

Request For Board Action

REFERRED TO BOARD: June 10, 2019

AGENDA ITEM NO: 10 & 11

ORIGINATING DEPARTMENT: Administration

SUBJECT: Consideration of an Ordinance Amending Section 4-2B-10-B of the Municipal Code of Antioch Modifying the Class "A" License Regulations by allowing Package Sales of Wines

AND

Consideration of an Ordinance deleting one Class "B" Liquor License, together with ancillary Class "B-1" and "B-2" licenses, and creating one Class "A" License along with "A-1" and "A-2" ancillary licenses for Lucky Bernies - Ordinance No. 19-06-24

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

At the August 10, 2016 Committee of the Whole Meeting, the Village Board heard a request from the owner of Lucky Bernie's for a Class "B", "B-1" and packaged liquor license. He indicated that he would like to operate a deli, and provide for the sale of beer and wine with the option to sell packaged wine as well. At the time, there were no provisions for package sales along with a Class "B" Beer and Wine Liquor License. At the September 19, 2016 meeting, the Village Board modified the Class "B" license regulations by allowing package sales of wines (Ordinance No. 16-09-23), and approved their request for a liquor license pending build-out and certificate of occupancy.

Upon completion of their business in September, 2018, Lucky Bernie's was issued a Class "B", "B-1" and "B-2" liquor license. It was recently discovered that they were selling hard alcohol as well, and advised they were only licensed to sell beer and wine. In response, the attached letter requesting a Class "A" license was sent to the liquor commissioner. The applicant has indicated that they are still interested in offering the package sale of their signature wines. Since that license does not currently exist with a Class "A" liquor license, there is also a proposed ordinance attached which would also allow package sales.

DOCUMENTS ATTACHED:

1. Ordinance
2. Liquor license Request

RECOMMENDED MOTION:

Motion to approve an Ordinance Amending Section 4-2B-10-B of the Municipal Code of Antioch Modifying the Class "A" License Regulations by allowing Package Sales of Wines, waiving the second reading

Motion to approve an Ordinance deleting one Class "B" Liquor License, together with ancillary Class "B-1" and "B-2" licenses, and creating one Class "A" License along with "A-1" and "A-2" ancillary licenses for Lucky Bernies, waiving the second reading.

VILLAGE OF ANTIOCH

19-06-xx

*AN ORDINANCE AN ORDINANCE AMENDING SECTION 4-2B-10-B OF THE
MUNICIPAL CODE OF ANTIOCH MODIFYING THE CLASS "A" LICENSE
REGULATIONS BY ALLOWING PACKAGE SALES OF WINES*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

JUNE 10, 2019

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this day of June, 2019.

LAWRENCE M. HANSON	President	MARY C. DOMINIAK	Trustee
		JERRY T. JOHNSON	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
ROBERT J. LONG	Attorney	TED P. POULOS	Trustee
		DANIEL YOST	Trustee

ORDINANCE 19-xx-xx

AN ORDINANCE AMENDING SECTION 4-2B-10-B OF THE MUNICIPAL CODE OF ANTIOCH MODIFYING THE CLASS “A” LICENSE REGULATIONS BY ALLOWING PACKAGE SALES OF WINES

WHEREAS, the Village Board has been petitioned by the owner of a recently opened upscale deli seeking to modify his existing Class B licenses restaurant liquor licenses into Class A licenses so that the establishment may sell spirits as well as beer and wine along with the continued opportunity to sell wine in sealed bottles for consumption off premises, and

WHEREAS, the Village Board has considered the matter in a separate Ordinance concurrently with this draft Ordinance, and

WHEREAS, the Village Board wishes to expand business opportunities wherever possible, for the overall benefit of the citizens and taxpayers of this Village, and

WHEREAS, granting the requested proposal requires the creation of Class A-2 ancillary liquor licenses allowing package sales of wine, which the Board deems appropriate for the foregoing reasons,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: Section 4-2B-10-B of the Antioch Municipal Code is hereby amended by the addition of paragraph A-2, which shall hereafter read as follows:

A-2. Restaurant Wine Package Sale License. This license authorizes the retail sale of bottled wine by a restaurant with a class A license, in original package form, for consumption off the premises where sold.

