



MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION MEETING  
August 14, 2018; 4:00 PM

1. Call to Order.

The meeting of the Liquor Commission was called to order by Commissioner Renner at 4:05 P.M.

2. Roll Call.

Present: Commissioners Tari Renner, Lindsey Powell, Jack Bataoel. Staff present: George Boyle, Assistant Corporation Counsel, Asst. Police Greg Scott, Bob Mahrt, Community Development Director and Ashley Lara, Legislative Assistant.

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 May 8 and May 17, 2018.

**Motion by Commissioner Powell, seconded by Commissioner Bataoel to approve the minutes of the May 8 and May 17, 2018, Liquor Commission Meetings.**

**Commissioner Renner directed the Clerk to call the roll:**

**Ayes: Commissioners Renner, Bataoel, and Powell**

**Nays: None.**

**Motion carried.**

Mayor Renner announced Mr. Jim Jordan, an additional Liquor Commissioner, will be on the Commission as of next month.

5. Public Hearing and consideration of the application of BM Trade Company, d/b/a Lucky Garden located at 706 S. Eldorado Road, requesting an RAS (Restaurant, All Types of Alcohol, Sunday Sales) liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Jianming Zho, representative of BM Trade Company, d/b/a Lucky Garden, stated they are applying for a liquor license for the Lucky Garden Restaurant at 706 South Eldorado Road, Bloomington. Mr. Zho stated it is an existing restaurant and he is requesting a liquor license to continue to sell alcohol to its customers.

Commissioner Renner asked whether Mr. Zho had any experience in alcohol sales before and whether there had been any violations in his past. Mr. Zho stated he does have experience in Bradenton, Florida, and no violations of any kind. He plans to have his servers trained in BASSET as he is trained in BASSET.

Commissioner Bataoel asked whether he has provided a copy of the certificate to the City Clerk, and whether there had been any changes that to the business. Mr. Zho said no.

Commissioner Bataoel asked Mr. Zho who would be managing the restaurant. Mr. Zho stated he would be managing the restaurant as well as living in Bloomington. Mr. Boyle asked whether any of the same staff, or new staff have experience with serving alcohol. Mr. Zho responded yes.

Mr. Boyle stated that the applicant is a Florida, LLC, before either the City or the State could issue a license, the applicant had to produce something showing that they are allowed to transact business in Illinois. Commissioner Renner agreed that the license should be made contingent on making sure that we receive the appropriate documents from the State of Illinois.

Commissioner Renner asked if there was a motion to accept conditioned on receiving the appropriate documents from the State of Illinois.

Commissioner Bataoel asked whether there it should be conditional so that the fire inspector inspects the property. Commissioner Renner stated within the motion offered, a condition can be notated that the fire inspector needs to go back to the property. Mr. Boyle stated the Commission can make the motion contingent on compliance with all health, safety and building codes.

**Motion by Commissioner Bataoel seconded by Commissioner Powell to recommend the application of BM Trade Company, d/b/a Lucky Garden located at 706 S. Eldorado Road, requesting an RAS (Restaurant, All Types of Alcohol, Sunday Sales) liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week to the City Council, contingent on City staff being provided with State of Illinois documentation that the applicant/licensee allowed to do business with the State of Illinois, and further contingent upon compliance with all health, safety and building codes.**

**Commissioner Renner directed the Clerk to call the roll:**

**Ayes: Commissioners Renner, Bataoel, and Powell**

**Nays: None.**

**Motion carried.**

6. Public Hearing and consideration of the application of Lil' Beaver Brewery, currently holding a TPBS (Tavern, Beer and Wine only, Packaged, Sunday sales) liquor license, which allows the sale of beer and wine only by the glass for the consumption on the premises and packaged sales seven (7) days a week for an extension of premises to allow for an Outside Service or Consumption Area.

Chad Bevers, Owner of Lil Beaver Brewery came before the Commission on behalf of the application stating he is seeking an extension of premises for an outside service and consumption area on the property.

Commissioner Renner opened the meeting to receive public comments on this item. There were no comments offered.

Commissioner Renner asked whether Mr. Bevers has had any problems with the operation of the business establishment. Mr. Bevers stated there had been no issues as they had received permission to do a couple of outside parties where they occupied the whole parking lot. He said they had no noise or litter complaints.

