

***Liquor License Review Board***

June 26, 2014  
Osage Centre, Room 3A  
2:00 p.m.

Present: Lori Meyer, Human Resources Manager, Chief Review Officer  
Steve Cook, Assistant Public Works Director  
Charles "Speedy" Wagoner

City Staff Present: Wes Blair, Police Chief  
Rick Ennis, Fire Chief  
Ivan LaGrand, Fire Inspector  
Eric Cunningham, City Attorney

Others Present: Susan Strode, Dockside The Upper Deck

Call to Order

Ms. Lori Meyer called the meeting to order at 2:00 p.m.

Introduction and Opening Comments

Ms. Meyer introduced the Board and explained the rules of order for addressing the Board.

COMMENTS, DISCUSSION & VOTING

**Review of appeal of recommended revocation of liquor license for Marcell Malone, d/b/a Slingers Nightclub & Lounge, 820 North Sprigg Street**

Ms. Meyer stated that just prior to this meeting, Mr. Marcell Malone appeared at the Osage Centre and verbally stated to her that he was withdrawing his appeal of the liquor license revocation for Slingers Nightclub Lounge. Therefore, the revocation will stand as issued by the City Manager, and the appeal will not be reviewed by the Board.

**Review of appeal of recommended revocation of liquor license for Susan C. Strode, d/b/a Dockside The Upper Deck, 4 North Spanish Street**

- a. Ms. Meyer called for Public Comment from the floor. There being none,
- b. Ms. Meyer called for Applicant Comment.

Ms. Susan Strode, owner of Dockside, appeared and presented her case. She has lived and operated a business in the building at 4 N. Spanish Street for 12 years. She had an antique mall for 6.5 years on the first floor, which closed in 2008. In 2004 she opened the banquet hall on the second floor. She discussed

the events that occurred on May 11 relating to fights and gunshots at her business. She rented the facility to a fraternity, and had a signed contract with them for rental conditions, including a maximum occupancy level of 177 in the front room and an additional 100 in the rear. The renters were responsible for monitoring the patrons, and she provided a manager and two bartenders. She was present in the back office because the manager was new. She had been made aware that the previous night there were issues with this particular fraternity, and she had called the Police and asked them to be in the parking lot at 12:45 in case any incidents occurred. The event did not go well, resulting in disturbances and fights, and the police did have to disburse the event. The Police Department claimed that there were over 500 people in the building, but she does not agree with that number. She indicated that there was also a prior incident at her location on January 28 when a large crowd came to her business after shots were fired at a different location. The person at the door let a large crowd in the facility over the occupancy level, and a gun did go off in the facility. She indicated she does not like to have fraternity parties, but if it is a slow month, she will book a party for the income.

c. Ms. Meyer called for City Staff Comment.

Police Chief Wes Blair appeared before the board. He stated that it is very concerning to the Police Department that a business owner would rely on the police to be present during normal business hours in anticipation of events that could occur. The Department does not have available officers or resources to be on site for one party, and this is not fair to all other taxpayers. Chief Blair further explained that on January 26, 2014, there was a shooting at a concert at the Arena Building. He responded to that incident when he was called to respond to fights inside Dockside, which ended up being people who were at the shooting at the Arena Building. When officers arrived, it was apparent that occupancy levels had not been managed due to the number of people in the building. The officers asked that the double front doors be unlocked to facilitate getting patrons out the building, and they were told that the doors were locked and there was no key. An officer was using a counter to track the number of people that were exiting the building, and the officer stopped counting at approximately 700.

Fire Inspector Ivan LaGrand appeared and stated that the two occupancy load issues occurred on January 28 and May 15 of 2014. Fire Inspector Brian Shaffer met with Ms. Strode, providing her with copies of reports showing numerous violations of the 2009 International Fire Code, including occupancy loads, number of exits, lack of signage on exits, as well as other violations. Mr. LaGrand reviewed with the board how the occupancy loads are calculated under the Fire Code and the requirements for the number of required exits. He stated it is the responsibility of the owner to manage all hazardous conditions and occupancy loads of his/her building, even if it is rented out to another party. Upon questioning by Ms. Meyer, Ms. Strode stated that the exit doors going into

the mall area are locked at all times, and she has not put up an exit sign as stated by Mr. LaGrand because she will have to run electricity for the signs.

- d. The Board reviewed and discussed information provided.

Mr. Wagoner stated it is the license holder's responsibility for the occupancy load of their premise. Ms. Strode responded that in her contracts, the renter is responsible for the security of the event, counting the people entering the premise, checking the IDs of those entering, and collecting any admission fees. She provides the bartenders and managers. Her only income is the rental fee. After this incident she stated she realized she needs to manage the count at the door rather than relying on her renters. Mr. Wagoner stated further that other issues have occurred at this business besides occupancy issues. The board received copies of all incident reports at this location. While he does empathize with her, he has to make his decision based on the reports received.

Mr. Cook stated that he did not hear anything that would change the recommended action for the premise.

Following discussion, a Motion was made by Mr. Cook, seconded by Mr. Wagoner, to uphold the Liquor License Revocation Notice issued by the City Manager on June 4, 2014, to Susan Strode, d/b/a Dockside The Upper Deck, 4 North Spanish. Motion approved 3-0. Aye, Cook, Meyer, Wagoner. Nay, none.

## Adjourn

A Motion was made by Mr. Cook, seconded by Mr. Wagoner, to adjourn. Motion approved. 3-0. Aye, Cook, Meyer, and Wagoner. Nays, none. Meeting ended at 3:30 p.m.

Minutes taken by:  
Gayle Conrad  
Director of Citizen Services/City Clerk