

Request for City Council Action

Date: August 27, 2013

Agenda Section: General Business No. 6	Originating Department: City Manager
Item: An Ordinance Amending Title Two (2) of the Carbondale Revised Code as it Relates to Options Allowing Catering Sale of Alcohol No. 6.3	Approved:

Background:

Southern Illinois University (SIU) previously possessed, through Chartwells Catering, a Class A1 and A2 liquor license which allows for the sale of alcoholic beverages in conjunction with food sales in the Arena, the Stadium and the Student Center. On October 23, 2012, the City Council amended Section 2-4-11.c.3 of the Carbondale Revised Code to allow for the catering of alcoholic beverages to events held in Shryock Auditorium, McLeod Theatre, Morris Library, the Law School, the Stone Center, the Student Center, the Student Health Center and the Dunn Richmond Economic Development Center.

Earlier this Spring, the University was notified by Chartwells Catering that they would not be renewing their campus-wide catering contract. The University has sought a replacement caterer, however no one has been signed to a contract. City and SIU staff have met and discussed how the loss of this contract will affect their ability to serve alcoholic beverages at the various approved locations. It has been determined that any Carbondale licensed liquor license holder that is approved for catering can be permitted to serve alcoholic beverages at the various approved locations using their individual license. However it was also determined that the list of approved locations where catering could occur does not include the Arena, Saluki Stadium, Charlotte West Stadium and Richard "Itchy" Jones Stadium.

Attached is a letter from the University requesting the City amend Section 2-4-11.c.3 to include the Arena, Saluki Stadium, Charlotte West Stadium and Richard "Itchy" Jones Stadium. This change would allow the University to contract with Carbondale licensed liquor license holders for the purposes of catering alcoholic beverages to the Arena, Saluki Stadium, Charlotte West Stadium and Richard "Itchy" Jones Stadium.

Recommended Action:

The City Council is requested to adopt the amendment to Title Two (2) of the Carbondale Revised Code as it Relates to Options Allowing Catering Sale of Alcohol.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2013-**

**AN ORDINANCE AMENDING TITLE TWO OF THE CARBONDALE REVISED CODE
AS IT RELATES TO OPTIONS ALLOWING CATERING SALE OF ALCOHOL**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 27TH DAY OF AUGUST, 2013**

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 28th day of August, 2013.

CERTIFICATE OF PUBLICATION

I, Jennifer Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 28th day of August, 2013.

Jennifer Sorrell, City Clerk

ORDINANCE NO. 2013-

AN ORDINANCE AMENDING TITLE TWO OF THE CARBONDALE REVISED CODE AS IT RELATES TO OPTIONS ALLOWING CATERING SALE OF ALCOHOL

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City of Carbondale regulates licensure and sale of alcoholic beverages within the City of Carbondale; and

WHEREAS, the City of Carbondale currently allows the establishment of catering licenses under Section 2-4-11 for liquor license holders; and

WHEREAS, Section 2-4-11C.3. catering licenses allow for catering at events on Southern Illinois University Carbondale properties as specifically listed; and

WHEREAS, Southern Illinois University Carbondale is requesting the locations allowing the caterer to sell alcohol pursuant to their license be increased to include Saluki Football Stadium and the Arena; and

WHEREAS, those two locations are not currently listed as locations allowing catering licensed events; and

WHEREAS, the City of Carbondale feels that it is in the best interest of the City of Carbondale to allow, with the consent of Southern Illinois University, caterers to sell alcoholic beverages at the Saluki Football Stadium and the Arena.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

SECTION 1. That Section 2-4-11C.3. of the Revised Code of the City of Carbondale is hereby amended to read as follows:

3. Limitations On Locations: A catering license for events on Southern Illinois University Carbondale properties shall be limited to the following locations: Lesar Law Building, Stone Center, Student Center, Student Health Center, Dunn Richmond Economic Development Center, McLeod Theatre, Morris Library, ~~and~~ Shryock Auditorium, Arena, Saluki Stadium, Charlotte West Stadium, and Richard “Itchy” Jones Stadium.

SECTION 2. That Section 2-4-2B of the Revised Code of the City of Carbondale is hereby amended to read as follows:

B. Exemption From State Prohibition: All City real property acquired through city, state, federal redevelopment acts and occupied by a holder of a liquor license at the time of acquisition, ~~and~~ the Civic Center, and the following properties on Southern Illinois University Carbondale campus: Lesar Law Building, Stone Center, Student Center, Student Health Center, Dunn Richmond Economic Development Center, McLeod Theatre, Morris Library, Shryock Auditorium, Arena, Saluki Stadium, Charlotte West Stadium, and Richard “Itchy” Jones Stadium, shall be exempt from the state prohibition against sale of delivery of alcoholic liquor in any building belonging to or under the control of political subdivisions of the state and the City may lease and license such premises for the sale of alcoholic liquor at retail in the premises. (Ord. 2007-38)

SECTION 3. All of the remaining sections of Title Two of the Carbondale Revised Code shall remain in full force and effect.

SECTION 4. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 5. The repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance, insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinance.

SECTION 6. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 7. That the City Council of the City of Carbondale finds that the subject matter of this ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 8. That this Ordinance shall be known as Ordinance No. 2013- of the City of Carbondale, Illinois, and shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Jennifer Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

August 12, 2013

Kevin Baity
Carbondale City Manager
200 South Illinois Avenue
PO Box 2047
Carbondale, IL 62902-2047

Dear Mr. Baity:

This letter serves as a request to amend the catering license within the city code and supersedes my request of August 5. The University is requesting to include four additional locations on campus at which a licensed business entity such as Boondocks will sell beer and wine by the glass at catered events as well as selected entertainment events. The four locations we wish to add are the Arena, Saluki Stadium, Charlotte West Stadium and Richard "Itchy" Jones Stadium.

As previously stated in my letter dated August 27, 2012, we will only offer this service in a controlled environment and sales would only occur during select events. Thank you for your consideration of our request. I can be reached by phone at 453.3496 or via email at loris@siu.edu.

Sincerely,



Lori Stettler
Assistant Vice Chancellor for Auxiliary Services

Cc: Kevin Bame, Vice Chancellor for Administration and Finance