



**CITY OF CARBONDALE, ILLINOIS
LIQUOR ADVISORY BOARD
Minutes of the Regular Meeting
Thursday, October 3, 2019**

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, October 3, 2019, in Room 103 of Carbondale City Hall, 200 South Illinois Avenue. Chair Donald Monty 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, David Cisco, Colton Newlin, and Don Monty

Absent: John Mills, Mark Robinson

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell and Building & Neighborhood Services Supervisor John Lenzini.

2. Approval of Minutes from the L.A.B. Meeting of September 5, 2019

D. Cisco moved, C. Newlin seconded, to approve the minutes of the L.A.B. meeting of September 5, 2019. VOTE: All voted aye; motion declared carried.

3. Adoption of Amended Bylaws

It was noted that the bylaws amendments had been reviewed at two different meetings.

C. Newlin moved, T. Karayiannis seconded, to adopt the amended Liquor Advisory Board bylaws. VOTE: All voted aye; motion declared carried.

4. Review and Acceptance of Fourth Quarter Reports for Liquor License Year 2018-2019

Questions and Comments from the Board:

Police Reports:

There were inquiries regarding citations for sales to minors or drunkards; questions about liquor access violations; why an eighteen year old was cited in Key West for possession of alcohol, without an additional access to liquor charge or False ID charge. The Clerk provided what detail was possible without the benefit of additional/accompanying reports or information. In reviewing the beer garden complaints, it was noted that it was evident where the noise was coming from and there was a remark about surprise that beer garden complaints were submitted on a Saturday at eleven o'clock.

Development Services Reports:

There was a notation that there were a few locations that required three re-inspections before they were completed. Concern was expressed about the violations being found only during annual inspections. There was an inquiry about the relationship to the number of inspections and the issuance of the license. The City Clerk and Building and Neighborhood Services Manager John Lenzini responded. Mr. Lenzini commented on the correlation to the number of violations and the management of facilities.

C. Newlin moved, T. Karayiannis seconded, to accept the fourth quarter reports for liquor license year 2018-2019 and forward them to the Local Liquor Control Commission. VOTE: All voted aye; motion declared carried.

5. Continued Discussion for the Proposed Liquor Code Rewrite Sections 2-4-15 through 2-4-23 (Cessation of Business, Changes in Interest or Ownership, Changes in Operation, Health and Safety Laws, Display of Authorization, Location Restrictions, Permits for Licenses, and Nonalcoholic Hours Option) – Excludes Discussion Regarding Renewals

It was noted that recommendations are requests for specific consideration from the Staff; options are listed simply as an alternative for consideration and do not have either a recommendation for or against from City Staff.

2-4-15: Cessation of Business:

The recommendation to simplify the language regarding death, insolvency, bankruptcy to reference State Code and continue to require notification/submission of the Order to the Clerk was discussed.

The strikethrough of language pertaining to “Timely Commencement of Business” is in response to the recommendation and concurrence by the Board to eliminate the transfer of licenses.

Subsection B. Written Notice Required AND Vermillion County language.

The Board reviewed language from Vermillion County which deems a license to be “unused” whenever they cease operation for sixty (60) days, rendering the license null and void. If the licensee wishes to renew an unused license, they are required to submit a renewal application and five hundred dollar license fee. There is also a provision for the Liquor Commissioner to reissue the license without benefit of the renewal and that in the event the closure is due to catastrophic events, the license may be held open for up to a year. The Clerk noted that the option would be to incorporate something similar into the Written Notice Required section, in that should a licensee close their business for sixty days, without notice to the Commission, the license would be deemed inactivated. To reactivate the license would require a reinspection of the business, a review of the file to ensure all documents are current, a reactivation fee, and approval by the Chair. The Board asked about what impact this would have on capped licenses. The Clerk noted that the language suggested wasn’t to declare it “unused”, but rather inactivated. The licensee would continue to hold that license during the inactive period. The Clerk noted that there is a struggle to enforce the current requirement that written notice be provided, so there isn’t any particular stance for or against this option. The Board suggested 30 days instead of 60 days. They asked about the feasibility of locations staying open during the summer with enrollment down. The Clerk noted that they can still close, but notification is required. There was interest expressed in the suggested language, but that the fee was excessive. The Clerk indicated that the fee should probably be more in line with the costs associated with conducting re-inspections and file review.

