

COMMITTEE-OF-THE-WHOLE
MINUTES OF THE MEETING OF THE MAYOR AND THE BOARD OF
TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS
COMMUNITY ROOM
MONDAY, AUGUST 12, 2013 7:30 P.M.

BOARD MEMBERS PRESENT: President Hayes, Trustees Blackwood, Farwell, Glasgow, LaBedz, Rosenberg, Scaletta, Sidor and Tinaglia

STAFF MEMBERS PRESENT: Bill Dixon, Village Manager; Diana Mikula, Assistant to the Village Manager; Rich Niedrich, Police Captain; Nate Hayes, Police Sergeant; Rich Boyle, Police Sergeant; Bill Kirby, Police Investigator; Bob Kostka, Police Officer; Eileen Hellstrom, Recording Secretary

SUBJECTS:

4. Beverage Alcohol Sellers & Servers Education & Training (BASSET)
 5. Background Check Procedures for Liquor License Applicants
 6. Bring Your Own Beverage (BYOB)
 7. Discussion Regarding Board of Trustee Policy: Convenience-Type Food Marts and Drug Stores
 8. Discussion Regarding Businesses Providing or Allowing Complimentary Alcohol
 9. Other Business
 10. Adjournment
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President Hayes called the meeting to order at 7:30 PM. The Pledge of Allegiance was recited.

Mayor Hayes said that the items on the agenda are all liquor related. They are on the agenda to allow the Board to discuss these topics in detail and to see what the Board would want to do in terms of policy direction either in an ordinance form or by recommendation to the Liquor Commissioner.

He noted that this discussion is timely since the summer events in the Village, where alcohol was sold, have just completed, such as Frontier Days, the Mane Event and the Taste of Arlington.

The results of the recent liquor compliance checks also gives the Board another

reason to discuss these topics. The results were disappointing and exploring what might be done to solve any problems would be beneficial.

Bill Dixon, Village Manager, said that every item on this agenda came from the Board. The items on the agenda will give the Board an opportunity to discuss these items further and see if more information is needed before any decisions are made.

4. Beverage Alcohol Sellers & Servers Education & Training (BASSET)

Diana Mikula, Assistant to the Village Manager, would like to hear from the Board in terms of what they would like to proceed with. The first item, Beverage Alcohol Sellers & Servers Education & Training (BASSET) created the most questions.

Ms. Mikula said looking at liquor material through the State of Illinois and various municipalities, it is very comprehensive. There is not necessarily a concrete conclusion in terms of what municipalities should do. It's what is important to the municipality which in some cases is training, renewal, how long an employee can wait to be trained in serving liquor; some municipalities say it's immediate, some allow 30 days, some allow 90 days.

Ms. Mikula said if the Village Board is recommending major changes, we can go back to the liquor license holders and send a letter indicating some of the new directions the Board is looking at and, if desired, invite them to a meeting.

In February the Board proposed some changes that came from the Legal Department Staff and Police Department. These were shared with the liquor license holders. Out of approximately 138 letters that were sent out, five businesses provided feedback.

Some of the respondents had concerns with changing the requirement for new employees to be BASSET certified from 90 days to 30 days.

Two respondents were from not-for-profit organizations and expressed concern of being able to train their volunteers. They felt that they would run into staffing issues if more BASSET certified individuals are required per event.

Ms. Mikula said the Frontier Days festival took it upon themselves this year to train many of their employees as a refresher.

Attached are results from a survey the Village initiated through the Northwest Municipal Conference. (see Attachment A).

Ms. Mikula said the goal is to try and find a balanced approach. The original proposal is to prohibit on-line BASSET programs.

The recommendation that Staff has prepared as an option is to require that the initial training must be conducted through an in-person class. After five years, training recertification would be required which could be conducted on-line.

Rich Niedrich, Police Captain said the proposals came about as a result of experiences and observations of the Police staff over recent years. There were ten underage sales of liquor violations identified through the compliance checks now in process. A letter is sent to all liquor license holders telling them that the Police Department will be conducting compliance checks and they are given a two month window.

Captain Niedrich feels that the employees who work at some establishments don't have the training that is desirable. In addition, there is an inconsistency in the Village ordinance in terms of BASSET requirements. Servers and sellers in the restaurant must have BASSET certification whereas in a package liquor establishment, there is no need for the clerk conducting the transaction to have the BASSET certification as long as the store manager has the certification.

With the way the ordinance is currently, the manager could be in the back of the store or out of the building at the time the sale of liquor occurs.