Commissioner Renner asked whether he has had BASSET training. Mr. Bevers stated his staff, and his business partner are BASSET trained. Commissioner Bataoel asked whether live music is planned for the area. Mr. Bevers said not at this time. He said they are opened until 9:00 P.M. on Thursday, and they close at 10:00 P.M. on Friday and Saturday. He would go an extra step and require anyone who wish to consume alcohol to get a wristband from the inside.

Mr. Boyle stated he does not believe this item needs to be considered by Council as it is looking at the shape of the premises, not the creation of the license itself.

**Motion by Commissioner Powell seconded by Commissioner Bataoel to grant the application of Lil' Beaver Brewery, currently holding a TPBS (Tavern, Beer and Wine only, Packaged, Sunday sales) liquor license, which allows the sale of beer and wine only by the glass for the consumption on the premises and packaged sales seven (7) days a week for an extension of premises to allow for an Outside Service or Consumption Area.**

**Commissioner Renner directed the Clerk to call the roll:**

**Ayes: Commissioners Renner, Bataoel, and Powell**

**Nays: None.**

**Motion carried.**

7. Public Hearing and consideration of the application of the Bloomington Normal Sunrise Rotary Club, requesting a LB liquor license which would allow the sale of Beer and Wine only by the glass for the consumption on the premises for an event at the Union Park (G.E. Park) located at 1750 G.E. Road on October 21, 2018.

Commissioner Powell recused herself due to being a member of the Bloomington-Normal Sunrise Rotary.

Miles Bardell, Board Member of the Bloomington-Normal Sunrise Rotary Club, spoke on behalf of the request. Commissioner Renner asked whether Mr. Bardell could state his address for the record. Mr. Bardell said their official address is Post Office Box 5905, Bloomington, 61702.

Commissioner Renner asked Mr. Bardell if this event is consistent with what they've done in the past. Mr. Bardell replied stating it is the same as the event held had last year. He said they do not anticipate any changes other than increased runners participating in the race.

Mr. Boyle stated the City has not had any issues with this. Commissioner Renner opened the meeting for public comment. No public comment was offered on this item.

**Motion by Commissioner Renner seconded by Commissioner Bataoel to recommend the application of the Bloomington Normal Sunrise Rotary Club, requesting a LB liquor license which would allow the sale of Beer and Wine only by the glass for the consumption on the premises for an event at the Union Park (G.E. Park) located at 1750 G.E. Road on October 21, 2018 a week to the City Council.**

**Commissioner Renner directed the Clerk to call the roll:**

**Ayes: Commissioners Renner, Bataoel, and Powell**

**Nays: None.**

**Motion carried.**

8. Public Hearing and consideration of the application of Game Time Gym II, Inc., d/b/a Game Time Gym II located at 404 Olympia Drive, requesting an EBS (Entertainment/Recreational Sports, Sunday sales) liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week.

Julia Davis, Attorney for Game Time Gym II, and Larry McDowell, Owner of Game Time Gym spoke on behalf of this item.

Commissioner Renner opened the meeting to receive public comment on this item. There were no comments offered.

Commissioner Renner asked that Mr. McDowell was sworn in by our clerk and provide testimony.

Mr. McDowell stated that he and Mindy have owned it since October or July of 2000. He stated they have basketball on one side, soccer on the other side, and they have a large adult demographic. They have adult basketball, adult soccer, and cricket. Mr. McDowell stated they have State Farm Volleyball, women's and co-ed, and Patrick Duffey's Volleyball, State Farm Men's Basketball, Patrick Duffey's Men's Basketball.

Mr. McDowell stated they have a large demographics of adults that use their facilities, and every year they review programming opportunities. They have done some research in other facilities. He spoke with the owners of Chicago Indoor Sports who has sales at their facility, and Resolute in Columbus, Ohio. He has also spoken with the operators of those facilities regarding

its operations, as well as operating with a full liquor license. His organization not looking for that by any means. They have an area where they allow for the sale and social activity. It is allowed throughout the facility. If a patron want to purchase an alcoholic beverage, they could take it on the sideline and watch their kids play soccer or basketball. He said they do have a smaller area where they sell it and then let people come get it.

