



**AGENDA**  
**COMMITTEE OF THE WHOLE MEETING**  
**MONDAY, MAY 2, 2016**  
**NORTH AURORA VILLAGE HALL - 25 E. STATE ST.**  
(Immediately following the Village Board Meeting)

**CALL TO ORDER**

**ROLL CALL**

**AUDIENCE COMMENTS**

**TRUSTEE COMMENTS**

**DISCUSSION**

1. Discussion of Allowing Liquor in North Aurora Riverfront Park

**TRUSTEE COMMENTS**

**EXECUTIVE SESSION**

**ADJOURN**

Initials SB

# Memorandum



**To:** Village President and Village Board of Trustees  
**From:** Steven Bosco, Village Administrator  
**Date:** 4-27-16  
**Re:** Liquor in North Aurora Riverfront Park

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Now that the Village has accepted the transfer of North Aurora Riverfront Park from the Fox Valley Park District, staff has continued discussions on ways to bring people to the riverfront. As such, staff continued to work with the Village Attorney relative to the process to allow liquor at events in the park, such as the North Aurora River District Alliance's (NOARDA) Rhythm on the Riverfront summer concert series, should the Village Board choose to allow it. Attorney Drendel has provided a detailed memorandum on the topic which is attached for your review.

Should the Village Board choose to allow liquor in the park, staff and Attorney Drendel believe a limited approach may make the most sense. In this sense, the Village could limit liquor in North Aurora Riverfront Park to only being allowed during Village sponsored events. A Village sponsored event definition could be defined as: "an event in which the Village provides staff time, promotion of the event and/or financial support and the Village Board approves a resolution designating the one-day or multi-day event as sponsored by the Village." The ordinance that would allow liquor at a Village sponsored event in North Aurora Riverfront Park could include allowing people to bring their liquor into the park or allow the Village to hire businesses with existing state liquor licenses to sell or provide liquor for specific events. The type of liquor could also be limited to beer and wine only.

By the aforementioned definition, NOARDA's three concerts held on the second Thursday of June, July and August would be considered a Village sponsored event if the Village passed a resolution designating it as Village sponsored, since the Village is working to help promote the event through hanging NOARDA event banners on the State Street Bridge and partnering with NOARDA in efforts to bring people to the riverfront. As of now NOARDA's concerts are the only events planned in the park this year. Staff plans to work with the Village Board and NOARDA in the future on other possible events and attractions to the riverfront.

Staff does not have any concerns with allowing liquor in the park on a limited basis. The Village's insurance policy already provides coverage for issues stemming from people bringing their own liquor to the park. It appears that the insurance may also cover the Village if the Village was the one distributing the liquor at a Village sponsored event; however, a more likely scenario might be the Village hiring a company with a state liquor license and their own insurance to sell or distribute liquor at a Village sponsored event.



## Intra Office MEMORANDUM

TO: STEVE BOSCO / Village of North Aurora / Liquor

FROM: KEVIN G. DRENDEL

DATE: April 26, 2016

RE: Options for liquor on Village property

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Steve Bosco and I met and discussed various options for allowing liquor on Village property, and specifically the Riverfront Park, after acquisition of title to the Park from the Park District. This memo is meant to address the options, with some of the benefits and disadvantages for each option, so that the Board can consider them and determine the course of action the Board wants to follow. First of all, however, we need to address some preliminary things.

As a general proposition, no liquor is allowed in municipal buildings or on municipal property, except as specifically allowed by Ordinance. Therefore, in order to allow liquor at Riverfront Park (or in/on any Village-owned property), we would need to allow it by amendment to our Liquor Code provisions. Further, municipalities often make provision for liquor to be sold, possessed and consumed on Municipal property in conjunction with municipal/community “fairs” or similar events. With that background in mind, following are the options that we might consider:

- (1) Designating the Village Property on which Liquor may be Possessed, Sold and Consumed  
 Since we are acquiring Riverfront Park and considering the possibility of allowing the possession, sale and consumption of liquor in Riverfront Park, this would be a good time to decide if we want to allow liquor of any other Village owned property. This memo will only focus on the Riverfront Park, however.
  
- (2) Under what Circumstances will we allow Possession, Sale and Consumption of Liquor on Village Property?  
 The next consideration involves the extent to which we want to open up Riverfront Park to the possession, sale and/or consumption of liquor. We need to consider to what extent we want to maintain control. It may be difficult to open the door only slightly. If we allow one group, we will have a difficult time excluding any other group. As I see it, the options are the following:
  - A. No alcohol whatsoever;
  - B. Alcohol only in conjunction with Village-sponsored community events for which an appropriate liquor license is obtained; or
  - C. Alcohol allowed for any non-profit event for which an appropriate liquor license is obtained; or
  - D. Allow alcohol at all times.
  
