

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: November 10, 2015 (B of T) Date: November 19, 2015

TITLE: Repealing Ordinance No. 7101 and Amending Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code - Alcoholic Beverages  
Enchanted Castle – 1103 S. Main Street

SUBMITTED BY: Keith Giagnorio  
Liquor Control Commissioner  
Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance repealing Ordinance No. 7101 adopted July 16, 2015 and amending Title 11, Chapter 112, Section 112.13(A) relative to a 100% change in ownership interest of J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle located at 1103 S. Main Street. (DISTRICT #6)

Staff is requesting a waiver of first reading.

Please place this item on the November 19, 2015 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director X \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager X \_\_\_\_\_ Date \_\_\_\_\_

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:** November 19, 2015

**SUBJECT: Liquor License – Enchanted Castle  
1103 S. Main Street**

J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle currently holds a Class "M" liquor license. Village staff had been notified that J. Richard Oltmann, current shareholder of the corporation J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle, passed away. Village Code Section 112.20(A) states that the estate of the decedent can operate the business under the current liquor license until the current license ends (November 30, 2015) or if the assets of the estate are transferred to a new owner. FPS, LLC made application to the Village for a new liquor license anticipating that the assets of the estate would be transferred prior to the expiration of the current liquor license. Ordinance No. 7101 (attached) was approved by the Board of Trustees on July 16, 2015.

Staff has been notified that the transfer of the assets of J. Richard Oltmann Enterprises, Inc. to FPS, LLC will not occur until 2016 and that 100% of the ownership interest of J. Richard Oltmann Enterprises, Inc. has changed from that shown on the original Class "M" liquor license application. According to Village Code Section 112.20(D), this would require the termination of the current liquor license and the new ownership (Anthony J. Urbik, Trustee of the J. Richard Oltmann Revocable Living Trust UAD 5/10/2006) making application for a new liquor license.

Please place this item for consideration on the November 19, 2015 Board of Trustees agenda. Staff is requesting a waiver of first reading in order to reflect the new ownership. Village Counsel has reviewed the attached ordinance.

If you have any questions, please feel free to contact me.

/jd

COPY

**ORDINANCE NO. 7101**

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 112 OF THE  
LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES BY  
TERMINATING A CLASS "M" LIQUOR LICENSE AND CREATING A NEW CLASS  
"M" LIQUOR LICENSE, SUBJECT TO CERTAIN CONDITIONS**

**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 112.12(A) of the Lombard Village Code is amended by revising the language related to Class "M" liquor licenses as follows:

"Class 'M' – 0"

This decrease in the number of Class "M" liquor licenses reflects the termination of the Class "M" liquor license issued to J. Richard Oltmann Enterprises, Inc., d/b/a Enchanted Castle, located at 1103 S. Main Street, Lombard, Illinois ("Licensed Premises"), due to prospective new ownership of the business operated on the Licensed Premises. The termination of said Class "M" liquor license shall become effective as of the date that the assets of J. Richard Oltmann Enterprises, Inc., related to the Licensed Premises, are transferred to the prospective new owner, FPS, LLC, or once said liquor license terminates as provided by the Village Code, whichever occurs first.

**SECTION 2:** That Title 11, Chapter 112, Section 112.12(A) of the Lombard Village Code is subsequently further amended by revising the language related to Class "M" liquor licenses as follows:

"Class 'M' – 1"

This increase in the number of Class "M" liquor licenses reflects the prospective issuance of a new Class "M" liquor license to FPS, LLC, d/b/a Enchanted Castle, located at 1103 S. Main Street, Lombard, Illinois ("Licensed Premises"). This increase in the number of Class "M" liquor licenses for the Licensed Premises is expressly contingent on the transfer of the assets of J. Richard Oltmann Enterprises, Inc., related to the Licensed Premises, to FPS, LLC and FPS, LLC providing the Village with written documentation evidencing the transfer of such assets.

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

Ordinance No. 7101  
Class "M"  
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Passed on first reading this \_\_\_\_ day of \_\_\_\_, 2015.

First reading waived by action of the Board of Trustees this 16th day of July, 2015.

Passed on second reading this 16th day of July, 2015.

Ayes: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, and Pike

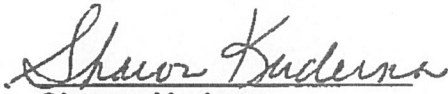
Nays: None

Absent: Trustee Ware

Approved this 16th day of July, 2015.

  
Keith T. Giagnorio  
Village President

ATTEST:

  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form on this 17th day of July, 2015.

  
Sharon Kuderna  
Village Clerk

ORDINANCE \_\_\_\_\_

**AN ORDINANCE REPEALING ORDINANCE NO. 7101  
ADOPTED JULY 16, 2015 AND AMENDING TITLE 11, CHAPTER 112,  
SECTION 112.13(A) OF THE LOMBARD VILLAGE CODE  
IN REGARD TO ALCOHOLIC BEVERAGES  
(ENCHANTED CASTLE – CLASS “M” LIQUOR LICENSE)**

**WHEREAS**, the President and Board of Trustees of the Village of Lombard approved Ordinance No. 7101 on July 16, 2015, which provided for the termination of the current Class “M” liquor license issued to J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle, and the issuance of a new Class “M” liquor license to the prospective new owner of Enchanted Castle, FPS, LLC, upon the Village’s receipt of evidence of the transfer of the assets of J. Richard Oltmann Enterprises, Inc. to FPS, LLC, on or before November 30, 2015; and

**WHEREAS**, the Village has been advised that the transfer of the assets of J. Richard Oltmann Enterprises, Inc. to FPS, LLC will not occur until 2016; and

**WHEREAS**, the Village has been advised that 100% of the ownership interest of J. Richard Oltmann Enterprises, Inc. has changed from that shown on the original Class “M” liquor license application;

**NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS AS FOLLOWS:**

**SECTION 1:** That Ordinance No. 7101 is hereby repealed in its entirety.

**SECTION 2:** That Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code is amended by revising the entry relative to the “Class “M” liquor license, contained therein, to read as follows:

Class “M” - 0

This decrease in the number of Class “M” liquor licenses reflects the termination of the Class “M” liquor license to J. Richard Oltmann Enterprises, Inc., d/b/a Enchanted Castle located at 1103 S Main Street, as a result of the need for said liquor licensee to obtain a new liquor license based on a change of 100% in the ownership interest in J. Richard Oltmann Enterprises, Inc.

**SECTION 3:** That Title 11, Chapter 112, Section 112.13(A) of the Lombard Village Code is amended by revising the entry relative to the Class “M” liquor license, contained therein, to read as follows:

Class “M” - 1

This increase in the number of Class "M" liquor licenses reflects the issuance of a new Class "M" liquor license to J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle located at 1103 S Main Street, Lombard, IL.

**SECTION 4:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Keith T. Giagnorio  
Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk