

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 LINN LANES)

RESOLUTION NO. 15
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 Linn Lanes, license type F-COM, License Number 96110, located at 2250 S. Main, Lebanon, OR 97355; 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.

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. By the report of the Lebanon Fire Marshal, Mark Wilson, the premises of the Linn Lanes Bowling has had numerous violations of the fire code. These violations, reported as of April 23, 2008, number approximately fifteen, dating from the fall of 2007 to the present time. The Fire Marshal reports that five of the violations have been abated or remedied, but that the non-compliance of remaining violations by the applicant of the fire code which have not been abated constitutes the operation of the business in an unsafe manner, putting the community, patrons, employees and the management of the premises at risk. A copy of the Fire Marshall's report of April 23, 2008, along with its exhibits, is attached to this Resolution, adopted and incorporated by this reference.

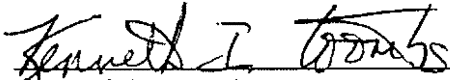
B. The Lebanon Municipal Code, section 5.10.060 A.13, identifies a criterion to be considered by the council in determining whether or not an application should be recommended for denial when the applicant has not maintained the premises in accordance with the building code or the fire code in the city and the state. Based upon the report and exhibits presented by the Lebanon Fire Marshal,

which are part of this Resolution, the Council finds that this applicant has not maintained the premises in accordance with the fire code.

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 Linn Lanes Bowling Center, located at 2250 S. Main Rd., Lebanon, OR 97355, license number 96110.

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.



Kenneth I. Toombs, Mayor
Bob Elliott, Council President

ATTEST:



Linda Kaser, City/Recorder