

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 R. Niehaus, Village Manager

DATE: November 12, 2014 (B of T) Date: November 20, 2014

TITLE: AMC Yorktown Request for Ordinance Amendment - Alcoholic Beverages

SUBMITTED BY: Department of Community Development *WA*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an Ordinance amending Title 11, Chapter 112, Section 112.33(B) of the Lombard Village Code in regard to alcoholic beverages and restrictions on the age of employees of establishments with a liquor license. (DISTRICT # 3)

The petitioner requests a waiver of first reading of the Ordinance.

Staff recommends approval of this request.

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 R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development 

**DATE:** November 20, 2014

**RE:** **Further Text Amendment to Chapter 112 of the Village Code – Class “X”  
Movie Theatre License Category**

Earlier this year, the Village Board approved amendments to the Class X liquor license requirements as set forth within Chapter 112 of the Village Code. These amendments were intended to address the modification to the Yorktown AMC Theaters and were intended to address their Red Kitchen and McGuffins drinking and dining concepts. Their past request is associated with AMC's desire to complete a remodeling effort to ensure that the theatre remains competitive with current and future viewing trends demanded by patrons.

As AMC is completing their renovation efforts, they identified an age restriction issue within the Class X provisions that would require their cashiers to be at least 21 years of age, as the cashiers would be responsible for charging patrons that may have purchased alcoholic products. AMC has informed Village staff that their employment model consists of up to 180 employees floating between various positions and activities within the theatre during peak times. Designating specific employees for a traditional cashier role and responsibility does not readily accommodate their business model and they are seeking flexibility to assign staff people to task based upon need rather than function. A detailed narrative of their request is attached.

### **ACTION REQUESTED**

Attached for Village Board consideration is a further amendment to Chapter 112 pertaining to the Class “X” regulations as it pertains to the age of individuals performing cashier functions. The amendments would still require completion of BASSETT training and the individuals must be at least 18 years of age. The petitioner's counsel has reviewed the proposed amendments and finds it acceptable.

Lastly, the Village has also received a request for a waiver of first reading of the proposed ordinance in order for them to move forward with their staffing needs and complete the renovation of the theatre by December, 2014.



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President Keith T. Giagnorio  
Village of Lombard  
255 E. Wilson Ave.  
Lombard, IL 60148-3969

November 10, 2014

RE: AMC Yorktown/Lombard Request for Ordinance Amendment

Dear President Giagnorio:

This letter is to formally request approval of an amendment to Chapter 112, Section 112.33 (B) of the Lombard Village Code to be effective December 1 2014, with the other amendment to that section and the description of the Class "X" license for my client's theatre. The amendment that we are seeking would allow persons aged 18 and older who have been BASSET trained to be cashiers at Class "X" licensed premises.

The amendment would be as follows [New language underlined]: "... Notwithstanding the foregoing, it shall not be unlawful for anyone between the age of 18 years and the age of 21 years from serving alcoholic liquor in the capacity of a waiter, or waitress employed by an establishment holding a Class "A/B-III, "X" or "Z" liquor license. Nor shall it prevent anyone between the ages of 18 and 21 years of age from being a cashier at a Class "X" licensed premises if those persons have a current BASSET certificate from a State Certified Program."

AMC is requesting this change based upon the reality of our working model for the new Red Kitchen and Theatre remodel that will be completed in mid-December. Now looking at the employee situation more closely as we near the dates that new hiring must begin, if we are restricted to hiring cashiers 21 and older, it will put an undue burden on the Theatre team and have a negative impact on the guest experience due to our high volume.

My client anticipates a total hire of about 180 employees when the remodel is complete and the Red Kitchen reopens, approximately 50 of whom will be on duty at any one time, give or take for peak hours or exceedingly popular movies. Because the film crew will be performing many other functions other than acting as a cashier, we would need a high number to be 21 years or older. As you will recall, all of our employees, whether or not they are engaged in the handling

or service of alcohol at the theater will be BASSET trained. We believe that this gives us optimal control over the supervision of alcohol in our theaters as all of our employees will be vigilant throughout the premises for any improper alcohol activity. All of our bartenders who actually prepare the adult beverages will be over the age of 21.

However, due to the fluid nature of the service needs during peak times, the staff is rotated and floats from position to position for all services. Film crew would not be on a cash register continuously. Peak times are generally prior to the start of the movie. During those times AMC will have need for more cashiers than after the movie has begun. During those peak times, the theatre will reallocate film crew to staff the registers as well as there will be floating cashiers in the lobby area with iPads akin to the model used in Apple stores and other retail operations to facilitate the flow of order taking and processing. The persons filling all of these positions will be filling other positions, food runner, bar drink runner, busing auditoriums as well.

At local Lombard full-service restaurants, the server who is allowed to be 18 or older, takes the drink orders, brings the drinks, checks the ID's as needed, serves the drinks, brings the bill and takes the money and brings change. Allowing this at full-service restaurants has worked well and we are asking for the same consideration, that is, that the staff that interfaces with the public on sales of alcohol be allowed to be 18 or older and that the additional safeguard of BASSET training being provided. The people who serve the alcohol to patrons seated in the theater will already be allowed to be 18 or older.

Requiring cashiers to be 21 rather than 18 leads to higher employee turnover (older persons can command a higher wage and they leave more often than younger personnel); it cuts down on the larger pool of persons who might otherwise apply for employment at our type of venue; and it doesn't seem consistent with the fact that persons interfacing with the patron and actually handing them the alcohol can be 18 or older under the existing Lombard code.

We will appear at the November 20 Village Board meeting to answer any other questions that the Board Members may have on this request.

Thanking you in advance for your consideration.



Irene F. Bahr

cc. Scott Niehaus  
William Heniff  
Frank Lewis  
George Patterson  
Bridget Holton-Deere

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

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 112, SECTION 112.33(B)  
OF THE LOMBARD VILLAGE CODE IN REGARD TO  
ALCOHOLIC BEVERAGES AND RESTRICTIONS ON THE  
AGE OF EMPLOYEES OF ESTABLISHMENTS WITH A LIQUOR LICENSE**

**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 112.33(B) of the Lombard Village Code is amended by adding the following language to the end thereof:

“ , or for anyone between the age of 18 years and the age of 21 years, who has completed the BASSET Program training as provided for in Section 112.40 of this Code, from being employed as a cashier by an establishment holding a Class “X” liquor license.”

**SECTION 2:** 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.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2014.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

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

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

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

**ATTEST:**

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

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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