

Request For Board Action

REFERRED TO BOARD: October 12, 2020

AGENDA ITEM NO: 5

ORIGINATING DEPARTMENT: Administration

SUBJECT: 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" Ancillary Licenses for Lucky Bernies

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. At that time, the applicant 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.

Upon completion of their business in September, 2018, Lucky Bernie's was issued a Class "B", "B-1" and "B-2" liquor license. In 2019 it was discovered that they were selling hard alcohol as well, and they were advised they were only licensed to sell beer and wine. In response, the owners presented a letter requesting a Class "A" license which was sent to the liquor commissioner. The request was considered at the June 10, 2019 and July 8, 2019 Village Board meetings, where the Village Board requested the applicant come back in one year provided there were no violations.

At the September 23, 2020 Committee of the Whole meeting, the applicant presented their request for a full restaurant liquor license. The board agreed to place this item on the next Village Board agenda for consideration.

DOCUMENTS ATTACHED:

1. Ordinance
2. Liquor license Request
3. Current License Listing

RECOMMENDED MOTION:

Move 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" Ancillary Licenses for Lucky Bernies

VILLAGE OF ANTIOCH

20-10-31

*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
ANCILLARY LICENSE FOR LUCKY BERNIE'S*

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

OCTOBER 12, 2020

Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 13th day of October, 2020.

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 20-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
ANCILLARY LICENSE 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 has been in operation for a period of approximately 1-1/2 years and has 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, particularly since the economic problems caused by the recent COVID-19 pandemic, 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, 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 finds that providing an analogous license which would allow the package sales of wine only by Class A licensees is an inappropriate step that further blurs the distinction between retail stores and restaurants, and for that reason is not considering creating such a license for this 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 and A-1 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 _____, 2020.

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 October 12, 2020, the Corporate Authorities of such municipality passed and approved Ordinance No. 20-10-31, 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 ANCILLARY LICENSE FOR LUCKY BERNIE'S*" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 20-10-31, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 13, 2020 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 13th day of October, 2020.

Lori K. Romine, RMC/CMC
Village Clerk

BUSINESS NAME	License Class	Business Address
Class "A" License – Full Service Restaurant License – allows retail sales of alcoholic liquors for consumption ON PREMISES. Sales of food must compromise 50% of annual gross revenues.		
Class "A-1" License – Allows service outdoors at a restaurant holding a Class "A" license.		
Anastasia's Restaurant and Sports Lounge	A * A1	950 Hillside Ave
Corniciones	A * A1	1200 Main Street
David's Bistro	A * A1	883 Main Street
Dockers North	A	955 Route 59
Johnny's Chophouse	A	1500 Main Street
Mexican Paradise Café	A * A1	438 Lake Street
Oliverii North	A * A1	384 Lake Street
Taylor's on Toft	A * A1	921 Toft Street
Wings Etc.	A * A1	480 Orchard Street
Class "B" License –Restaurant Limited Service License – allows retail sales of beer & wine for consumption ON PREMISES. Sales of food must compromise 40% of annual gross revenues		
Class "B-1" License – Allows service outdoors at a restaurant holding a Class "B" license.		
Asian Harbor Antioch	B	508 Orchard Street
Betty's Bistro	B	417 E. Route 173
Szechwan Palace	B	1144 Main Street
The Pizza Joint	B	311 W. Depot Street
Rivalry Alehouse	B * B1	945 Main Street
Lucky Bernie's	B * B1 * B2	420 Route 173
Class "C" License – Retail Package Sales – Allows retail sale of alcoholic liquors, in original package form, for consumption OFF PREMISES where sold. Also allows 'sampling & tasting' and expanded sampling. See additional page for info*		
Antioch Fine Wine & Liquor	C (with expanded sampling)	1180 Main Street
Aldi	C	1390 Deep Lake Road
CVS / Pharmacy # 8926	C	983 IL Route 59
Discount Tobacco	C	284 Main Street
Foods Unlimited	C	354 North Avenue
Oscos	C	968 Route 59
Piggly Wiggly	C	460 Orchard Street
Shop & Save	C	579 W. Route 173
Wal-Mart Supercenter #5199	C	475 East Route 173
Walgreens #2003	C	1130 S. Main Street
Class "D" License – Gas Station Convenience Store License – Allows retail sale of beer & wine at gas station convenience store, in original package form, for consumption OFF PREMISES where sold.		
Antioch BP	D	602 W. Route 173
Graham Enterprises, Inc.	D	359 North
Dharni Gas & Food	D	830 Main Street
Class "E" License – Bar & Tavern License – Allows retail sale of alcoholic liquors by bars & taverns for consumption ON PREMISES where sold. Also allows retail sale of packaged liquor in its original containers for consumption OFF PREMISES. Also allow 'sampling & tasting'. See additional page for info*		
Class "E-1" License – Allows service outdoors at a restaurant holding a Class "E" license.		
Class "E-2" License – Wine Shop License – Equivalent to Class "E" except that products sold or offered for tasting or sampling are limited to beer & wine.		
Antioch Lanes LLC	E	750 Route 173
Limerick Lounge	E * E1	912 Toft Avenue
The Lodge of Antioch	E * E1	899 Main Street

Class "F" License – Club License – Allows retail sales of alcohol by clubs organized under the laws of Illinois that are not for pecuniary profit, that are supported by their members' dues and that are for charitable, service or fraternal purposes. Consumption ON PREMISES.		
Antioch VFW Post 4551	F	75 E. North Avenue
PM&L Theatre	F	877 Main Street
Class "H" License – Hotel License – Allow sale of all types of alcoholic beverages for consumption ON PREMISES only. Available only to a hotel or motel with 60 rooms or more. Allows service at the bar, in a banquet facility or meeting room and to individual hotel rooms as delivered by room service.		
Class "H-1" Hotel Outdoor Café full service – Allows service outdoors at a business holding a Class "H" license.		
Fox's Lounge	H * H1	350 E. Route 173
Class "I" Winery License – Authorizes sale of bottled table wines for consumption ON OR OFF PREMISES. May sell wine for consumption by the glass, in 'flights' or by the bottle at the serving table or bar. See attached for more info*		
Vigneto del Bino Winery	I	42150 Crawford Road
Class "K" Ancillary food service license – Allows sale of beer & wine for consumption ON PREMISES only. See attached for further regulations*		
Piggly Wiggly	K	460 Orchard Street