

ITEM ORD 2015-6250

6/16/2015
VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting

SUBJECT:	SUBMITTED BY:
Amend Liquor Provisions	Enza Petrarca Village Attorney

SYNOPSIS

An ordinance has been prepared to amend the Village's Liquor Code to allow liquor product identification on patio umbrellas at liquor-licensed establishments and to amend the definition of restaurant.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Strong, Diverse Local Economy*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the June 9, 2015 Village Council meeting. Staff recommends approval on the June 16, 2015 Active Agenda.

BACKGROUND

The Village received a request from the Downtown Downers Grove Management Corporation (Downtown Management) to allow patio umbrellas with liquor logos. Since 1993, the Village has banned liquor product identification on umbrellas. Patio umbrellas are costly and typically need yearly replacement. Often, liquor distributors will give licensees umbrellas that contain the logos of various alcohol producers (i.e. Miller Lite, Corona, and various wineries). The attached draft ordinance will remove umbrellas from Section 3.33.2 concerning liquor product identification signs; therefore allowing the placement of umbrellas with liquor logos on outside patios. Banners, sandwich boards and other signs with liquor product logos will continue to be restricted. The Liquor Commission discussed this matter at their meeting of May 4, 2015 and unanimously recommended approval of the ordinance.

Additionally, the definition of restaurant contained in Chapter 3 of the Liquor Code currently requires that licensees have adequate kitchen facilities and employees to prepare and cook meals on the premises. The attached ordinance amends the restaurant definition to remove the requirement that a full kitchen be required for food service. This change will allow liquor service at establishments where food is cooked primarily off-site but served at the premises.

ATTACHMENTS

Ordinance

Downtown Management Correspondence

Liquor Commission Minutes – May 4, 2015

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: June 16, 2015
(Name)

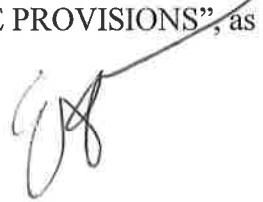
RECOMMENDATION FROM: Liquor Commission FILE REF: _____
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AMENDING LIQUOR CODE PROVISIONS", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend certain liquor code provisions.

RECORD OF ACTION TAKEN:

Cafe & Umbrella

ORDINANCE NO. _____

AN ORDINANCE AMENDING LIQUOR CODE PROVISIONS

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. That Section 3.3 is hereby amended to read as follows:**3.3 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

* * *

Restaurant. A place kept, used, maintained, advertised or held out to the public as a place with the service of food and drink, and where meals are regularly served, without sleeping accommodations, and where adequate provision is made for sanitary kitchen and dining room equipment and capacity and a sufficient number of employees to prepare, cook and serve a reasonable variety of meals food for its customers. ~~The mere availability and service of cold sandwiches, hors d'oeuvres or other similar foods will not, standing alone, be deemed sufficient to constitute such establishment as a restaurant within the meaning of this paragraph, it~~ being the intent of this paragraph that the primary business conducted on premises to be licensed as restaurants hereunder shall be the service of food and drink. ~~A full menu, including entrees and appropriate side dishes.~~ Food service shall be available at all times liquor sales are being conducted until ten o'clock (10:00) p.m. Sunday through Thursday, and eleven o'clock (11:00) p.m. Friday and Saturday. ~~After such times, in the event a full menu is not provided, a reduced menu, which must include appetizers, sandwiches, hors d'oeuvres or other similar foods shall be available. Such~~ Menus shall be on the table, presented to each patron as they are seated or be posted in such a manner to be easily readable by the patrons of the restaurant. Provided, the kitchen may not cease operating prior to one hour before closing. Bar/lounge seating shall be no more than twenty percent (20%) of the total seating provided for patrons of the establishment.

* * *

(Ord. No. 244, § 1; Ord. No. 1741, § 1; Ord. No. 1749, § 1; Ord. No. 2388, § 1; Ord. No. 2450, § 1; Ord. No. 2541, § 1; Ord. No. 2735, § 1; Ord. No. 2847, § 1; Ord. No. 3164, § 1.)

