



LOCAL LIQUOR CONTROL COMMISSION July 15, 2014

The Local Liquor Control Commission held a meeting on Tuesday, July 15, 2014, in City Council Chambers, Room 108 of the Civic Center, 200 S. Illinois Avenue. Chairman Donald Monty called the meeting to order at 7:01 p.m. with the following-named members of the Commission present/absent:

1. Roll Call

Present: Commissioner Jane Adams, Commissioner Lee Fronabarger, Commissioner Jessica Bradshaw, Commissioner Carolin Harvey, and Chairman Donald Monty

Absent: Commissioner Corene McDaniel

Also present were City Clerk Jennifer Sorrell, City Manager Kevin Baity, and various members of City Staff.

2. Approval of Minutes from June 10, 2014

Commissioner Harvey moved, Commissioner Fronabarger seconded, to approve the minutes from June 10, 2014. DISCUSSION: None. VOTE: Ayes: J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and D. Monty. Nays: None. Motion declared carried.

3. Consideration of an Application for a Beer Garden/Outdoor Café at S & B's Burger Joint at 1237 East Main Street

Commissioner Adams moved, Commissioner Bradshaw seconded, to approve the application for a Beer Garden/Outdoor Café at S & B's Burger Joint at 1237 East Main Street, pending receipt of all outstanding items. DISCUSSION: Chairman Monty requested clarification regarding the boundaries of the beer garden from the driving surface. The business manager, Susan Schmidt and the Development Services Director responded. Commissioner Harvey questioned if noise levels from the beer garden were a concern. Commissioner Fronabarger asked about the entrances for the beer garden. Ms. Schmidt responded to these queries. VOTE: Ayes: J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and D. Monty. Nays: None. Motion declared carried.

4. Consideration of an Application for a Class B2 Liquor License from Matt Chumbler d/b/a Lucky 13 at 2355 Sweets Drive Suite I

5. Consideration of an Application for a Class B2 Liquor License from Noah's Lounge LLC d/b/a Noah's Lounge at 104 West Jackson Street

6. Consideration of a Request to Reclassify a Liquor License from A2 to B2 for Nytefire Ventures, LLC d/b/a Underground Barrel Room and Grill at 717 South University Avenue

As agenda items 4, 5, and 6 relate to requests for Class B licenses, and as there are only two Class B licenses currently available, the Commissioners reviewed and discussed each item before taking any form of action.

Matt Chumbler d/b/a Lucky 13

After Mr. Chumbler provided an explanation of the type of establishment he hoped to operate, the

Commission asked Mr. Chumbler about his anticipated date of opening, the proposed operating hours, and the anticipated breakdown of sales.

Further, the Commissioners noted the previous action of the Commission in denying a request for a Class A license for a similar business, expressed concern regarding the precedent in approving a license on future applications for similar establishments, discussed the appropriateness of video gaming under the current classification system, suggested looking in to whether a special classification for video gaming would be merited, requested that Staff research how and what other cities have done, suggested raising the B cap to approve this license, asked if it would be possible to grant the application as a B2 license and have the applicant change classification if a video gaming license was created, and asked if there was any requirement to grant applications in the order in which they are received. City Attorney Kimmel responded to the latter item.

Noah's Lounge LLC d/b/a Noah's Lounge

Sandra Farr and Norah Harris were present to respond to questions from the Commission. The Commission asked about the applicants' background in alcohol sales, the anticipated date of opening, the closure date of the previous establishment, the plans for entertainment at the new establishment with concern expressed with respect to occupancy, and any future plans for a beer garden at the location. Ms. Harris responded to the Commission's questions.

Nyrefire Ventures, LLC d/b/a Underground Barrel Room and Grill

Marty Davis of the Underground Barrel Room and Grill provided explanation for requesting a reclassification from an A2 license to a B2 license.

