

**Local Liquor Control Commission and Regular City Council Meeting January 31, 2023
(Tuesday, January 31, 2023)**

Generated by Jennifer R Sorrell on Wednesday, February 1, 2023

Commissioners present

Commissioner Lee Fronabarger, Commissioner Tom Grant, Commissioner Adam Loos, Commissioner Ginger Rye Sanders, Commissioner Jeff Doherty, and Chairperson Pro Tempore Carolin Harvey

Commissioners absent

Chairperson John M. Henry

Meeting called to order at 6:00 PM

1. Preliminaries to the Local Liquor Control Commission Meeting

Procedural: 1.1 **Roll Call**

2. **Citizens' Comments for the Local Liquor Control Commission**

3. General Business of the Local Liquor Control Commission

Action: 3.1 **Minutes of the Local Liquor Control Commission Meeting on January 10, 2023**

MOTION: Approve the minutes of the Local Liquor Control Commission Meeting held on January 10, 2023

Motion by Tom Grant, second by Jeff Doherty.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Adam Loos, Jeff Doherty, Carolin Harvey

Not Present at Vote: Ginger Rye Sanders

City Attorney Snyder requested that the Commission take a vote to permit Commissioners Rye-Sanders and Loos to attend remotely.

Motion by Lee Fronabarger, second by Tom Grant.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Carolin Harvey

Action: 3.2 **Application for an On-Premises Primary Liquor License with a Live Entertainment Rider from Levels Carbondale, LLC d/b/a Levels**

The applicant was present to respond to questions.

City Attorney Snyder shared details about his findings as to whether there was evidence of a bona fide lease of the business.

MOTION: Approve the issuance of the On-Premises Primary liquor license with a Live Entertainment license Rider to Levels Carbondale, LLC d/b/a Levels, contingent upon receipt of all outstanding items

Motion by Jeff Doherty, second by Tom Grant.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Ginger Rye Sanders, Jeff Doherty, Carolin Harvey

Nay: Adam Loos

Action: 3.3 Consideration of the Stipulated Agreement as it Relates to the Liquor License Citation for Chalky's in 2022-03

Commissioners asked about bypassing a Hearing, concern about setting a precedent, and ensuring fair treatment of all licensees, and concern that this remains an ongoing issue.

MOTION: Accept the Stipulated Agreement as it Relates to Chalky's in 2022-03

Motion by Tom Grant, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Adam Loos, Ginger Rye Sanders, Carolin Harvey

Nay: Jeff Doherty

Action: 3.4 Renewal of Liquor License for Chalky's, LLC d/b/a Chalky's and Approve a Change of Assumed Name from Chalky's to Club 13

The applicant was not present as the weather prevented him from attending.

The Commission asked if this was a new application being considered for a change in classification, expressed concern about acting on the matter without a new application before the Commission, remarked on the business continuing to operate contrary to its current classification, noted that the applicant had come before the Commission previously to answer for his actions, and urged exercising caution in setting precedents and fair treatment.

MOTION: Approve the issuance of an On-Premises Primary license with a Live Entertainment Rider contingent upon receipt of outstanding items and a corrected application and approve the change in assumed name from Chalky's to Club 13.

Motion by Adam Loos, second by Lee Fronabarger.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Adam Loos, Ginger Rye Sanders, Carolin Harvey

Nay: Jeff Doherty

4. Adjournment of the Local Liquor Control Commission

Procedural: 4.1 Time of Adjournment for Local Liquor Control Commission

There being no further business to come before the Commission, the meeting was declared adjourned at 6:28 p.m.

Jennifer R. Sorrell, City Clerk

Date