

Local Liquor Control Commission Meeting May 22, 2018 (Tuesday, May 22, 2018)

Generated by Jennifer R Sorrell on Tuesday, May 29, 2018

Commissioners present

Commissioner Jeff Doherty, Commissioner Tom Grant, Commissioner Carolin Harvey, Commissioner Navreet Kang, Commissioner Adam Loos, and Chairman John M Henry

Commissioners absent

Commissioner Jessica Bradshaw

Meeting called to order at 6:18 PM

Prior to the start of the Liquor Control Commission Meeting at 6:19 p.m., City Engineer Carl Bailey received the APWA "Technician of the Year" Award for his efforts to ensure the completion of the first portion of the downtown streetscape prior to the start of the 2017 Eclipse. The Carbondale Fire Fighter Oath of Office was administered to the newest firefighter, Caleb Mallady. Many years of service and dedication to the City were recognized and commended for Assistant Fire Chief Terril Kaufman, Assistant Fire Chief Doug Biggs, and Fire Chief Ted Lomax.

1. Preliminaries to the Local Liquor Control Commission Meeting

Procedural: 1.1 **Roll Call**

Action: 1.2 **Approval of Local Liquor Control Commission Meeting Minutes from April 10, 2018**

MOTION: Approve the minutes of the Local Liquor Control Commission Meeting of April 10, 2018

Motion by Tom Grant, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

2. General Business of the Local Liquor Control Commission

Action: 2.1 **Consideration of the Hearing Officer's Report and Recommendation In Re Stix Bar, LLC 2018-01**

City Attorney Lenoard Snyder and attorney Alfred Sanders were present to speak on behalf of the City and the licensee, Stix Bar, LLC, respectively. Attorney Snyder presented his arguments in support of the charges and Attorney Sanders presented his arguments in mitigation of the charges. Each then rebutted the statements of the other.

The Commission discussed the recommendation regarding the east or rear entrance to the building, whether the underage individuals were cited, discussed an appropriate length of suspension, why Elizabeth Knoob did not testify during the hearing, whether there were any planned events during the timeframe identified for suspension, the customer usage of the east

door, whether to require modifications to the east door, an appropriate timeframe for resolving the issue, and suggestions regarding how to resolve the issue of over-occupancy.

Charge One

MOTION: Accept the Hearing Officer’s recommendation for Charge One – Permitting a person under nineteen to enter and remain within the licensed premises – a \$750.00 fine plus the cost of proceedings.

Motion by Navreet Kang, second by Jeff Doherty.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Charge Two

MOTION: Accept the Hearing Officer’s recommendation for Charge Two – Permitting a person under nineteen to enter and remain within the licensed premises – a \$750.00 fine plus the cost of proceedings.

Motion by Jeff Doherty, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Suspension

MOTION: Suspend the liquor license for Stix Bar, LLC, for a two-week period beginning at 2:00 a.m. on Monday, June 18, and ending at 2:00 a.m. on Monday, July 2.

Motion by Jeff Doherty, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Navreet Kang, Adam Loos, John M Henry

Nay: Carolin Harvey

Charge Four

MOTION: Accept the Hearing Officer’s recommendation for Charge Four – Exceeding Permitted Occupancy – a \$750.00 fine plus the cost of proceedings.

Motion by Navreet Kang, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Modify East Entrance to Emergency Exit

The Commission did not act on the recommendation from the Hearing Officer with regard to modifying the east door to an emergency exit only.

The 2018 Historic Preservation award was presented to Mr. K.K. Collins for the restoration and preservation of the Shelton House at 601 West Oak Street.

