Liquor Advisory Board
September 1, 2016

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, September 1, 2016, in Room 103 of the Carbondale Civic Center, 200 South Illinois Avenue. Chairman Robinson called the meeting to order at 5:30 p.m. with the following-named members of the Board present/absent:

1. Roll Call

Present: Steve Payne, Tasis Karayiannis, Donald Monty, David Cisco, and Mark Robinson

Absent: John Mills

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell and Fire Inspector Tom Manis.

2. Approval of minutes from August 4, 2016

T. Karayiannis moved, D. Cisco seconded, to approve the minutes of August 4, 2016. VOTE: All voted aye; motion declared carried.

3. Application for a Class A2 liquor license with a beer garden/outdoor café (Restaurant – all alcoholic liquors) from Jewel of India, Inc. d/b/a Reema's Indian Cuisine at 709 South Illinois Avenue

Reema and Ramneesh Prabhakar were present to respond to Board inquiries. Mr. Prabhakar discussed the current business operations and noted that they hoped alcohol would be a compliment to the restaurant and catering.

There was a brief explanation about catering with alcohol. The beer garden will be on the south side of the business. Mr. Prabhakar indicated that his employees were already planning on taking BASSET training. A conflict in the application was noted for question 10 with regard to the closure of the kitchen at 10:00 p.m., but the beer garden will close at 11:00 p.m. on Monday through Thursday and at midnight on Friday and Saturday. The Clerk indicated that the beer garden could remain open after the closure of the kitchen, but that the legal entry age of 19 would apply, and the applicant would still have to meet the 51% food and nonalcoholic beverage sales requirement. There was then a question regarding ownership and officers of the corporation. Reema Prabhakar is listed as the president of the corporation on the application, but the Secretary of State's website indicates that Ramneesh Prabhakar serves as president. Mr. Prabhakar indicated that a change in ownership had been filed with the State by his CPA and Reema owns 100% of the stock. He stated that he would provide the corrected proof of ownership.

D. Cisco moved, T. Karayiannis seconded, to recommend approval of the application for a Class A2 liquor license with a beer garden for Reema's, subject to clarifying ownership and officers of the corporation with the State, and contingent upon outstanding items. VOTE: All voted aye; motion declared carried.

4. Application to transfer a Class B2 license (on premises consumption-all alcoholic liquors) from Shaun Kocel, an individual, d/b/a Shaun's Place to GLJH Capital Enterprise, Inc. d/b/a Birger's Pub at 201 East Main Street #1-B

Richard Brizendine was present to respond to Board inquiries. Mr. Brizendine indicated that Shaun Kocel had taken employment in Colorado and had chosen to sell his interest to GLH Capital. He indicated that

the plan is similar which is to provide fine wines and craft beers – locally sourced, preferred – and gaming in an intimate environment for local residents and hopefully feed off of the Newell House restaurant.

Clerk's Note: There were several back-and-forth questions asked of the representative. The following is not a true verbatim transcript, but generally covers both the questions and answers provided.

Mr. Brizendine responded to the following inquiries: Who/ what is GLH? [Garrett Lee Hamilton, sole shareholder of GLH Enterprise, Inc.]; What is CBD Properties? [The landowner of the Newell building – not the same person as Garrett Lee Hamilton]; Aside from the $25,000 deposits on hand, what other money will be put into this place? [The $25,000 was what was paid for the improved space from Mr. Kocel; Mr. Hamilton has several businesses so there are funds available to stock and to promote the bar]; the spelling of the name like Charlie Birger [that is who it is named after; the theme is for an individual who was a local celebrity]; A notation that Question 5 was not answered [that is a flaw with the online application, that it does not print out with the checkmark – it is a corporation]; Question 12 is answered "no", but you referenced video gaming? [Gaming (gambling), he did not think that was entertainment; that was just an interpretation. There is an application pending, whether it will be approved or not, I don't know]; Clarification on Question 21- What does $300; 7/14/15; AD & Cont. Liq. [Fine amount, Date, No suspension, and due to issues with the form, the abbreviated stands for "advertising" – there was something advertised on the table which was not appropriate and "contaminated liquor" which was bugs in a bottle]; Attachment 20, which are other licenses, does he have any licenses other than in Illinois? [No]; Question of curiosity, Mr. Hamilton resides in California; what brings him to of all places here if he resides out there? [It's a beautiful place, the people are friendly, the acquisition costs and liquor licenses in California is probably a factor of 10 compared to out here 10 times that of Illinois]; You indicated that Mr. Hamilton owns 100% of the stock in the corporation [as shown on the app]; Is that an Illinois corporation? [Illinois]; Can someone be the president and secretary? [You can be all the officers; you only need one person]; Is Byron Potts serving as manager for both The Pony and Birger's? [The City requires a resident agent, in the event that something comes up; Mr. Potts is the agent for both, not the manager.]; There is one employee? [Because of the size of the establishment, there will only need to be one employee on staff and that will not be Mr. Potts]; Concern about the sufficiency of employment with only one person working any given shift if issues arise. [It is a 650' square foot establishment, from the location of the bar, there is a line of sight to the game area, to the front door, and if you are familiar with the gaming, there is very little oversight required and it typically can be done from a central location].

