

**VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION**

 X Resolution or Ordinance (Blue) Waiver of First requested X
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 12, 2023 (B of T) Date: June 15, 2023

TITLE: 800 E. Roosevelt Road – Noon Whistle Brewing Company
 Special Event – Summerfest 2023

SUBMITTED BY: Keith T. Giagnorio
 Local Liquor Control Commissioner
 Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title XI, Chapter 112, Section 112.18(B) of the Lombard Village Code in regard to alcoholic beverages, providing for the sale and consumption of beer in connection with a temporary special event known as Summerfest on June 10, 2023. At the recommendation and permission of the Liquor Commissioner, a consensus was reached, June 7, 2023, to grant the Class J Liquor license prior to the official vote and approval at the June 15, 2023, Board of Trustees Meeting.

The petitioner and staff are requesting a waiver of first reading due to the recent request for approval and consensus to approve.

Please place this item on the June 15, 2023, Board of Trustees agenda for official vote and approval.

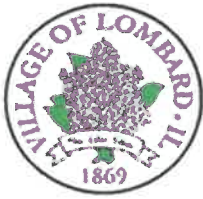
FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):

Village Attorney _____ Date _____

Finance Director _____ Date _____

Village Manager _____ Date _____



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

DATE: June 12, 2023

SUBJECT: Noon Whistle Brewing Company Special Event
800 E. Roosevelt

Noon Whistle Brewing Company applied for a Special Event Permit, May 18, 2023, for a one-day, temporary event called Summerfest for Saturday, June 10, 2023, from noon to 11:00 p.m. In conjunction with that event, Noon Whistle requested permission for a Class "J" liquor license, on May 24, 2023, in order to serve beer in a defined, fenced-in area of the parking lot adjacent to their premises. The area in which the special event will take place is an expansion of the approved footprint beyond what they currently have.

Since the request was submitted after the May 18, 2023, Board of Trustees meeting and the event date scheduled prior to the next meeting, June 15, 2023, at my recommendation and permission, the Board of Trustees reached a consensus via email, Wednesday, June 7, 2023, to grant the Class "J" liquor license to Troika Brewing Co., LLC d/b/a Noon Whistle Brewing Company, 800 E. Roosevelt, prior to an official vote and approval at the June 15, 2023 BOT meeting.

Troika Brewing Company LLC d/b/a Noon Whistle Brewing Company currently holds a Class "S" liquor license which allows them to manufacture and consume beer products on the licensed premises as well as serve beer, cider and wine, that are not manufactured on the licensed premises.

As Village Code does not consider the parking lot part of the licensed premises, Village Board approval is needed. As you will recall, the Village Board previously approved other Class "J" liquor licenses to Troika Brewing Company LLC for their Summerfest and Oktoberfest events as well as for their anniversary party.

Attached find an ordinance amending Village Code Title XI, Chapter 112, Section 112.1 8(B) to allow the sale and consumption of beer within the specified area of the parking lot for this one-day, temporary, special event. The petitioner and staff requested a waiver of first reading to receive an official vote and approval for the class "J" Liquor License.

Should you need additional information, please feel free to contact me.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112, SECTION 112.18(B)
OF THE LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES,
PROVIDING FOR THE SALE AND CONSUMPTION OF BEER
IN CONNECTION WITH A TEMPORARY EVENT
AT 800 EAST ROOSEVELT ROAD ON JUNE 10, 2023**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title XI, Chapter 112, Section 112.18(B) of the Lombard Village Code is amended by adding a new subsection (5) thereto, effective, nunc pro tunc, upon the adoption of this Ordinance through 11:00 p.m. on Saturday, June 10, 2023, which shall read in its entirety as follows:

“(5) In light of the fact that Troika Brewing Company, LLC d/b/a Noon Whistle Brewing Company, located at 800 East Roosevelt Road, Unit C, (hereinafter the “Liquor Licensee”), will be holding a temporary Summerfest event on June 10, 2023, between the hours of 12:00 p.m. (Noon) and 11:00 p.m., said Liquor Licensee shall be eligible for a Class “J” liquor license, in addition to the Village liquor license currently issued to the Liquor Licensee, despite the fact that said Liquor Licensee is a for-profit business entity, for the sole purpose of selling beer manufactured on the licensed premises for consumption in a designated and secured area of the parking lot adjacent to said Liquor Licensee’s currently licensed premises, to be approved by the Village pursuant to the issuance of a temporary event permit under Chapter 110 of the Village Code. The liquor license to be issued under this subsection (5) may be issued by the Local Liquor Commissioner upon proper application to the Village, and satisfaction of all applicable requirements and conditions by the Liquor Licensee. No liquor license shall be issued under this subsection (5) until such time as the Liquor Licensee obtains the necessary temporary event permit under Chapter 110 of the Village Code and complies with all requirements and conditions thereof, including, without limitation, the insurance, bond and indemnification requirements of Chapter 110 for temporary events. In addition, if such liquor license is issued by the Local Liquor Commissioner under this subsection (5), said Liquor Licensee shall, notwithstanding any other provisions of this Chapter 112, be subject to the following additional requirements:

- (a) The sale of beer shall occur within the building on the premises for which the Liquor Licensee has a valid non-Class “J” liquor license (the “Licensed Premises”) or outdoors, but within a defined, fenced in area of the parking lot, adjacent to the Licensed Premises, in which the temporary event is taking place;

- (b) The sales and dispensing of beer in pitchers is prohibited;
- (c) No more than two (2) cups of beer may be purchased by any person at the same time;
- (d) All individuals purchasing or consuming beer shall be required to wear a wristband, to indicate that they are at least twenty-one (21) years of age, and the Liquor Licensee shall be responsible for the verification of age and distribution of said wristbands; and
- (e) Beer, that is sold for consumption outside of the Licensed Premises, must be served in plastic cups with a capacity of no more than fourteen (14) ounces."

SECTION 2: That, effective at 11:00 p.m. on Saturday, June 10, 2023, *nunc pro tunc*, Title XI, Chapter 112, Section 112.18(B)(5) of the Lombard Village Code, as set forth in Section 1 above, is hereby repealed, without need for any further action by the President and Board of Trustees.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this ____ day of _____, 2023.

First reading waived by action of the Board of Trustees this 15th day of June 2023.

Passed on second reading this 15th day of June 2023, pursuant to a roll call vote as follows:

AYES: Trustee Puccio, Dudek, Honig, Militello and Bachner

ABSTAIN: Trustee LaVaque

NAYS: None

ABSENT: None

APPROVED by me this 15th day of June 2023.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk