



This meeting was held in City Council Chambers, second floor, City Hall, 375 Merrimack St. on Thursday, March 10, 2022, at 6:00 PM and remotely by Zoom  
Meeting ID: \_832 7667 7426 Passcode: \_100367.

Video of this meeting is available: <https://www.youtube.com/watch?v=As9sojynXUc>

### **ROLL CALL:**

**On a roll call at 18:00, members present were, namely: Chairman Descoteaux, Commissioner Howe, Commissioner Donahue, Commissioner Krieger, and Commissioner Chhan.**

### **MINUTES:**

0. Acceptance of meeting minutes for February 24, 2022.

**Commissioner Krieger made a motion to place on file the minutes from the Lowell License Commission Meeting of Thursday, February 24, 2022; seconded by Commissioner Donahue. 5 years, APPROVED.**

1. Application by 7-Eleven 33097H, Kal Alkassar, Manager, for a "Common Victualler" license without alcoholic beverage service for premises at 55 Chelmsford Street.

Commissioners discovered that 7-Eleven Inc., owner of this store, did not prepare their manager for this meeting. The definition of 'Common Victualler' was reviewed. All other paperwork and co-requisite permits were confirmed in place.

**Move approval by Commissioner Howe; seconded by Commissioner Krieger. 5 years, APPROVED.**

2. Request for hearing regarding the application by Serve First Corporation [d/b/a] Good Thymes Family Restaurant, Ketevan Titberidze, proposed License Manager, for transfer of an "All Alcoholic Beverages restaurant" license, and new "Common Victualler" & "Entertainment" licenses for premises at 1278 Gorham Street. It is requested that legal notice be published in the local newspaper, and that a public hearing be held on March 24, 2022 at 6:00 PM.

**Move approval by Commissioner Chhan; seconded by Commissioner Donahue. 5 years, APPROVED.**

3. Public hearing on the application by Kandon Inc. [d/b/a] The Old Court, all alcoholic beverages restaurant licensee, for a 'change of license manager' to Finbarr Sheehan, for premises at 29-31 Central Street.

Commissioner Donahue asked Mr. Finbarr Sheehan to confirm his experience with alcoholic beverage service and at The Old Court in particular. Mr. Sheehan cited his 21 years of experience. Commissioner Descoteaux confirmed that no change in ownership or shares were taking place.

**Move approval by Commissioner Donahue; seconded by Commissioner Howe. 5 years, APPROVED.**

4. Application for a Charity Wine Pouring License & Charity Wine Auction by the American Lebanese Syrian Associated Charities, Inc. (ALSAC) of Memphis, TN, for the event "Fitness for a Cure benefiting St. Jude Children's Research Hospital" to be held at Lowell Memorial Auditorium, 50 East Merrimack St., Saturday, March 19, 2022.

Ms. Sarah Potter, Development Director, described the event planned as a "traditional gala" with about 400 attendees. She went on to describe the night's milestones: a performance, plated dinner, a live auction, and a silent auction. Julian Lenzi Hospitality Group will provide licensed bartenders for the event and manage the alcohol. Commissioner Howe described her experience with past iterations of the event as well managed and a "great job."

**Move approval by Commissioner Krieger; seconded by Commissioner Howe. 5 years, APPROVED.**

5. Application by Amanda Etinge, for a "Special One Day License to sell/dispense Wines and Malt Beverages only," for a baby shower. Event to be held on Saturday March 19th, 2022 from 7:00 to 11:00 PM at the Hellenic Center, 41 Broadway Street.

Ms. Etinge described the key aspects of the baby shower as an event with 150-200 participants with 3 certified bartenders assisting her. Commissioner Descoteaux commended Ms. Etinge for her consistently good preparation.

**Move approval by Commissioner Howe; seconded by Commissioner Chhan. 5 years, APPROVED.**

6. Application by Christopher Hayes, for a "Special One Day License to sell/dispense Wines and Malt Beverages only," for a 'DIY Lowell Community Chill Night.' Event to be held on Friday March 25th, 2022 from 6:00 to 8:00 PM at Appleton Mill No. 5, 200 Jackson Street.

Mr. Chris Hayes described his "Chill" event as a chili and stew competition that would have 10-12 competitors and about 100 attendees. Mr. Hayes stated that he had a certified bartender lined up as a volunteer for the fundraising event to benefit "DIY Lowell."

