



## Legislation Text

---

File #: 21-0006, Version: 1

---

### **CITY COUNCIL AGENDA ITEM**

#### **ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Section 3-3-11:1 of the Naperville Municipal Code setting the limit of available Class C - Tavern liquor licenses at five (requires six positive votes)

**DEPARTMENT:** Legal Department

**SUBMITTED BY:** Jennifer Lutzke, Senior Assistant City Attorney

#### **BOARD/COMMISSION REVIEW:**

On November 5, 2020, the Liquor Commission unanimously approved the proposed amendment.

#### **BACKGROUND:**

The City enacted the Class C - Tavern liquor license ("Tavern License") which allows for the sale of alcoholic liquor at establishments where the service of alcohol to be consumed on-premises is the primary purpose of the business, such as bars and pubs. The licensees are not required to serve food. A tavern can also sell alcoholic liquor to go. The Tavern License is currently capped at six licenses and the cap can only be increased by a supermajority vote of the City Council.

The City has issued Tavern Licenses to the following businesses:

1. White Tavern, 423 E. Ogden;
2. The Lantern, 8 W. Chicago Avenue;
3. Judd Kendall VFW Post 3873, 908 W. Jackson;
4. It's a Southern Thing, 1727 Freedom Drive, #121; and
5. Miss Kitty's Saloon, 634 E. Ogden Avenue.

In June 2020, the City acquired 333 Center Street, which included Orazio's Pub. Prior to the acquisition, Orazio's Pub held a Tavern License. This purchase allowed for a Tavern License to become available under the current cap. If the cap is not reduced, it would be available to any concept proposal that meets the licensing and location requirements.

#### **DISCUSSION:**

The Tavern License regulates establishments where the service of food is incidental to the service of alcoholic liquors. Historically, the City has limited the number of Tavern Licenses available to avoid a proliferation of bars and pubs throughout the City. Decreasing the cap of available Tavern Licenses will allow the City Council to review and consider any request for an increase in the number of available Tavern Licenses.

At its November 5, 2020 meeting, the Liquor Commission voted unanimously to recommend to the

City Council to decrease the cap of available Tavern Licenses to five. The Liquor Commission discussed that decreasing the cap would provide the City with greater oversight regarding approval of additional Tavern Licenses. Draft minutes from the November 5, 2020 Liquor Commission meeting are attached.

**FISCAL IMPACT:**

N/A