During this section, the representative and Board were viewing the attached drawing of the establishment for reference.

Where is the seating area for the establishment? [Seating is located in the public space and barstools, and few tables, as space allows] Second public space to the left-what is the proposed use? [That is where we propose to have the gaming]; Noting that the diagram is not three-dimensional or to scale, there appears to be a wall between the gaming and the public space [Invited Mr. Monty to come tour the business as the questions and drawing will not do justice to the view that is available from the bartender]; Is it a full wall or is it a partial? [It is a full wall, but it is not a doorway or entryway]; So no matter where the bartender is behind that bar, he can see all of the area? [No, there is a small triangle area he could not see, but other than that, yes]; Fire Inspector Tom Manis noted that it is possible to see into the room from behind the bar. Mr. Monty asked Mr. Manis that with a unisex bathroom, what is the maximum occupancy for this establishment? [T. Manis- that question would actually be for the building inspector, but by going through State Plumbing Code, it is 10 people]; The maximum number of video gaming machines you can have? [Clerk – five]; Referencing the diagram, so if there are five people at the gaming machines, there can only be four people at these tables [All? There are no table here; I invite you to come over – I agree that the maximum occupancy is 10]; The percentage of the business that will come from the sale of alcohol (reading application) estimated percentage of liquor sales – 65%, estimated food sales – 5%, and sales other that liquor or food is 30% - so is the 30% gaming? [correct]; given the very limited amount of seating there for the primary purpose of alcohol, is it realistic to think that 65% will be from alcohol? [Yes]; Question 9- with four or five people, how can you establish an intimate environment? [Mr. Brizendine explained the layout and noted that it is intimate by its physical restrictions].

Mr. Brizendine noted that this same application was before them once before and it was approve and there is not one difference in this application for the bar.

Concern was expressed that the establishment looks more like a video gaming establishment than a bar. As Code was amended in recent years, is it possible to have a video gaming establishment in this zoning? [This would not qualify]; There was reluctance to recommend that Council approve it, but that is up to them. For purposes of denial, the only thing that comes close to it, is "character and nature of the proposed establishment", but doesn't quite meet the bar. Mr. Brizendine noted that the City has established a new method of reporting and that it is up to the owner to lawfully and honestly report their income, so aside from fears and reservations, the application is for a B2 license.

D. Monty moved to recommend approval of the transfer application from Birger's Pub for a Class B3 liquor license, contingent upon outstanding items. Motion died for lack of a second.

Mr. Brizendine thanked the Board for the opportunity to answer all of the questions and for the opportunity that they provided The Pony to again attack the City because it had already been approved and there were no changes in the application from Shaun's application. He noted that the Board linked the two together by asking about Byron Potts, his own representation of the entities, and that it is very clear what the intent was. Mr. Monty responded to the intent and the difference he noted since Mr. Kocel's application. He and Mr. Brizendine commented further.

5. Request for a consecutive 180-day permit 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 1224 West Main Street

Scott Uffelman was present to respond to Board inquiries. Mr. Uffelman noted that the State required that he add an additional bathroom which caused significant delay. He completed the remodeling the day after his permit expired. He was asked about the ownership of the corporation and Mr. Uffelman indicated that he was the sole holder. The Background Operation Questionnaire was not included for the request to receive an additional 180-day permit, but the answers remain the same.

D. Monty moved, D. Cisco seconded, to recommend the reissuance of a 180-day permit for a Class B3 liquor license for Reel Lucky. VOTE: All voted aye; motion declared carried.

6. Citizens' Comments

Members from an SIU politics class were present, as was Councilman Kang. Emily Cantaessi noted her interest in the meeting. No additional comments. Next meeting scheduled for October 6, 2016.

7. Adjournment

Meeting adjourned at 6:23 p.m.

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Jennifer R. Sorrell, City Clerk Date Approved