



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Proposed Code Revision for Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.250 “Regulations Applicable Generally”
Presenter:	Chief Keegan

Please check appropriate box:

<input checked="" type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	\$	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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If NO, please explain how item will be funded:

Executive Summary:

On October 7, 2013 a discussion was had at the St. Charles Government Operations Committee in reference to drive-through window alcohol sales for Class A-1 (package liquor) license holders. A motion was made to direct staff to draft such an ordinance, and the motion was carried.

Staff, along with legal counsel has drafted and is proposing the language as contained in the attached memo as a revision for Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.250 “Regulations Applicable Generally”.

Attachments: *(please list)*

Memo
Government Operations Committee Minutes – October 7, 2013 (excerpt)

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a proposed code revision for Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.250 “Regulations Applicable Generally”.

<i>For office use only:</i>	<i>Agenda Item Number: 6a</i>
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Memo

Date: July 9, 2015
To: Government Operations Committee
From: Deputy Chief Huffman
Re: Proposed Code Revision/Drive-Through Alcohol Service

Current Code Language

5.08.250 Regulations Applicable Generally

Q. Licenses – Curb/Drive-Through Service

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

Proposed Code Language

5.08.250 Regulations Applicable Generally

Q. Curb/Drive-Through Service

Class A-1 license holders shall be authorized to sell alcoholic beverages through drive-through service, in accordance with all other regulations that are applicable to this license classification. In addition, the drive-through structure and operation shall comply with all other requirements of the City of St. Charles Municipal Code. All other curbside service or methodologies are prohibited. In addition, walk-up service through the drive-through structure is prohibited.

For properties where Title 17 of the Municipal Code (The Zoning Ordinance) requires the granting of a Special Use for a Drive-Through Facility, such Special Use approval must be granted prior to the establishment of any drive-through service. The ordinance approving the establishment of the Special Use must specifically identify that the Drive-Through Facility is to be utilized for the sale of alcoholic beverages. The drive-through service shall only be operated in conformance with the approved site plan and any conditions contained in the ordinance granting the Special Use.

SGH/sgH



**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, OCTOBER 7, 2013**

1. Opening of Meeting

The meeting was convened by Chair. Turner at 7:18 p.m.

2. Roll Call

Members Present: Chair. Turner, Ald. Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Martin, Krieger, Bessner, and Lewis

Absent: None

Others Present: Mark Koenen, Peggy Forster, Chief Lamkin, Chris Minick, Chief Schelstreet, Peter Suhr

3. Omnibus Vote

Budget Revisions – September

Motion by Ald. Bessner, second by Lewis to approve omnibus vote as presented.

Voice Vote: Unanimous; Nays: None; Chrmn. Turner did not vote as Chairman. **Motion Carried.**

4. Mayor's Office (excerpt of minutes)

- c. 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.**

Mayor Rogina: As Commissioner I come here tonight with no recommendation from the Commission because of the fact as it states in the Executive Summary, two of the members of the Commission voted against this proposition and one vote yes. I as Liquor Commissioner am in support of it, but I will speak tonight in support of it allowing equal time to speak against the issue. You as a Council have a full understanding of the issues at hand.

As Chrmn. Turner indicated the Lundeen's are making a request to, in effect, change City Code 5.08 Alcohol Beverages – Item Q which prohibits drive-thru sales of liquor. You would have to change that first to allow that to occur and then, of course, give them the opportunity to have a drive-thru at the new establishment on Main Street. At the Commission meeting the Lundeen's made a very solid argument in favor of a drive-thru. Particularly they impressed with a couple of items that stood out. 1) The idea for customers that are either elderly or disabled to have an opportunity to ease their purchases. We are not talking about anything illegal here. We are talking

about liquor which we sell in our community, we allow people to go into bars, taverns, and restaurants to consume liquor, so there is nothing out of order here. 2) A purchase at a drive-thru is really no different than the purchase of an individual coming into the store. You can ask them if they are in a the same position, worst position, or better position to identify somebody who is under the influence of alcohol. What I heard at the Commission hearing is that they certainly can. I also talked with the Police Chief in Sycamore and the summary Chief Lamkin put together indicates that they have had absolutely no problems in Sycamore.