- (3) Licensing Options  
 We control the possession, sale and consumption of alcohol locally through our ordinance and liquor licenses. We could simply allow people to have alcohol in the park at any time (or at



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prescribed times) under our general authority by expressly stating so in our Code (with or without conditions). (I note that Canton, OH was recently in the news for opening up a section of downtown to open containers of alcohol (<http://www.cantonrep.com/news/20160411/cantons-open-container-proposal-creates-buzz>). If we want to do that, we would need to create the parameters and limitations that apply. Aside from that idea, the options are as follows:

- A. Special Event Liquor License. We can allow non-profits to obtain a special event liquor license for the purpose of conducting *a special event* on Village property that includes the sale of alcohol. An example would be the Lions Club, the Mothers' Club, or NOARDA having an event at Riverfront Park at which they sell alcohol. The non-profit organization would obtain the alcohol from a retailer or wholesaler, and sell it themselves.

If we allow non-profits to use the Park this way, we could not easily allow some non-profits to do this and not others. If we limited the special events to Village-sponsored events, I think we could defend the limitation (after all, it is our property). We would still need to define what a "Village-sponsored" event is.

- B. Special Use Liquor License. We can allow liquor to be sold by retailers who obtain a special use license that allows them to transport alcohol to Village property to be sold in conjunction with *a special event*. An example would be any of the above organizations contracting with a liquor retailer (like Oak Street Restaurant, Turf Room etc.), and having the liquor retailer sell the alcohol at the event.

We could limit the events to non-profit events or to Village-sponsored events, or we could open it up to private events that are not non-profit events.

- C. BYOB. We could allow persons to bring their own alcohol into the park under certain circumstances. For instance, it could be limited to Village-sponsored events or non-profit special events, in which case, the non-profit organization sponsoring and overseeing the event would obtain a special event license that would allow participants to bring their own liquor into the park and consume it.

One caution here is that the State Special Event License provides that the non-profit organization will obtain the alcohol and sell it. In other words, the State special event license does not make provision for BYOB; therefore, there is some question whether we could allow it pursuant to a special event license.

Another alternative would be simply to allow it in the Park by designating the Park as a place where people can possess and consume liquor, generally, or in conjunction with special events, but there would be no organization supervising or responsible for the liquor possession and consumption. It would fall directly on the Village.

- (4) Parameters of Liquor Possession, Sale and Consumption.

We should also consider the parameters and possible limitations on possession, sale and

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consumption of liquor on Village property. For instance, we currently allow special events and special use licenses to be used for the sale of liquor at special events outside, but only under certain limitations, which include the requirement of an enclosed area where the liquor is possessed, sold and consumer. Should we apply that same requirement to the consumption of liquor at Riverfront Park?

On the one hand, requiring a designated enclosed area makes the liquor possession, sale and consumption easier to police, to contain and to control. On the other hand, it may not be nearly as convenient in Riverfront Park to have an enclosed designated area as it would be at Clock Tower Mall, in the parking lot of Oak Street, the School House, the Turf Room, or similar places where buildings might form part of the barrier. On the other hand, Riverfront Park is, itself, somewhat separated off from other areas. With the mill race and State Street and the river, there are natural boundaries on three sides with somewhat limited access points from the South and the North. We could, perhaps, make an exception to the requirement of a designated enclosed area with Riverfront Park.

Still, policing, containment and control will be an issue. For Village-sponsored events we could, perhaps, provide officers, on-duty or off-duty, and/or CERT volunteers to help with the policing, supervision, and containment. We could also make that a requirement that anyone holding an event at Riverfront Park would have to pay for some policing, perhaps.

We should consider all of these things as we contemplate how we might open up Riverfront Park (or any other Village property) to the possession, sale and consumption of alcohol. My own inclination about it, taking potential liabilities and issues into account, is that we should probably start slow and limit the consumption, sale and possession of alcohol to certain defined circumstances and see how it goes. We could open up Riverfront Park to the possession, sale and consumption of alcohol only in conjunction with Village-sponsored, community events. For instance, the NOARDA Concerts In The Park may be the type of event that would make sense. NOARDA is a quasi-Village organization. Sponsorship might mean that we are committing some funds or personnel (like police) to the event. I think it would have to be more than simply putting our name on the event.

Some of the issues that we need to take seriously are how we define who can use the Park in conjunction with the sale of alcohol without running afoul of First Amendment speech, freedom of assembly, and other issues. Again, if we crack the door open to all non-profits or to private organizations, it is difficult for us to keep the door from swinging open wide. If we open up the Park on a legitimately limited basis, to community gatherings promoted and sponsored by the Village (for instance), it is easier to keep the door from swinging open wide.