

**RESOLUTION
OF THE
SPENARD COMMUNITY COUNCIL**

“A resolution approving the proposed recreational use liquor license for Minnesota Billiards.”

WHEREAS, Jin Do So and Soon Woo So, d/b/a Minnesota Billiards (“Minnesota Billiards”), have applied to the State of Alaska Alcoholic Beverage Control Board (“ABC Board”) for a recreational site license pursuant to AS 4.11.210 for their billiard hall located at 3020 Minnesota Drive, Suite 3; and

WHEREAS, the ABC Board has propounded a policy concerning recreational site licenses that also covers billiard halls; and

WHEREAS, the applicants and their representatives have attended the Spenard Community Council meetings in February, March, and April 2013 and invited officers and members of the Spenard Community Council and the Municipal Assembly to visit and view their place of business and to observe the security and surveillance systems in place at the premises; and

WHEREAS, officers and members of the Spenard Community Council remain sensitive to and concerned about ensuring that new and existing licensed premises in Spenard operate in a responsible manner in accordance with all legal requirements; and

WHEREAS, members of the Spenard Community Council have expressed concern that there be conditions and mechanisms in place that allow the Spenard Community Council’s concerns relative to Minnesota Billiard’s liquor operations to be heard and addressed in a timely manner; and

WHEREAS, procedures currently exist under the Anchorage Municipal Code and regulations relative to modifying or revoking a liquor license conditional use permit in appropriate cases; and

WHEREAS, procedures also currently exist under the Alaska Statutes and the Anchorage Municipal Code providing for protesting the renewal of liquor licenses in appropriate cases; and

WHEREAS, both the ABC Board and the Municipality of Anchorage have advised that a liquor license when granted is a valuable property right for which a holder is entitled to due process before suspension or revocation and that due process requires that the license holder be provided with notice and an opportunity to be heard before any

such action via a meaningful, impartial hearing before a neutral governmental body or official; and

WHEREAS, the due process rights referred to above are consistent with the decisions of the Alaska Supreme Court (*see Stevens v. Alcoholic Beverage Control Board*, 257 P.3d 1154, 1168 (Alaska 2011), *Rollins v. State of Alaska, Department of Revenue Alcoholic Beverage Control Board*, 991 P.2d 202, 215 (Alaska 1999) and *Thorne v. State of Alaska, Department of Public Safety*, 774 P.2d, 1326, 1329 (Alaska 1989)); and

WHEREAS, Minnesota Billiards and the Spenard Community Council have sought to come to an agreement on a set of conditions and stipulations that are consistent with the concerns of the community, effective from a business point of view for Minnesota Billiards and respectful of all parties' rights and the procedural requirements and safeguards of the Municipality of Anchorage and the ABC Board; and

WHEREAS, Minnesota Billiards wishes to be a good business citizen and neighbor and to cooperate with the Spenard Community Council in formulating a set of such conditions.

THEREFORE, NOW BE IT THEREFORE RESOLVED, that the Spenard Community Council does not oppose the recreation site liquor license application of Minnesota Billiards for its billiard hall at 3020 Minnesota Drive, Suite 3, provided the following restrictions are included in the conditional use permit:

Staffing Required

1. TAMS or equivalent training shall be provided to all Minnesota Billiards personnel working within the alcoholic beverage licensed premises portion of the billiard hall.

Restrictions on Hours

1. So long as the Crystal Child Development Center is operating in the strip mall premises located at 3020 Minnesota Drive, Suite 9, Minnesota Billiards will only serve alcoholic beverages between the hours of 6:00 PM and the latest closing time allowed by state and municipal law or regulations on Monday through Friday. On Saturdays, Sundays, and holidays or other dates or periods of time when the Crystal Child Development Center is not operating, Minnesota Billiards shall be allowed to sell alcoholic beverages during any hours allowed by the ABC Board and the Municipality of Anchorage. In addition, if the Crystal Child Development Center relocates to another property other than the mall located at 3020 Minnesota Drive, the Spenard Community Council agrees that it will not oppose a modification to the conditional use permit

allowing Minnesota Billiards to serve alcoholic beverages during any hours allowed by the ABC Board and the Municipality of Anchorage.

