

# REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

**DATE:** July 28, 2015

**ITEM NO. 2** – Approval of Minutes from June 9 and June 22, 2015

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Attached for consideration by the Local Liquor Control Commission are minutes from June 9 and June 22, 2015.

**Recommended Action:**

Approve the above-referenced minutes.

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## LOCAL LIQUOR CONTROL COMMISSION June 9, 2015

The Local Liquor Control Commission held a meeting on Tuesday, June 9, 2015, in City Council Chambers, Room 108 of the Civic Center, 200 S. Illinois Avenue. Chairman John “Mike” Henry 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 Carolin Harvey, Commissioner Lee Fronabarger, Commissioner Tom Grant, Commissioner Adam Loos, Commissioner Navreet Kang, Commissioner Jessica Bradshaw, and Chairman John M. Henry

Absent: None

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

### 2. Approval of Minutes from May 19, 2015

MOTION: Commissioner Harvey moved, Commissioner Bradshaw seconded, to approve the minutes of May 19, 2015. DISCUSSION: None. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

### 3. Review of Third Quarter Reports (January – March) from Police, Fire, and Building and Neighborhood Services

MOTION: Commissioner Kang moved, Commissioner Fronabarger seconded, to accept and place on file the third quarter reports from Building and Neighborhood Services, the Police Department, and Fire Department. DISCUSSION: The Commission remarked on violations for exit doors and emergency lighting, noted the decline in citations issued, and requested a comparison of prior years. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

### 4. Application to transfer a Class A2 liquor license (Restaurant – all alcoholic liquors) from La Fogata Taqueria Inc. d/b/a La Fogata Taqueria to Hacienda la Amistad Restaurant, Inc. d/b/a Hacienda la Amistad at 519 South Illinois Avenue

MOTION: Commissioner Loos moved, Commissioner Kang seconded, to approve the transfer of a Class A2 liquor license from La Fogata Taqueria Inc. to Hacienda la Amistad Restaurant, Inc., contingent upon receipt of outstanding items. DISCUSSION: The Commission asked the applicant about the completeness of the transfer application and about the new applicant’s intent to curtail illegal behaviors. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

### 5. Application from Carbondale Main Street for one-time approval of the issuance of up to ten (10) Class F1 and/or F2 liquor licenses during license year 2015-2016

MOTION: Commissioner Kang moved, Commissioner Bradshaw seconded, to give the one-time approval of the issuance of up to ten (10) Class F1 and/or F2 liquor licenses during license year 2015-2016, contingent upon receipt of outstanding items. DISCUSSION: The Commission requested clarification on the event detail application submission deadline as well as the deadline for the Chairman’s approval and

license issuance. Commissioner Grant asked the representative from Carbondale Main Street, Meghan Cole, if these licenses will be used to facilitate events and other organizations. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

**6. Application for a Class B3 liquor license (Video Gaming Establishment – On-premises consumption of all alcoholic liquors) from Uffelman Corporation d/b/a Reel Lucky at 1110 West Main Street**

DISCUSSION: The Commission requested confirmation that this application and the bar directly next are and would remain separate facilities, asked how many B3 licenses were still available, and the time allowed to turn in outstanding items. MOTION: Commissioner Bradshaw moved, Commissioner Harvey seconded, to approve the issuance of a Class B3 liquor license to Uffelman Corporation, contingent upon receipt of outstanding items. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

**7. Review of the matter of Curbside Corporation, d/b/a Curbside, at 227 West Main Street, Local Liquor Control Commission Case Number 2015-01**

DISCUSSION: Martha Faye Ikner, president of Curbside, asked that the Commission consider not suspending their liquor license. Ms. Ikner responded to questions from the Commission about her husband's involvement with the business, issues that arose from a contract that Curbside had with an event promoter, what activities will be scheduled there in the future, whether they will continue to operate during the license suspension period, if there were future plans to hire promoters, and what events were already scheduled until the end of the license year. The Commission discussed the recommendation for license suspension and when to start such suspension.

MOTION: Commissioner Grant moved, Commissioner Fronabarger seconded, to approve the report and recommendation of the Hearing Officer for Curbside Corporation, Case No. 2015-01 with the suspension to begin June 17 for two week duration. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

**8. Consideration of Liquor License Renewal Applications for the 2015-2016 Liquor License Year**

Commissioner Bradshaw requested that the application for The Pony Cabaret and Steakhouse be pulled for separate consideration and Commissioner Kang requested that Curbside's application also be pulled.

MOTION: Commissioner Kang moved, Commissioner Bradshaw seconded, to approve the renewal of all liquor licenses, with the exception of the renewal application from La Fogata Taqueria and of those applications pulled for a separate vote, contingent upon receipt of outstanding items. DISCUSSION: None. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

**The Pony Cabaret and Steakhouse**

Jerry Westlund was present to respond to questions from the Commission. The Commission questioned Mr. Westlund and his attorney John Schneider about the following matters:

- The nature of the business from the time of ownership transfer and whether food service was still available;
- Whether there had been nudity beyond acceptable levels at the establishment;
- Who runs the establishment's Facebook page;
- Whether the applicant considered the establishment an adult entertainment establishment;
- Questions about the pole present, pole dancing, and what the performer is doing and what attire is worn while pole dancing;

- About the transfer of the State liquor license for Backstreet Entertainment, when the transaction occurred, and if Mr. Dan Terry's name had been removed from the license;
- The disposition of criminal charges in the state of California;
- Whether the applicant had visited the establishment to ensure compliance with the City Code;
- How the dancers will be clothed going forward and the applicant's personal opinion on the coverage provided by the attire worn by the applicant's employees;
- Any findings or reports from a State Liquor Commission walk-through.

