

**Local Liquor Control Commission and Regular City Council Meeting July 13, 2021  
(Tuesday, July 13, 2021)**

*Generated by Jennifer R Sorrell on Tuesday, July 20, 2021*

**Commissioners present**

Commissioner Adam Loos, Commissioner Ginger Rye Sanders, Commissioner Jeff Doherty, Commissioner Lee Fronabarger, Commissioner Tom Grant, Commissioner Carolin Harvey, and 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. General Business of the Local Liquor Control Commission

Action: 2.1 **Minutes from the Local Liquor Control Commission Meeting of April 27, 2021**

MOTION: Approve the minutes of the Local Liquor Control Commission Meeting of April 27, 2021

Motion by Lee Fronabarger, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Carolin Harvey, Adam Loos, Ginger Rye Sanders, Jeff Doherty, Lee Fronabarger, Tom Grant, John M Henry

Action: 2.2 **Consideration of the Hearing Officer's Report and Recommendation**

Assistant City Attorney Analisa Parker and Bobby McBride, licensee, were present at the Hearing. Mr. McBride explained why the lock had been placed on the door and noted it was for a few minutes.

Motion by Ginger Rye Sanders, second by Tom Grant to Modify the Hearing Officer's Report

There was a reference to Code section 2-5-3.D (*Responsibility Of Licensee For Acts On Control Premises*); the Commissioner shared their perspective as it related to the actions of the licensee, noting disagreement with the fine, but agreeing with the written reprimand. Assistant City Attorney Parker responded to these remarks, noting that Mr. McBride had stipulated to the violation. There was a back and forth between Commissioner and Assistant City Attorney as to the facts of the event and the existence of a provision in the fire code which would allow such action. City Attorney Snyder explained that the City has adopted the 2003 International Fire Code and why it has not adopted subsequent versions. The Commission asked about the nature of the violation and how it constituted a violation, as well as what the specific action on the floor was. There was discussion as to whether the Commission could amend the report, when the facts had been stipulated to by the owner.

The Motion on the floor was withdrawn.

MOTION: Accept the Hearing Officer’s Report

Motion by Carolin Harvey, second by Lee Fronabarger.

Motion Carries

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

Nay: Ginger Rye Sanders

There was a Motion and second to modify the Hearing Officer’s Recommendation of the letter of reprimand and the \$300 fine. There was a question as to the nature of the modification being requested.

It was noted that there is no fine, but rather that the licensee pay the cost of the Hearing and that a letter of reprimand be issued.

Commissioners commented on whether they felt the actions of the licensee were the appropriate action given the testimony during the hearing.

The City Attorney responded regarding to a desire to ask the licensee a question regarding the lock on the door and whether asking that question would be appropriate given the nature of the purpose of the Local Liquor Control Commission’s review.

The Commission asked if the key lock was defective, if the licensee had considered calling the police or if there was insufficient time, and should this situation occur again, what the response would be. Mr. McBride responded to the Commission’s questions.

MOTION: Modify the Hearing Officer’s Recommendation that there be no letter of reprimand or cost to the licensee.

Motion by Ginger Rye Sanders, second by Tom Grant.

Final Resolution: Motion Carries

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

Nay: Adam Loos

3. Citizens' Comments for the Local Liquor Control Commission

4. Adjournment of the Local Liquor Control Commission

Procedural: 4.1 **Time of Adjournment for Local Liquor Control Commission**

The Local Liquor Control Commission adjourned at 6:32 p.m.

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Jennifer R. Sorrell, City Clerk

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Date