

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) *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: November 29, 2017 (B of T) Date: December 7, 2017

TITLE: An Ordinance Amending the Lombard Village Code in Regard to Alcoholic Beverages and the Class "GGG" Liquor License Category

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an Ordinance amending the Lombard Village Code relative to the Class "GGG" liquor license to permit the packaged sale of alcohol in a designated area outside of the licensed building as part of a designated program (Mariano's Clicklist).

Review (as necessary):

Village Attorney X	_____	Date	_____
Finance Director X	_____	Date	_____
Village Manager X	<u>Scott Niehaus</u>	Date	<u>11/29/17</u>

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 Giagnorio
Local Liquor Control Commissioner
Village President

DATE: November 29, 2017

SUBJECT: **Amending Title 11, Chapter 112, Section 112.12**
Class "GGG" Liquor License Category – Package Sales

Village Code Title 11, Chapter 112, Section 112.12 includes a Class "GGG" liquor license category description which provides for package sales of alcohol adjunct to a grocery store with interior retail floor area exceeding 50,000 square feet. The license class currently also permits limited service and consumption of alcohol on the licensed premises subject to certain limitations. The current sole holder of the one approved Class "GGG" license is Mariano's grocery who has requested an amendment to the Class "GGG" license to permit packaged sales as part of their Clicklist online shopping program.

Attached please find a letter from William Georges, attorney for Mariano's, requesting an amendment to the existing Class "GGG" license to accommodate Mariano's Clicklist program. Under the Clicklist program, customers can place an order for groceries online and a personal shopper will fulfil the order for delivery to the customer and payment for goods ordered in designated parking spaces within the Mariano's parking lot. Because the Village Code provides that parking lots are not considered part of the licensed premises for packaged sales, the proposed amendment is required to accommodate the sale of alcohol as part of the Clicklist program.

Staff met with Village Counsel who drafted the attached ordinance for Village Board consideration. The ordinance amends the Class "GGG" liquor license category to permit the holder of a Class "GGG" liquor license to develop and offer a program for the sale of products, including the package sales of alcoholic beverages, to be picked up in designated areas outside of the licensed building and for such locations to be included as part of the licensed premises. The proposed amendment is only applicable to the specific Class "GGG" license category only for grocery stores exceeding 50,000 square feet. The Police Department has been in communication with other jurisdictions already offering Mariano's Clicklist sales of alcohol and no difficulties or issues have been identified.

Staff is recommending approval of the proposed amendment. Please place this item for consideration on the December 7, 2017 Village Board agenda under Items for Separate Action.

/npa



October 30, 2017

Mr. Keith Giagnorio
Village President
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148

Attention: Nicole Aranas

Re: Mariano's Clicklist Program

Dear President Giagnorio,

I am writing on behalf of my client, Mariano's, regarding an exciting new program to be introduced to customers of Mariano's Lombard store. The program is entitled Clicklist and is an online ordering and pick-up service.

The basics of the Clicklist program are simple. Customers access Mariano's website for the Lombard store and set up an account. The customer then places an order for any item that the store carries, including groceries, food, produce, meats, frozen goods and alcohol beverages. Once the order is completed the customer selects a specific time to pick up the order. The website confirms the order and gives the customer a designated, numbered site at the store for the pick-up of the order by the customer.

The order is transmitted electronically to the store. A Mariano's Clicklist employee takes the order and becomes a personal shopper for that customer. Upon completion of the order the personal shopper places the order in an area inside the store for pick-up by the customer. At the designated time the customer arrives at the store and parks in its designated spot. A Mariano's employee, not necessarily the personal shopper, then interacts with the customer. The customer presents identification, the employee accepts payment by debit or credit card, no cash is accepted for Clicklist payments, and the employee places the order in the customer's car. Payment is accepted at the parking spot so the customer does not need to vacate their car.

If the order includes alcohol beverages the employee checks the identification of the customer to make sure the individual is over 21, and if not, the alcohol is removed from the order. All employees are Basset trained and certified to prevent underage individuals or intoxicated individuals from purchasing alcohol.