The Commission remarked that the strict enforcement of a 51% minimum food and nonalcoholic beverage requirement for restaurant licenses may be inappropriate due to changing dining habits and could penalize legitimate restaurants. It was suggested that the restaurant classification be discussed by the Liquor Advisory Board and City Council and that review of other cities' requirements was warranted. The Commission discussed from where the minimum food and beverage requirement originated. With respect to the minimum entry age requirement for Class B licenses, the applicant was questioned if he would still want this modification and the City Clerk provided clarification for which licenses the legal entry-age applied. Mr. Davis asked that the Council to reconsider the minimum food percentage requirement. The applicant indicated that they had hoped to be open the previous week but have been delayed due to remodeling. The Commission remarked on underage and over-consumption awareness training, and asked about how the minimum requirement was reported and enforced.

Lance Jack, owner of Fat Patties, commented on the restrictiveness and impact of the minimum 51% food and nonalcoholic beverage requirement on current businesses and on businesses who might consider coming to Carbondale. He also noted that in the past two years, liquor reporting requirements to the State have changed; the distributors report what they've sold to each establishment and the business also reports their wholesale costs monthly.

Marty Davis of the Underground Barrel Room and Grill, in response to the Commission's interest in having the Liquor Advisory Board discuss the 51% requirement, requested that the Commission table his request for reclassification until that discussion has been heard.

Commissioner Adams suggested having discussion regarding either raising the number of bar licenses or eliminating the cap on licenses and recommended Staff look at comparatives from other cities. Chairman Monty indicated that a separate category for video gaming should also be considered.

Commissioner Bradshaw moved, Commissioner Harvey seconded, to defer action on the reclassification

of a liquor license for Nytefire Ventures, LLC d/b/a Underground Barrel Room and Grill from A2 to B2. VOTE: Ayes: J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and D. Monty. Nays: None. Motion declared carried.

Continued Discussion and Vote on a Class B2 license for Matt Chumbler d/b/a Lucky 13

Commissioner Bradshaw moved, Commissioner Adams seconded, to approve the application for a Class B2 liquor license to Matt Chumbler, d/b/a Lucky 13, at 2355 Sweets Drive Suite I, contingent upon receipt of all outstanding items.

Commissioner Monty noted he would prefer to consider this application as a separate gaming classification to avoid any complication for future applicants. Commissioner Harvey queried if a new classification is established, if this applicant would be required to apply for the new class. City Attorney Kimmel replied. VOTE: Ayes: J. Adams, L. Fronabarger, C. McDaniel, J. Bradshaw, and C. Harvey. Nays: D. Monty. Motion declared carried.

Continued Discussion and Vote on a Class B2 Liquor License for Noah’s Lounge LLC d/b/a Noah’s Lounge

Commissioner Adams moved, Commissioner Bradshaw seconded, to approve a Class B2 license for Noah’s Lounge, LLC d/b/a Noah’s Lounge, contingent upon receipt of all outstanding items. VOTE: Ayes: J. Adams, L. Fronabarger, J. Bradshaw, C. Harvey, and D. Monty. Nays: None. Motion declared carried.

6. Citizens Comments and Questions

Lance Jack, owner of Fat Patties, suggested that it would be wise to discuss eliminating or raising the cap on Class B licenses and to consider making Class A licenses more flexible. He feels that the City has some restrictions that make Carbondale prohibitive to business. Elimination of the cap would allow the market to dictate how many restaurants and bars Carbondale can support.

Chairman Monty summarized the requests by the Commission for Staff. 1) Look at a separate classification of liquor license for video gaming, 2) Look at the boundary line/distinction between bar and restaurants, 3) Consider whether or not to lift the cap on B licenses, using comparisons to other municipalities, 4) Find out additional details on monthly state filings regarding purchase of liquor at wholesale, and 5) Consider what will the reporting mechanism be for a restaurant license. Discussion as to when these matters should go before the Liquor Advisory Board and the prioritization of the items followed.

7. Adjournment

There being no further business to come before the Local Liquor Control Commission, Chairman Monty declared the meeting adjourned at 8:25 p.m.

Date Approved

Jennifer Sorrell, City Clerk