

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

June 8, 2010

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the McLean County Arts Center to suspend the liquor code to allow the annual Margarita Night to be held on N. East St. on June 24, 2010 from 5:00 to 8:00 p.m. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Doug Johnson, McLean County Arts Center's Executive Director.

Commissioner Stockton stated that this event has been held annually for a number of years. Doug Johnson, McLean County Arts Center (MCAC) Executive Director, addressed the Commission. This event has a twelve (12) year history. The MCAC has requested that the street be closed in previous years. There would be live music and an art action. Margarita Night has a Mexican theme. Food and beverages are provided. The event would be the same as in years' past. CJ's Catering/Restaurant, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, had been hired to cater this event.

Commissioner Stockton noted that there had not been any issues in the past.

Commissioner Petersen arrived at 4:05 p.m.

It was noted that this type of request generally does not appear before the Commission. A request to suspend City Code to allow alcohol service on a public street would appear before the Council. Staff placed this item on the Commission's agenda to inform Commissioner Tompkins that the City receives this type of request on a limited basis.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp to approve the request from the McLean County Arts Center, located at 601 N. East St. to suspend City Ordinance and allow alcohol consumption on the East St. on June 24, 2010 from 5:00 - 8:00 p.m.

Ayes: Commissioner Stockton, Buchanan, Clapp, and Tompkins.

Abstain: Commissioner Petersen.

Motion carried.

Commissioner Stockton informed Mr. Johnson that this item would appear on the June 14, 2010 City Council Consent Agenda. He encouraged Mr. Johnson to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:06 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the NTR Foodmart, Inc., d/b/a Clark Gas Station located at 1810 S. Morris Ave., requesting a GPBS liquor license which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Nageswara Ravi, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Nageswara "Robbie" Ravi, owner/operator and Applicant representative, addressed the Commission. He had been the Store Manager for the past two and a half (2½) years. He planned to purchase the business from the current owner, Bloom Fuel, Inc., d/b/a Bloom Fuel, Inc. (Gas Station & C - Store). He noted that the business may be impacted by the state's road project at the intersection of Veterans Pkwy. and Morris Ave. In the end, he believed that the business would see an increase in sales. Commissioner Stockton noted that access to the business might be limited during road construction. Mr. Ravi informed the Commission of his plan to improve the store's site after the road construction project was over. He planned to remodel Clark's former office building into an expanded Food Mart, (convenient store).

Commissioner Stockton questioned the Applicant's familiarity with the City's Alcoholic Beverage code. He noted the section which reference convenience items, (Chapter 6. Alcoholic Beverages, Section 1. Definitions, Retail Grocery Convenience Store). Commissioner Buchanan questioned the Applicant's responses to the City's Questionnaire. He cited sources of revenue and the response gas and pop as an example. He cited various items which should be available for sale, (categories of items). Mr. Ravi noted that at present gas and pop were the sales leaders. The current store was small.

Commissioner Tompkins noted that a liquor license holder must carry other food items for sale. Commissioner Buchanan added that offering a variety of convenient items for sale was a condition of the "G" Gasoline liquor license. There were several categories of sale items.

Commissioner Buchanan referred the Commission to the floor plan. Mr. Ravi reviewed the various items stocked/for sale.

Commissioner Clapp questioned if there had been any violations. Mr. Ravi cited a single violation. It involved underage sales of a product which was labeled as tea but contained alcohol. It was a mistake.

Commissioner Petersen questioned if Mr. Ravi's remodeling project was a short or long term goal. Mr. Ravi responded long term, (at least three years from now).

Commissioner Buchanan questioned the business hours. Mr. Ravi responded that the store would open at 5:00 a.m. There would not be any liquor sales until 6:00 a.m. The store currently opened at 6:00 a.m.

George Boyle, Asst. Corporation Counsel, questioned the current owner of the establishment. Mr. Ravi stated Bloom Fuel, Inc. Currently, he was leasing the store from the owners.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of NTR Foodmart Inc., d/b/a Clark Gas Station, located at 1810 S. Morris Ave., requesting a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 28, 2010 City Council Consent Agenda. He encouraged Mr. Ravi to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:21 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Ireland Grove, LLC d/b/a Links at Ireland Grove, located at 3807 Ballybunion, requesting an RBS liquor license which would allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Jeff Hunt, General Manager and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Jeff Hunt, General Manager and Applicant representative, addressed the Commission. This application involved a change of stockholder and a change of corporate name. There would be little to no difference. However under the City Code, an application for a liquor license was required. This liquor license would be for the golf course.