Commissioner Renner asked will they have wristbands to identify patrons purchasing alcohol. Mr. McDowell stated they do not as both facilities are for youths and adults. Commissioner Renner asked Ms. Davis if she wants to add anything. Ms. Davis stated if it were required, they would be willing to do wristbands or some sort of identification.

Commissioner Bataoel asked whether Mr. McDowell had experience in liquor or beer sales. Mr. McDowell said no. He did take the BASSET training. He met with Mr. Grad, and he has been instrumental in coaching him on what they need to do. Commissioner Bataoel asked Mr. McDowell if he is there full-time. Mr. McDowell stated he was not; however, his wife is there full-time handling accounting and registrations. They have an operations manager at the facility, and then they have staff that run the programming.

Commissioner Bataoel asked whether Mr. McDowell's operational plan will change. Mr. McDowell replied yes; during the week will consist of their adult programming. The concession will be open Friday, Saturday, and Sunday when the kids are there.

Mr. Boyle and he asked when the proposed changes were likely to occur. Mr. McDowell stated those changes are currently being developed at this time. Commissioner Powell stated she was in favor of the wristbands.

Commissioner Powell stated that wristbands and stamps are cheap. It does not appear as though there will be a crowd at the bar area.

Commissioner Bataoel stated his concern is having a lot of adult programming, and 17 to 20 year olds play in those tournaments. Mr. McDowell asked whether the Commissioners thought they should have wristbands or stamps. Commissioners Powell and Bataoel agreed a wristband would probably be best. Commissioner Bataoel added if patrons are participating in game play, the ink mark could sweat off their hand. If that occurs, the customer would have to get re-marked. Commissioner Renner stated that they could take the wristband off while they're playing and put it back on. Ms. Davis stated said they don't anticipate them drinking and playing with it on.

Commissioner Bataoel indicated he would prefer the use of wristbands as opposed to stamping a wrist, though he understands a wristband could be a safety concern.

Commissioner Renner asked for a motion to approve this as presented with the limitation that there would be stamps on those who have demonstrated that they are 21 years of age. Mr. Boyle added and in compliance with the health and safety codes.

Mr. McDowell wanted to state for the record that they have provided their current health record and their current fire from last year, so they're in compliance so far.

**Motion by Commissioner Bataoel and Commissioner Powell to approve to the City Council as presented with the limitation that there would be stamps on those who have demonstrated that they are 21 years of age and that everything meets health and safety codes.**

**Ayes: Commissioners Powell, Bataoel, Renner**

**Nays: None**

**Motion Carried.**

9. Continuation of a Public Hearing and consideration of the application of Godfrey L. Miller Lodge #1776 Inc., d/b/a Godfrey L. Miller Lodge #1776 located at 505 N. Prairie, requesting a CAS (Club, All Types of Alcohol, Sunday sales) liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Ken Hunter, Exalted Ruler, was sworn in and spoke on behalf of the application. Commissioner Renner asked Mr. Hunter to explain the nature of the project as to the request of a liquor license as two Commissioners were absent from the last meeting.

Mr. Boyle stated he had spoken with each of the Commissioners and they have listened to the recording from the previous meeting.

Commissioner Renner read into the record a letter dated June 25, 2018, from Thomas Wells stating, "Godfrey L. Miller Lodge can park on our properties at 501, 503, and 505 North Prairie at any time while they are renting in good standing 505 North Prairie Street, Bloomington, Illinois." Mr. Boyle provided a copy of the letter to the Clerk and to the Commissioners and asked Mr. Hunter if he was okay with having that made part of the record. Mr. Hunter affirmed.

Mr. Boyle acknowledged some parking issues with Mr. Hunter's place of business stating, he is not certain whether those concerns have been resolved. The lease is marked Exhibit One; the Floor Plan marked as Exhibit Two. The Articles of Incorporation were marked as Exhibit Three. An Aerial photograph of the premises was marked as Exhibit Four; an Email from Kathryn Gruber concerning the fire inspection of June 29, 2018, was marked Exhibit Five; an email from Linda Foutch, Health Inspection for McLean County, was marked Exhibit Six; an email letter from Barry Reilley of District 87, was marked as Exhibit Seven; a June 25 letter from Mr. Wells was marked as Exhibit Nine. Mr. Boyle provided to the Commissioners and to Mr. Hunter the criteria for the license creation, Chapter 6, Section 4B of the Bloomington City Code.