From a business standpoint, I hope we as a City Council can encourage our business to grow. Do we have proof they will grow their business by adding a drive-thru? I don't know and I find it hard to believe that we would not do that. That is your decision. Lastly, our image or perception problems as some believe in; do we have an image problem downtown? I would contend we do and are working diligently as a council and mayor to try to eradicate this image problem downtown. I like to separate that from this particular proposal. Whenever our image is tarnished or smeared I think we should take action as a council. I don't think we should act upon perceived image problems – problems we think might hurt our image. We should let the market dictate that. We are drawing conclusions through our banks, burger shops, donut shops, and prescription drug shops. I think it is very adequate to add liquor to the list.

Finally what about this setting a precedent? This is what I think people are more concern about. It's not the Lundeen's. They have been a good merchant in our community for a long time. It's about this drive-thru concept, it sets a precedent, and all of a sudden we will be besieged by that. I've talked with Chief Lamkin and the City Administrator and I'm convinced you have the right to take this on a case-by-case basis. Here I think the anecdotal evidence suggest that these people are worthy with the experience behind them to do this well. Some other individual may come before us and say they want a drive-thru and may not have that experience and we may say no to them and have that right to. I would bring all of that to you attention.

Chuck Amenta: I think we are looking at two issues. First is the change of the ordinance. If we separate that from the specific topic of Lundeen's and the location, I think the topic of changing the ordinance is one that we should consider. I also ask you to consider to yourself that if this location was west of Rt. 64 or somewhere not in the location that is being consider would that change your thought process of whether we should or should not allow this change to the ordinance. Furthermore, if we are going to have a liquor drive-thru in St. Charles, who better to lead the way and show us how to do it properly, and who have proven that they have a very tip-top operation in St. Charles as well as in Sycamore. Mayor Rogina spoke with the police chief and I spoke with the mayor in Sycamore who said nothing but great things of the Lundeen's as owners of the drive-thru. With those considerations in place I think we should think about at least changing the ordinance and address all the other things separate from that.

Ald. Lewis: I received several emails this week that were in support of the position I took at the Liquor Commission meeting of not being in favor of a drive-thru liquor window. I disagree that it's the same product as a bank or a McDonalds. It's a legal product but one that has restrictions with it. It's also not zoned and don't feel we should change the zoning and don't believe we should change the City ordinance. It's not just the ordinance changing it is zoning also.

Mayor Rogina: I don't think that's an issue in this particular discussion. The zoning issue is a separate different issue completely that is dealt with in a separate venue.

Chrmn. Turner: The mayor makes a good point because we won't even go there if we don't pass this; so it's not up for discussion yet.

Ald. Lewis: I've given this a lot of thought, been asked a lot of questions, and I still stand by my decision that I made a month ago to not support a drive-up liquor window in the City of St. Charles.

Ald. Payleitner: I concur; my email was supportive of my vote against it. Right now I am not convince that we need additional convenience to purchase a control substance as a business model. Ald. Lewis made that point as well. I commend the Lundeen's on their well established, well run business, and I visited the Sycamore store. If ever there was to be one – it looks great; but I don't see if for our town. I don't see it the same in picking up your prescription with a sick kid in the back seat and you're not going into the store. It's not the same thing. As far as elderly and disable, we have several grocery stores that have licenses that you can pick up your liquor as well. As far as the perception argument goes, I don't think the timing is right for us right now to jeopardize an "iffy" reputation on liquor issues. I think that would happen in making this ordinance more lenient.

Ald. Lewis: Could I ask some of the senior council members if they have any recollection to why an ordinance was passed to not have drive-up liquor windows?

Ald. Martin: It is totally unthinkable to have such an item as a drive-up liquor store. It was never considered that we not have it. I was around when we had the first drive-up food restaurant and we had the same issues – it doesn't fit – this doesn't work. Mr. Mayor I take issue when you say this is not a zoning issue. The location they are proposing to put this drive-up has residential adjacent to it.

Mayor Rogina: Mr. Chairman, may I reiterate my stance here that the scope of this conversation should not include zoning because that's a separate issue and Ald. Martin very well knows that and he knows there is a process for that and that we'll face that process on the zoning issue at a later time. If this comes to pass there is no guarantee that the Lundeen's will get the drive-thru anyway by the zoning. That's a separate issue and I would like to separate these two items.

Ald. Martin: When we've had issues such as this the zoning has come first before the proposal.