Section 2. That Section 3.33.2. is hereby amended to read as follows:**3.33.2. Liquor product identification signs.**

Liquor product identification signs shall not be permitted as an interior or exterior window sign, or as any form of exterior sign, ~~such as patio umbrellas at any establishment holding a license for consumption on premises,~~ patio umbrellas shall not constitute a sign for purposes of this Section.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Cafe & Umbrella

Mayor

Passed:

Published:

Attest:

Village Clerk



933A Curtiss Street ~ Downers Grove, IL 60515
630-725-0991 ~ www.downtowndg.org

April 28, 2015

Honorable Mayor Martin Tully
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Good Afternoon,

The Downers Grove Downtown Management Board of Directors met on April 9, 2015 and one of the items for discussion was a request from several of the Downtown Restaurant establishments. The request concerns a change to the 1993 Liquor Product Identification Signs, Downers Grove Municipal Code (Section 3.33.2).

This section states that "Liquor product identification signs shall not be permitted as an interior or exterior window sign, or as any form of exterior sign, such as patio umbrellas at any establishment holding a license for consumption on premises." I did some research to see if other Downtowns allow any advertising on patio umbrellas or restrict advertising. Below is some information for your review:

Naperville has no restrictions

Glen Ellyn has no restrictions

Elmhurst has no restrictions

Lisle has no restrictions

LaGrange does not allow advertising at all on patio umbrellas

Oak Park does not allow any display of alcohol-related logos or any promotional logo in general on patio umbrellas.

The wine and beer distributors offer free patio umbrellas for the restaurants to use when their outdoor patio is in use and patio umbrellas can be extremely expensive.

A motion was made and seconded to request a change in this 1993 ordinance and remove the restrictions on liquor advertising on patio umbrellas for the Downtown Restaurant/Café establishments that have outdoor patios. The motion unanimously passed.

We sincerely appreciate you looking into this change and continue a business friendly environment and help our businesses with the costs associated with day to day operations.

Sincerely,

A handwritten signature in blue ink that reads "Linda".

Linda Kunze, Executive Director
DG Downtown Management



www.downers.us

May 20, 2015

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue

Downers Grove

Illinois 60515-4782

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

FIRE DEPARTMENT

ADMINISTRATION

5420 Main Street

Downers Grove

Illinois 60515-4834

630.434.5980

FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

PUBLIC WORKS

DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4046

630.434.5460

FAX 630.434.5495

The Honorable Martin T. Tully
Mayor and Liquor Commissioner

Re: Amend Liquor Product Identification Sign Provisions

Dear Mayor Tully:

On Thursday, May 7, 2015, at a regular meeting of the Downers Grove Liquor Commission, the members made a recommendation for staff to forward a draft ordinance for an amendment to liquor product identification sign provisions to the Village Council for consideration. The following finding was made:

MS. FREGEAU MOVED THAT THE DRAFT ORDINANCE AMENDING LIQUOR PRODUCT IDENTIFICATION SIGNS BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.

VOTE: **Aye:** Ms. Fregeau, Mr. Jacobson, Mr. Austin, Mr. Clary, Ms. King, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0

Motion carried.

This motion can be found in the May 7, 20156 draft minutes of the Liquor Commission (attached).

Very truly yours,

Alice Strelau, Chairman
Liquor Commission

VILLAGE OF DOWNERS GROVE

Attachments

cc: April Holden, Village Clerk

a\recommend.l-c\umbrella-forward

V. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka provided the Commission with a draft ordinance amending liquor product identification sign restrictions. She stated that she received a letter from the Downtown Management Organization requesting that liquor product identification be allowed on umbrellas. She added that the Commission discussed the matter last month. She stated Ms. Linda Kunze was present in support of this change. Ms. Kuchynka noted that neon signs, banners and attention getting devices with product logos will continue to be prohibited. She stated that the Village does not regulate the content of patio umbrellas at licensed or non-licensed establishments that may advertise non-alcohol related products such as "coca-cola" or "gonella".

