



MINUTES OF THE BLOOMINGTON
SPECIAL LIQUOR COMMISSION MEETING
May 17, 2018; 3:00 PM

1. Call to Order.

The meeting of the Liquor Commission was called to order by Commissioner Renner at 3:00 P.M.

2. Roll Call.

Present: Commissioners Tari Renner, Lindsey Powell; Jack Bataoel (Absent). Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Ken Bays, and Cherry Lawson, City Clerk.

3. Public Comment.

Commissioner Renner opened the meeting to receive public comment. There was no public comment offered.

4. Consideration of approving the Commission minutes of April 10, 2018.

Motion by Commissioner Powell seconded by Commissioner Renner to approve the minutes of the April 10, 2018 Liquor Commission Meeting.

Commissioner Renner directed the Clerk to call the roll:

Ayes: Commissioners Renner and Powell

Nays: None.

Motion carried.

5. Public Hearing on the application of Tony's Tacos, Inc., d/b/a Tony's Tacos Downtown located at 105 W. Front Street, requesting a RAS Class liquor license (Restaurant, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Jesus Ortiz, Owner and Operator of Tony's Tacos, Inc. appeared before the Commission for the public hearing.

Commissioner Renner asked whether Mr. Ortiz has served or held a liquor license in the past. Mr. Ortiz stated this would be the first time selling open alcohol at this particular location. So it is going to be more like margaritas and beer, but it is going to be more based also on the food,

and has had no violations or problems with his business in Normal. His business currently seats approximately 60 persons.

Commissioner Renner explained the definition of "restaurant." Liquor receipts should be, other things being equal, lower than the amount of receipts from food. He asked whether Mr. Ortiz would have more sales from food than liquor. Mr. Ortiz stated that is his assumption, more sales from food than liquor.

Commissioner Powell asked whether all servers would have Basset certification. Mr. Ortiz stated they are currently working on that as well as hiring additional staff.

Assistant Police Chief Bays indicated no concerns with this establishment. Mr. Boyle concurred, no legal concerns.

Motion by Commissioner Powell, second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

6. Public Hearing on the Change of Ownership Application of Everlong, Inc., d/b/a Daddios, located at 527 N. Main Street, requesting a TAS Class liquor license (Tavern, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

James Sample appeared before the Liquor Commission for the public hearing on Daddios.

Commissioner Renner asked Mr. Sample to describe the nature of the business of Daddios, whether it is still operating under the same business model, and to explain any major changes to the business.

Mr. Sample stated there are absolutely no changes, however, they have installed surveillance cameras. They have one on the entrance door, on both entrance doors, one on the dance floor, and one that goes down to the basement where they keep storage items.

Mr. Boyle asked what has been Mr. Sample's experience with handling liquor establishments. Mr. Sample responded stating he has much experience as this line of business has been in his family long since he was born. Previous to ownership, he was bartending, serving, and stocking liquor orders.

Motion by Commissioner Powell, second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

7. Public Hearing on the Change of Ownership Application of Twostep, Inc., d/b/a Elroy's located at 102 W. Washington Street, requesting a RAS Class liquor license (Restaurant, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

James Sample appeared before the Liquor Commission for the public hearing on Elroy's.

Commissioner Renner asked Mr. Sample to describe the nature of the business of Elroy's, whether it is still operating under the same business model, and explain any major changes to the business.

Mr. Sample stated the changes that are installing surveillance cameras. Mr. Boyle stated the police would appreciate having implemented at Elroy's is a good system of checking ID's that protects the bar and patrons. Mr. Sample concurred, stating we have one camera that aims directly down at the front door. It probably stands 12 foot high, maybe 15 foot away from the door. So as far as coverage with the front door and people coming in, they don't allow anybody else through any other door there.

There were no questions from the Commissioners.

Commissioner Renner opened the meeting for public comment on this item.

John Ford stated he lives above Elroy's expressed concern over the noise from the music as well as patrons vomiting on the sidewalk outside of the entry to his home.

Mr. Boyle stated there are ordinances that address these types of concerns. AC Bays stated there has not been any particular type of complaints filed. When made aware of an issue, the Police handle it at that time.

Mr. Sample and his father, Butch Thompson, stated that is something that they have been aware of since being in the downtown area since 1982. Their policy at closing time is that volunteers outside clean up. There is a lot of stuff that happens after closing that they may have to come back and clean up in the morning, but in between that time, there is not really a whole lot that they can do immediately. However, they do have a policy for addressing those types of concerns. Regarding the music, they have two speakers in the beer garden and are on an automatic timer and shuts off between 1:00 and 1:30 a.m. outside and 2 a.m. on Saturdays inside.

Motion by Commissioner Powell, second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

8. Public Hearing on the Change of Ownership Application of Arlandria LLC, d/b/a Reality Bites located at 414 N. Main Street, requesting a RAS Class liquor license (Restaurant, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

James Sample appeared before the Liquor Commission for the public hearing on Reality Bites.

Commissioner Renner asked Mr. Sample to describe the nature of the business of Reality Bites, whether it is still operating under the same business model, and explain any major changes to the business.

Mr. Sample stated the changes that are installing surveillance cameras. Mr. Boyle asked for the hours of operation. Mr. Sample responded stating they only stay open until necessary during the week, but on the weekend, typically it is open until 1:00 am, at the latest on Saturday. But they are not open on Sunday or Monday.

Mr. Boyle asked about the banquet hall. Is that a part of Reality Bites. Butch Thompson responded catering is handled through Reality Bites. They do hold a catering license, but not a liquor license for the banquet hall. Mr. Boyle encouraged Mr. Sample to contact the City should they wish to pursue obtaining one for the banquet hall.

