

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 14, 2016

ITEM NO. 3 - Application for a Class F1 liquor license (beer and wine only) for Carbondale Tourism on June 17, 2016, for a concert to be held on the 200 Block of West Monroe Street and the Carbondale Civic Center Parking Lot

Attached is an application for a Class F1 liquor license (temporary - beer and wine only) from Carbondale Tourism to allow the sale of beer and wine during one of the "Live On" concert series events scheduled for Friday, June 17, 2016.

Carbondale Tourism held a similar event last October. Changes from the prior event which will be incorporated into this event include utilizing wristbands for those 21 and up, monitoring occupancy with a hand-held attendance counter, and designating a site and providing seating within said location for those who require it.

A Class F1 liquor license allows the sale of beer and wine at a temporary event by a civic, service, charitable, or other not for profit organization authorized to do business in the State of Illinois. The approval of a Class F license also authorizes public consumption of alcohol within the designated areas for such sales.

While the application was initially submitted with a request to sell alcohol between 6:00 p.m. and 10:00 p.m. and with an event plan which utilized tapped kegs for beer distribution, an amendment to the request is attached seeking to extend the hours of liquor sales until 11:00 p.m. and to dispense beer from cans into plastic cups in order to reduce waste.

Liquor Code: Class F liquor licenses are limited to not-for-profit organizations. Carbondale Tourism has provided documentation of its not-for-profit status. There is nothing else in the Liquor Code which would expressly preclude issuance of this license. If this application for a Class F license is approved, the public consumption of alcohol will be allowed pursuant to Section 2-5-5.B of the Carbondale Revised Code.

Liquor Advisory Board review: The Liquor Advisory Board reviewed this application on May 19, 2016, unanimously recommended approval, contingent upon receipt of outstanding items.

Outstanding Items: Carbondale Tourism has submitted the \$100 license fee and documentation of their status as a not for profit organization in good standing. A certificate of dram shop insurance remains outstanding.

Recommended Action:

The Local Liquor Control Commission may:

- (1) Approve the issuance of a Class F1 liquor license to Carbondale Tourism for Friday, June 17, 2016, between 6:00 p.m. and 10:00 p.m., contingent upon receipt of outstanding items; or
- (2) Approve the issuance of a Class F1 liquor license to Carbondale Tourism for Friday, June 17, 2016, between 6:00 p.m. and 11:00 p.m., contingent upon receipt of outstanding items; or
- (3) Deny the issuance of a Class F1 liquor license to Carbondale Tourism based on one or more of the provisions of the Liquor Code.

M_____ 2 _____ to _____

2-4-4: PERSONS INELIGIBLE TO HOLD LICENSE:

No license shall be issued to:

A. An individual person:

1. Who is not a bona fide resident of the city.
2. Who is not of good character and reputation in the city.
3. Who is not a citizen of the United States of America.
4. Who has been convicted of a felony or who has been convicted of pandering or any other crime of morality or a person who has been convicted of being a keeper of a house of ill fame under the laws of the state, or any other federal or state law, unless the local liquor control commission determines, within its sole discretion, that such person now warrants the public trust.
5. Whose license issued under this title or the Illinois liquor control act has been revoked for cause.
6. Who at the time of application for renewal of any license issued under this title would not be eligible for such license upon a first application.
7. Whose business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
8. Who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
9. Club, association, or corporation not eligible for a state retail liquor dealer's license.
10. Who has been convicted of a gambling offense as prescribed by 720 Illinois Compiled Statutes 5/28-1(a)(3) through (a)(10), or as prescribed by section 5/28-3 of the criminal code, as heretofore or hereafter amended or as proscribed by statute replaced by the aforesaid statutory provisions.
11. To whom a federal wagering stamp has been issued by the federal government for the current tax period.
12. Who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who has forfeited his or her bond to appear in court to answer charges for any such violation on or after the adoption date hereof.
13. Who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of section 6-21 of the Illinois liquor control act.

