

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: July 8, 2015 (B of T) Date: July 16, 2015

TITLE: Amending Title 11, Chapter 112, 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 amending Title 11, Chapter 112 of the Lombard Village Code reflecting a change of ownership for a Class “M” liquor license issued to Enchanted Castle located at 1103 S. Main Street.

Staff is requesting a waiver of first reading.

Please place this item on the July 16, 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: July 8, 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 has been notified that J. Richard Oltmann, current shareholder of the corporation J. Richard Oltmann Enterprises, Inc. d/b/a Enchanted Castle, recently 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. Staff has received an application from FPS, LLC d/b/a Enchanted Castle relative to the prospective new ownership of the business. The transaction is expected to take place the end of July.

Village Counsel has prepared the attached ordinance decreasing and increasing the Class “M” category by one to reflect the new ownership interest subject to certain conditions taking place.

Please place this item for consideration on the July 16, 2015 Board of Trustees agenda. Staff is requesting a waiver of first reading in order to anticipate the new ownership.

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

/jd

ORDINANCE NO. _____

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.

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

Published by me in pamphlet form this _____ day of _____, 2015.

Sharon Kuderna, Village Clerk