



CITY OF CARBONDALE, ILLINOIS
LIQUOR ADVISORY BOARD
Minutes of the Regular Meeting
Thursday, July 11, 2019

The City of Carbondale’s Liquor Advisory Board held a meeting on Thursday, July 11, 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: John Mills, Tasis Karayiannis, Steve Payne, David Cisco, Colton Newlin, and Don Monty

Absent: Mark Robinson (6:36 p.m. – Steve Payne exited)

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, Economic Development Director Steven Mitchell, and Building & Neighborhood Services Supervisor John Lenzini.

2. Approval of Minutes from the L.A.B. Meetings of May 23 and June 17, 2019

D. Cisco moved, J. Mills seconded, to approve the meeting minutes from May 23 and June 17, 2019. VOTE: All voted aye; motion declared carried.

3. Discussion Regarding Carbondale Musician Advisory Council’s Recommendations for Amendments to Titles Five and Two as it Relates to Legal Entry Age

CMAC members present included Jack McCarthy, Jon Dalessio, Sally Carter, Jenny Johnson, FiddleRick Johnson, Ashley Poshard, Steven Mitchell, Chris Wissmann, and Bill Robbins. They were attending to present proposed amendments to the City Code Titles Two (Alcoholic Liquor) and Five (Entertainment Club) as it relates to entry age. Their proposal included lowering the entry age for Class B licenses to 18 years of age and establishing a special rider for Class B licenses, capped at 3, which would allow for all ages shows. Specifically, they recommend striking the teen clubs language Title Five, Chapter 11 “entertainment clubs” and replacing it with a rider in Title Two for all ages show language: “A club may allow or permit a person between the ages of sixteen and eighteen to enter or remain upon its premises on Fridays from 5:00 p.m. to 10:00 p.m., on Saturdays from 5:00 p.m. to 10:00 p.m., and Sundays through Thursdays from 5:00 p.m. to 10:00 p.m.”

The Board made inquiries of the City Attorney about the amendment to Title Five which addresses, in part, adult entertainment. CMAC representatives suggested that this should not be open to just any licensee and once adopted, if the cap was not immediately filled, to drop the number on the cap to prevent irresponsible licensees from obtaining the rider. The City Attorney noted that handpicking the licensees cannot be permitted. It was then noted from the CMAC representatives that they wanted to try this out with a small number of locations to see if it would be successful. Further, they stated that legal adults at the age of 18 should be able to enter a bar at any time, but that due to the curfew, 16 and 17 year olds should leave the all ages shows in sufficient time to allow them to make the curfew. It was noted that it would be at the bar’s discretion whether to have the all ages hours at all times or during certain events.

Utilizing Sally Carter as an example, it was noted that she would only utilize the all ages rider for special events during the week when she could acquire a musical group which would draw attendees of that age range. Noting that without that type of event, she wouldn't want 16 and 17 year olds in the bar taking space from those of legal age. The Board suggested perhaps she could limit the alcohol sales to beer and wine during such all ages shows to more clearly differentiate those consuming alcoholic beverages from those consuming nonalcoholic beverages. There was also concern expressed about mixing 16-17 year olds with college-aged crowds. The Board inquired as to whether there had been past attempts to change the entry age and remarked that nineteen was likely chosen to prevent high school students from entering bars. It was suggested that crafting language which would prevent individuals in high school from entering would be challenging. CMAC representatives noted that the obvious concern was preventing access to alcohol, but that students already have access at house parties where there will not be a presence preventing them from drinking. The Board noted that there would be a perception that the City is encouraging high school students to go to the bars and mix with college students or get alcohol. A CMAC representative noted that she is a musician and an instructor for Girls Rock camp and wants to encourage these kids to attend so that they can see a thriving musical scene and be inspired by it; she noted that she took 19 year old students to Tres to work on live audio and she monitored them. Local groups such as Lucas Feather and the Underclassmen were cited as examples and it was noted that they also need to have other venues where they can perform. Several CMAC representatives suggested that the intermingling isn't as bad as it is suggested as being or that it is a good thing. Utilizing different colored wristbands was one means of monitoring the different aged individuals attending events and it was noted that they have people under 21 in the bars regularly, which the bar staff must monitor.