Captain Niedrich talked about special events. There have been observations by Staff of excessive consumption of alcohol during the events. In the years past, the Festival Committee had someone come in and provide refresher training which was beneficial but was eliminated about seven years ago. This year the Festival Committee trained 15 volunteers for this year's Frontier Days festival and became BASSET certified. In addition, an agreement was reached to end liquor sales 15 minutes earlier than the previous year for a total of 30 minutes prior to the close of the event. These concessions combined made a dramatic difference as there were much fewer confrontations.

Captain Niedrich said the Police Department completed 89 compliance checks and currently have ten violations. Of the ten violations, four received their BASSET training on-line. Four received their BASSET training in-person and two were short term employees who were not required to have the BASSET training at the point of sale.

The prior year violations were from establishments where two received their BASSET training on-line and three were not required to have BASSET training at the time of the sale.

Mayor Hayes talked about the concern being that there has been an increase this year in violations. He would like to evaluate why the violations occurred and how they could be prevented.

Trustee Rosenberg asked what type of establishments the ten violations occurred in.

Captain Niedrich replied that four were from packaged retailers and six were from restaurants.

Trustee Rosenberg asked if the Village has any capability to provide any BASSET training.

Ms. Mikula stated that if the Village Board was interested, the Village could host BASSET training for the community and bring in a trainer.

Trustee Rosenberg said that the BASSET training is an integral part to have and anyone who is selling liquor including package liquor stores should have BASSET training. The violations are from the packaged retailers as well as the restaurants. Also, short term employees have a fair amount of violations and he feels they should be trained before they start.

Trustee Farwell asked Captain Niedrich how many liquor violations the Village had in the past two years.

Captain Niedrich replied in the last two years there were five underage sales of liquor violations per year.

Trustee Farwell said based on the numbers that four received BASSET training on-line and four received the training in-person, indicates that in-person instruction is not any better than the on-line training. Based on one year's worth of data, he is reluctant to make any changes. He said the proposals that are being reviewed at this meeting, seem to be very restrictive compared to what neighboring communities are doing.

Trustee Blackwood said when someone is age 21 or under, the license is vertical instead of horizontal. It should not be too difficult for someone selling or serving alcohol to determine whether or not they are qualified to purchase or consume alcohol.

Captain Niedrich agreed that it should not be difficult to determine their age and mentioned that it says right on the ID "under 21" and gives the date they will turn 21.

Trustee Blackwood said she agrees with Trustee Farwell and looking at the statistics currently, it doesn't seem that there is a significant issue. She would be reluctant now to change any ordinances based on the information. She would not be against having BASSET training or refresher training at Village Hall.

Trustee LaBedz asked when BASSET training expires.

Ms. Mikula said BASSET training in-person has no expiration date unless a municipality dictates one. BASSET training on-line has a three year expiration date.

Trustee Tinaglia talked about being fair and reasonable to the business owners. He asked if the goal was to have every seller and every handler of liquor be BASSET trained whether they work at a restaurant or a liquor store.

Captain Niedrich said that is essentially what the Police Department would like.

Trustee Glasgow would like to see more data before he would make any recommendations. He agrees that it might be a good idea to have everyone BASSET trained including the packaged liquor store employees.

He has a concern that seasonal employees would not have enough time to complete the BASSET training within the 30 days.

Trustee Glasgow asked if there was a need for two BASSET certified people on-site during a special event.

Captain Niedrich replied that there is a need for special events where liquor is served.

Trustee Glasgow said he would like to see if there is a trend of problems and could The Board revisit this later when there is more data to support a decision. He would like to see a meeting with anyone who would be affected by this and get their input so the community would have a voice in this discussion.

Trustee Glasgow said it would help the Board if they received more data from the compliance checks, such as when the seller was BASSET certified, how they were trained, and when they were re-certified. This way the Board can see if there are any trends vs. something that happened once.

Trustee Scaletta asked how many servers of the ten violations asked for identification.

Officer Kostka responded that nine out the ten asked for identification and still served the alcohol.

Trustee Scaletta said that BASSET training for multiple day special events would not be a bad idea. He feels that there is not enough data to require BASSET training in-person. Someone coming home from school that will work during the summer months serving alcohol, he feels they should get BASSET trained.

He does not want to make decisions based on this year's violations. He thinks it would be a good thing for the Village to provide the space for BASSET training and schedule the training so it coincides with the festivals in town.

Trustee Sidor agrees with Captain Niedrich that all sellers at packaged liquor stores should be BASSET trained.

Trustee Rosenberg said seasonal help should also be BASSET trained so they can recognize who to serve and how to read identification.