Action: 2.2 Review of Third Quarter Reports from the Police Department and Development Services for License Year 2017-2018 (January – March)

MOTION: Accept and place on file the Third Quarter Reports for Liquor License Year 2017-2018

Motion by Navreet Kang, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Action: 2.3 Consideration of Renewal Applications for the 2018-2019 Liquor License Year

MOTION: Approve the renewal of the liquor licenses in one motion, excluding Stix, Hollywood Lounge, Key West, and Saluki Bar/Levels, contingent upon receipt of all outstanding items

Motion by Navreet Kang, second by Adam Loos.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Applications considered separately

Key West

The Commission asked the applicant about changing the classification of the B2 license to a B3 license. Scott Uffelman indicated that although he would prefer to keep a B2, he understands the rationale why it should be changed. City Attorney Snyder recommended changing the classification to a B3, noting that the applicant can later change back to a B2 if the establishment meets the minimum percentage criteria. The Clerk noted that the applicant had the property distance surveyed and submitted it to the City. The Commission inquired about any impediments with the Illinois Gaming Board and the availability of B2 licenses should the applicant seek to transfer classifications.

MOTION: Approve the liquor license application for Key West as a Class B3, contingent upon receipt of all outstanding items

Motion by Adam Loos, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Hollywood Lounge

The Commission discussed the matter of control of the premises and building, advertisement issues, a shooting, and pending charges filed against the licensee. The City Attorney responded to questions regarding criminal charges and modifying the term of an approved license. There was further discussion on an appropriate way to phrase the motion and what information the Commission was seeking from the applicant.

Commissioner Loos moved that the application for the renewal of the Class B2 liquor license for Hollywood Lounge be set for hearing on nonrenewal of the license. The motion died for lack of a second.

MOTION: That the application for renewal of the Class B liquor license for Hollywood Lounge be set for hearing and that proper notice be sent to the applicant.

Motion by Adam Loos, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Saluki Bar/Levels

The Commission discussed the matter of amplified sound in the beer garden at Saluki Bar/Levels. It was noted that the Commission has the prerogative to set requirements upon the beer garden, including the prohibition of amplified sound. There followed discussion regarding complaints received about amplified sound from the location and differing opinions were expressed about how best to mitigate those issues, including prohibiting amplification of sound, utilizing codified standards based on decibels, whether the matter of excessive amplified sound could be addressed by the nuisance ordinance, and a host of other possible alternatives. The matter of due process was deliberated.

City Manager Williams and City Attorney Snyder responded to the Commission regarding setting appropriate decibel levels, measurement techniques, the enforcement thereof, and possible outcomes. City Attorney Snyder suggested that the licensee be given an opportunity to present evidence as to why the beer garden should be allowed to operate with amplified sound.

Ann Gaylord remarked on the need to calibrate decibel meters and noted that the matter of excessive noise may be a violation of OSHA regulations.

Elius Reed asked the Commission not to be too hard on the bars.

MOTION: Approve the renewal of Saluki Bar/Levels liquor license with a prohibition of amplified sound in the beer garden

Motion by Jeff Doherty, second by Navreet Kang.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Carolin Harvey, Navreet Kang

Nay: Tom Grant, Adam Loos, John M Henry MOTION FAILS

MOTION: Set a hearing on the question of renewal for Saluki Bar/Levels, specifically that the applicant be noticed that the matter of the amplified sound will be considered.

Motion by Adam Loos, second by Jeff Doherty.

Final Resolution: Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

Stix

MOTION: Set a hearing on the question of liquor license renewal for Stix Bar, LLC

Motion by Adam Loos, second by Navreet Kang.

Motion Carries

Yea: Jeff Doherty, Tom Grant, Carolin Harvey, Navreet Kang, Adam Loos, John M Henry

3. Citizens' Comments for the Local Liquor Control Commission

Donald Monty remarked that the Liquor Advisory Board, during their review of renewal applications, raised a suggestion to institute a penalty for delinquent submission of applications.

4. Adjournment of the Local Liquor Control Commission

Procedural: 4.1 **Time of Adjournment for Local Liquor Control Commission**

The Local Liquor Control Commission adjourned at 8:28 p.m.

Jennifer R. Sorrell, City Clerk

Date