SECTION TWO: The chart of license fees set forth in section 4-2B-11 of the Antioch Municipal Code shall be amended by the addition of Class A-2 licenses with the annual fee set at \$250.00.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS, ON THIS ___ day of _____, 2019.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. ROMINE, VILLAGE CLERK

STATE OF ILLINOIS)
)
COUNTY OF LAKE) SS

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on June 10, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-06-xx, entitled *“AN ORDINANCE AMENDING SECTION 4-2B-10-B OF THE MUNICIPAL CODE OF ANTIOCH MODIFYING THE CLASS “A” LICENSE REGULATIONS BY ALLOWING PACKAGE SALES OF WINES”* which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-06-xx, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June --, 2019 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this -- day of June, 2019.

Lori K. Romine, RMC/CMC
Village Clerk

VILLAGE OF ANTIOCH

19-06-xx

AN ORDINANCE DELETING ONE CLASS B LIQUOR LICENSE, TOGETHER WITH ANCILLARY CLASS B-1 AND B-2 LICENSES AND CREATING ONE CLASS A LICENSE ALONG WITH A-1 AND A-2 ANCILLARY LICENSES FOR LUCKY BERNIE'S

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

JUNE 10, 2019

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this day of June, 2019.

LAWRENCE M. HANSON	President	MARY C. DOMINIAK	Trustee
		JERRY T. JOHNSON	Trustee
LORI K. ROMINE	Clerk	ED MACEK	Trustee
		SCOTT A. PIERCE	Trustee
ROBERT J. LONG	Attorney	TED P. POULOS	Trustee
		DANIEL YOST	Trustee

ORDINANCE 19-xx-xx

**AN ORDINANCE DELETING ONE CLASS B LIQUOR LICENSE,
TOGETHER WITH ANCILLARY CLASS B-1 AND B-2 LICENSES
AND CREATING ONE CLASS A LICENSE ALONG WITH A-1 AND A-2
ANCILLARY LICENSES FOR LUCKY BERNIE'S**

WHEREAS, the Village Board previously granted a Class B liquor license along with ancillary B-1 and B-2 licenses to Lucky Bernie's, and

WHEREAS, the establishment opened recently after a protracted build-out and upon opening determined that its business plan and model needed to offer a wider range of drinks to attract the type and number of patrons required to reasonably sustain the business, and

WHEREAS, the establishment's current group of licenses allows basic restaurant indoor service of beer and wine (B), patio seating (B-1) and package sales of wines (B-2), and

WHEREAS, concurrent with this Ordinance, the Board is considering adding a class A-2 license which would also allow package sales of wine only by Class A licensees, and

WHEREAS, the Village Board has considered the petition and has determined that the proposal is appropriate for the suggested location and type of business, and that the petitioner has made a substantial investment in its business, and

WHEREAS, the Village Board wishes to expand business opportunities wherever possible, for the overall benefit of the citizens and taxpayers of this Village, particularly where the offerings of the proposed business are unique and aimed at a target market that will likely draw people into town,

NOW THEREFORE, BE IT ORDAINED by the Village of Antioch, Lake County, Illinois, as follows:

SECTION ONE: The Village Clerk, acting as the Secretary of the Local Liquor Commissioner is directed to revise the chart of allowed liquor licenses to decrease the number of Class B licenses by 1, along with decreasing the number of Class B-1 and B-2 licenses by one each, effective immediately.

SECTION TWO: The Clerk shall further revise the chart to increase the number of Class A, A-1 and A-2 liquor licenses by one each, and the Local Liquor Commissioner is authorized to cause the resulting created licenses to immediately issue to Lucky Bernie's.

SECTION THREE: The Clerk shall charge the establishment the sum of \$500.00 as a condition of the issuance of the Class A license to compensate for the difference between the fee charged for a Class B license and the Class A license.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,
ON THIS ____ DAY OF _____, 2019.

ATTEST:

LAWRENCE M. HANSON, MAYOR

LORI K. ROMINE, VILLAGE CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATE

I, Lori K. Romine, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on June 10, 2019, the Corporate Authorities of such municipality passed and approved Ordinance No. 19-06-xx, entitled "*AN ORDINANCE DELETING ONE CLASS B LIQUOR LICENSE, TOGETHER WITH ANCILLARY CLASS B-1 AND B-2 LICENSES AND CREATING ONE CLASS A LICENSE ALONG WITH A-1 AND A-2 ANCILLARY LICENSES FOR LUCKY BERNIE'S*" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 19-06-xx, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June --, 2019 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this -- day of June, 2019.

Lori K. Romine, RMC/CMC
Village Clerk