

A RESOLUTION RECOMMENDING AN )  
UNFAVORABLE RECOMMENDATION )  
TO THE OREGON LIQUOR CONTROL )  
COMMISSION FOR THE RENEWAL OF A )  
LIQUOR LICENSE AND MAKING FINDINGS )  
IN SUPPORT OF SUCH RECOMMENDATION )  
FOR SHERMAN STREET BAR & GRILL )

RESOLUTION NO. 14  
for 2008

WHEREAS, the City Council for the City of Lebanon is charged with the duty to consider and recommend to the Oregon Liquor Control Commission(OLCC) the Council's determination of whether or not a local dispenser of alcohol should have its liquor license renewed; and

WHEREAS, the City Council has conducted an advertised, public hearing on the renewal application of the Sherman Street Bar & Grill, Licensee VSI Enterprises, LLC, located at 76 E. Sherman Street, Lebanon, OR, Premises Number 3768; and

WHEREAS, the City Council has heard evidence of witnesses, including evidence from the Chief of Police of the City of Lebanon; and

WHEREAS, the City Council has considered the evidence; and

WHEREAS, the Lebanon Municipal Code, Section 5.10.060, provides criteria to be considered by the Council in making recommendations to the Oregon Liquor Control Commission on the renewal of liquor licenses.

WHEREAS, the City of Lebanon has, by ordinance (LMC 9.18), established a local Alcohol Impact Area (AIA) which includes the city's core downtown area. This AIA was established due to the high concentration of bars and taverns in a relatively small downtown area. In addition, there has been along history of public complaints and criminal activity associated with several of the OLCC licensees within the City established AIA. The Sherman Street Bar & Grill is within the City's established AIA.

**NOW, THEREFORE, THE CITY OF LEBANON RESOLVES AS FOLLOWS:**

Section 1. Based upon the evidence submitted at the public hearing, the City Council finds as follows:

A. Over the last approximate fifteen months, there has been a history of persistent and serious problems associated with this licensee, requiring numerous responses from the Lebanon Police Department. Among the reported incidents, there have been approximately 34 fights and/or assaults that have required police investigation. LMC 5.10.060(A)(15) sets forth criteria designated for the purpose of making an unfavorable recommendation to the Oregon Liquor Control Commission when there is a history of serious and persistent problems involving disturbances, unlawful activities either in the premises or involving patrons of the establishment in the immediate vicinity of the premises, including behavior which is related to the sale or service of alcohol which involve public

drunkenness, fights, harassment or altercations. The incidents reported, see Exhibit "A" which is incorporated at this point by this reference, contains reports of such activities and warrants the Council's determination that an unfavorable recommendation should be made to the OLCC.

B. In December 2007, an incident took place on the premises of the applicant which resulted in a notice of warning issued to the applicant for failure to verify the age of a person appearing under 26 years of age. This investigation was the result of a 17 year old being involved in a DUII (Driving Under the Influence of Intoxicants) crash who stated that he had consumed alcohol on the premises of the applicant.

C. In January 2008, an incident occurred in the premises where Lebanon Police Officers found a minor consuming alcohol at the premises of the applicant. The information discovered by officers was forwarded to the OLCC. The OLCC made the following charges:

1. Permitting a minor in an area prohibited to minors.
2. Permitting a minor to consume alcohol on the premises.
3. Making false statements by the applicant or the applicant's agent to the OLCC to prevent action by the OLCC.
4. Removal of the establishment from the Responsible Vendor Program.

Such incidents are found by the City Council to constitute violations of criteria listed in LMC 5.10.060 (A)(8) that the applicant does not display a good record of compliance with the alcoholic liquor laws of this state and the rules of the OLCC when previously licensed. In addition, the above findings constitute a violation of LMC 5.10.060(A)(10) as this applicant's record shows, through administrative rulings or other means, violation of laws or ordinances connected in time, place and manner with a liquor establishment, including state alcohol liquor laws.

D. In March 2008, OLCC inspectors were working undercover at the request of the Lebanon Police Department and at the applicant's establishment. During the investigation, employees of the applicant, who had been previously warned to comply with the DPSST certification requirements of state law or regulation, failed to obtain private security certification. Specifically, applicant's employee Bernard Stabler and applicant's employee Shane Lindseth were issued citations for Failure to Obtain Private Security Certification. Such incidents, the Council finds and concludes, show that the applicant has not displayed a good record of compliance with the alcoholic liquor laws of the state of Oregon or the rules of the OLCC when previously licensed.

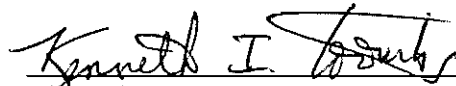
E. The City Council, has received extensive public testimony that the patrons of this licensee have made themselves a public nuisance by means of urination, defecation, shouting, vandalism, and general disorderly conduct.

This has resulted in damage and loss of property value and business activity on the part of many of those businesses and residences who are near the Sherman Street Bar and Grill.

Section 2. Therefore, based upon the findings above, the City Council for the City of Lebanon recommends that the Oregon Liquor Control Commission not renew the liquor license for the Sherman Street Bar & Grill, located at 76 E. Sherman Street, Lebanon, OR, Premises Number 3768.

Section 3. This resolution shall become effective immediately upon its passage.

Passed by the Lebanon City Council on the 14th day of May, 2008 by a vote of 6 for and 0 against.

  
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Kenneth I. Toombs, Mayor   
Bob Elliott, Council President

ATTEST:

  
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Linda Kaser, City/Recorder