B. Any law enforcing public official, mayor or any member of the city council; and no such official shall be interested, in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to a member of the city council (excluding the mayor) in relation to a premises or to an establishment in which the council member has a direct or indirect interest if:

1. The sale of alcoholic liquor pursuant to the license is incidental to the selling of food (class A license only);
2. The issuance of the license is approved by the Illinois liquor control commission;
3. The issuance of the license is in accordance with all applicable ordinances of this code; and
4. The official granted the license does not vote on alcoholic liquor issues pending before the local liquor control commission or the city council.

C. A corporation or limited liability company:

1. If any officer, manager, member, director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock or ownership interest of such corporation or limited liability company, would not be eligible to receive a license hereunder for any reason other than citizenship or residence within the political subdivision. Provided, however, that the manager of a corporation or limited liability company shall be required to comply with the residency requirement or the corporation or limited liability company shall appoint an agent who complies with the residency requirement.
2. Unless it is incorporated or organized in Illinois or unless it is a foreign corporation which is qualified under the business corporation act of 1983¹ to transact business in Illinois.
3. If the corporation, limited liability company, or any officer, manager, member, or director thereof or any stockholder owning in the aggregate more than five percent (5%) of the stock or ownership interest of said corporation or limited liability company has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

D. A partnership:

1. Unless all of the members of such partnership shall be qualified to obtain a license.
2. To which a federal wagering stamp has been issued by the federal government for the current tax period or if any of the partners have been issued a federal wagering stamp by the federal government for the current tax period. (Ord. 2007-38)

2-4-5: ISSUANCE OF LICENSE; FINDINGS:

The commission shall not issue a new liquor license, renew a liquor license, approve a change of classification or transfer of location or the transfer of the license to a new owner unless it has previously been determined that there is no reason to refuse to issue, renew or approve such license. In determining whether there is reason to refuse to issue, renew, or approve a license, the commission shall consider the following criteria:

- A. The class of the liquor license applied for and the availability of a license in the class.
- B. Compliance with all applicable state and city regulations and laws.
- C. The potential impact on and demand for city services.
- D. The location of the proposed establishment and probable impact of a liquor establishment at the location upon the surrounding neighborhood or the city as a whole. Factors to be considered include, but are not limited to:
 - 1. Proximity to residential property,
 - 2. Proximity to schools, churches or synagogues,
 - 3. Proximity to gasoline stations or convenience stores which offer gasoline for sale,
 - 4. Potential impact on traffic safety,
 - 5. Potential adverse impacts on surrounding property values,
 - 6. Proximity to other liquor establishments,
 - 7. Adequate street lighting and lighting on the proposed property,
 - 8. Availability of on street and off street parking in the area,
 - 9. Availability of sidewalks in the area if significant pedestrian traffic is anticipated.
- E. The character and nature of the proposed establishment.
- F. Whether live entertainment will be provided and, if so, the nature of the entertainment.
- G. The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within the establishment and on the property.
- H. The financial responsibility of the applicant and the past performance of the applicant, if any, in the area of liquor sales or services.
- I. The advisory recommendation of the liquor advisory board and city staff.
- J. Whether the issuance (or renewal) of said license would be in the "best interests" of the city of Carbondale (for example, would there be an adverse impact on public health, safety, or welfare; would the issuance of the license adversely affect the character of the surrounding neighborhood; would the license adversely impact the city's orderly growth and development, etc.).
- K. Whether the applicant or licensee has been delinquent on payment for services, loans or other contractual agreements received by the licensed establishment from the city of Carbondale. For the purpose of this subsection, a licensee shall be considered delinquent on payments if the licensee is currently in arrears on an outstanding debt owed to the city, or has been in arrears for more than fifteen (15) days on a payment to the city for services, loans or other contractual agreements, two (2) or more times within a two (2) year period.
- L. For class A1 and A2 licenses:
 - 1. The kitchen facilities and equipment to be used in the preparation and serving of food;
 - 2. The hours during which the kitchen will be used in the preparation of all food items included on the restaurant menu; and
 - 3. The existence of game rooms, dance floors, etc., that are commonly found in bar type establishments. (Ord. 2007-38)