The Clerk requested clarification as to whether there was an intent to change Title Five, noting that Entertainment Clubs cannot be held in locations where alcohol is ever present or served. CMAC representatives indicated that was a goal for the future. There were inquiries as to the nature of Entertainment Clubs, but the discussion is outside of the scope of this Board.

The USG Board representative challenged the "moral high ground" presented at the meeting and questioned the true motivation of the recommendation, which he suggested was increased revenue. A CMAC representative disagreed with this characterization, and in his extensive reply he included several factors and goals, noting that goals of this include accelerating the artistic output in the community, economic development, helping enrollment at SIU, bringing students out of isolation to develop relationships which may assist retention, remarked on the Hangar having the best facility acoustically speaking, and that the goal is to roll out the red carpet and make Carbondale an entertainment destination. It was noted that Carbondale has always been different and it is time to leverage that difference. A CMAC representative indicated that she would allow her 16 year old stepson to attend these shows.

The Board members remarked about which of the two proposals they could support and requested additional details be brought back as to how the various concerns raised would be mitigated.

4. Review and Amend Bylaws

Article II, Section 2: Functions and duties: This section needs to be amended to read as the City Code reads, setting an annual meeting schedule versus establishing them at the end of each meeting, in order to be in compliance with the Open Meetings Act, updating the residency requirements per the amended City Code,

Article II, Section 2: Functions and Duties: This section needs to be amended to read as the City Code reads. The City Clerk asked if the Board wanted to recommend the removal of “To monitor all liquor licensees to assure their compliance with the laws of the City and the State” from the “Powers and Duties” section, noting that there was a time when Board members would periodically check licensed establishments and there are City Staff who conduct inspections. There was discussion noting that structured, planned visits by members is no longer occurring; that Board members are able to report concerns that they find to City Staff just as any citizen is able to do; that an additional, fresh look wouldn’t be harmful; and that without looking at all establishments, as opposed to those commonly frequented by Board members, it may water down the intended effect. There was no clear outcome regarding this section.

Article III, Section 2: Members/Qualifications/Terms: Residency should be updated to reflect the changes adopted by the City Code.

Article V, Section 1: Meetings: This requires revision to be in compliance with the Open Meetings Act requirement of establishing an annual meeting schedule. The second half of this section regarding the Mayor calling an emergency meeting of the Board in consultation of the Chair is older language which is no longer necessary; if a special meeting is required, it will generally be requested by the Board or the Commission and will be arranged by the Staff liaison for a time when a quorum is available. It was suggested that the older language be replaced with something to the effect of “Special Meetings may be called in accordance with the Open Meetings Act.”

Article V, Section 3: Meetings: The Chair, with the consent of the Board, shall be empowered to terminate public debate in order for the Board to conduct and expedite the business of the Board. The Chair shall be further empowered to limit the time spent on each agenda item. The Clerk noted that limiting the time for individual public comments and total time for comments must be codified in the bylaws, but addressing it in a similar way as was demonstrated during this meeting would probably be fine. It was suggested that when there is a larger rewrite of bylaws to establish consistency across various Boards, that is when it might be appropriate to adjust this section.

Article VI: Subcommittees: There haven’t been subcommittees for a very long time and it doesn’t seem to be necessary for this particular Board.

A partial amendment to ensure compliance with the City Code and Open Meetings Act will be brought back; additional amendments will occur when Board bylaws are looked at by the City Council.

5. Proposed Amendment to Title Two as it Relates to Establishing a Penalty for the Late Submission of Liquor Renewal Applications

Suggestions and comments from the Board regarding an appropriate penalty included a recommendation of a \$100 penalty plus \$15 each additional day, a graduated percentage, a penalty of 10% of the license fee, but with a minimum penalty, assessing an additional daily penalty so that it is not the same penalty whether the applicant is one day late or 30 days late, assessing a flat rate and increasing it either daily or weekly, or to assess the appropriate penalty at the L.A.B. when considering renewals.

The parameters suggested by the L.A.B. are that there should be a penalty, it should be a meaningful amount, with a certain minimum amount, and something that increases over time. The City Council can wrestle with the appropriate amount.

6. Citizens' Comments

The Clerk noted that the next scheduled meeting date is August 1.

7. Adjournment

Meeting adjourned at 7:00 p.m.

Jennifer R. Sorrell, City Clerk

Date Approved