312.726.8797
daleygeorges.com
20 South Clark, Suite 400
Chicago, IL 60603

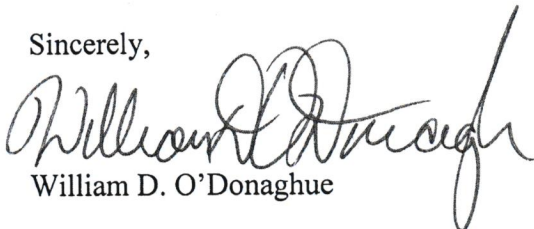
I have attached a set of diagrams that shows the location of these spots and the signage designating the pick-up location. As you can see the spots are clearly labelled and are close to the Clicklist door through which the order is brought out of the store. Only Mariano's employees are allowed to enter and exit the store through the designated Clicklist door.

While the Clicklist program is currently being used by customers in Lombard no alcohol beverages are being offered. It is our understanding that the Village is requiring that an amendment be made to the license category that was created for the store. This additional language is needed as the Lombard Village Code contains a provision that specifically excludes a parking lot or other exterior area from the definition of premises for a liquor license. The store is currently licensed to sell alcohol beverages but cannot technically transport a Clicklist order that contains alcohol from inside the store to the Clicklist spots, less than 10 feet from the Clicklist door. This is due to the fact that payment for the order is accepted by Mariano's at the Clicklist spot. The Village attorney has determined that the sale occurs off the licensed premises. On behalf of my client I am requesting that the Village enact an amendment to the existing Mariano's license that would allow the Clicklist program to include alcohol beverages.

The Clicklist program has been successfully introduced throughout the Chicagoland area. It has been approved, including the sale of alcohol beverages, in the following communities, Oak Lawn, Vernon Hills, Naperville, Northbrook, Frankfort, Bannockburn, Palatine, Des Plaines and Chicago. Please feel free to contact any of these communities regarding the operation of the Clicklist program. Vernon Hills was the first community to have the program and therefore has the most experience with it.

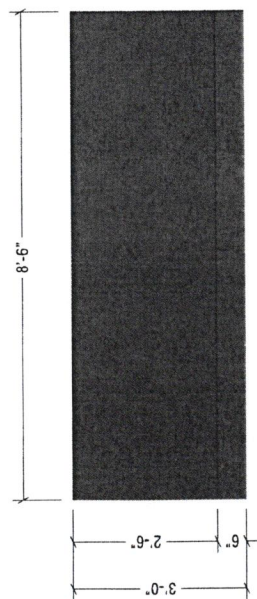
Please let me know if you have any questions or any other information. I look forward to working with you regarding the amendment to the existing license.

Sincerely,



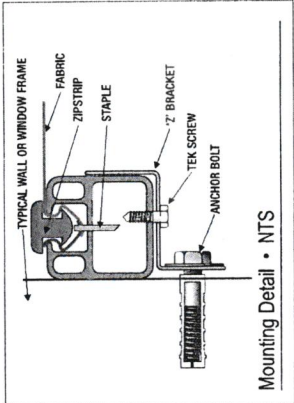
William D. O'Donaghue

cc: Nicole Aranas

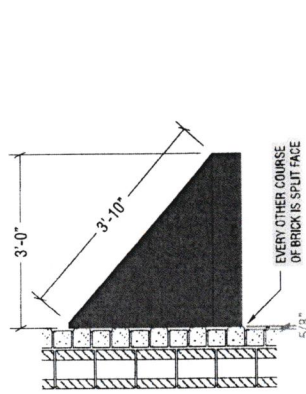


A SHED STYLE AWNING w/ RIGID VALANCE - ALUMINUM TUBE FRAME
SCALE: 1/2" = 1'

