

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, 2016 (B of T) Date: November 17, 2016

TITLE: Title 11, Chapter 112 of the Lombard Village Code  
The Cellar – 141 W. St. Charles Rd.

SUBMITTED BY: Keith Giagnorio  
Liquor Control Commissioner  
Village President

BACKGROUND/POLICY IMPLICATIONS:

Amending Title 11, Chapter 112 of the Lombard Village Code revising the Class "L-I" Liquor License category relative to the sale and change of ownership from Wine Racks Enterprises LLC d/b/a The Cellar to W Wine LLC d/b/a The Cellar located at 141 W St. Charles Road.

Staff is requesting a waiver of first reading to accommodate the closing.

Please place this item on the November 17, 2016 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 \_\_\_\_\_ 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 9, 2016

**SUBJECT: Ordinance Amending Title 11, Chapter 112, Section 112.13 (A) of the Lombard Village Code – The Cellar – 141 W. St. Charles Road**

Wine Racks Enterprises LLC d/b/a The Cellar currently holds a Class "L-I" liquor license. The primary purpose of the establishment is the sale of beer and wine only, by the glass, for consumption on the premises, in conjunction with the package sales of beer and wine only. Beer and wine tastings are also allowed, with or without a charge, and food may be provided to the patrons from restaurants that have entered into an agreement with the liquor licensee to delivery carry-out food to the licensed premises. The Village of Lombard has received notice that the current licensee holder, Wine Racks Enterprises LLC will voluntarily not be renewing their Class "L-I" liquor license for the upcoming December 1, 2016 licensing term and instead will be selling their assets to W Wine LLC d/b/a The Cellar.

Concurrently, the Village of Lombard has received a request from W Wine LLC d/b/a The Cellar for a Class "L-I" liquor license to operate at the same location. Attached is an ordinance decreasing and increasing the number of Class "L-I" licenses by one to account for this transaction.

Staff is requesting a waiver of first reading in order to accommodate the closing and beginning of the new liquor licensing term.

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

/jd

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 112 OF THE  
LOMBARD VILLAGE CODE IN REGARD TO ALCOHOLIC BEVERAGES  
AND THE CLASS "L-I" LIQUOR LICENSE CATEGORY**

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

**SECTION 1:** That, subject to the Local Liquor Control Commissioner receiving written notice that W Wine, LLC has acquired The Cellar, located at 141 West St. Charles Road, Lombard, Illinois, on or before Noon on November 29, 2016, (the "Notice"), effective with the date of said Notice, the provision of Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code, relative to the Class "L-I" liquor license category, is amended to read in its entirety as follows:

"Class "L-I" – O"

This reduction in the number of the Class "L-I" liquor licenses reflects the termination of the Class "L-I" liquor license issued to Wine Racks Enterprises, LLC d/b/a The Cellar, located at 141 West St. Charles Road, Lombard, Illinois.

**SECTION 2:** That, subject to the Local Liquor Control Commissioner receiving written notice that W Wine, LLC has acquired The Cellar, located at 141 West St. Charles Road, Lombard, Illinois, on or before Noon on November 29, 2016, (the "Notice"), effective with the date of said Notice, the provision of Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code, relative to the Class "L-I" liquor license category, after having been amended as set forth in Section 1 above, shall be further amended to read in its entirety as follows:

"Class "L-I" – 1"

This increase in the number of Class "L-I" liquor licenses reflects the issuance of a new Class "L-I" liquor license to W Wine, LLC d/b/a The Cellar, located at 141 West St. Charles Road, Lombard, Illinois.

**SECTION 3:** In the event that the Notice, as referenced in Sections 1 and 2 above, is not received on or before Noon on November 29, 2016, the Lombard Village Board shall, at the December 1, 2016 Village Board meeting, pass an Ordinance repealing this Ordinance.

**SECTION 4:** 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 \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this 17th day of November, 2016.

Passed on second reading this 17th day of November, 2016.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

**APPROVED** this 17th day of November, 2016.

\_\_\_\_\_  
Keith Giagnorio, Village President

**ATTEST:**

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