ROLL CALL**

Liquor Commissioner  
Commissioners

Mayor Chirico  
Marc Blackman  
Dr. Jim Ostrenga  
Paul O'Toole  
Whitney Robbins  
Joe Vozar  
Scott Wehrli

Detective

Kavita Athanikar

NPD

Officer Dan Riggs

Secretary

Emy Trotz

Absent

Chuck Maher

**III. MINUTES OF SEPTEMBER 8 2016 COMMISSION MEETING MINUTES**

Minutes from the September 8, 2016 meeting were accepted and entered into record by Mayor Chirico. Joe Vozar moved to approve the minutes, seconded by Whitney Robbins. Vote unanimous. Motion carried.

**IV. PUBLIC FORUM**

No one was present to speak in Public Forum.

**V. OLD BUSINESS**

**a. Ten Friends Blow Dry & Style House**

Kavita Athanikar stated that this item came before the City Council this past Tuesday and it passed unanimously 9-0. So the Class M license will be expanded to include recreational and also life style amenities. Ten Friends Blow Dry & Style House as well as Eighteen Eight Fine Men Salons will be eligible for a liquor license.

**b. Increasing tobacco age limit from 18 to 21**

Kavita Athanikar stated that this item is back before the commission to review certain options in regards to a text amendment to our current tobacco purchase and sale ordinance as well as possession and use. This first came before the commission because the City of Chicago had changed the age for purchase of tobacco to 21. Since then, Oak Park has increased the age of purchase and possession of tobacco to age 21. And Evanston has mirrored Chicago's ordinance. Commission today has three options before them with the ability to amend any of those options.

Option 1- Regulates the sale, purchase, possession and use of tobacco with the exception of Hookah products and it raises the age for sale, purchase, possession and use of tobacco products to 21 but maintaining Hookah products at age 18.

Option 2 – Regulates the sale and purchase of tobacco to age 21 with the exception of Hookah products remain at 18.

Option 3- Regulates the sale and purchase of tobacco to age 21 with no exception of Hookah products.

Staff made a recommendation for option 3, based on a careful balancing of health, safety, welfare issues against viability of enforcement by the police department, meaning that it would be difficult to enforce the possession and use portion unless an officer visually sees a minor using a tobacco product, the officer would have to approach the minor and inquire. It is our recommendation that our officers aren't approaching minors for that reason only. It could be a secondary offense but not as a primary offense.

Speakers –

Matt Maloney – Respiratory Health Association

Bahig Awad – Vape 58

Asking where Vape shops fit in this ordinance.

Kavita Athanikar stated that when we redrafted the tobacco section, alternative nicotine products were combined within that same section. The way it reads says, it shall be unlawful for any person including any licensee to sell, offer for sale, give away or deliver tobacco products an or alternate nicotine products by any means to any person under the age of 18. It would be up to the commission if alternate nicotine products were to be excluded.

Simon Hanna – Exhale Hookah Lounge

Joe Vozar stated that the communities that have enacted this ordinance (Chicago, Oak Park and Evanston) did not have a carve out for Hookah. Mayor Chirico asked if any of them had Hookah Lounges. Chicago does. There ordinance is silent as to Hookahs.

Joe Vozar asked Simon how Hookah Lounges are staying open in Chicago. Chicago raised the aged for purchase not consumption. They are charging memberships and serving to people under 21 in that manner. Chicago also has BYOB, so they are making money off of the corkage fee.

Scott Wehrli has done research through the CDC and the World Health Organization which disagree with what you are stating.

Paul O'Toole asked Simon if he had told them at the last meeting that his customers don't inhale. That is correct.

Whitney Robbins said that at the last meeting, Simon had mentioned about the ventilation systems. She has a hard time carving Hookahs out when they are said to cause the same cancers as tobacco.

Marc Blackman's concern is that the Hookahs run a very responsible business but when national reports are presented that Hookah has the same health concerns as cigarettes, it would be hard to legislate.

Mayor Chirico said that the products Simon sells are tar free. In the reports, it says that the amount of tar you get from smoking Hookahs is significantly higher than cigarette smoke. Are we comparing apples and oranges? Are they testing a product that he's not selling and if so, should he be penalized for that.

Joe Vozar asked if we want to define alternative nicotine products at the level of tar and nicotine and have it in our ordinance. This is beyond our scope.

Dr. Ostrenga asked Simon of what percentage of his customers are under the age of 21. 20% of his customers are under 21.