- ALUMINUM TUBE FRAME
- BLACK VINYL AWNING COVER
- MOUNTED TO BRICK BUILDING WALL



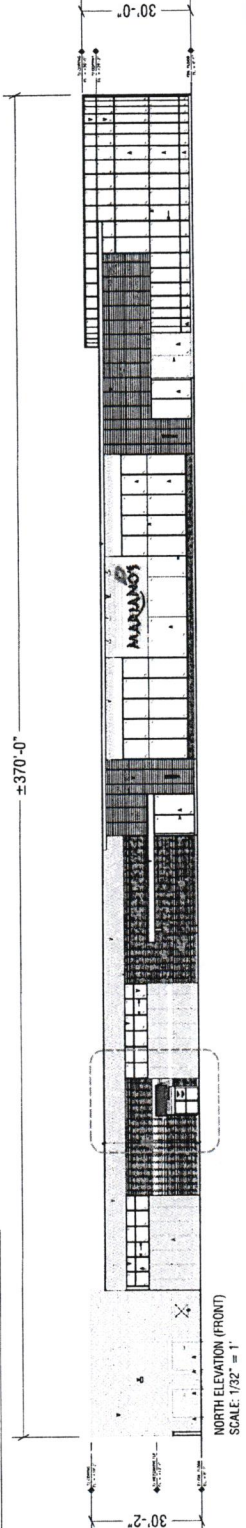
B Mounting Detail • NTS
SCALE: 1/2" = 1'



C ClickList (630) 629-5504
SCALE: 3/16" = 1'

This Door
Is for
ClickList
Associates
Only

B FIRST SURFACE PRINTED VINYL WINDOW GRAPHIC
SCALE: 1/2" = 1'



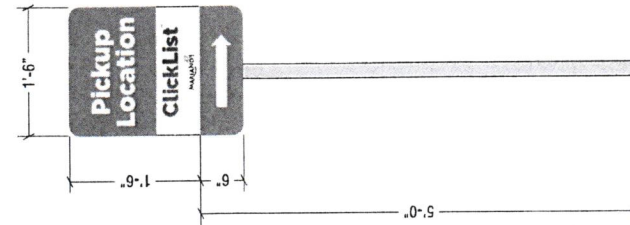
DOYLE
GENERAL SIGN CONTRACTORS
222 INTERSTATE RD. #100
ARLINGTON, VA 22201
TEL: 703-543-4400
FAX: 703-543-4403

DATE	REVISION
8.15.17	ADDED GRAPHICS TO AWNING & TYPICAL CLICKLIST DIRECTIONS
8.22.17	REVISED PER CUSTOMER EMAIL / COMMENTS
8.23.17	REVISED PER CUSTOMER EMAIL / COMMENTS
8.31.17	REVISED PER CUSTOMER EMAIL / COMMENTS
8.31.17	REVISED PER CUSTOMER EMAIL / COMMENTS

CUSTOMER APPROVAL
DATE
The design is the original and copyrighted work of Doyle Sign Contractors. No reproduction, copying or inclusion in any fashion without the express written consent from an authorized office of The Company. The right to this design may be purchased.

CLIENT	MARIANO'S
ADDRESS	ROOSEVELT RD. & FINLEY RD.
CITY	LOMBARD
DRWG. NO.	15975
STATE	IL
DESIGNER	KM
SALESPERSON	TD
DATE	01.11.2017
SCALE	NOTED
SHEET NO.	1

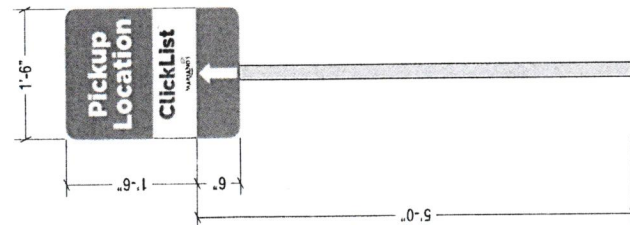
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C THREE(3) S/F DIRECTIONAL SIGNS
SCALE: 3/4" = 1"

- S/F ALUMINUM PANELS w/ REFLECTIVE GRAPHICS & UV LAMINATE
- MTD. ON 2"x2" SQ. GALVANIZED STEEL POSTS

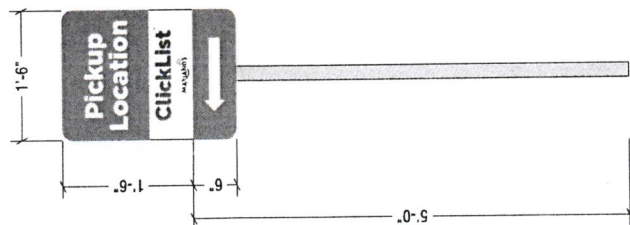
PMS 7496 C GREEN



D SIX(6) S/F DIRECTIONAL SIGNS
SCALE: 3/4" = 1"