Trustee Farwell talked about events that serve alcohol for free such as a wine tasting, they should also be required to have free food. If the Village is giving a license to serve free liquor to the public there should also be some type of food available as well.

Trustee Farwell suggested for one day liquor license, such as a charity event, maybe giving out guidelines and procedures to be followed would be helpful to the license recipient. Possibly we could have all the volunteers sign a form that they read and understood the guidelines. This would help not requiring two BASSET trained volunteers at these events. The person serving the liquor would be informed by reading the guidelines.

Mayor Hayes wanted to sum up what was discussed so far. He said there was not any consensus to prohibit online BASSET training at this time from the Board.

Mayor Hayes said the second consensus he heard tonight was there needs to be a requirement of BASSET training in the packaged liquor stores for the sellers.

He said he did not hear a consensus to require everyone who sells alcohol be BASSET trained at one day festivals or fund raisers.

The Liquor Commissioner does have some discretion based on the nature of the event as to whether or not BASSET training would be a requirement considering the will of the Board.

Mayor Hayes said there was not a consensus regarding the time frame required to be BASSET certified. The Board would like to defer this to a later date.

Mr. Dixon wanted to confirm that #1, to have all BASSET training done in person is a no. #2 is a yes for BASSET training required for all sellers as it relates to packaged liquor stores, not festivals.

Both #3 and #4 are postponed in regards to a decision, so the Board can discuss this further at a later date. Number 3 would require BASSET training within 30 days of beginning their employment and #4 would require two BASSET trained people on site during a festival or charity event.

Mayor Hayes said before a letter is drafted to liquor license holders regarding proposed changes, the Board would need additional information to determine how they want to proceed.

5. Background Checks Procedures for Liquor License Applicants

Mr. Dixon said this is one that the Police Department wanted to share with the Board as to what the Department does. This is for informational purposes only and no action is required.

6. Bring Your Own Beverage (BYOB)

Mr. Dixon said the Board asked Staff to conduct research on rules and regulations in regards to "bring your own beverage." Staff is looking for direction on whether the Board wants to regulate BYOB. Currently it is not regulated.

Trustee Glasgow said he would be in favor of having some type of BYOB liquor license for a nominal fee. This way the Village can track who has a BYOB license. Currently no one is monitoring the establishments that have BYOB and they are not required to be BASSET trained. He also is uncomfortable with the establishments allowing hard liquor as opposed to just beer and wine.

Captain Niedrich said he agrees that it makes sense for beer and wine but not for hard liquor.

Mayor Hayes asked if any establishments currently are allowing hard liquor to be brought in.

Ms. Mikula said currently we do not know because it is not regulated.

Mr. Dixon said if the Board is supportive of this concept, his suggestion would be to prepare a proposed ordinance and bring it to a Committee-of-the-Whole meeting.

Mayor Hayes said he is in favor of having an administrative registration procedure for having BYOB instead of a full license hearing.

Trustee Scaletta asked if someone would need to be BASSET trained in a BYOB establishment.

Ms. Mikula responded that could be done if the Board wanted to indicate that as part of the registration.

Trustee Farwell said the Village should have some type of guidelines for BYOB and it has to be an administrative review. He agrees that someone in the establishment should be BASSET trained so they understand the responsibilities that come with consumption of alcohol. He liked choices 4, 6, 7, 8. See Attachment B.

Trustee Rosenberg said he agrees with no hard liquor and just beer and wine for BYOB. He also said there should be some type of fee for this type of registration.

Ms. Mikula said currently, if an establishment does not have a liquor license, they cannot handle the liquor, mix the liquor, and they can't display the liquor.

7. Discussion Regarding Board of Trustee Policy: Convenience-Type Food Marts and Drug Stores

Mr. Dixon said this was a request from Board members to re-visit the 1976 policy that says, "No liquor licensing shall be issued to convenience type food marts and/or drug stores." This policy was revisited in 1981, 1983, 1984, 1989, and 2001.

Trustee Scaletta asked if there was any background information as to why in 1976 this was made a policy.

Mr. Dixon said they did some research and so far they have not been able to find

information regarding this policy.

Trustee Scaletta said that some liquor stores are selling candy, chips, gum and some are selling milk. But they can't sell canned goods or bread. We have lost all of the convenience stores in the Village due to this policy. We should allow convenience stores and drug stores to sell liquor. Grocery stores are allowed to sell liquor.

Trustee Farwell strongly concurs with Trustee Scaletta. Maybe in 1976 there was a different mentality, but society has changed to one stop shopping.