Motion by Commissioner Powell, second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

9. Public Hearing on the application of Hacienda Leon, Inc., d/b/a Hacienda Leon located at 407 N. Hershey Road, requesting a RAS Class liquor license (Restaurant, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Lydia Hidalgo, of Macomb, Illinois, and Juan Carlos Hidalgo of Bloomington appeared before the Commission for the public hearing.

Commissioner Renner asked whether the two have had any experience with restaurants and serving alcohol or running an operation with alcohol in the past. Lydia Hildalgo stated she and her family have been in the restaurant business for over 20 years. She started working at the age of in our local restaurant in Macomb, Illinois. They expanded its corporation and the family opened several other locations in different, other cities, like in Toledo, Illinois, Rushville, Illinois, Carthage, Illinois. She is the owner, and is aware of Basset Training requirements.

Motioned by Commissioner Powell second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

10. Public Hearing on the application of T-V-E-O Corporation d/b/a Eric's Too located at 921 Maple Hill Road, requesting a RAS Class liquor license (Restaurant, All Types of Alcohol, Sunday Sales) which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Eric Trujillo, Owner and Operator of Eric's Too along with Hal Jennings, attorney and friend of Mr. Trujillo appeared before Commission for the public hearing.

Commissioner Renner asked of Mr. Boyle whether Mr. Trujillo has settled any kind of fines and taxes that are owed to the City. Mr. Boyle stated Mr. Trujillo, as ascertained at the last hearing, is the owner since November of Cousin's Restaurant, which had a tax arrearage, a significant tax arrearage. Mr. Trujillo did say, in fact was ordered last week, to make good, to pay that tax arrearage, and to also pay fines in the amount of \$4500. He has done that, and he is all paid up on the taxes that the corporation had acquired since he purchased it and on the fines relating to the tax delinquency case.

Commissioner Renner stated, there had been some issues with the Eric's Restaurant in the past, just for the record. If this is approved it goes to City Council, this is a different type of establishment. This is not in a neighborhood. Some of the issues that we had in the past were because we were dealing with a neighborhood. He asked AC Bays whether there had been any concerns with the establishment prior to the Change of Ownership.

Chief Bays stated, he is not aware of any concerns. He has had an opportunity to check just general calls for service prior to the change of ownership. It is a different environment, and not a neighborhood, unlike Eric's on Wood Street. There are no objections out there. It is removed from the residential area.

Mr. Jennings stated, a lot of the noise complaints at Eric's on Woods Street had to do with the fact that it is located within a residential area. Mr. Trujillo has done everything he could to solve that problem, including full-time security. He had three security officers that worked there during the business hours and the late eating hours to keep it down.

Mr. Boyle ask, Mr. Trujillo and Mr. Jennings whether Cousin's is still operating as Cousin's? Or is it doing business now, Eric's Too? Eric Trujillo stated it is doing business as Eric's Too. He had not changed it, because he does not have the money right now to change the Cousin's signs out.

Mr. Boyle stated there is a suspended license that, by the Order, would be reinstated for Cousin's. However, Eric's Too license would not take effect unless and until it is created by the City Council. If it is operating as Eric's Too under that DBA, you are not able to serve until and unless the City Council approves a liquor license for that establishment.

Motioned by Commissioner Powell second by Commissioner Renner to recommend this item be sent to the City Council for consideration on the June 11, 2018 Council Meeting Agenda.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

11. Consideration of recommending to the City Council an Ordinance amending Chapter 6, Section 7A of the Bloomington City Code to include entertainment licensees among those primary premises license holders that can obtain a secondary premises license.

Commissioner Renner stated, this is primarily a housekeeping item. He deferred to Mr. Boyle for an overview of the item.

Mr. Boyle explained the classification for a liquor license depends on how the establishment is used and the role that alcohol plays in it. For example, a bar is a place that primarily functions and sells alcohol as its primary product. A restaurant is a place where food is the primary focus of sale. An entertainment venue, which we established in 2013 as a separate class of license, is a venue that primarily functions through the sale of in a sense entertainment and entertainment-related activities, or recreational sports activities, such as like bowling at a bowling alley, something like that. A primary license is when there is a liquor license for a particular establishment. For example, a bar would be such as Macguire's, or Daddio's, and an entertainment venue might be a theater or something like that.

Mr. Boyle stated under the Bloomington ordinances for several years a bar has been able to get a secondary license. A secondary license is where a primary license holder is awarded for a defined period of time, usually one or two days, something like that, at a specific, non-

residential, public place, where it can serve alcohol, and it is kind of bound by its primary license. It has to show proof of insurance for that particular spot.

Traditionally or not just traditionally, but also by ordinances the City have allowed taverns, restaurants, and packaged liquor establishments, who have primary licenses to get these temporary, secondary licenses. When the entertainment venues were established in 2013 as a separate class of license, it was more a matter perhaps of oversight than any particular reason to it. The ordinance was not modified to allow these primary license holders to get a secondary license.

Motioned by Commissioner Powell second by Commissioner Renner to approve that entertainment venues be allowed to have secondary licenses and this request that this item be placed on the Council Agenda on Monday, May 21.

Ayes: Commissioners Powell and Renner

Nays: None

Motion carried.

13. Adjournment.

Motioned by Commissioner Powell to adjourn the meeting, seconded by Commissioner Renner. Meeting adjourned at 3:36 PM.

Motion carried

Respectfully submitted,

Cherry Lawson, City Clerk