Mayor Rogina: If you vote this down you won't need to go through that process. That's the point. If in fact it passes then they do have to go through the process; so that's why I think we have the order in the way we've done it.

Chrmn. Turner: I have to agree with your Honor. Why go through the zoning and planning process...

Ald. Martin: You can all agree with whoever you want to. That's my opinion.

Ald. Silkaitis: First I want to acknowledge that I've known Dave Lundeen for 50 years and Julie for over 40 years. The Lundeen's have operated their business in St. Charles for 37 years and wish to expand their customer base with a drive-thru window. I have some concerns with this concept, but over the years they have been good neighbors. Look at their operation in Sycamore which I've been there myself, they have had no issues with the drive-up as the Mayor has stated. If we grant this request there can be provisions in the ordinance that can deal with any violations of this ordinance. With regards to setting any precedence, we the City Council can have control over who can have a liquor license and a drive-thru. We can have an ordinance that if you have any number of violations – you cannot have a drive-thru. I think we should grant this request knowing that the City will be watching closely for any violations. Back in the days when I approve the first drive-thru for a pharmacy, I had my issues of that. I still don't see the point of a liquor drive-thru, but they are the business owners and are going to spend their money to do it – it is going to make money for them, I hope. I don't see an issue and if they do have problems, I'll be the first one to say, sorry but you have to close it.

Ald. Lemke: Is there a period in time that we can grant this for a year? Another scenario is I'm not clear what the hours are?

Mayor Rogina: They are licensed as a packaged liquor store that demands a closing at 10:00 p.m.

Ald. Lemke: And the same would apply with those drive-thrus?

Mayor Rogina: Yes.

Ald. Bancroft: So what we are trying to do now is to decide whether we are going to direct staff to craft an ordinance?

Mayor Rogina: Correct, the first step is to direct staff to draft an ordinance to allow for a drive-thru and then you would vote on that change and then to grant them a drive-thru. That would be in place before they could ever open a drive-thru.

Ald. Bancroft: Then it comes down to the intellectual exercise of what does that ordinance look like, because a yes/no right now seems premature. I'd like to see the language and what the elements are. I have even gotten some emails on this. I'd like to see the substance of what is being proposed by staff first before passing on it. I've known the Lundeen's for quite some time as well. It's not a credibility issue with them. It actually has nothing to do with them. It's more what do we authorize next?

Ald. Payleitner: My understanding is we just eliminate Item Q – correct? We're just pulling that out?

Ald. Bancroft: I would be surprised if that is all it was.

Mayor Rogina: Counsel – we have an ordinance that prohibits this.

Atty. McGuirk: The ordinance presently prohibits drive-up packaged store arrangements. If that's out, then they would have the ability to at least seek the approval to have it. Now they would still have to meet all the other zoning requirements.

Mayor Rogina: So a vote to eliminate that particular ordinance would give them the opportunity and then if you were to vote to allow them to have the drive-thru – that would stand.

Ald. Payleitner: So it is in fact just pulling Item Q?

Ald. Lewis: By pulling Item Q it opens it up for everyone?

Mayor Rogina: I made that argument earlier that anyone could come for a request and you have the right to deny that.

Ald. Bancroft: I don't understand why if we can just prohibit it outright we couldn't regulate through this ordinance with an okay that isn't the zoning. I don't understand why it's got to be that simple of it's a yes or no; either that's in or that's out. I'm looking at the language for Item Q "No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service, drive-through window, or any other similar methodology. All such sales, gifts or deliveries are prohibited."

Tina: When this current code was modified approximately 4 years ago, this was put in mostly for curb service because Meijer was establishing this in some of their other cities where I could call in my grocery order and order alcohol and it would be packaged and delivered out to my car. So we initiated this piece of code to eliminate that and broaden the whole scope to eliminate any possibility of having liquor brought out to your car.