Assistant City Attorney presented documents upon which there were photographs of individuals dancing in varying states of dress, responded to some of Mr. Westlund's comments, and detailed bases which could result in the Commission denying the renewal of the liquor license. The Commission questioned Mr. Snyder about the photographs, documents, required reporting period to the State, and violations of the City Code. Mr. Westlund disagreed with the Assistant City Attorney's remarks, commented on his business' interactions with the City Attorney's office, indicated that there were no violations or complaints against his business and that if there were violations, he would like to be cited for such. Mr. Schneider expressed concern relating to the language used in the City Code Section 2-5-9 "Entertainment."

Mr. Baity and Mr. Westlund disagreed about any familial relationship shared by the Assistant City Attorney and the manager of a bar outside of the City.

There was discussion as to moving the action on this renewal application to the next meeting on June 30, 2015.

The Commission requested that the applicant submit documentation as soon as possible for the State of Illinois liquor license, disposition/expungement of criminal charges, and about the plans for the kitchen. Commissioner Harvey moved, Commissioner Kang seconded, to defer action on this matter to the meeting of June 30. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, and J. Henry. Nays: J. Bradshaw. Motion declared carried.

### **Curbside**

The Commission expressed concern over the location operating without a valid State liquor license for several months. Ms. Ikner was questioned by the Local Liquor Control Commission about an audit, management of the establishment, alcohol purchases, her presence at the business, and multiple questions about the operation of the facility. Additional discussion about the payment of Hearing fees and costs occurred. MOTION: Commissioner Bradshaw moved, Commissioner Kang seconded, to renew the liquor license for Curbside pending receipt of outstanding items. DISCUSSION: None. VOTE: Ayes: C. Harvey, L. Fronabarger, T. Grant, A. Loos, N. Kang, J. Bradshaw, and J. Henry. Nays: None. Motion declared carried.

### **9. Citizens' Comments and Questions**

John Schneider, attorney representing Backstreet Entertainment d/b/a The Pony Cabaret & Steakhouse, requested a special meeting for the consideration of the establishment's renewal application.

### **10. Adjournment**

There being no further business to come before the Local Liquor Control Commission, Chairman Henry declared the meeting adjourned at 8:45 p.m.

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Date Approved

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Jennifer R. Sorrell, City Clerk



**LOCAL LIQUOR CONTROL COMMISSION**  
**June 22, 2015**

The Local Liquor Control Commission held a special meeting on Tuesday, June 22, 2015, in City Council Chambers, Room 108 of the Civic Center, 200 S. Illinois Avenue. Chairman John “Mike” Henry 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 Lee Fronabarger, Commissioner Tom Grant, Commissioner Adam Loos, Commissioner Navreet Kang, Commissioner Jessica Bradshaw, Commissioner Carolin Harvey and Chairman John M. Henry

Absent: None

Also present were Deputy City Clerk Alicia Burtley, City Manager Kevin Baity, and various members of City Staff.

**2. Consideration of a liquor license renewal application for Backstreet Entertainment, Ltd. d/b/a The Pony Cabaret and Steakhouse at 213 East Main Street**

DISCUSSION: John Schneider, Attorney for Charles G. Westlund, discussed the issues previously brought up by the Commission regarding documentation submitted to the State of Illinois Liquor Commission pertaining to ownership, the criminal background history of Charles G. Westlund, and misleading information submitted on the renewal application. Jamie Snyder, Attorney for the City of Carbondale, retorted to Attorney John Schneider’s comments. The Commissioners addressed questions to both attorneys and they replied accordingly.

T. Grant moved, C. Harvey seconded, to approve the renewal liquor license for Backstreet Entertainment, Ltd. d/b/a The Pony Cabaret and Steakhouse at 213 East Main Street, pending receipt of all outstanding items. VOTE: Ayes: T. Grant, C. Harvey and J. Henry. Nays: L. Fronabarger, A. Loos, N. Kang and J. Bradshaw. Motion Denied.

Commissioners made comments and asked questions concerning the Carbondale Revised Code and discussed moving forward productively, modifying the application procedures.

**3. Citizens’ Comments and Questions**

Don Monty, 418 S. Giant City Road, expressed his thoughts on closing loop holes in the liquor code and the addition of a question referencing the nature of the business to the liquor application.

**4. Adjournment**

There being no further business to come before the Local Liquor Control Commission, Chairman Henry declared the meeting adjourned at 8:30 p.m.

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Date Approved

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Alicia Burtley, Deputy City Clerk