CITY OF CARBONDALE
OFFICE OF THE LIQUOR CONTROL COMMISSION
CITY HALL, CARBONDALE, ILLINOIS

APPLICATION FOR A TEMPORARY LIQUOR LICENSE

TO THE CITY LIQUOR CONTROL COMMISSION, CITY OF CARBONDALE: The undersigned hereby makes application for the issuance of a Temporary Liquor License for the sale of beer and wine, and hereby certifies to the following facts, and that if any of the following facts are changed, without prior approval of the Liquor Control Commission, said license may be revoked at the sole discretion of the Liquor Control Commission.

Class of License applied for: Class F1 (beer and wine only) Class F2 (all alcohol)

- 1. Name of applicant: Carbondale Tourism
- 2. Address of applicant: 126 S. Illinois Ave, Carbondale IL 62901
- 3. Resident Agent: Jordan Wren Phone #: 618-529-4457
- 4. Date of Incorporation: JAN. 1990 State in which incorporated: Illinois
- 5. Objects of corporation, as set forth in charter: Promotion and Marketing Non-for-Profit, designated to promote and market the City of Carbondale.

6. State name of officer as indicated, with their respective residence addresses, giving street and number, city and state:

President: Chow, Winslow [Redacted] IL 62906

Vice Pres: E. Roxanne Conley [Redacted] 62958

Secretary: Stuenkel, Rod [Redacted] IL 62918

Treasurer: _____

PAID
MAY - 4 2016
Check

\$100.00
liquor license fee

7. Description of premises or portion thereof sought to be licensed: including the Civic Center Parking lots
Corner of Monroe St. and South Illinois Ave. Corner of S. University and Monroe St.

Address of premises: _____

Total square footage: _____ Permitted Occupancy: 2,500 per F.D.

8. Date(s) for which license is sought: Sales of alcohol to be conducted between 6:00 p.m. - 10:00 p.m.

Beginning: 12:00 PM June 17, 2016 Ending: 12:00 AM June 18, 2016
(Time) (Date) (Time) (Date)

9. Owner of premises sought to be licensed: City of Carbondale

Address: 200 Block of W. Monroe St. and the Civic Center Parking lot.

10. Purpose for which license is sought: Outdoor Concert to be held in the Block of
Monroe Street and the Civic Center Parking

11. Type of alcoholic beverages to be sold: () Beer () Wine () Beer & Wine

12. Other activities to be included during the time the license is issued:
NONE

(Also complete Attached Affidavit)

AFFIDAVIT

STATE OF ILLINOIS)
) ss.
COUNTY OF JACKSON)

The undersigned swear that the organization in whose name this application is made will not violate any of the ordinances of the City of Carbondale or the laws of the State of Illinois or of the United States of America, in the conduct of the function described herein and that the statements contained in this application are true and correct to the best of our knowledge and belief and we understand that violation of any ordinance or law shall constitute grounds for revocation of the license.

Carbondale Tourism
Name of Applicant

[Redacted]

(Corporate Seal)