Julie and David Lundeen, 708 Somonauk Street, Sycamore, IL: We are third generation businessmen here in St. Charles. David began his business in 1977 with the purchase of Bernard Liquors in the Valley Shopping Center. We expanded to the east-side store and eventually expanded west to Sycamore and DeKalb. We are asking for the City of St. Charles to allow us to utilize a business model that incorporates a drive-thru window at a new express location at 1315 W Main Street. We've run this business model successfully without a single incident for nine years at our Sycamore store. The reason we feel a drive-thru will work there is exactly because it is an express location under 2000 square feet. It is not meant for people to walk in and look for a fine wine. It is an express location. According to the St. Charles Comprehensive Plan we are business stakeholders in this town, having served this community for 37 years, and we are striving to evolve our business to meet with current economic times by utilizing this business format. We would like to clarify that we are not part of the downtown. The Comprehensive Plan clearly places us in the west Main corridor that connects to the western edge of downtown which is 5th Street to Randall Road. The plan also states that 14th Street to Randall Road is mapped as a higher density, commercial area than the span from 5th Street to 13th Street which is a more mix of residential and commercial use. An integral part of the Comprehensive Plan is to maintain a strong commercial base in this corridor. Comments have been made that if perhaps this lot was on Randall Road it would be different and we ask why? Why can't we continue to serve the residences of the west

corridor and the commuters that we have had for 37 years? Why can't we give them a service they want? Why do they have to go to Randall Road to get a service that we want to provide? Finally in accordance with Chapter 3 of the Comprehensive Plan under Goals and Objectives, we have sought public input and have brought forth 600 signatures of residents and customers that are in specific support of a drive-thru window at that location. Any questions?

Ald. Krieger: I have also received a number of emails and phone calls, and I have yet to meet a parent who is in favor of this. They're concern that this will make it that much easier for their not quite 21-year olds as well as those that are 21 years old to grab a bottle and go. I have not received any support. In some of the schools east of here, St. Charles is considered to be the liquor haven of the northern portion of Illinois. I had someone explain to me that they hope we pass it because then they wouldn't have to stop. They could just whiz in, get their booze, and head back to the city. I'm afraid they'll drink on the way back. Nothing personal.

Julie: I understand your concerns but someone drinking in the car is no different than someone who walks into the store, purchases it, gets in their car, and drives off. I can't convince you. We do are due diligence, carding, there is no whizzing in and out.

Ald. Krieger: Well it's an added convenience and sends our image down another notch. We just don't need it right now.

Ald. Bessner: What percentage of sales do you make in your Sycamore location out of the drive-thru roughly vs. overall sales?

David Lundeen: On any given day its about 17% - 35% of sales.

Ald. Bessner: That's pretty substantial. Secondly, going off of Ald. Krieger's point, how do you differentiate between the possibilities of a 21-year old or older being outside, coaxed into buying some alcohol for someone else vs. not being able to see that in a car having 19 year olds. During the time you've had your drive-thru in Sycamore have you learned anything, seen anything, put different practices in place based on observations?

Julie: That was a new business model when we went to Sycamore. Sycamore has had a single drive-thru liquor store since the 1950's. It was not a new concept to them. Do they allow everyone to have it? No, it's very restrictive and depends on the layout, etc. We have cameras through the drive-thru. You are very close to that person. This is not McDonalds where you come in and place your order through a box and you just pick it up. You come to the window, we open the window, we are right there with you. We all are TIPS trained, as well as all of our cashiers are trained, and we actually see more into your car than if it is out in the parking lot. We find that no minors come through the drive-thru because they know perfectly well the same thing. If there is a car load of teenagers, we see that. They are better off staying in the back corner of the parking lot and trying one at a time to come in or go to a grocery store. This is what I don't understand that it is okay in the grocery store. Liquor has evolved. It is not even separated. There is wine in the meat department. Liquor is everywhere and that is okay. They have to make sure that it doesn't get into

the hands of minors and that is our responsibility as license holder. If we fail then we don't get to keep our license.

