

**VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION**

 X Resolution or Ordinance (Blue) Waiver of First requested X
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: June 9, 2022 (B of T) Date: June 16, 2022

TITLE: 800 E. Roosevelt Road – Noon Whistle Brewing Company
 Special Event – Summerfest 2022

SUBMITTED BY: Keith T. Giagnorio
 Local Liquor Control Commissioner
 Village President

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title XI, 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 Summerfest on July 9, 2022.

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

Please place this item on the June 16, 2022 Board of Trustees agenda for consideration.

FISCAL IMPACT/FUNDING SOURCE:

Review (as necessary):

Village Attorney _____ Date _____

Finance Director _____ Date _____

Village Manager _____ Date _____



MEMORANDUM

TO: Scott Niehaus, Village Manager

FROM: Keith T. Giagnorio
Local Liquor Control Commissioner
Village President

DATE: June 10, 2022

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

Noon Whistle Brewing Company has applied for a Special Event Permit for a one-day, temporary event called Summerfest which will be held on Saturday, July 9, 2022 from noon to 11 :00 p.m. In conjunction with that event, Noon Whistle is requesting permission for a Class "J" liquor license in order to serve beer in a defined, fenced-in area of the parking lot adjacent to their premises. The area in which the special event will take place is an expansion of the approved footprint beyond what they currently have.

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 well as serve beer, cider and wine, that are not manufactured on the licensed premises.

As Village Code does not consider the parking lot part of the licensed premises, Village Board approval is needed. As you will recall, the Village Board previously approved other Class "J" liquor licenses to Troika Brewing Company LLC for their Summerfest and Oktoberfest events as well as for their anniversary party.

Attached find an ordinance amending Village Code Title XI, Chapter 112, Section 112.1 8(B) to allow the sale and consumption 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.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, 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 JULY 9, 2022**

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

SECTION 1: That Title XI, Chapter 112, Section 112.18(B) of the Lombard Village Code is amended by adding a new subsection (5) thereto, effective upon the adoption of this Ordinance through 11:00 p.m. on Saturday, July 9, 2022, which shall read in its entirety as follows:

“(5) 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 Summerfest event on July 9, 2022 , 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 (5) 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 (5) 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 (5), 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, July 9, 2022, Title XI, Chapter 112, Section 112.18(B)(5) 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 _____, 2022.

First reading waived by action of the Board of Trustees this 16th day of June, 2022.

Passed on second reading this 16th day of June, 2022, pursuant to a roll call vote as follows:

AYES: Trustee LaVaque, Puccio, Dudek, Honig, Militello and Bachner

NAYS: None

ABSENT: None

APPROVED by me this 16th day of June, 2022.

Keith Giagnorio, Village President

ATTEST:

Elizabeth Brezinski, Village Clerk

NOON
WHISTLE



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



June 9, 2022

Mr. Keith T. Giagnorio
Village Of Lombard — Local Liquor
Commissioner 255 E. Wilson Ave.
Lombard, IL 60148

I am writing on behalf of Noon Whistle Brewing Company to describe a proposed event, the Noon Whistle Summerfest, which we are hoping to host on Saturday, July 9th, 2022. 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 the special event.

We understand this special event requires specific controls and we incorporate 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's identification and age. 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 staff members. Next, beer will be served only to customers with event wristbands and in a 14oz ounce plastic cup by Bassett certified Noon Whistle staff members. Customers will not have access to the pouring stations and pitchers will not be used. Also, we will 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 up after the event.

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

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mike Condon', with a long, sweeping horizontal line extending to the right.

Mike Condon, Owner

Noon Whistle Brewing Company



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/2/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER GHM Agency 51 Main Street PO Box 649 Waterville ME 04903-0649		CONTACT NAME: Corianna Cote PHONE (A/C, No, Ext): (207) 873-5101 FAX (A/C, No): (207) 873-5784 E-MAIL ADDRESS: cori@ghmagency.com																						
INSURED Troika Brewing Company, LLC, DBA: Noon Whistle Brewing 800 E. Roosevelt Rd, Suite C Lombard IL 60148		<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Massachusetts Bay Ins Co</td><td>22306</td></tr><tr><td>INSURER B:</td><td>Allmerica Financial Benefit</td><td>41840</td></tr><tr><td>INSURER C:</td><td>Hanover Insurance Co</td><td>22292</td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Massachusetts Bay Ins Co	22306	INSURER B:	Allmerica Financial Benefit	41840	INSURER C:	Hanover Insurance Co	22292	INSURER D:			INSURER E:			INSURER F:		
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INSURER F:																								

