



LOCAL LIQUOR CONTROL COMMISSION March 3, 2015

The Local Liquor Control Commission held a meeting on Tuesday, March 3, 2015, in City Council Chambers, Room 108 of the Civic Center, 200 S. Illinois Avenue. Chairman Donald Monty called the meeting to order at 7:02 p.m. with the following-named members of the Commission present/absent:

1. Roll Call

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

Absent: None

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

2. Approval of Minutes from January 27, 2015

J. Adams moved, C. McDaniel seconded, to approve the minutes of January 27, 2015. DISCUSSION: None. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried.

3. Application to Reclassify a Class B2 Liquor License to a Class B3 Liquor License (Video Gaming Establishment with On-Premises Consumption) for Matt Chumbler d/b/a Lucky 13

Matt Chumbler was present to answer questions from the Commission and explained his reason for applying for the requested transfer. L. Fronabarger moved, C. Harvey seconded, to approve the reclassification of a Class B2 license to a Class B3 license for Matt Chumbler d/b/a Lucky 13 at 2355 Sweets Drive Suite I. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried.

4. Application for a Class B3 liquor license (Video Gaming Establishment with On-Premises Consumption) for Little Vegas Gaming, LLC d/b/a Little Vegas at 704 East Walnut Street

Trace Brown was present to respond to questions from the Commission. L. Fronabarger asked if there was an issue with the bathroom for the location. Mr. Brown indicated that a sink would need to be moved to meet accessibility standards. D. Monty recalled an interpretation of the Code which suggested two bathrooms were needed and Mr. Brown stated that with the establishment having only nine seats, that only one restroom would be necessary. J. Adams moved, L. Fronabarger seconded, to approve the application for a Class B3 liquor license for Little Vegas Gaming, LLC d/b/a Little Vegas at 704 East Walnut Street. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried.

5. Consideration of an Application for a Class B2 liquor license for MLK Enterprises, LLC d/b/a Wild Deuces/Mr. Lucky's at 201 East Main Street

Clerk's Note: The minutes are, as always, a summary of the action taken. The following is not a verbatim transcript, although the audio and video for the Liquor Commission are available both on the City's website and in the City Clerk's Office.

Richard Brizendine was present, as the representative for MLK Enterprises, to respond to questions from the Commission. D. Monty noted that the City and Commission, at the previous Liquor Commission meeting, requested additional information, to which Mr. Brizendine submitted a responsive letter dated January 30, 2015. D. Monty asked if he would be willing to respond to additional questions and Mr. Brizendine asked to make a statement prior to the additional questions.

Richard Brizendine, indicated that he believed confusion has arisen between the City and himself regarding the documents he has filed. He indicated the applicant is considering actions against the Assistant City Attorney and expressed his belief that it would be inappropriate for Mr. Snyder to make any statements this evening. Mr. Brizendine noted that he had provided updated copies of maps for the two applications, explained that the building holds three addresses, that efforts to reclassify the building with one address are underway, and indicated that he believed that with his letter from January 30 and the updated maps, he had provided clarification with regard to ownership.

D. Monty questioned Mr. Brizendine about the following:

The resident manager Shaun Kocel and the address where he lives;

If GLH Enterprises holds other liquor licenses other than the one held by MLK Enterprises, LLC;

Whether the applicant, any member of the LLC, or corporate parent company runs any other liquor licensed establishments, and if so, under what names and where;

Whether Mr. Hamilton would be opposed to appearing before the Local Liquor Control Commission;

Whether Mr. Hamilton, GLH Enterprises, or any of its subsidiaries have ever been cited for a violation of the Illinois Liquor Control Act;

If, based upon the establishment's name, there would be video gaming at the establishment;

The proximity of the establishment to the nearest church and residential properties;

A description about the character and nature of the proposed establishment and whether the wine and liquor tasting would be for tasting purposes only or for sales by the glass;

A description about the operation of the establishment including the number of employees, the experience of management in the liquor business and the commitment to abide by the law with staff training and checking of IDs;

In relation to the experience of the management, what are the other successful liquor operations indicated in the application; and

If Mr. Hamilton is personally the sole owner, that nobody in any manner, has any form of ownership interest in GLH.

J. Bradshaw, D. Monty, and C. Harvey questioned Mr. Brizendine about the kitchen, patio, and about the estimated sales figures.

Mr. Brizendine responded to the questions posed.

Assistant City Attorney Snyder noted that following the previous Liquor Control Commission meeting, he was asked to review the application. In response to his review of the application and to the Commissions' questions, Mr. Snyder presented to the Commission Exhibits A through I, which exhibits

will be made a part of the record. Further, he summarized the content of each exhibit for the Commission, and also provided a certified copy of a map of the city limits for the north east corner of Carbondale, asking the Commission to take judicial notice of such map.

D. Monty indicated that Brandon Circle, where the resident manager resides, is outside of the City limits. Mr. Snyder noted that the application would have to be updated with a new address or manager.

Mr. Brizendine responded to Mr. Snyder's comments and exhibits, indicating that that the information provided on the application is consistent with Mr. Snyder's presentation and with what the law requires. He noted that a contract provided by the Assistant City Attorney is irrelevant to the application, as it pertains to the acquisition of the property, and the liquor license itself is the best evidence of ownership of the establishment. Mr. Brizendine noted that Mr. Kocel's address and mail have Carbondale addresses, but if an update to the application was necessary, he would be happy to do so. He asked to provide State-filed, certified copies of documents for this application as well as agenda item number six which could clarify any cloud or innuendo placed on this decision.

D. Monty agreed to Mr. Brizendine's request, but clarified that question 23 on the application does ask about fines imposed against a liquor license. He also stated that the agreement for sale which was submitted by Mr. Snyder appeared to be addressing sale of membership interest as opposed to real estate. D. Monty asked if Mr. Westlund bought the enterprise and not just the real estate. Mr. Brizendine responded to Mr. Monty's questions.

D. Monty summarized Mr. Brizendine's request to have time to gather documentation to rebut the exhibits presented by Mr. Snyder. Mr. Brizendine stated that they are here to be a good neighbor, pay sales tax, and hire employees, and that if it takes another hearing to prove the evidence submitted is lacking, he requests that opportunity.

C. Harvey moved, J. Adams seconded, to table items 5 and 6 to a future meeting. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried.

6. Application for a Class B3 liquor license (Video Gaming with On-Premises Consumption) for MLK Enterprises, LLC d/b/a Triple Sevens at 105 South Washington Street

Discussion of this application and the prior item was deferred until the representative could obtain certain documentation from the State of Illinois.

7. Consideration of Second Quarter Reports (October – December) from Building and Neighborhood Services, Fire Department, and Police Department for Liquor License Year 2014-2015

C. Harvey moved, J. Bradshaw seconded, to accept the Second Quarter Reports from Building and Neighborhood Services, Fire Department, and Police Department for Liquor License Year 2014-2015.

DISCUSSION: D. Monty observed that it appears some of the violations may be down, but criminal activity in neighborhoods drew officers out of the bars from doing bar checks. VOTE: Ayes: J. Bradshaw, C. Harvey, J. Adams, L. Fronabarger, C. McDaniel, and D. Monty. Nays: None. Motion declared carried.

8. Citizens' Comments and Questions

None.

9. Adjournment

There being no further business to come before the Local Liquor Control Commission, Chairman Monty declared the meeting adjourned at 8:10 p.m.

Date Approved

Jennifer R. Sorrell, City Clerk