Commissioner Buchanan questioned if the existing corporation would remain the same. Tracey Covert, City Clerk responded negatively. The current license holder was The Links at Ireland Grove, LLC d/b/a The Links at Ireland Grove.

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application of Ireland Grove, LLC, d/b/a Links at Ireland Grove, located at 3807 Ballybunion, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 28, 2010 City Council Consent Agenda. He encouraged Mr. Hunt to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:27 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the TVEO Corporation d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting a RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Hamilton "Eric" Trujillo, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. He noted that this business was located across the street from Miller Park. Hamilton "Eric" Trujillo, owner/operator and Applicant representative, addressed the Commission. He had renovated the building. There was a restaurant and mini mart on the first floor with apartments located above. He opened the restaurant and mini mart on July 1, 2009. He has tried to operate both businesses without liquor sales. Customers to both businesses have requested alcohol. He had a sizable investment in the building. The rental property helped to finance the restaurant/mini mart. He had lost business when potential customers discover that there is no alcohol service. He described the business situation as difficult. He had informed his customers that he would apply for a liquor license.

Mr. Trujillo informed the Commission that he had been employed with NICOR for twenty (20) years. He had also worked construction. At present, he was the cook at his restaurant. He presented the Commission with signatures from customers in support of this application. He also presented the Commission with a menu.

Currently, he offered meat, vegetable, dairy, and tobacco products. He had had no issues with customers. He wanted to meet his customers' needs and the financial needs of his business. He only wanted to stock beer and wine in the mini mart. He was not interested in packaged sales of hard liquor.

Commissioner Stockton noted the menu. He expressed his support for the restaurant license, ("A" All types of alcohol). He was not comfortable with a "P" Packaged license across the street from Miller Park. He cited other nearby "P" Packaged license locations.

Commissioner Petersen cited his concern. He questioned if customers had requested the "R" Restaurant and/or the "P" Packaged license. Mr. Trujillo responded both.

Commissioner Clapp questioned people who visit the park. Mr. Trujillo informed the Commission of his efforts to attract people who visit the park. He wanted to offer one stop shopping. He offered a variety of products.

Commissioner Buchanan questioned if there was a way to become more comfortable with this Application in order for the Commission to support same. He questioned the operations of these two (2) businesses. He cited the potential for customers to take packaged alcohol to the park. He questioned if Mr. Trujillo planned to offer single serve products. Mr. Trujillo responded negatively. He acknowledged Miller Park's location. He added that there was heavy traffic into the park approximately three (3) months a year. He acknowledged that he might not be able to

prevent a customer from purchasing packaged alcohol and entering the park. He noted the location of Westside Liquors, (906 S. Morris Ave.).

Commissioner Petersen questioned Westside Liquor's business hours. Mr. Trujillo believed that the store closed at 10:00 p.m. The Mini Mart closed at 9:00 p.m.

Commissioner Petersen stated that if there were issues with underage consumption of alcohol in the park then he would support removal of the "P" Packaged portion of this Application. Mr. Trujillo responded affirmatively.

Commissioner Buchanan questioned if Mr. Trujillo would accept an RAS liquor license. Mr. Trujillo stated his preference for an RAPS license but was willing to accept an RAS.

Commissioner Buchanan questioned on site management. Mr. Trujillo noted that he acted as same. In addition, he had an employee who served as his back up. Mr. Trujillo had placed a hundred percent (100%) of his focus on the restaurant and mini mart. This project had been his dream. He reviewed this project's history. He had complied with the City Code. There had been various public hearings involved. The process took two (2) years. He added that there had been a restaurant at this location in the past.

Commissioner Tompkins questioned security. Mr. Trujillo informed the Commission that there was video surveillance.

Commissioner Clapp suggested signage for the mini mart informing customers that alcohol was not allowed in the park. The mini mart could limit the quantity of liquor sold by Mr. Trujillo using his best judgment. Mr. Trujillo acknowledged that if something went wrong, then he would accept the responsibility.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had visited that store. He believed that there were outstanding PACE issues. Mr. Trujillo expressed his belief that everything had been settled.

Commissioner Petersen questioned if this would be a grocery store which also offered alcohol for sale. Mr. Trujillo responded affirmatively. He had spent \$10,000 on coolers.