- S/F ALUMINUM PANELS w/ REFLECTIVE GRAPHICS & UV LAMINATE
- MTD. ON 2"x2" SQ. GALVANIZED STEEL POSTS

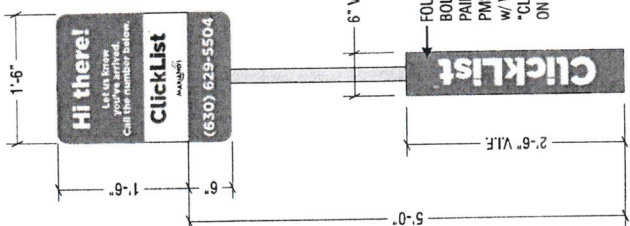
PMS 7496 C GREEN



E THREE(3) S/F DIRECTIONAL SIGNS
SCALE: 3/4" = 1"

- S/F ALUMINUM PANELS w/ REFLECTIVE GRAPHICS & UV LAMINATE
- MTD. ON 2"x2" SQ. GALVANIZED STEEL POSTS

PMS 7496 C GREEN



F FOUR(4) S/F DIRECTIONAL SIGN
SCALE: 3/4" = 1"

- S/F ALUMINUM PANELS w/ REFLECTIVE GRAPHICS & UV LAMINATE
- MTD. ON 2"x2" SQ. GALVANIZED STEEL POST CLAMPED TO EXISTING PARKING LOT BUMPER POST

PMS 7496 C GREEN

DOYLE
GENERAL SIGN CONTRACTORS
222 INTERSTATE RD. #D. BOX 1098
ADDISON, IL 60101
800-543-9400
1414-800-543-9400

DATE	REVISION
8.16.17	ADDED GRAPHICS TO ARIWAYS & TYPICAL CLICKLIST DIRECTIONALS
8.22.17	REMOVED PER CUSTOMER FAMILY COMMENTS
8.30.17	REMOVED PER CUSTOMER FAMILY COMMENTS
8.31.17	REMOVED COLUMN BANNER (SIGN J)

CUSTOMER APPROVAL
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CLIENT	MARIANO'S
ADDRESS	ROOSEVELT RD. & FINLEY RD.
CITY	LOMBARD
STATE	IL
DESIGNER	KM
SALESPERSON	TD
DATE	01.11.2017
NOTED	
SCALE	
DRWG. NO.	15975
SHEET NO.	2

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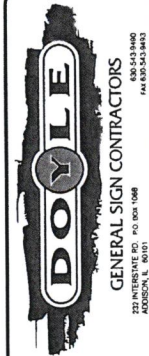
FOUR(4) FIRST SURFACE PRINTED VINYL WINDOW GRAPHIC

SCALE: 3/8" = 1'

- FURNISH & INSTALL VINYL GRAPHICS ON EACH SIDE OF TWO(2) EXISTING D/F MONUMENT SIGNS
- INSTALL GRAPHIC ON BLANK TENANT PANELS CLOSEST TO STREET ON EACH SIDE OF SIGN



SCALE: 3/8" = 1'



DATE	REVISION
8.16.17	ADDED GRAPHICS TO EXISTING & TYPICAL CLICKLIST DIRECTIONS
8.22.17	REVISED FOR CUSTOMER NAME / COMMENTS
8.23.17	REVISED FOR CUSTOMER NAME / COMMENTS
8.30.17	REVISED FOR CUSTOMER NAME / COMMENTS
8.31.17	REVISED FOR CUSTOMER NAME / COMMENTS