Ms. Kunze stated that the purchase of patio umbrellas is a big expense to new licensees. She stated that distributors will give licensees tasteful umbrellas free of charge. She noted the umbrellas typically only last one summer and are an expensive cost for them to replace yearly. She stated that the ban has been in place since 1993 and requested that the ban on umbrellas with alcohol logos be reconsidered.

Mr. Austin stated that the section of the code was amended from time to time. Ms. Kuchynka would have to pull background on the section to see what has been changed over the course of many years.

Mr. Austin asked how licensees deal with the umbrella issue. Chairman Strelau stated that the establishments have purchased plain umbrellas at their own expense. The group agreed that removing the ban would apply to every license holder. Ms. Kunze stated that Ballydoyle, Emmett's, RBK, Lemon Tree are just a few of the licensees that have approached her about the ban. Ms. Kunze stated that the distributors umbrellas are done tastefully. She stated that this would help licensees with this expense.

Mr. Austin asked about uniformity. Chairman Strelau agreed and recalled the last time the Commission spoke there was some concern the decor would resemble spring break. She asked if the Commission would be crossing into the esthetics police. She stated that years back alcohol sales were banned until noon on Sunday, which was deemed archaic.

Mr. Jacobson agreed with the change and noted that many communities allow umbrellas with logos. He noted most times umbrellas are closed and he did not think the signage would impact café areas much.

Ms. Fregeau did not feel the use of umbrellas with logos was offensive. She felt any way the Village can help the businesses would be beneficial. She stated that the Liquor Code has come a long way since 1993 and it was time to move with the times.

Ms. Kuchynka requested a motion for the ordinance to be forwarded to the Village Council for consideration on an upcoming agenda.

MS. FREGEAU MOVED THAT THE DRAFT ORDINANCE AMENDING LIQUOR PRODUCT IDENTIFICATION SIGNS BE FORWARDED TO THE VILLAGE COUNCIL FOR CONSIDERATION. MR. JACOBSON SECONDED.

VOTE: **Aye:** Ms. Fregeau, Mr. Jacobson, Mr. Austin, Mr. Clary, Ms. King, Mr. Krusenioski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 7:0

Motion carried.

Ms. Kunze thanked the Commission for their consideration of the matter.

Mr. Krusenoski asked Ms. Kunze about the status of the new Mexican restaurant. He stated that there was some internet chatter that the Liquor Commission was holding up the liquor license. Ms. Kunze replied that Mia's Cantina had found the Curtiss Street location which formerly housed a retail building that needs to be converted to a restaurant. She stated that it took the operator awhile to find an architect to submit plans to the Village and stated that the contractor eventually took another job.

Ms. Kuchynka noted that Mia's application is on file and it is a very strong liquor application. She stated that staff has met with them on a few occasions to discuss major build out matters at the site. She stated that fire suppression, hood and duct work and adding restrooms are major items required. She noted that Curtiss will need to be dug up to get water access to the site, which tap is located across the street. She stated that the building also lies on the property line and that grease traps and garbage dumpster placement are also issues. She stated that staff met with the owners and contractors to explain what they needed to submit.

Ms. Kuchynka stated that the original floor plan submitted could not be utilized as the building department did not review it. She stated that she will need a plan that has been reviewed in order to place the item on a future agenda for their consideration. She stated that permits to cut open the street may be affected by other construction projects and special events that are scheduled over the summer.

Mr. Krusenoski asked about the old Carlson paint building. Ms. Kuchynka replied that she has not received application for that establishment. Ms. Kunze stated that Blacksmith will be located on ground level and Oakley Home Builders will be upstairs. She stated it will be a small plate, wood fire grill. She expected an early to late fall opening.

VI. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated there will be a June meeting to conduct a disciplinary hearing and two application hearings on file.

VII. COMMENTS FROM THE PUBLIC

There were none.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Ms. King moved to adjourn the May 7, 2015 meeting. The meeting was adjourned by acclamation at 7:30 p.m.