**Move approval by Commissioner Howe; seconded by Commissioner Donahue. 5 years, APPROVED.**

7. Application by Aramark, Ashley Roper Manager, for two "Special One Day Licenses to sell/dispense Wines and Malt Beverages only." The first is for a retirement celebration to be held on Friday March 18th, 2022 from 1:00 to 5:00 PM at Coburn Hall, 850 Broadway Street. The second is for a National Society of Black Engineers 40th Anniversary Celebration on Saturday April 9, 2022 from 6:30 to 10:30PM at University Crossing, 220 Pawtucket Street.

Ms. Roper described the two events she is catering: a retirement party for about 120 and a plated dinner for a professional group. There were no further questions.

**Move approval by Commissioner Donahue; seconded by Commissioner Chhan. 5 years, APPROVED.**

8. For discussion at the request of the Lowell License Commission: a review of the Promoter's License regulation, §2.12 of the City of Lowell's "Alcoholic Beverages Regulations."

15 minutes of discussion.

Commissioner Donahue introduced the topic of the "Promoter Licenses." There had been mention of a "promoter" being involved with a Lowell Police Department incident report to the License Commission last year. Commissioner Donahue observed that, since we are coming out of the Covid pandemic and many businesses are opening back up and increasing hours – and patrons are becoming more comfortable patronizing bars and clubs – the Commission as well as alcoholic beverage licensees would benefit from reviewing and perhaps clarification of the regulations for Promoter Licenses. Commissioner Donahue also noted that in the past College Seniors were invited to 'Pub Crawls' through promoters – which led to larger than expected participation in the pub crawls.

Commissioner Descoteaux asked Secretary Pyers to review some notes that the Law Department made available concerning how the License Commission might clarify the regulations:

Here are the general comments:

1. Given the changes in the ten years since the regulation was enacted, it would be helpful if the regulation was amended to clarify the definition of "Promoter," perhaps with some examples and basic characteristics of what we intend a "Promoter" to be. It appears the original intent of a Promoter's License was for branded businesses whose profit may have been tied to the success of the event.
2. It is up to the License Commission to determine how the regulation is applied.
3. The Law department is happy to be a part of the process, is here to help, and will attend any meeting and/or hold separate meetings with the License Commission as requested – to evaluate or amend any part of the regulations.
4. The application should also be evaluated.

Lowell City Solicitor Chris O'Connor and 1<sup>st</sup> Assistant City Solicitor Kerry Jenness have suggested that there are two places to start thinking about Promoter Licenses, and start discussion:

1. What are some scenarios that you're wondering about?
  - a. Example: A bar hires a DJ to mix music for a night, and that DJ promotes their show at that venue. (probably not)
  - b. Example: A bar pays someone \$50 to distribute flyers and post to Facebook. (no)
  - c. Example: A venue hires a non-professional to post to Social Media as an "Influencer." (maybe – how large is their following?).
  - d. ....
2. What does the License Commission feel constitutes a "Promoter?"
  - a. Example: A branded, licensed business whose purpose is Event Promotion.
  - b. Example: A business or individual who's profit is a part of the proceeds of the venue's profit for the event.
  - c. Example: A professional "Social Media Influencer."
  - d. Perhaps the License Commission can define several characteristics, and if an event/venue/promotion meets a couple of the criteria, they would be required to obtain a Promoter License.

Secretary Pyers noted that all of these are examples, considerations, and ideas – not "Legal Opinion."

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The Commissioners discussed a little of what they thought might be considered “a promoter.” Commissioner Howe asked Mr. Pyers to research Promoter Licenses in other cities. Commissioner Krieger asked whether charging for a Promoter License would be considered “double taxation,” to which Pyers replied that Lowell does not currently charge for Promoter Licenses. Commissioner Chhan stated that penalties for not using licensed promoters should be considered.

**Discussion to continue at next meeting of Lowell License Commission if enough additional ideas and research warrants further discussion; otherwise discussion will resume at the following meeting on April 14, 2022.**

### **ADJOURNMENT:**

**Commissioner Krieger made a motion to adjourn at 18:30; seconded by Commissioner Donahue. 5 yeas, APPROVED.**

*Submitted by: John Pyers  
Executive Secretary*

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