

City of Cape Girardeau
Liquor License Review Board

November 20, 2013
City Hall – City Council Chambers
401 Independence Street
3:30 p.m.

Roll Call – Board Members:

- Mrs. Carol Peters
- Mr. Ryan Shrimplin, *Chief Review Officer*
- Mr. Charles “Speedy” Wagoner

Roll Call – City Staff:

- Mr. Tim Morgan, *Director of Inspection Svcs.*

1. Call to Order

The Liquor License Review Board convened on Wednesday, November 20, 2013, at 3:30 p.m. with Chief Review Officer Mr. Ryan Shrimplin presiding and Board Members Mrs. Carol Peters and Mr. Charles Wagoner present.

2. Introduction and Opening Comments

Mr. Ryan Shrimplin introduced the members of the Board and reviewed the agenda items and meeting format.

3. Approval of April 8, 2013 minutes

A Motion was made by Carol Peters, seconded by Charles Wagoner to approve. Motion approved. 3-0. Aye, Peters, Shrimplin, Wagoner.

4. Review of approval and appeal of liquor license for That One Bar, 36 North Spanish Street

a. Public Comments

Mr. Loyd Ervin, of 115 Themis Street, appeared and said that he lived there with his daughter before he moved. He said that he did not have problems with cigarette smoke before that location became a bar. He said that the smoke is worse when the bar has a busy night, and better when they are having a slow night. Mr. Ervin said that his daughter has health concerns that are aggravated by the smoke problems, and they are looking into pressurizing the building to prevent smoke from entering residence.

b. Applicant Comments

Mr. Jeff Koenig, Manager of THAT ONE BAR, appeared and said that he had hired Dutch Enterprises to look over the bar’s exhaust system and they had installed the most expensive filters they had, in an attempt to satisfy Mr. Ervin’s concerns.



c. City Staff Comments

Mr. Tim Morgan, Chief Review Officer, appeared and said that he had visited Mr. Ervin's home and business, ERVIN'S METALSMITHS, at 115 Themis Street and he could smell the obvious odor of cigarette smoke in one room. THAT ONE BAR was not open for business at the time of his visit.

Mr. Morgan said that he and Dutch Enterprises had discussed ways to prevent the odor of cigarette smoke from entering Mr. Ervin's home and business. Dutch Enterprises recommended that Mr. Ervin cap the vent stacks on the roof. Mr. Ervin had said that he was unsure of the function or purpose of the vents. Dutch Enterprises indicated that they found no obvious vent to exhaust air from THAT ONE BAR and likened the bar's lack of vents to a balloon that leaks air to equalize pressure.

Mr. Daniel Grim, attorney for Mr. Rick Werner, the building owner, appeared and asked where the smell of smoke was coming from, since THAT ONE BAR was closed at the time of Mr. Morgan's visit to 115 Themis Street.

Mr. Ervin reappeared and said that the odor of cigarette smoke is light when the bar has a small crowd, but when the crowd at the bar is heavier, the smell is thicker. Mr. Shrimplin asked if Mr. Ervin could see the smoke on those nights. Mr. Ervin replied that the odor has woken his family from sleep and that they can taste it in the air. Mrs. Peters asked if another neighboring bar, LODOS, also had a large crowd on those nights when the smell of smoke was strong.

Mr. Rick Werner, the building owner, addressed the Board and denied that the odor of cigarette smoke is stronger when the crowd is heavier. He said that in one instance, Mr. Ervin called him and complained that the smell of smoke was particularly heavy, just after he had spoken to Mr. Koenig on the phone, who had complained of a particularly slow night at the bar.

d. Board review, discussion, and possible action

Mr. Wagoner remarked that the smoke has to be coming from some place, and he would really like to see something happen to help relieve Mr. Ervin's concerns. Mr. Shrimplin replied that all the Board can do is enforce the existing codes. Until now, it was understood that THAT ONE BAR was following the codes as written – however, some of those codes regarding ventilation issues may need to be addressed.

Mr. Shrimplin said that this issue will arise in cities that do not have a smoking ban in force, and the downtown area is different from other areas in Cape Girardeau. Unfortunately, you can't escape this situation entirely, no matter what is done, since the odor of cigarette smoke is probably coming from more than one source. He said that the Board will need to continue to monitor the situation.



Motion to approve liquor license.

A Motion was made by Carol Peters, seconded by Charles Wagoner to approve.
Motion approved. 3-0. Aye, Peters, Shrimplin, and Wagoner.

5. Adjourn

Meeting ended at 4:05 p.m.

A Motion was made by Carol Peters, seconded by Charles Wagoner to adjourn.
Motion approved. 3-0. Aye, Peters, Shrimplin, and Wagoner.