[Redacted]
President's Signature
[Redacted]
Secretary's Signature

Subscribed and sworn before me on

May 3rd, 2014

[Redacted]
Notary Public



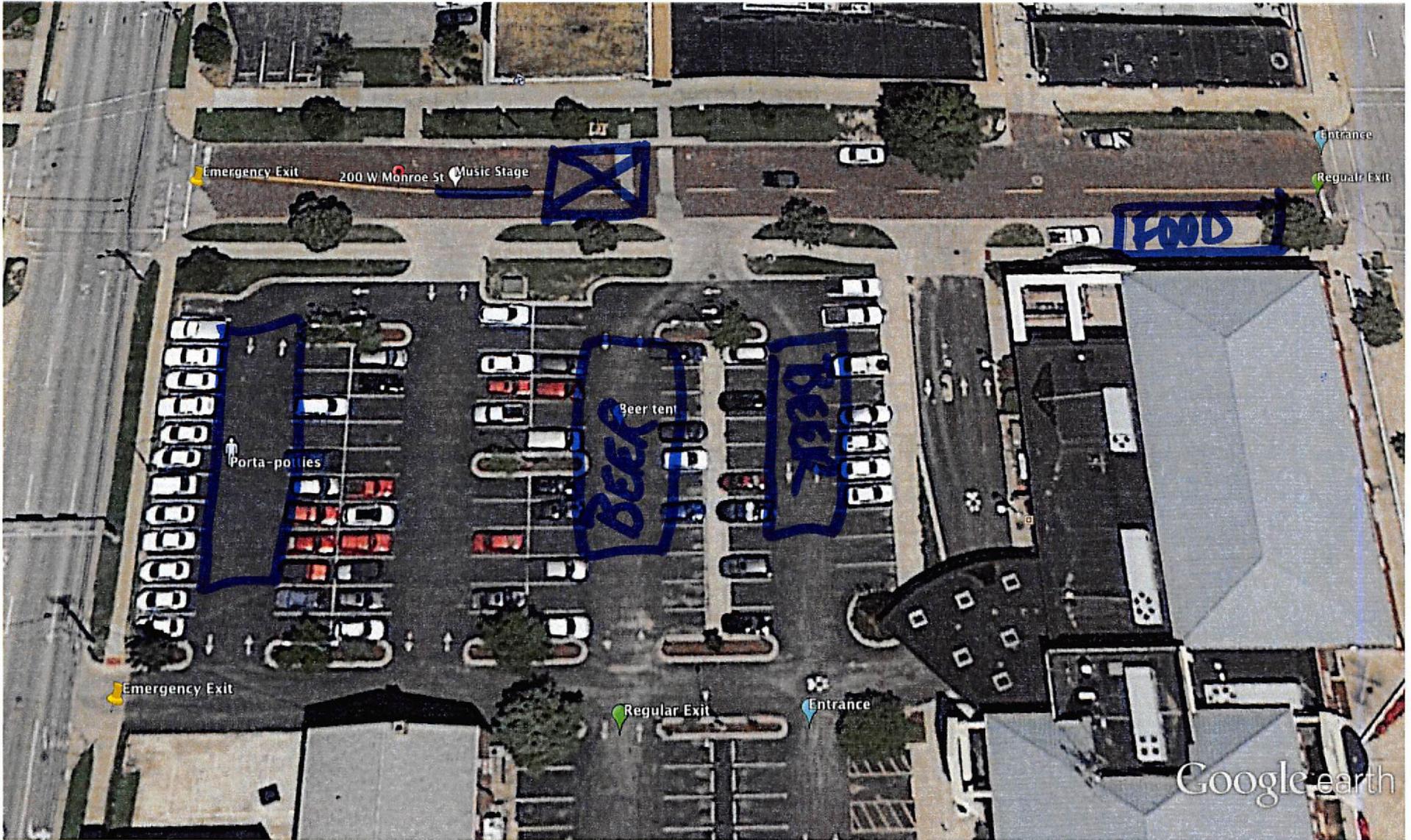
STATEMENT OF RESIDENT AGENT

I, Jordan Wren do hereby certify that I am the Resident Agent for the above organization.

[Redacted]
Name

[Redacted], Carbondale, IL 62901
Mailing Address

OFFICIAL SEAL
Cynthia Hayes
Notary Public, State of Illinois
My Commission Expires 11/21/2020



Google earth

feet
meters

200

80



* BEER Tent, Port-a-Potties, and Food tent locations are subject to change

