



CITY OF CARBONDALE, ILLINOIS
LIQUOR ADVISORY BOARD
Minutes of the Regular Meeting of
Thursday, April 4, 2019

The City of Carbondale's Liquor Advisory Board held a meeting on Thursday, April 4, 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, Donald Monty, and David Cisco

Absent: John Mills, Mark Robinson, and Colton Newlin

A quorum was available to take action on the agenda items. City Staff present for the meeting included City Clerk Jennifer Sorrell, City Attorney Jamie Snyder, Lieutenant Matt Dunning, City Manager Gary Williams, and Building & Neighborhood Services Supervisor John Lenzini.

2. Approval of Minutes from January 3, 2019, as amended

On page two of the minutes, the vote was not recorded. The Clerk has corrected the official copy to note that all voted aye and the motion was declared carried.

D. Cisco moved, T. Karayiannis seconded, to approve the minutes of January 3, 2019, as amended. VOTE: All voted aye; motion declared carried.

3. Review and Acceptance of Second Quarter Reports from Police and Building and Neighborhood Services

It was noted that there were no violations found during occupancy checks by Development Services. The Clerk indicated that there has not yet been a hearing held regarding the Hollywood Lounge violation. The Board noted that there were few violations, so either the establishments were doing well or there are fewer checks occurring. Lt. Dunning agreed that they seem low, but bar checks are still being conducted and that there have been fewer patrons out.

William Cook expressed his frustration with the City sending underage people into his bar and wasting his time. The Board noted that the State conducts those stings, not the City.

MOTION: T. Karayiannis moved, D. Cisco seconded, to accept and forward to the Local Liquor Control Commission the Second Quarter Reports from the Police Department and Building and Neighborhood Services. VOTE: All voted aye; motion declared carried.

4. Staff Presentation on Proposed Liquor License Classification Consolidation for Eventual Liquor Code Rewrite

The City Clerk noted that this section of the Title Two rewrite relates strictly to the liquor license classifications and will not affect how licensees operate. Additionally, it will be some time before this would take effect. The primary goal is to reduce the number of current and continued expansion of classifications to a more manageable number. Many of the recent additions to our liquor code are due to proposed uses which aren't

expressly permitted by the Code. This results in the codification of new classifications, often which only affect one or two businesses. Staff realized that most of the newer classifications were for operations which sell alcohol as an ancillary use. As such, Staff is proposing separating classifications into primary purpose and secondary purpose retail sales, which will compress the 23 current classifications into 11 classifications, while preserving the restaurant and video gaming parlor licenses.

Staff questioned what minimum percentage requirement is appropriate for restaurants. Not too long ago, it was suggested to lower the minimum percentage requirement from 51% to 40% as a small number of A1 or A2 licensees struggled with the percentage threshold. Upon reviewing the data provided by the annual Business Data Report, the majority of restaurants have no issue with the minimum percentage and ultimately, it was suggested that perhaps it might be wiser to have a higher percentage threshold. This has been suggested because those locations that are truly restaurants and have minimal liquor sales or video gaming percentages have fewer callouts for Staff and public safety intervention. The only two restaurants classifications which struggle with this criteria, based on the reported income breakdown, are Underground Barrel Room and Tres Hombres. The impact of having a higher focus on the bar side or expansive beer selections and the video gaming aspects of their businesses results in lower food percentages.

Staff continued to review the remaining classifications and special conditions. The Clerk indicated that the approval of any particular special condition for a license should be considered in a similar fashion as is done in Planning Commission meetings when making findings for criteria. The hope is that granting or denial of any special condition utilizing the suggested criteria would ensure an objective approval process. The Board remarked that if a license didn't fit a particular classification, the Local Liquor Control Commission could approve a license with special conditions. It was suggested that a restaurant's entry age might be addressed with a special condition. Tasis Karayiannis indicated that he believe this was going in the right direction, but that a rewrite is undertaken every couple of years. Don Monty commented that the special conditions provide a mechanism to address changes in operations that vary from what is originally presented to the Commission.

David Ponce noted the distinction of his business is that they grow their produce, that he didn't have the same issues that many others have, and encouraged making the lives of business owners easier.

Danny Terry asked about the entry age for his planned operational change and what license he would hold under this proposed reclassification. The Clerk noted that if a family comes in to dine, the presence of a parent or guardian allows for underage individuals to be present and stated that he would hold a manufacturer's license with a special condition for the bar. The City Attorney and Mr. Terry discussed his challenges with finding needed information at the State level.

There was no pushback or criticism provided by the Board regarding the proposal and the Clerk inquired if they would like to see the classifications further condensed. Steve Payne expressed interest in such an idea and Don Monty likes the current presentation. The Clerk then inquired about the Board's feelings regarding the minimum percentage requirements for the restaurant classification, to either lower the minimum, keep it as is, or to raise the threshold. She noted that there are rarely calls for police service for true restaurants, as opposed to those restaurants which have a more "bar" kind of atmosphere. Don Monty agreed with the statement, but indicated that could create a problem for the last two locations, Underground and Tres Hombres. The Clerk stated that if those underage individuals are accompanied by their parents, that would not pose a problem, and that if the business sought, and their business plan supported, a special condition for a modified entry age, that could be considered by the Commission. Mr. Monty suggested that they could hold a bar license, but request a special condition for a modified entry age for the usual dining periods of the day. The City Attorney noted that a bar with such a special condition that was found to have violations with underage alcohol possession could have the special condition revoked, but would still be able to continue operating as a bar with the 19 and older entry age.

William Cook commented that responsible businesses would not have problems with underage issues, noting that he has proms, after high school basketball games business, high school kids, and stated that he wasn't worried about what age they are. The City Clerk reminded Mr. Cook that he holds a B2 liquor license which

has a 19 year old entry age. He commented that they didn't need to turn away business, that it was necessary to make money.

David Ponce expressed concern about the percentages, noting that he sold 100% wine sales, but also with cheese and crackers being sold. Further, he commented that people bring out a picnic dinner. Mr. Monty remarked that the percentage discussion was only relative to restaurants.

5. Citizens' Comments

Next Meeting: Review of Liquor License Renewal Applications on May 9; in the absence of a quorum, we will try for May 16

The Clerk reminded the Board that elections are to be held in June and suggested giving thought to nominees. She also noted that at an upcoming meeting, updates to bylaws to reflect Code changes will be needed. Additionally, there is a new Student-appointee L.A.B. member, Colton Newlin, who was unable to attend due to scheduling conflict

6. Adjournment

Meeting adjourned at 6:21 p.m.

Jennifer R. Sorrell, City Clerk

Date Approved