



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Update on Liquor Control Commission Discussion Regarding Drive-up Window Package Liquor Sales
Presenter:	Chief Jim Lamkin, Mark Koenen, City Administrator, Mayor Rogina

Please check appropriate box:

X	Government Operations (10/7/13)		Government Services
	Planning & Development		City Council

Estimated Cost:		Budgeted:	YES		NO	
-----------------	--	-----------	-----	--	----	--

If NO, please explain how item will be funded:

Executive Summary:

On September 16, 2013, the Liquor Commission held a regular meeting. One item on the agenda was a request to review the city code which currently does not allow drive-up window service for the sale of alcoholic beverages. This is covered in Title 5.08.250 Q. The request for review was initiated by Lundeen's Liquor's who have been granted City Council approval to move their licensed premises to 1315 W. Main Street. The LCC received input from the Lundeen's owners on their concept and their reasons for asking for the change. It was noted:

- Lundeen's operate in Sycamore with a drive-up window in the store;
- They require their staff to be TIPS trained (similar to BASSETT);
- The operation there has received no complaints;
- They have had a good operating record in St. Charles.

City staff provided comments:

- Sycamore Police Chief has reported no problems there with the drive-up;
- City of St. Charles has had minimal problems with their operation;
- BASSETT training is required in St. Charles, outlining the various components taught that is indicative of over service;
- The decision on making a change to the ordinance is precedent setting, not specific to Lundeen's. Other stores could open a drive-up window as well if the ordinance was changed.

In addition there was discussion on the size of the property and redevelopment would likely require a zoning variance that would be handled separately from any liquor license or delivery window issues. Liquor Commissioner Rogina then polled the LCC on their position on the drive-up window discussion and whether it should continue before the City Council. One member of the LCC was absent, two indicated they were against the concept, one indicated it continue to council, and Liquor Commissioner Rogina indicated he was for it was well.

This matter is being brought to Government Operations Committee for further input and direction to staff on whether amendment should be brought to committee for a decision.

Attachments: *(please list)*

City Code 5.08 Alcohol Beverages, page 5.08-24 item Q

Recommendation / Suggested Action *(briefly explain):*

Update on Liquor Control Commission discussion regarding drive-up window for package liquor sales and recommendation from Government Operations Committee to direct city staff on the next steps.

For office use only

Agenda Item Number: 4c

ALCOHOLIC BEVERAGES

food store, drug store mass merchandiser, clubs, hotels and motels may remain open for business during such hours, but no alcoholic liquor may be sold or consumed during such hours. The licensee and any of its employees and no other persons shall be allowed to remain on or about the licensed premises to clean up or perform maintenance on the premises.

2. All premises in which alcoholic liquors are sold at retail for consumption on the premises and which are located below ground level shall have visible access to the interior for purposes of police inspection and the after hours safety of the occupants. Such visible access may be through an exterior door with a window measuring not less than eight inches by eight inches.
3. It is unlawful for any person to consume any alcoholic liquor on any premises licensed under the provisions of this chapter during the hours when the sale of such alcoholic liquor is prohibited by this chapter, including, but not limited to the licensee, its officers, agents and employees.

(Ord. 2010-M-29 §1; Ord. 2004-M-12 § 1 ; Ord. 2000-M-104 § 1; Ord. 1995-M-53 § 5 & 6; Ord. 1995-M-22 § 1; Ord. 1988-M-73 § 1; Ord. 1988-M-72 § 1; Ord. 1987-M-34 § 2; Ord. 1986-M-32 § 1; Ord. 1985-M-32 § 2; Ord. 1984-M-69 § 1; Ord. 1984-M-36 § 3; Ord. 1984-M-37 § 4; Ord. 1982-M-49 § 1; Ord. 1976-M-42 (part); Ord. 1976-M-14 § 2; Ord. 1976-M-5 (part): prior code § 24.033 & 24.034.)

P. Employment of Underage Persons.

1. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under the age of twenty-one (21) years to attend bar and/or to draw, pour or mix any alcoholic liquor in any licensed premises; provided, that the provisions of this subsection shall not be construed to prevent the employment of persons who are at least sixteen (16) years of age as waiters or waitresses for the purpose of serving food and alcoholic liquor on the licensed premises.
2. It shall be unlawful for any licensee, or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell any alcoholic liquor in any licensed premises.

(Ord. 2010-M-29 § 1; Ord. 2004-M-43 § 1; Ord. 2004-M-12 § 1.)

Q. Licenses – Curb/Drive-Through Service.

No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curbside service, drive-through window, or any other similar methodology. All such sales, gifts or deliveries are prohibited.

R. Harboring Intoxicated Persons.

No licensee under the provisions of this chapter, either individually or through agents or employees, shall harbor or permit any intoxicated person or persons to loiter on the premises, or to permit any conduct, which shall tend to disturb the peace and quiet of the neighborhood.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.036.)

S. Prohibited Sales.

1. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment.
2. For the purpose of preventing the violation of this section, any licensee, or his agent or employee, shall refuse to sell, deliver or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or