Mr. Hunter explained that Godfrey L. Miller Lodge is an Elks Club and is a non-profit community organization. Their goal is to generate funds and having a liquor license would enable them to do that.

Commissioner Renner commented on the parking concerns and asked Bob Mahrt, Community Development Director to comment on these concerns.

Commissioner Renner asked that Mr. Mahrt be sworn in by our Clerk and provide testimony.

Commissioner Renner asked Mr. Mahrt whether Godfrey L. Miller Lodge is compliant. Mr. Mahrt stated during the last meeting he had presented the Community Development Department's concerns regarding the application; those concerns were related to building and zoning issues. He has had an opportunity to meet at the site with the Building Inspector, Bob Coombs, and Mr. Hunter to review the building code considerations. He feels that they can work through the building code considerations and meet the fire separation requirement between the other mixed-uses within the building and the lodge. The concern now, and it continues from the last meeting, is verification of additional parking.

Mr. Mahrt stated 505 North Prairie is filled from property line to property line. There is no parking provided on that property. Mr. Thomas Wells, the landlord for the lodge, has sent a letter saying that he would allow the lodge to use parking at an adjacent property he owns. However, Community Development has had an opportunity to review the parking requirements for the existing uses at 501 and 503 Prairie, and those two properties do not have a surplus of parking spaces to allow them to share with 505. This is a change of use of the property. It was previously a professional service janitorial business with more storage of equipment and some minor office use. It's now changed the use of the property to a place of public assembly, which is a more intensive use. The other option that Mr. Hunter has is to work with District 87 on securing a lease or approvals through them; however, the correspondence the City received from them was not actually a full commitment or a lease agreement that the City would need to verify that parking. That was outlined in our August 3rd letter. The City's biggest concern is to be able to verify compliance with our parking regulations. It has a non-conforming status at this time with onsite parking. They are only required to provide three additional spaces to service this new use.

Commissioner Bataoel asked whether the Lodge would need parking during open hours of operation, or whether it is needed all of the time. Mr. Mahrt stated they would typically have a parking lease that would cover all their hours. He thinks that we do need a parking lease agreement 24/7 and that whoever that lessor is should have a surplus of parking in order to provide that.

Mr. Boyle asked whether the Elks Lodge have access to 13 spaces at this time. Mr. Mahrt stated they do not. The Planning staff's interpretation is that they are required to provide three parking spaces. The former use of the property required 13 parking spaces to be provided. The new use requires 16 parking spaces to be provided, and a provision in the Code regarding non-conforming parking is that they are only required to provide parking in which the new use exceeded the amount of the old use, regardless of how many the old use had.

Mr. Boyle provided clarification regarding the previous use requiring thirteen, because it was based on a formula of one space for every 250 feet. He asked how many spots they had at that time and Mr. Mahrt said his understanding is they had zero. Mr. Boyle asked how many spots do they have now and Mr. Mahrt replied zero. Mr. Boyle asked Mr. Mahrt what class of use is the lodge now considered. Mr. Mahrt responded that the lodge was now considered an assembly use. Mr. Boyle asked how parking was determined for an assembly use. Mr. Mahrt stated that one parking space was considered to be required for every two hundred feet; or one parking space for every

four persons. Mr. Boyle asked whether the assembly was tentatively figured to have an occupancy load of 115. Mr. Mahrt confirmed this.

Commissioner Renner stated the Lodge still have a parking non-compliance issue. Mr. Mahrt affirmed stating they are assuming Mr. Hunter would achieve compliance through a lease within 500 feet of subject property. Commissioner Renner stated according to the Code, it has to be within 500 feet, and they are talking about three spaces. Commissioner Powell whether Mr. Hunter has been able to secure a lease for the parking. He stated Mr. Hunter has not been able to finalize any formal lease agreement.