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	X		ZDPA919909	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG \$ 2,000,000
	OTHER:						
B	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO			AWPH251595	5/1/2022	5/1/2023	BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS	BODILY INJURY (Per accident) \$				
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> NON-OWNED AUTOS	PROPERTY DAMAGE (Per accident) \$				
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE		UBPA920308	5/1/2022	5/1/2023	EACH OCCURRENCE \$ 5,000,000
	DED \$ RETENTION \$		AGGREGATE \$ 5,000,000				
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N <input type="checkbox"/> N/A		WHPD668303	5/1/2022	5/1/2023	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below		E.L. DISEASE - EA EMPLOYEE \$ 500,000				
			E.L. DISEASE - POLICY LIMIT \$ 500,000				
A	Liquor Liability			ZDPA919909	5/1/2022	5/1/2023	Each Occurrence 1,000,000 Aggregate 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

This policy covers location: 800 E Roosevelt, Unit C, Lombard, IL 60148

General Liability: Certificate Holder is Additional Insured as required by signed contract or agreement.

Coverage is primary and non-contributory. Subject to policy provisions. For serving and consuming beer/alcohol in the parking lot immediately adjacent and to the east of the brewery

CERTIFICATE HOLDER**CANCELLATION**

Village of Lombard & its officials,
Employees, and volunteers
Re: Noon Whistle Summerfest
07/09/2022 11am-11pm
255 E. Wilson Ave
Lombard, IL 60148-3969

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

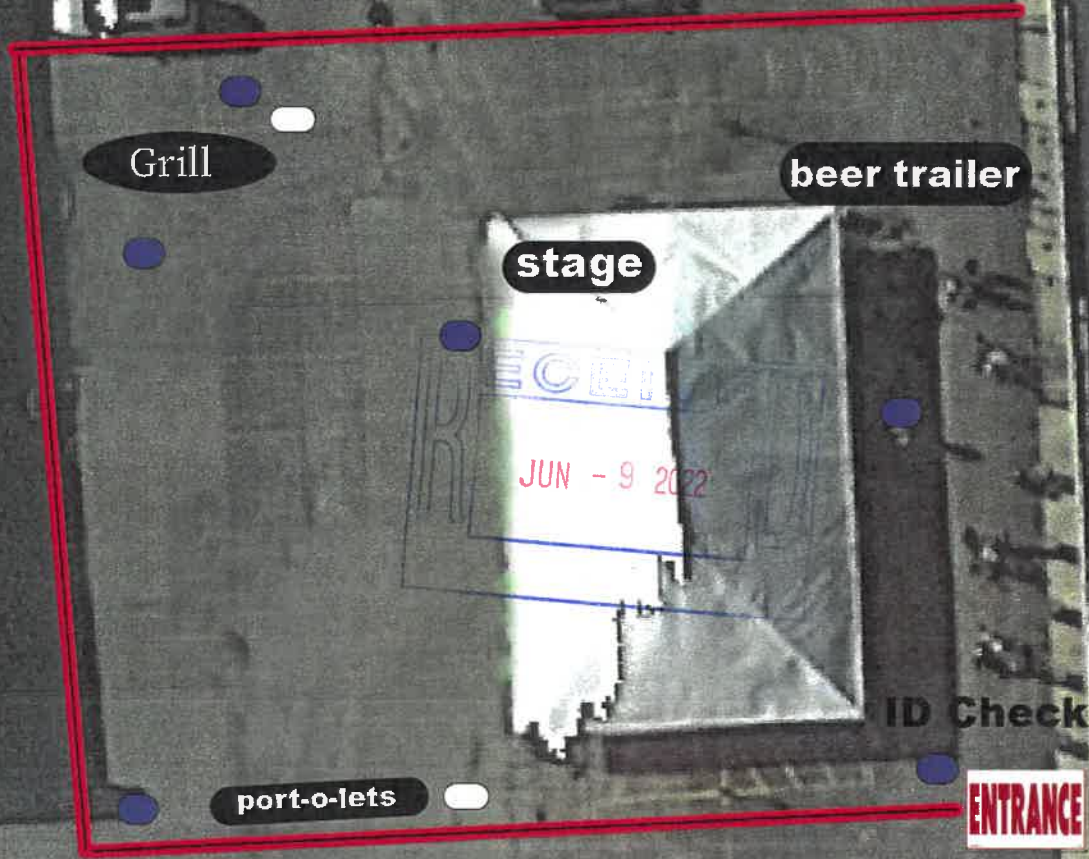
Corianna Cote/CORI

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Summerfest 2022

Physical Fusion
Training Center



Noon Whistle Brewing

key:

-  handwashing station
-  trash receptacles