Trustee Tinaglia concurs completely with Trustee Farwell and Trustee Scaletta and feels this policy is outdated and the Village may be missing out on opportunities for retailers. He thinks it should be revisited and discussed.

Trustee Blackwood said convenience stores should fall under the same guidelines and regulations as grocery stores since convenience stores are smaller grocery stores.

Trustee Glasgow agrees with Trustee Tinaglia and Trustee Scaletta that currently the Village may be missing out on some retailers. If grocery stores are allowed to sell liquor then this policy seems outdated.

Mayor Hayes said the Board should look at guidelines and draft new policies as to what should be allowed based on beer, wine or hard liquor, and also possible square footage restrictions based on what our surrounding municipalities are doing.

Ms. Mikula talked about presenting this idea to the existing packaged liquor stores to see if they would like to start carrying convenience type items and what this would mean to them.

8. Discussion Regarding Businesses Providing or Allowing Complimentary Alcohol

Ms. Mikula said recently a Trustee asked for discussion to be held regarding businesses providing or allowing complimentary alcoholic beverages for their customers. Some may offer drinks during a customer appreciation event, anniversary or other business milestone. The Northwest Municipal Conference conducted a survey on behalf of the Village asking if communities regulated complimentary alcohol that is offered at salons, stores, dealerships, etc. Out of 13 responses, five municipalities regulate, five do not regulate, and three specifically prohibit alcohol being served at places as those previously identified. The Village does not regulate this activity. Some municipalities have created a "promotional permit" to allow a retail establishment to serve alcohol beverages at a business event, grand opening or similar function.

Trustee Scaletta said most businesses conduct themselves with respect and are trying to do something special for their customers. It would be hard for the Village to have a policy that businesses would have to apply for an event when the Village may not even know about these events.

Mr. Dixon said nothing has to be recommended and this is on the agenda for discussion. The Board could let things continue the way they have been going.

Trustee Glasgow agrees with Trustee Scaletta that this should not be regulated at all.

Mayor Hayes said there is no action on this agenda item.

9. Other Business

None

10. Adjournment

TRUSTEE SCALETTA MOVED, SECONDED BY TRUSTEE FARWELL TO ADJOURN THE MEETING 9:52 P.M.

Summary of Basset Survey conducted by NWMC in March 2013
12 communities Responded

1. Do you require Basset training/certification for all Alcohol servers/sellers at bars/restaurants? Yes=7 No=5
2. Do you require Basset training/certification for all packaged liquor store clerks? Yes=7 No=5
3. Do you require Basset training/certification for all alcohol sellers at grocery stores: Yes=7 No=5
4. What is the timeframe for new alcohol server/seller employees to complete Basset training?
90 Days=4 60 Days=1 30 Days=1 Immediately=3 N/A=3
5. Do you require in-person Basset training or do you allow on-line training?
In-Person=1 Both=10 N/A=1
6. Do you require Basset training through your municipality only?
No=11 N/A=1
7. Do you offer Basset training through your municipality as an option?
No=11 N/A=1
8. Do you require that Basset training be renewed? If so, how often?
3 yrs=2 5 yrs=1 No=7 N/A=1
9. Do you require Basset training/certification for people who serve alcohol at community events & charitable fundraisers?
Yes=3 No=8 N/A=1
10. Do you require Basset training/certification for people that manage alcohol sales at community events and charitable fundraisers:
Yes=4 No=7 N/A=1
11. At events do you require Basset training/certification for people who sell tickets for alcohol? Yes=0 No=9 N/A=3
12. At events do you require Basset training/certification for people that Check identifications? Yes=1 No=8 N/A=3

Attachment B

Committee-of-the-Whole
August 12, 2013
Item 6

Numerous municipalities in the area allow BYOB at various levels. Options include:

1. Only existing Liquor License holders can allow BYOB. No additional fee would be necessary
2. Allow any restaurant to offer BYOB but charge a license fee.
3. Allow Wine only
4. Allow Wine & Beer only
5. Allow full alcoholic beverages.
6. Limit the amount of beverages that can be brought in
7. Allow restaurants to charge a fee for serving the drinks (commonly called a corkage fee)
8. Require all BYOBs to be licensed via an application form to be renewed annually.

Staff is looking for direction from the Committee-of-the-Whole on whether BYOB should be regulated in Arlington Heights. Doing so would allow policies and procedures to be established in a way that best serves the business community while promoting the safe and responsible serving of alcoholic beverages.

If the Village Board is interested in creating a new BYOB classification, staff would perform more research and provide recommendations for consideration at a future meeting.