



LOCAL LIQUOR CONTROL COMMISSION
August 18, 2009

The Local Liquor Control Commission held a meeting on Tuesday, August 18, 2009, in City Council Chambers, Room 108 of the Civic Center, 200 S. Illinois Avenue. Chairman Brad Cole called the meeting to order at 7:00 p.m. with the following-named members of the Commission present/absent:

1. Roll Call

Present: Commissioner Chris Wissmann, Commissioner Steven Haynes, Commissioner Joel Fritzler, Commissioner Lance Jack, Commissioner Corene McDaniel, Commissioner Mary Pohlmann and Chairman Brad Cole

Absent: None

Also present were City Clerk Janet M. Vaught, City Manager Allen Gill and various members of the City's administrative staff.

2. Approval of Minutes

S. Haynes moved, C. McDaniel seconded, that the Commission approve the minutes of the Liquor Control Commission meeting held on July 21, 2009. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried.

3. Consideration of Application for a Class B2 liquor license for Stix Bar LLC d/b/a Stix, 517 South Illinois Avenue

Discussion on this item was recorded and transcribed by a Certified Court Reporter.

City Clerk Janet Vaught noted that the application had been reviewed by the Liquor Advisory Board on August 13 and was recommended for approval contingent upon receipt of outstanding items. She said Knoob Enterprises appealed the non-renewal of the liquor license at this location, which appeal remains pending. As such, the Commission would be precluded from granting a license to Stix Bar LLC at this same location. Therefore, the Liquor Advisory Board's recommendation for approval is also contingent upon the availability of a license at this location. Other outstanding items are certificate or incorporation or certificate of good standing, retailer's occupation tax number, proof of dram shop and liability insurance, affidavit of server training and approval from the Health Department.

Applicant Robert Delre was present to answer questions. Mr. Delre indicated he had nothing to present at this time.

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Chairman Cole said the issue that concerns him the most is that there is already a license that has been issued for this location and as he understands the case law as it relates to liquor licenses, it was determined that a licensee has a property right to a license. Since the license is on appeal to the State at this location and the business is currently operating under a State license, even though it does not have a local license but is operating upon a Stay issued by the State Liquor Control Commission, he is unsure what action the Commission can take at this meeting.

Albert Sanders, the attorney for Knoob Enterprises, read a statement from Greg Knoob of Knoob Enterprises indicating that his attorney (Sanders) had provided the City with his (Knoob's) signed unilateral contract which, among other things, waives any claims against the City which he might have or ever could have against the City for the issuance of the new license to Mr. Delre. In Knoob's statement read by Attorney Sanders, Mr. Knoob said he stands by that written offer and asked that the City approve the license for Mr. Delre.

In response to Chairman Cole's inquiry, Mr. Sanders said he did not have a copy of the statement to provide to the Commission at this meeting. He reiterated that Mr. Knoob is willing to not initiate any new appeals, carry any appeals forward or file any more lawsuits. He added that his understanding that the only action that could be raised against the City for a property right would be from Mr. Knoob and the document submitted waives any claims against the City for issuing that license. Chairman Cole noted that the Commission has not received a copy of the document purported to have been provided by Mr. Sanders.

Chairman Cole asked Attorney Sanders if what Mr. Sanders is saying is that his client (Knoob) will forego any further action on his current license at 517 South Illinois Avenue once the license is issued to Mr. Delre at the same address. Attorney Sanders said no, adding that what they are saying is that they will suspend all actions until the State issues theirs - during the time span between the time the City issues its license and the time the State issues its license, they will not go forward with anything. Once the second license is issued, said Mr. Sanders, at that point the document submitted says Knoob will drop his appeal, drop the temporary restraining order and relinquish the license and all of his property rights to the license.

Mayor Cole asked if Mr. Sanders is acknowledging there is a property right to the license, how can the City issue a second license to the same establishment. Mr. Sanders said Knoob would be holding the City harmless for damages that he might have based on that. Chairman Cole asked if there is some reason Mr. Knoob would not relinquish the license now so Mr. Delre could more clearly and freely obtain the license. Mr. Sanders responded that there are still things outstanding on the issuance of the license to Delre and if Knoob relinquishes the license, the license would have to close for the time period between when the license is relinquished and when the new City license is issued to Delre and he can obtain his state license.

In response to Chairman Cole's inquiry, applicant Robert Delre said his lease on the establishment is contingent upon his obtaining a liquor license. He does not begin paying rent until he has a liquor license in his hand. He said he told Knoob that it would be easier if he (Knoob) would just give up the liquor license but he can't force him to do anything.

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L. Jack moved, J. Fritzler seconded, that the Commission approve the issuance of a Class B2 liquor license for Stix Bar LLC d/b/a Stix, 517 South Illinois Avenue, pending receipt of all outstanding items and contingent upon the availability of a license at this location. DISCUSSION: Attorney Kimmel clarified that the availability of a license at this location would mean that the State Liquor Control Commission would have to determine that the Local Liquor Control Commission was correct in denying Knoob's renewal application or that Knoob would have to withdraw his application for renewal of the license and his appeal. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler and M. Pohlmann. Nays: C. McDaniel and B. Cole. Motion declared carried.

4. Consideration of Final Reports for Liquor License Year 2008-2009 from the Police Department, Fire Department and Building and Neighborhood Services

C. Wissmann moved, L. Jack seconded, that the Final Reports for Liquor License Year 2008-2009 from the Police Department, Fire Department and Building and Neighborhood Services be accepted and placed on file. VOTE: Ayes: C. Wissmann, S. Haynes, L. Jack, J. Fritzler, C. McDaniel, M. Pohlmann and B. Cole. Nays: None. Motion declared carried.

5. Adjournment

There being no further business to come before the Commission, Chairman Cole declared the meeting adjourned at 7:25 p.m.

Janet M. Vaught
City Clerk

Approved by the Commission on:
