

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott Niehaus, Village Manager

DATE: August 3, 2017 (B of T) Date: August 17, 2017

TITLE: 800 E. Roosevelt Rd - Noon Whistle Brewing Company Special Event
Oktoberfest

SUBMITTED BY: Keith Giagnorio
Liquor Control Commissioner
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title 11, 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 Oktoberfest on September 23, 2017.

The petitioner is requesting a waiver of first reading to allow them enough time to secure a State liquor license and advertise for this event.

Please place this item on the August 17, 2017 Board of Trustees agenda under Items for Separate Action.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X [Signature] Date 8/17/17

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: Scott Niehaus, Village Manager

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

DATE: August 3, 2017

**SUBJECT: Noon Whistle Brewing Company Special Event - Oktoberfest
800 E. Roosevelt Road**

Noon Whistle Brewing Company applied for a Special Event Permit for a one-day, temporary event called Oktoberfest from noon to 11:00 p.m. on Saturday, September 23, 2017. In conjunction with that event, Noon Whistle is requesting permission to serve beer in a defined, fenced-in area of the parking lot adjacent to their premises.

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 Village Code does not consider the parking lot part of the licensed premises, Village Board approval is needed. The Village Board previously approved Class "J" liquor licenses for Troika Brewing Company LLC for the same event the past two years as well as for their Summerfest events.

Attached find an ordinance amending Village Code Title 11, Chapter 112, Section 112.18(B) to allow the sale of beer within the specified area of the parking lot for this one-day, temporary, special event. The petitioner has verbally requested a waiver of first reading in order to allow them enough time to secure a State liquor license and advertise for this event.

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 11, 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 SEPTEMBER 23, 2017**

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

SECTION 1: That Title 11, Chapter 112, Section 112.18(B) of the Lombard Village Code is amended by adding a new subsection (6) thereto, effective upon the adoption of this Ordinance through 11:00 p.m. on Saturday, September 23, 2017, which shall read in its entirety as follows:

“(6) 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 Oktoberfest event on September 23, 2017, 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 (6) 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 (6) 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 (6), 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, September 23, 2017, Title 11, Chapter 112, Section 112.18(B)(6) 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 _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this ____ day of _____, 2017, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2017.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
RELATIVE TO THE OKTOBERFEST TEMPORARY EVENT
AT 800 EAST ROOSEVELT ROAD, LOMBARD, ILLINOIS**

In consideration of the Village of Lombard, DuPage County, Illinois (the "Village") issuing a Class "J" liquor license and Temporary Event Permit to Troika Brewing Company, LLC d/b/a Noon Whistle Brewing Company, located at 800 East Roosevelt Road, Unit C, Lombard, Illinois (the "Business"), so as to allow for the sale of beer manufactured on the licensed premises, in a designated and secured area in the parking lot adjacent to the Business, during the Oktoberfest event on September 23, 2017, between the hours of 12:00 p.m. (Noon) and 11:00 p.m. (the "Event"), the Business hereby agrees to indemnify, defend and hold harmless the Village, and its officers, agents, employees, representatives and assigns (the "Indemnified Parties"), from any and all lawsuits, actions, costs (including attorneys' fees), claims or liabilities of any character whatsoever, including, as allowed by law, liabilities incurred due to joint negligence of any of the Indemnified Parties and the Business, brought because of any injuries or damages received or sustained by any person, persons or property because of any act or omission, neglect or misconduct of said Business, or its officers, agents, members, volunteers, contractors and/or employees, arising out of, or as a result of, the Event, or in conjunction with the sale of beer by the Business during the Event. In connection with any such claims, lawsuits, actions or liabilities, the Indemnified Parties shall have the right to defense counsel of their choice. The Business shall be solely liable for all costs of such defense and for all expenses, fees, judgments, settlements and all other costs arising out of such claims, lawsuits, actions or liabilities.

Executed this ____ day of September, 2017, by Mike Condon, one of the Members of, and authorized agent for, the Business.

Mike Condon

ACKNOWLEDGMENT

State of Illinois)
) SS
County of DuPage)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that Mike Condon, personally known to me to be one of the Members of Troika Brewing Company, LLC d/b/a Noon Whistle Brewing Company, located at 800 East Roosevelt Road, Unit C, Lombard, Illinois, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that, as such Member, he signed and delivered the said instrument, as his free and voluntary act, and as the free and voluntary act and deed of said Troika Brewing Company, LLC d/b/a Noon Whistle Brewing Company, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this ____ day of September, 2017.

Notary Public