

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: June 13, 2019 (B of T) Date: June 20, 2019
TITLE: Amending the Alcoholic Liquor Code
Punky's Pub – 16 S. Park Avenue
SUBMITTED BY: Keith T. Giagnorio
Liquor Control Commissioner

BACKGROUND/POLICY IMPLICATIONS:

Ordinance repealing Ordinance 7660 adopted May 16, 2019 and amending Title XI, Chapter 112, Section 112.13(A) in regard to the Class "D" and Class "D-VG" liquor license categories as it relates to Bill and Punky's Step Up Inn, Ltd. d/b/a Punky's Pub and Fitz's Five Leaf Clover Inc. d/b/a Punky's Irish Pub upon notification of their closing but no later than July 19, 2019.

Please place this item on the June 20, 2019 Board of Trustees agenda for consideration.

Staff is requesting a waiver of first reading.

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: June 12, 2019

**SUBJECT: Amending Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code
Punky's Pub – 16 S. Park**

On May 16, 2019 the Village Board approved Ordinance 7660 relative to the sale of Punky's Pub located at 16 S. Park Avenue with certain conditions. The ordinance contained a condition that the number of licenses in the Class "D" and Class "D-VG" liquor classifications wouldn't take effect until the Local Liquor Control Commissioner received written notice that a closing took place. The ordinance gave the prospective buyer until noon on June 28, 2019 to accomplish this, otherwise, the ordinance would be null and void which would then provide the current owner the opportunity to renew their existing Class "D" liquor license for the upcoming July 1 liquor licensing term should the closing not take place.

Staff was informed that the closing is scheduled for the last week of June. Due to the liquor licensing renewal period beginning July 1, both the current owner and prospective buyer have agreed and request that the June 28 deadline be extended to July 19 in the event some unforeseen matter arises and the closing does not take place as scheduled.

Attached is an ordinance repealing Ordinance 7660 and amending Village Code in that regard. The petitioner is requesting a waiver of first reading.

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

/jd

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 7660, ADOPTED MAY 16, 2019, AND AMENDING TITLE XI, CHAPTER 112, SECTION 112.13(A) OF THE LOMBARD VILLAGE CODE, IN REGARD TO ALCOHOLIC BEVERAGES AND THE CLASS "D" AND CLASS "D-VG" LIQUOR LICENSE CATEGORIES

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. 7660, adopted May 16, 2019, is hereby repealed.

SECTION 2: That, subject to the Local Liquor Control Commissioner receiving written notice that Fitz's Five Leaf Clover Inc. has acquired Punky's Pub, located at 16 S. Park Avenue, Lombard, Illinois, on or before Noon on July 19, 2019, (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 "D" liquor license category, is amended to read in its entirety as follows:

"Class "D" – 2"

This reduction in the number of the Class "D" liquor licenses reflects the termination of the Class "D" liquor license issued to Bill & Punky's Step Up Inn, Ltd. d/b/a Punky's Pub, located at 16 S. Park Avenue, Lombard, Illinois.

SECTION 3: That, subject to the Local Liquor Control Commissioner receiving written notice that Fitz's Five Leaf Clover, Inc. has acquired Punky's Pub, located at 16 S. Park Avenue, Lombard, Illinois, on or before Noon on July 19, 2019, (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 "D-VG" liquor license category, shall be amended to read in its entirety as follows:

"Class "D-VG" – 1"

This increase in the number of Class "D-VG" liquor licenses reflects the issuance of a new Class "D-VG" liquor license to Fitz's Five Leaf Clover Inc. d/b/a Punky's Irish Pub, located at 16 S. Park Avenue, Lombard, Illinois.

SECTION 4: In the event that the Notice, as referenced in Sections 2 and 3 above, is not received on or before Noon on July 19, 2019, the provisions of Sections 2 and 3 above shall be null and void; the reference to the Class "D" liquor license category in Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code shall continue to read as "Class "D" – 3"; and the reference to the Class "D-VG" liquor license category in Title XI, Chapter 112, Section 112.13(A) of the Lombard Village Code shall continue to read as, "Class "D-VG" – 0".

SECTION 5: 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 _____, 2019.

First reading waived by action of the Board of Trustees this 20th day of June, 2019.

Passed on second reading this 20th day of June, 2019.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED this 20th day of June, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk