

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 27, 2015 (B of T) Date: September 3, 2015

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

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 October 3, 2015.

The petitioner is requesting a waiver of first reading due to time constraints.

Please place this item on the September 3, 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: September 3, 2015

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

Noon Whistle Brewing Company applied for a Special Event Permit for a one-day, temporary event called Oktoberfest on Saturday, October 3, from noon to 11:00 p.m. 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.

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.

Noon Whistle Brewing Company
800 E. Roosevelt Road, Unit C
Lombard, IL 60148

August 24, 2015

Mr. Keith T. Giagnorio
Village of Lombard - Local Liquor Commissioner
255 E. Wilson Avenue
Lombard, IL 60148

Mr. Giagnorio,

I am writing on behalf of Noon Whistle Brewing Company to describe a proposed event, the Noon Whistle Oktoberfest, which we are hoping to host on Saturday, October 3rd, 2015. The event will begin at 12:00PM and will close at 11:00PM, which are also our normal business hours.

Noon Whistle Brewing Company is a for profit company, with a Class "S" liquor license, and we have applied for a special event permit with the Building Division. Although the event will occur on our premises and within normal business hours, we are requesting permission to serve our beer in the parking lot directly in front of our micro-brewery for consumption during this special event.

We understand this special event requires specific controls and we have incorporated appropriate processes and precautions so to responsibly host this event. First, the event area will be fenced in using reliable temporary fencing so to limit entrance points and general access to the event. Second, we will have a single table set up to check customer identification and age and we will provide wristbands to customers of appropriate age. The ID/wristband table will be located at the entrance to the event and staffed by Noon Whistle ownership and/or experienced Noon Whistle staff. Next, beer will be served only to customers with event wristbands and only from two beer pouring stations in standard 14 ounce plastic cups by Noon Whistle ownership and/or experienced and certified Noon Whistle bartenders. Customers will not have access to the pouring stations and beer pitchers will not be used. Also, we will have multiple garbage containers, which will be emptied regularly. Finally, although we plan the event to formally end at 11:00PM, we will stop serving beer outside one-hour earlier, at 10:00PM, to allow customers a reasonable amount of time to finish their drinks and allow us to promptly begin cleaning after the event.

This event should be fun and will showcase our brewery, local food truck businesses, and the Village of Lombard. We appreciate your time and consideration of this event and respectfully request your approval.

Respectfully submitted,

Mike Condon, Owner
Noon Whistle Brewing Company

MC/jc

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 OCTOBER 3, 2015**

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, October 3, 2015, 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 October 3, 2015, 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, October 3, 2015, 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 _____, 2015.

First reading waived by action of the Board of Trustees this ____ day of _____, 2015.

Passed on second reading this ____ day of _____, 2015, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2015.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
RELATIVE TO THE OCTOBERFEST 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 Octoberfest event on October 3, 2015, 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, 2015, 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, 2015.

Notary Public