2-4-16: Changes in Interest or Ownership:

Discussion on this subject had taken place, in part, during the prior meeting, in conjunction with the subject of 2-4-14: Transfer of License. During that meeting, it was suggested that some form of continuity should stay in place if it is to be a change in interest or ownership and not an overall new licensee.

Examples from other communities were provided, with DeKalb's requirement for some continuity remaining in place so that changeover which occurred during a 5 year period would be considered cumulatively. It was suggested that five years might be too long of a time frame. Steve Payne shared the challenges he experienced with the State of Illinois when he had changes in ownership that occurred due to the death of a partner some few years ago. In essence, he ended up having to provide so much paperwork that it, in essence, was nearly like applying as a new applicant. He also noted the lack of communication between the various State entities. The Clerk reviewed the requirements the State currently requires for a change in officer/partner, etc. It was suggested that if there is a majority change of ownership, it ought to be considered as a new application, because they may have very different ideas on how to operate the business.

Changes in Operation: AND Health and Safety Laws:

There were no recommendations or options provided for these two sections. The Board did not comment on them.

Display of Authorization:

There is a recommendation to change the title to reflect Display of License and Occupancy Permit. Largely, this is done as a signpost for any licensees who might be scanning the Liquor Code for relevant sections. Discussion occurred as to whether there was a requirement to display the Occupancy permit. Mr. Lenzini noted that when a new business opens, a certificate of occupancy should be issued. It was noted by Mr. Payne that State inspectors do require it to be displayed. It was agreed that placing the occupancy on the liquor license, when available, is useful for Staff, particularly when undertaking bar checks. Further, it was agreed to change the heading of the section.

Location Restrictions:

The Clerk clarified that a recent State code amendment allows for a Local Liquor Control Commissioner may waive certain distance restrictions if there is a local rule or ordinance in place which authorizes them to grant an exemption. Further, she noted that per City Code, the Mayor's authority as Liquor Commissioner is shared among the full Council. There was concern that this authority be granted to all of the officials, not one, and that it would require Council action to amend the Code before the Commission could act to exempt a request from distance restrictions.

Permits for Licenses:

The Clerk provided history pertaining to the 180 Day permit. This permit used to be for 90 days with an option to request an additional 90 days. Eventually, the Council modified the Code to a flat 180 day permit, without the need for additional Council action. It was noted that if someone is constructing a new building, it might take longer than 180 days. Mr. Lenzini indicated that we would probably work with that individual. The Clerk noted that the lapse of 180 days wouldn't stop them from reapplying. It was suggested that if extraordinary event arose, consideration could be made, but probably no more than 60 days. Further, it was noted that a deadline might incentivize them to move quicker. The Clerk noted in Hangar 9's case, they requested an additional 180 days, but that was due in part to issues around the Code, construction, and what the Commission would and would not allow for the beer garden.

Nonalcoholic Hours:

It was noted that the various sections pertaining to special permissions (after hours, eighteen year old entry for non alcoholic hours, etc.) were carved out at the request of individual businesses. Staff is recommending consolidating these various permissions into one section. The matter of who would approve the requests, City Manager, full Commission, or Chair, was raised. It was noted that these special exceptions to how the regular liquor license authorizes a business to operate are temporary in nature. Some Board members indicated it would seem appropriate for the City Manager to address. Another suggestion was to have the City Manager address the review and the final approval by the Chair. They asked to see the language staff develops, but the Clerk noted that it would probably not come back until after the Council has an opportunity to look at the full concept of the liquor code revision to determine if it was appropriate to continue moving forward.

6. Citizens' Comments

Clerk: Next meeting is scheduled for November 7.

None

7. Adjournment

Meeting adjourned at 6:37 p.m.

Jennifer R. Sorrell, City Clerk

Date Approved