Mr. Hunter stated he sent a letter to Dr. Whiting at the administrative building on July 16, requesting to be able to use his parking lot adjacent to that building during the hours they are open. Their operation hours are 5:00 to 10:00 Monday through Thursday, 5:00 to 1:00 on Friday and Saturday, and 3:00 to 8:00 on Sunday, and Dr. Reilley sent an email back stating, "We cannot grant you access to our parking lot based on your request as presented in your letter. Saturdays and Sundays are not an issue and you can feel free to use during those times. If you have specific dates and events you would like for us to consider, please feel free to send those for times that we may be able to accommodate." Mr. Hunter stated he presented this to Mr. Mahrt and Mr. Coombs, and he was told it probably would work. However, he later received a letter from Mr. Mahrt stating that it would not work that the commitment was not there and that they needed something in writing indicating a commitment. Mr. Hunter said he went back to the superintendent and got the application that permitted to use of school facilities. That was signed by Dr. Minnenham, which signed for the superintendent. Mr. Hunter said it granted them access to the parking lot on Saturdays and Sundays only and they could not do it during the week because they have special events there and they said they would not be able to as they want to ensure the parking lot is clear.

Mr. Hunter stated it gives them the opportunity to have the lot on Saturdays and Sundays, and also on special events. He stated it is signed by District officials, and they did it with the fees waived, so there is no fee. He stated they did not get a lease, but it is for a year. It is dated 07/01/2018 to 06/30/2019. Mr. Hunter asked if he could enter it into the record. Mr. Boyle stated yes, that much of what was referenced in the email is in Exhibit 7, in the string of emails. He referenced the email is from the counsel for District 87. Mr. Boyle stated that if Mr. Hunter wants something put in the record, it should be marked for identification. Mr. Hunter stated he just wanted to do it because he was told that the email wasn't sufficient.

Commissioner Renner stated the emails show and they confirm what Mr. Hunter has said, that they have permission on Saturday and Sunday to use the lots, but not on Friday. The letter and permit offered by Mr. Hunter were marked as Exhibit 10.

Commissioner Renner asked Mr. Hunter to confirm the Lodge hours of operations on Fridays. Mr. Hunter stated they are open on Friday at 5:00pm, Saturdays at 5:00pm, and every other Sunday at 3:00pm when they have meetings. They are not open during the week.

Commissioner Renner confirmed that in order to be in conformance, it would need to be confined to those particular days. Mr. Boyle asked if the occupancy is estimated at 115 people. Mr. Mahrt that is the estimate at this time. They have not had a final occupancy load, but it is



pretty close to 115 and they are required to have one space for each four persons in an assembly area.

Mr. Boyle asked Mr. Mahrt whether he knows the number of spaces in the District 87 parking lot. Mr. Mahrt said he has not calculated it out.

Commissioner Bataoel expressed some concern on where 100 people will park when that lot is filled. Commissioner Powell concurred with Commissioner Bataoel. Mr. Hunter stated in the event had a scheduled event, his first step would be to contact the District ask to use the specific number of spaces needed.

Mr. Hunter stated that in the event the lodge had a scheduled event, his first step would be to contact the District to asked to use the specific number of spaces needed.

Commissioner Renner asked whether the Lodge is only open on Friday, Saturday, and Sunday, and Mr. Hunter replied yes. Commissioner Bataoel asked how Mr. Hunter would handle a special event that was scheduled during the week. Mr. Hunter stated they would contact District 87. Commissioner Bataoel asked how it would be policed and that if every time they had a special event they would have to turn in an application for parking.

Mr. Mahrt stated District 87 would be likened to a private property where they would have to call to complain about the cars on their lot outside of what they allowed. It is not a lot where the City would patrol inside or tows after hours. Commission Bataoel asked how the City would enforce it if the Code and the regulations when there are only three parking spots during those hours.

Mr. Boyle suggested that they look at the number of potential people and the number of potential parking spaces needed and not whether the applicant conforms to a non-conforming use, change in use, or arcane standard in the zoning ordinance. He stated they need to put a physical number of people somewhere regardless of the interpretation of that section of the Zoning Code.

