

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 STAR LITE TAVERN)

RESOLUTION NO. 16
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 a hearing on the renewal application of the Star Lite Tavern, owned by the BET Corporation, located at 638 Main Street, Lebanon, OR; and

WHEREAS, the City Council has heard evidence of witnesses, including evidence and recommendations 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 (OLCC) 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 a long history of public complaints and criminal activity associated with several of the OLCC licensees in the City established AIA. The Star Lite Tavern is located 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 serious and persistent problems with this licensee, requiring numerous responses from the Lebanon Police Department. There have been approximately 50 serious calls for service, including 33 fights and/or domestic disturbances. Nineteen of the disturbances reported during this time were reported after 2:00 o'clock A.M., with an additional six complaints of assaults on or near the applicant's premises. In addition, the Council finds that on several occasions, patrol personnel noted that during the time span between 2:00 AM and 2:30 AM, the premises only had one employee on duty which the Council finds is fewer than required to control or serve patrons of the business. This "understaffing" has contributed to assaultive behavior on or near the premises. 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. The City Council has previously, in May 2006, recommended that the OLCC not renew a liquor license because of a history of non-compliance with liquor laws.

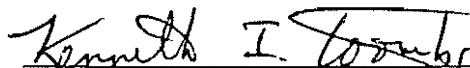
C. The Applicant has continued to operate the business for approximately eight months without a liquor license. No reasonable excuse is found for operating the premises without a liquor license, contrary to the laws of the state of Oregon.

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 alcoholic liquor laws.

Section 2. Therefore, based upon the findings above, the City Council for the City of Lebanon recommends that the Oregon Liquor Control Commission deny the application for a liquor license for the Star Lite Tavern, owned by BET Corporation, located at 638 Main 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.


Kenneth I. Toombs, Mayor
Bob Elliott, Council President

ATTEST:


Linda Kaser, City Clerk/Recorder