Community Review Requirements

1. The Spenard Community Council may, if desired, on a semi-annual basis visit and inspect the Minnesota Billiards premises and review its operations.
2. Recognizing that there will be a reasonable period between the granting of a recreational site liquor license and the date the sales of alcoholic beverages will commence at the premises, Minnesota Billiards will provide the President of Spenard Community Council with written notice of the date sales of alcoholic beverages at the site will commence (the "Alcoholic Beverage Sales Commencement Date").
3. If after six (6) months following the Alcoholic Beverage Sales Commencement Date (or at any time thereafter) the Spenard Community Council has reasonable grounds to believe that Minnesota Billiards is in violation of any federal state or local law pertaining to the sale of alcoholic beverages (including AS 4.11.370, the Alaska Statute principally governing the possible suspension or revocation of a liquor license) it shall provide Minnesota Billiards with written notice if any such allegations and complaints and describe any such allegations and complaints in reasonable detail. Minnesota Billiards shall have a period of twenty (20) days (the "Minnesota Billiards Response Date") to respond in writing to any such allegations and complaints and agrees to exercise due diligence and reasonable efforts within such 20 day period to address and resolve any such matters. Without limiting the foregoing, representatives of Minnesota Billiards will seek to meet with members of the Council and in any event to attend the next meeting of the Spenard Community Council following the Minnesota Billiards Response Date in order to discuss the matter and possible solutions with members of the council.
4. If Minnesota Billiards is unable in the view of the Spenard Community Council to satisfactorily address and resolve the concerns expressed by the Spenard Community Council within thirty (30) days of the Minnesota Billiard Response Date, then the Spenard Community Council shall have the right to (a) petition the Anchorage Municipal Assembly to vote in accordance with AMC §21.50.160(E) to modify, or revoke Minnesota Billiards' conditional use permit, or (b) petition the Anchorage Municipal Assembly to vote to protest pursuant to AMC §2.30.120(F) any renewal of Minnesota Billiards' Recreational Site License.
5. In the event that the Anchorage Municipal Assembly (a) chooses to schedule a meeting or hearing to modify or revoke Minnesota Billiards conditional use permit, or (b) the ABC Board schedules a hearing or meeting on the request of the Municipal Assembly to consider the non-renewal, modification, or revocation of

Minnesota Billiards' Recreational Site License then in such an event Minnesota Billiards has agreed to cooperate in scheduling a hearing or meeting with reasonable promptness (subject to any statutory or regulatory proceeding or requirements) and considering the respective parties' schedules and the facts and circumstances being asserted or alleged. However, at any such hearing or meeting (and with respect to any appeals or review thereof) Minnesota Billiards and the Spenard Community Council shall each reserve all of their respective rights, remedies, claims and defenses of any type or nature.

Monitoring Alcoholic Beverage Consumption by Customers in the Licensed Premises Portion of the Billiards Hall

Minnesota Billiards will implement appropriate procedures (via inked stamps placed on wrist bands issued to customers over 21 years of age or otherwise) to monitor the number of alcoholic beverages customers consume per visit.

Other Conditions

1. A copy of the conditions imposed by the Assembly in connection with any conditional use approval shall be maintained on the premises and at a location visible to the public.

2. Minnesota Billiards shall require all customers to show a valid, official state identification card, passport or military identification card as a condition of selling any alcoholic beverage to that customer.

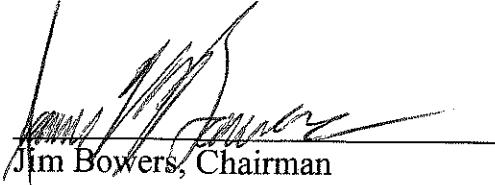
3. A Notice of Zoning Action shall be filed with the District Recorder's Office within 120 days of the Assembly's approval for the Minnesota Billiards Recreational site use and license.

4. All uses shall conform to the plans and narrative submitted with Minnesota Billiards' conditional use application.

5. The use of the property by any person for the permitted purposes shall comply with all current and future Federal, State and local laws and regulations including but not limited to laws and regulations pertaining to the sale, dispensing, service and consumption of alcoholic beverages and the storage, preparation, sale, service and consumption of food. The owner of the property, the licensee under the Alcoholic Beverage Control license and their officers, agents and employees shall not knowingly permit or negligently fail to prevent the occurrence of illegal activity on the property.

6. Failure to comply with the conditions of the conditional use permit shall constitute grounds for its modification or revocation.

DATED this 1 day of May, 2013


Jim Bowers, Chairman

This resolution was passed with a vote of 6 for and 5 against on April 3, 2013 by the Spenard Community Council.

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