Mayor Chirico said that at the last meeting Commissioner Maher asked that we reach out to our state legislators, which he did. He reached out to Senator Connelly and Representative Wehrli in regards to where this is at in Springfield. There was a bill that had passed the Senate and it is at the Rules Committee of the House. They both agreed that that is considered a dead bill as a result of that.

Mayor Chirico asked Kavita Athanikar if in those bills, was there any reference to Hookahs or level of tar or nicotine.

Kavita Athanikar stated that there were no references or carve outs for Hookahs.

Dr. Ostrenga showed the commission slides he had on research of this subject.

Marc Blackman asked Dr. Ostrenga if through his research if he found anything on Hookah. Have any of the communities that adopted Tobacco 21 carve out Hookahs. Not that he was aware of.

Scott Wehrli asked Kavita Athanikar in the three options, in the definition of alternative nicotine products if the device is included as well as the consumable. The device is included.

Joe Vozar is for proposal #3 with two modifications. One would be for the devices to be part of the definition of alternative products. The other would be to give Hookahs a one year sunset.

Marc Blackman feels the State is not willing to address this anytime soon. There is support from others to raise the age to 21. If other communities adopt this and Naperville does not, what kind of image does that portray Naperville as and should Naperville be a leader in this or be a follower? He is supporting option 3. He asked Detective Riggs if they included possession, is

that something from the police department stand point that you would have to pull someone over or cite them for possession or consuming under age or is it something you would observe when you are pulling someone over on another issue and then cite them for possession too. From a possession and consumption stand point, how would this be enforced? Detective Riggs stated that this would be more of a secondary. It would not be a primary reason to stop anyone. But if they were stopped for another reason, then they could be cited for possession.

Marc Blackman said that with this understanding, he has a hard time doing something symbolic. If we are going to do it, you need to do it.

Mayor Chirico stated that regarding Commissioner Vozar's one year sunset, that regarding surrounding communities if we do it and they'll do it, then that one year transition period becomes important.

Marc Blackman asked if we would do the same thing for the businesses that sell cigarettes for the same reasons.

Dr. Ostrenga feels that the sale of cigarettes is a small secondary aspect of most other licensee's economy. It would not have the same economic impact as Hookahs.

Dr. Ostrenga moved to present to the City Council a text amendment that it shall be unlawful for any person, including any licensee to sell, offer for sale, give away or deliver tobacco products and/or alternative nicotine products including devices, by any means to any person under the age of twenty-one (21). And also it should be unlawful for any person under the age of twenty-one (21) to purchase, possess, or use any tobacco products and /or alternative nicotine products, seconded by Joe Vozar.

Motion Carried, 6-0. Motion passed.

**c. Proposal for annual Basset Training  
Tabled until the November meeting**

**VI. NEW BUSINESS**

**a. New Topics**

No new topics at this time.

**VII. REPORTS**

**a. Restaurant Association**

Christine Jeffries reported that there will be an informational meeting on Uber Eats. Naperville is the second city after Chicago. This will take place on Tuesday, October 11<sup>th</sup> at 3pm.

**b. Beverage Alcohol Seller Server Education Training (BASSET) – Employee Training Statistics**

September 87 attended, 22 no shows

**c. Tobacco Enforcement Review**

Detective Riggs reported that all the forms from the State have been handed out to the businesses. The first round will begin shortly and be completed by the end of this month.

**d. Liquor Reports**

Regarding the under 21 compliance checks, they have completed 8 this past month, with no violations. They have a total of 83 completed, with only one violation.

26 DUI's September 2016

30 DUI's September 2015

**e. Liquor Concept Committee Report**

**September 15, 2016**

**Naperville Yard Indoor Sports Complex**

1607 Legacy Circle

The groups who use his facility are requesting to have alcohol. He would like to work with local restaurants to come and serve alcohol at his establishment. This is not allowed. The committee suggested he work with a caterer. Also, there is a day care in the building, so alcohol would not be allowed until after 6pm.

Scott Wehrli stated that this brings back the suggestion from Belgio's to allow caterers to take cash. This is a State law. We had discussed lobbying the State. Kavita Athanikar reported that she had met with the Belgio's and they were speaking with the Chamber to lobby the State. We could petition to get on the ILCC agenda and lobby for this to amend the State Liquor Code.

**VIII. EXECUTIVE SESSION**

None

**IX. ADJOURNMENT**

**Next Meeting:** The next regularly scheduled Liquor Commission meeting will be held on November 3, 2016 at 3:00 p.m. in the Council Chambers.

No further business to come before the commission.

Joe Vozar made the motion to adjourn the meeting at 4:08p.m., seconded by Marc Blackman.

Vote unanimous, Motion carried.