Commissioner Stockton commended Mr. Trujillo for his efforts. The Commission must consider the location and the impact upon the neighborhood.

Commissioner Stockton opened the hearing to public comment.

Surena Fish, 909 W. Wood, addressed the Commission. She had grown up in Bloomington. At this time, she spent half of the year here. Under no circumstances should liquor sales be allowed at this location. The restaurant was opened with food only. She wished Mr. Trujillo the best of luck. She cited the history of the area. On Memorial Day there was alcohol consumed in Miller Park. The addition of another liquor license would compound the problem. Alcohol is readily available. The Commission needed to stand up and say no. She cited the impact of alcohol and

drugs on the neighborhood. The neighborhood was starting to turn around. Miller Park was beautiful and well maintained.

Commissioner Stockton understood that things were improving. He acknowledged issues involving alcohol and drugs. He noted that Ms. Fish was opposed to this Application.

Michael Schoenecke, 908 W. Wood, addressed the Commission. He attended the meeting with his wife. They had been lived in the City for the past three (3) years. They also were Mr. Trujillo's customers. He approved the idea of a liquor license for the restaurant. He specifically cited beer and wine sales. He believed that packaged sales were an issue of convenience. Mr. Trujillo had taken a business approach. He expressed concern about the impact upon the area. He cited calls for police service. He believed that Westside Liquors was enough. He cited litter such as glass. He believed that liquor would end up in the park. A "P" Package liquor license was not the best idea for the area.

Commissioner Stockton noted the Mr. Schoenecke was supportive of the "R" Restaurant but opposed to the "P" Packaged liquor license. He questioned if Mr. Schoenecke would be supportive of the "A" All types of alcohol for the restaurant. Mr. Schoenecke did not have a problem with an "A" liquor license. Margaritas were cited as an example. Customers purchasing "P" Packaged alcohol would only be interested in the convenience. Packaged liquor could be purchased with weekly groceries. A mini mart was for convenience items not weekly shopping.

Henry Wright, 902 N. Linden, addressed the Commission. Mr. Trujillo had remodeled the building. This was a neighborhood improvement. Mr. Trujillo had been encouraged by his customers. If there was an issue with alcohol consumption in the park, then there was an enforcement issue. He did not believe that this application would have a negative impact upon the neighborhood.

Hal Jennings, 102 S. East St., addressed the Commission. Mr. Trujillo's restaurant offered good food at great prices. Mr. Trujillo had remodeled/restored the building. He had invested in the area and building. The restaurant was clean. There was a small bar with four (4) stools. He supported this Application. The "P" Packaged license would be for the Mini Mart. It offered generic and ethnic items. Mr. Trujillo's efforts were amazing. He encouraged the Commission to look at the big picture. Mr. Trujillo's invested two (2) years of his time and \$300,000. He attested to Mr. Trujillo's character.

Ms. Fish readdressed the Commission. She noted that Mr. Jennings did not live in the neighborhood. This neighborhood was dealing with a variety of issues.

Commissioner Stockton noted that if there were issues, then there needed to be enforcement. He expressed his willingness to work with Ms. Fish. He described Miller Park as the jewel of the City's west side.

Commissioner Stockton presented four options: 1.) deny the Application; 2.) approve the “R” Restaurant portion only; 3.) approve the “P” Packaged portion with a sunset clause; and 4.) approved the “R” Restaurant portion now and reconsider the “P” Packaged portion in the future. He noted that Mr. Trujillo had assumed a lot of risk. He added his expectation that Mr. Trujillo would perform well and there would not be any liquor issues related to his business. The summer was a busy season at the park.

Commissioner Buchanan cited his years of experience on the Commission. Mr. Trujillo was a credible applicant. He had considered this application’s impact upon the neighborhood. The issues cited were not related to Mr. Trujillo as at this time he does not have a liquor license. The key question was would this Application add to or compound the issues cited. He again cited the quality of the Applicant and a sunset clause. He believed that now was the best time for a trial period, (when the park is busy). There may be a need for greater enforcement. He questioned the volume of liquor sales at West Side Food & Beverage. He questioned if Mr. Trujillo planned be price competitive with same. Mr. Trujillo operated a small grocery store. He had no plans of competing with West Side Food & Beverage.