Ald. Stellato: I'm struggling with the four "P's" the first being perception, precedent, what do we do when we have problems, and probationary period. Most of those are going to be taken care of tonight. I wanted to listen to a way that we could craft a new ordinance and cover most of the points I just mentioned. Unfortunately that is not going to happen and that makes me concerned. The perception – I understand about Sycamore. Let's face it, there are not drive-thru liquors in St. Charles, Geneva, Batavia. The perception is that we are going to be the first community to do it. You have to understand that no matter what it is, any community is going to struggle with that. Nothing to do with the Lundeen's name, I've known Dave for years. The perception is if we allow this to happen and everything goes okay; over time the perception changes, people start to embrace it. I understand that's a route we can go; but when we get down to things like precedence, and we are setting a precedent, we have to deal with a lot of other issues. I thought this ordinance would allow us to say, with a little more teeth, that this is the only exception we are giving. We are going to try a probationary period and see how it goes and see if there are any problems. If there's not - then we can go ahead and write the ordinance for the next person. I know we have the right to deny anybody or remove their license, but I also thought we could put that in the ordinance. If you do something wrong in that establishment, what would that mean to do something wrong and allow us to pull your license that's different from somebody who serves indoors. What if you served to someone in a car who drives away and gets into an accident? How do we know if that is caused by you or not? I don't know how to measure that – I can't quantify that. So what happens there? I thought this was going to be covered tonight by discussion on how we would write an ordinance that would give us more teeth and make me feel more comfortable to help with the perception and go through what we do if we had problems. Perhaps we would have a probationary period and don't have to worry about setting a precedence because it's case sensitive. I'm very disappointed that all we are doing is removing Item Q. This has nothing to do with the Lundeen's. This is just our discussion internally. I was misled. I thought there was something more that was going to be happening here. I thought we were going to draft a new ordinance or a new class of liquor license.

Ald. Bancroft: Is this to us to direct that?

Ald. Stellato: Yes.

Atty. McGuirk: The thought tonight is to direct staff to examine what's the impact in removing Item Q, does it impact on other portions of the ordinance. We have not gotten to that point. The concept is does it have support? If it does, the staff can look at those things and craft an ordinance and see where this impacts on the classifications or other aspects of the ordinance, but it hasn't gone that far. It's just in discussion.

Ald. Stellato: Okay, if you can make me comfortable than I am in your camp – there's no problem there. And how you make me comfortable with this is that administratively you have to design some wording that gives some safeguards that I know personally I can be comfortable with. If we can direct staff to do this, I am all in favor of moving it to that position.

Ald. Bancroft: Regarding removing Item Q, if you have a car load of people, is the driver the buyer automatically? What if the passenger next to them is over 21? There is a whole litany of questions that can come up by the fact they are in a contained vehicle. I asked Lundeen's this question and they actually police themselves. I got comfortable with their approach and you might want to ask them the right way to aid in some of those safeguards. It's not just deleting Item Q because that is not going anywhere.

Ald. Stellato: If we had in there that everyone in the car was carded, every single person was carded, which I know that is what you do – you have high standards; I would want that in the ordinance. So if anyone else wants to do this later on – it's already in there and that gives me comfort.

Julie: Perception – I can't answer that for you. There's a perception that if you are in a car, you get more liquor faster, you don't. We always protect. We want the perception of our business to be stellar. We take holding a liquor license very seriously. We own a liquor store in a college town at NIU. It is not easy, but we hold ourselves very accountable and if you were to call out to DeKalb's police department, you would find we are always the ones who take an extra step. We don't want alcohol in the hands of anyone who is either a minor or impaired at all, but can I guarantee you that somebody would buy something and drive off – no more than I can guarantee that someone would walk into my store tomorrow and drive out and drink and get in an accident. We do our due diligence. We would be willing to go along with anything that would help us out.

Ald. Stellato: What Ald. Bessner brought up – what have you learned. You have that invaluable experience and we need that put into an ordinance that says here are the standards now. If anyone in the future wants to open a drive-thru, they need to follow your model.

Ald. Lewis: I want to go on record that this is not about you. You do have a business on the east side of St. Charles. Would that be something you would want to have there also – a drive-thru. If it increases your sales and is such a convenient way to shop, it's what your customers are asking, why wouldn't you do that there?

Julie: No, because that location doesn't fit. I wouldn't have one at our DeKalb store. It has to go case by case. Our Sycamore store works beautifully. We have no issues and we have many elderly and handicapped people who stop by for not just liquor.

Ald. Lewis: I wouldn't support this on Randall Road either, so it doesn't make any difference to me. Ald. Stellato, regarding carding everyone in the car; if I had a 13 year old grandchild in the car I could not go through the drive-thru?

Ald. Stellato: I have not thought that far. This is the first time we talk about this tonight.

Mayor Rogina: Based on conversation here tonight, there would be nothing wrong to have staff present an ordinance for your consideration. Looking at the executive summary I am asking for a motion. Perhaps I implied that but at the same time what transpired here tonight as Mayor, is what I wanted to see – open, frank dialogue on both sides of the issues; and I think we achieved that

tonight and gained some things. I would like to see the staff be in a position to present an ordinance per Ald. Stellato and Bancroft's requests.

