



WHERE COMMUNITY AND SPIRIT MEET®

WORK SESSION MINUTES

A work session of the Kirkwood City Council was held on December 15, 2022 at 5:30 p.m. at Kirkwood City Hall, 139 S. Kirkwood Road, Kirkwood, Missouri. Present were Mayor Griffin, Council Members Gibbons, Luetzow, Sears, Ward and Zimmer. Also in attendance were Chief Administrative Officer Russell Hawes, City Clerk Laurie Asche, Public Services Director Bill Bensing, Planning and Development Services Director Jonathan Raiche and City Attorney John Hessel. Council Member Duwe was absent and excused.

APPROVAL OF THE DECEMBER 8, 2022 WORK SESSION MINUTES

Motion was made by Council Member Zimmer and seconded by Council Member Luetzow to approve the December 8, 2022 Work Session minutes. The motion was unanimously approved.

UPDATE ON ALCOHOL LICENSE DISCUSSION

Planning and Development Services Director Jonathan Raiche and City Attorney John Hessel presented proposed Code changes pertaining to direction from the City Council regarding liquor license and food requirements. Some of the information presented and discussed is as follows:

- **Food Service Requirement:** Staff has identified that there is a lack of clarity with the current language in Section 3-59. Staff recommends that the City Council revise Section 3-59 to one of the two redlined options provided below to provide clarity as to the intent of the provision:
 - Option 1 – Allow all liquor by the drink categories only in restaurants
 - Option 2 – Allow beer and/or wine by the drink in any business and all liquor only in restaurants
 - If option 1 is chosen, this would keep the status quo and only allow various alcohol by the drink licenses at establishments that can meet the definition of a restaurant found in Chapter 3 of the Code. If option 2 is chosen, this will provide any business establishment to obtain a license to sell beer and/or wine by the drink which would address some of the business inquiries that Staff has received including, but not limited to, a wine store and a pet store/lounge; however, these establishments would be limited to beer and/or wine by the drink.
 - It was the consensus of the Council to go with Option 1.

- **50% Food Sales Requirement:** Potential revisions to the requirements in Section 3-31 which currently requires that a restaurant, as defined in Chapter 3, derives at least 50% of its gross income from the sale of prepared meals or food consumed on the premises where sold:
 - Option 1 – Include non-alcoholic beverages in the 50% calculation in Sec. 3-31
 - Option 2 – Include non-alcoholic beverages in the 50% calculation, add reference to non-prepared food, and remove “consumed on premises” clause in Sec. 3-31
 - Both options would accommodate establishments like coffee shops, but option 2 would also accommodate grocery stores or other stores that specialize in packaged/non-prepared food items.
 - It was the consensus of the Council to go with Option 2.

- **Craft Brewery, Craft Winery, Craft Distillery License:** During the 2021 Zoning Code amendments, a new land-use category of “Craft brewery, winery, or distillery” was added to the Code which includes the ability to provide on-site sale

and consumption. This was identified as a land-use that was not specifically addressed by our Code but that has become common in many communities and desirable in Kirkwood. To fully address this use, the liquor licensing regulations must also be revised:

- Revise Section 3-31 to add a definition for “Craft brewery, winery, or distillery”
- Revise Section 3-61 to add a new license category as follows:
Intoxicating liquor by the drink for malt liquor, wine, or other intoxicating liquor served at a properly licensed craft brewery, winery, or distillery.
It was the consensus of the Council to go with both of these proposed revisions.

Legislation will be drafted with the Code revisions for Council consideration.

MOTION TO CLOSE THE MEETING

Motion was made by Council Member Ward and seconded by Council Member Zimmer to close the meeting pursuant to RSMo Chapter 610.021 (1 – Legal & Approval of Closed Session Minutes).

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

The meeting was closed.

MOTION TO OPEN THE MEETING

Motion was made by Council Member Sears and seconded by Council Member Zimmer to open the meeting.

Roll Call:

Mayor Griffin	“Yes”
Council Member Sears	“Yes”
Council Member Ward	“Yes”
Council Member Zimmer	“Yes”
Council Member Duwe	Absent
Council Member Gibbons	“Yes”
Council Member Luetzow	“Yes”

The meeting was opened. There being no further matters to come before the council, the meeting was adjourned.