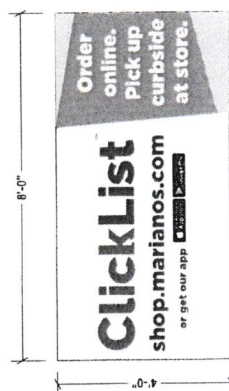
CUSTOMER APPROVAL

DATE _____

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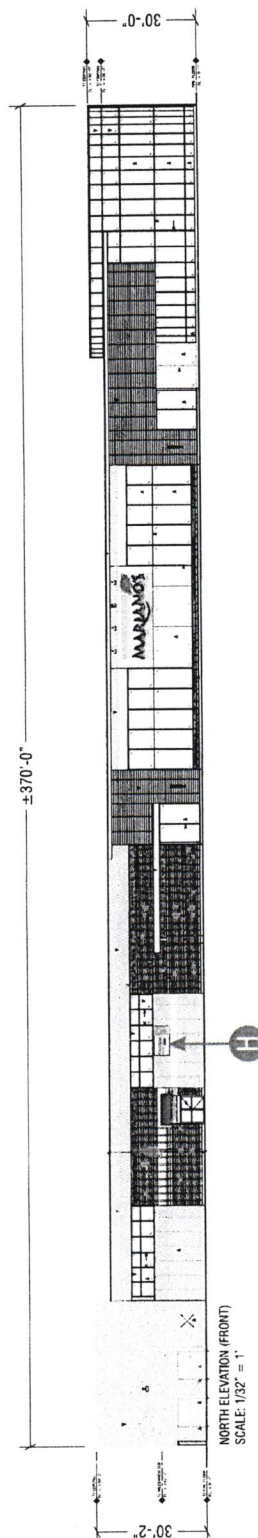
CLIENT	MARIANO'S
ADDRESS	ROOSEVELT RD. & FINLEY RD.
CITY	LOMBARD
DRWG. NO.	15975
STATE	IL
DESIGNER	KM
DATE	01.11.2017
SCALE	NOTED
SHEET NO.	3

Z:\Design\MARIANO'S\LOMBARD IL\MARIANO'S - LOMBARD IL - CLICKLIST 8-22-17.cdr



SINGLE SIDED PRINTED BANNER w/ GROMMETS
SCALE: 3/8" = 1'

1 TWO(2) DOUBLE SIDED ROAD SIGNS
SCALE: 3/8"=1'



NORTH ELEVATION (FRONT)
SCALE: 1/32" = 1'

DATE	REVISION
8.14.17	ADDED GRAPHICS TO JOINING & TYPICAL CLIPKNOT DIRECTIONALS
8.22.17	REVISED PER CUSTOMER EMAIL COMMENTS
8.23.17	REVISED PER CUSTOMER EMAIL COMMENTS
8.30.17	REVISED PER CUSTOMER EMAIL COMMENTS
8.31.17	REMOVED CO-LUMN BANNER (SIGN.)



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CLIENT	MARIANO'S				
ADDRESS	ROOSEVELT RD. & FINLEY RD.				
CITY	LOWBARD	STATE	IL	DESIGNER	KW
DRWG. NO.	15975	SCALE	NOTED	DATE:	01.11.2017
				SALESPERSON	TD
				SHEET NO.	4

Z:\Design\W\MARIANO'S\LOWBARD IL\WARIANO'S - LOWBARD IL - CLICKLIST 8-22-17.cdr

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING TITLE XI, CHAPTER 112, SECTION 112.12
OF THE LOMBARD VILLAGE CODE IN REGARD TO
ALCOHOLIC BEVERAGES AND THE CLASS "GGG" LIQUOR LICENSE CATEGORY**

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 112.12 of the Lombard Village Code is amended by adding the following to the end of the provisions therein relative to the Class "GGG" liquor license category:

"The licensee may offer a program, pursuant to which an order can be placed for items sold by the licensee, and then picked up and paid for in a designated area outside of the licensee's building. Said designated area shall be considered part of the licensed premises solely for the purposes of package sales of alcoholic liquor through said program."

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 _____, 2017.

First reading waived by action of the Board of Trustees this ____ day of _____, 2017.

Passed on second reading this _____ day of _____, 2017, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2017.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2017.

Sharon Kuderna, Village Clerk