Commissioner Renner stated they apparently have an agreement for Saturday and Sunday nights for their regular operations and their special events would have to be contingent on getting approval from District 87. Commissioner Renner asked if Mr. Hunter attempted to speak with or work out an arrangement with Mr. Manna. Mr. Hunter said no.

Mike Manna was sworn in and testified as follows:

Mr. Manna stated he owns the property located adjacent to this liquor license at 215 East Douglas and 301 through 309 East Douglas, which are the lots and structure buildings just to the north, and the parking lots that are to the north and south of Douglas Apartments. He expressed concerns that having the Lodge open will create a disturbance to the neighborhood, and provided testimony regarding his concerns.

Commissioner Renner stated the City does have a moratorium on new liquor licenses on the 3-, 4-, 5-, and 600 blocks of Main Street.

Mr. Mahrt said he is unaware whether they had full dining facility, but indicated that they have a kitchen under construction. Mr. Boyle asked Mr. Mahrt to describe what they have in the nature of a kitchen and Mr. Mahrt stated he believes it is a triple-wash sink and he doesn't believe that they were going to have any stoves or any kind of fryers because of the Health Department regulations, but they were going to have roasters to serve meals.

Mr. Hunter stated they have no intention to disrupting the neighborhood. He has been in the area on Fridays, on Saturdays. When there are bands downtown and people are out in the streets, they can hear those bands and they can hear those people from there because it's not that far from there.

Commissioner Renner asked whether Mr. Hunter wanted to add any further testimony to the application and their concern. Commissioner Renner stated there are some parking issue concerns, and they have some potential impact in terms of the variables that they have to consider, the location of the building and the proposed establishment.

Mr. Boyle asked Mr. Hunter about the entertainment that they were going to have. Mr. Hunter explained that it was going to be DJs, and potentially live bands on occasion, depending on the event.

Rev. Kathy Stoner-Lasala was sworn in.

Rev. Stoner-Lasala stated she was Kathy Stoner-Lasala and she was the interim pastor for Second Presbyterian Church at 404 North Prairie. She expressed concern over safety with the parking arrangements that have been proposed. She stated the church has a parking lot at Prairie and Market, right at the corner of Prairie and Market is a community garden that was a neighborhood inter-generational project that families of all ages are in there, particularly on Saturdays, doing this community garden. She stated there was also, on that parking lot, a basketball hoop and a ga-ga pit. They try to keep cars off of the lot so to allow kids who are around the garden program to have a place to play and do recreation.

Mr. Boyle referenced 4(b)(5) of the City Code Liquor Code that says, "The location of a proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the city as a whole." There is a part of the ordinance that says that this type of testimony can be relevant to the Commission's considerations regardless of the hundred feet prohibition of liquor licenses near daycare centers and churches.

Rev. Stoner-Lasala stated in her role as a pastor, she certainly had a lot of sympathy for the task that nonprofits have to raise funds in order to continue their good works and she would hope that if the Elks are going to be neighbors perhaps they could find some other ways to partner as neighbors that would not put anyone at risk.

Commissioner Renner stated they have a question as to whether or not to refer this item to the City Council for a liquor license in light of the obvious considerations and concerns that they have heard. Commissioner Bataoel expressed concerns stating he had listened to the audio of the previous testimony and gone back and forth and probably his biggest challenge is where the property is located at versus what they are trying to actually do on the Fridays and Saturdays. He said they talked about being open to the public and bringing DJs in and some bands and doing entertainment inside on those nights.

He doesn't think that that neighborhood is suitable for having DJs on a Friday and Saturday in that location. His other concern is the church. It is in a residential area and they are going to end up parking down on Market Street East. There is not enough parking in the area.

Commissioner Powell concurred with Commissioner Bataoel and stated besides the neighborhood the three parking spots for a potential 115 people does not make sense. She believes there is a potential for bigger issues that may result.

**Motion by Commissioner Bataoel and Commissioner Powell to deny the request as stated.**

**Ayes: Commissioners Powell, Bataoel, and Renner.**

**Nays: None**

**Motion Carried.**

12. Adjournment.

**Motioned by Commissioner Powell second by Commission Bataoel to adjourn the meeting at 5:35 PM.**

**Motion carried.**

Respectfully submitted,

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Cherry Lawson, C.M.C., City Clerk