Chrmn Turner: My interpretation of this item is that you are here to request the Committee to give you direction on this?

Ald. Payleitner: I would like for us to proceed cautiously. This isn't the time to make our liquor ordinance more lenient and right now that looks like what we are doing. If we start adding in the components that Ald. Stellato and Bancroft are talking about, are we making it too difficult to police as well? We don't want to make it a nightmare for enforcement either.

Ald. Bessner: This could come to us as a council/committee and we could decide on a case by case basis, but when we get to the point to changing the ordinance to allow for this use, could we put a moratorium of 4 or 5 and no more than that in the City of St. Charles.

Mayor Rogina: I wouldn't want to say yes without referring to legal counsel on that. My suspicion is that we could.

Ald. Bessner: I don't think we should just limit it to one, but if we were to get to that point, so that we don't create what could be seen perception wise or reality wise down the road to have 30 or 40 different drive-thrus; could we limit it up front to only 3 or 4?

Atty. McGuirk: We could draft an ordinance that would limit the number or provides a process for determining a number.

Ald. Martin: Should the Council decide to proceed with this, can we create a new package class license including drive-thru service and limit it to one?

Mayor Rogina: Again, you can decide pretty much what you want to, but tonight my hope is that you let the staff at least present something you can chew on at another committee meeting.

Atty. McGuirk: You've raised a lot of issues tonight and we would have to study and research this, but off the top of my head I think we can limit it to any number you want.

Ald. Martin: I would like to know how many drive-thru establishments there are in Kane and DuPage counties, even northern Illinois?

Ald. Lewis: I did some research on line and saw where there were about 40 in the state of Illinois, unofficially, and what I've read in the newspapers most communities were not supportive of drive-thru windows.

Ald. Lemke: In drafting this ordinance I would argue there are two things that need to be considered. One is a special ordinance for package liquors and drive-thru but a drive-thru for packaged liquors would be a special use. That's a separate element in the zoning, so if that in fact does come to us, we don't go on 5th Avenue five blocks north of downtown.

Mayor Rogina: For the staff's understanding are you suggesting they come back with an ordinance that would very well play into the next round which is the resilient piece?

Ald. Lemke: Not necessarily in this ordinance, but certainly with a recommendation that would say here's what we do with the liquor ordinance and we also feel that a second change should be made that limits special use for a liquor drive-thru.

Chrmn. Turner: To sum this up and go forward on this it would be best to have a new ordinance not just a modify ordinance. A lot of things have been said here tonight that should be addressed. We shouldn't say we are going to allow or disallow this request until we actually see an ordinance.

Mayor Rogina: From a procedural standpoint if there is a motion here for staff to create an ordinance of this particular situation and it passes, I think that is where it stops tonight and there will be no further action until that ordinance is created. I will support and agree with on that.

Chrmn. Turner: That is the way I would like to see this go. I have two issues. First regarding setting a precedent, we granted drive-thrus for Jewel Walgreens, etc. for pharmacy pickup. We did not grant one for Meijer. They requested one and we turned them down. So to say you have to grant one, you have to grant them all – that's not true. Everything is going to be taken on an individual basis. As far as perception goes, I'm looking at either you walk into a store and buy a product or you go to the drive-thru and buy your product, the result is the same – it winds up in the car. So if you want to go with image that's fine, but the reality is no matter how you do it – it winds up in the car. So should we take a vote for staff to draft an ordinance for drive-thru liquors?

Ald. Payleitner: For clarity – a yes vote will be to go and direct staff to rewrite the ordinance? A vote no would say keep it as is?

Chrmn. Turner: Correct.

Motion by Ald. Silkaitis, second by Stellato that we direct staff to research a drive-thru for a liquor store with input from the Lundeen's from their knowledge of running a drive-thru liquor store.

Roll Call: Ayes: Lemke, Bancroft, Bessner, Stellato, Silkaitis; Nays: Martin, Krieger, Lewis, Payleitner. Chrmn. Turner did not vote as Chairman. **Motion carried.**

8. Adjournment

Motion by Ald, Lemke, second by Silkaitis to adjourn meeting at 8:45p.m.

Voice Vote: Unanimous; Nays: None. Chrmn. Turner did not vote as Chairman. **Motion Carried.**