Commissioner Petersen noted the quality of the Applicant’s plan. Mr. Trujillo appeared to be sincere. The park was in high season. He expressed support for the fourth option. At a later date the Commission could review Mr. Trujillo’s performance and reconsider a “P” Packaged license. The “R” Restaurant license would provide additional revenue, Mr. Trujillo would gain experience with alcohol sales, the risk would be limited. He stated his support for the “R” Restaurant portion but not the “P” Packaged portion of this Application.

Commissioner Clapp expressed support for this Application with the third option. This would provide a six (6) month trial with a review by the Commission. She believed the “R” Restaurant portion would assist Mr. Trujillo by providing an additional revenue stream.

Commissioner Stockton acknowledged that Mr. Trujillo was not responsible for the current situation. The Commission must consider the impact on the neighborhood. He noted that Miller Park was located across the street. He expressed his belief that the Council would be concerned about that fact. He expressed his interest in the Council having confidence in the Commission. He cited the proximity of West Side Food & Beverage. He believed that there was a sufficient number of “P” Packaged liquor licenses in the area. He was not in favor of this Application. Commissioner Buchanan questioned the logic applied to the number of packaged licenses. Commissioner Stockton had considered the traffic, the need for, the potential negative impact, and the proximity to the park in reaching his decision.

Commissioner Tompkins was conflicted. He appreciated Mr. Trujillo’s efforts to improve the neighborhood. He would support the “R” Restaurant portion of the Application. He understood the need for a business to make a profit. He expressed his concern for the character of the customers. Mr. Trujillo had earned the Commission’s trust. Citizens live in this neighborhood. He questioned the percentage of sales from liquor at the mini mart, (“P” Packaged portion of the Application).

Mr. Trujillo restated that the businesses had been open for approximately one (1) year. An "R" Restaurant license would be of assistance. He respectfully requested the opportunity.

Commissioner Tompkins recommended that if a "P" Packaged license was to be approved Mr. Trujillo would have to make it inconvenient for his customers to take the liquor to the park. Mr. Trujillo restated that he had no intention of carrying single serve products.

Commissioner Buchanan suggested that the product be sold unrefrigerated. Mr. Trujillo cited the impact of refrigeration on pop sales as an example. He had no intention of stocking/selling hard liquor and stressed that there would not be any single serve products available.

Mr. Boyle made of point of clarification: the "R" Restaurant portion of the license would be an "A" All types of alcohol, and the "P" Packaged portion of the license would be a "B" Beer and Wine only.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAPS liquor license which allows the sale of all types of alcohol the glass for consumption on the premises and the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address; 2.) that the "P" Packaged portion of said license would sunset six (6) months from date of issuance unless subsequent action is taken by the Commission and 3.) that the Commission would request an audit of food and liquor sales for the "R" Restaurant and "P" Packaged portion of the license.

Ayes: Commissioners Buchanan, Clapp and Tompkins.

Nays: Commissioners Stockton and Petersen.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 28, 2010 City Council Consent Agenda. He encouraged Mr. Trujillo to attend this meeting and to come prepared.

Mr. Trujillo thanked the Commission for the opportunity and planned to work hard.

Commissioner Stockton expressed his disappointment in the Applicant. Mr. Trujillo was not receptive to the suggestion that liquor sales be for unrefrigerated products only. He was also unwilling to delay this Application until the Council's July 12, 2010 meeting agenda.

Mr. Trujillo expressed his concerns regarding Commission Stockton's comments. He had requested an opportunity. He reviewed the building's history. Commissioner Stockton stated that he had respect for the Applicant and the park.

Commissioner Buchanan suggested that the unrefrigerated condition apply to “P” Packaged sales during the six (6) month trial period.

Motion by Commissioner Tompkins, seconded Commissioner Buchanan to reconsider the Commission’s previous action.

Ayes: Commissioners Stockton, Buchanan, Petersen, and Tompkins.

Nays: Commissioner Clapp.

Motion carried.

Commissioner Buchanan stated his intention to amend his previous motion by adding the condition that “P” Packaged liquor sales must be unrefrigerated.

Commissioner Stockton encouraged the Commission to consider the store’s proximity to the park. He believed that it would be advantageous to all to commence packaged sales in the winter months. He restated his opposition to this Application.

Commissioner Buchanan acknowledged this was a difficult Application. The Applicant had presented a compelling case. Citizens had raised legitimate concerns. He believed the negative impact on the neighborhood from this business was questionable.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of TVEO Corporation, d/b/a Eric’s Mini Mart & Restaurant, located at 903 W. Wood St., requesting an RAPS liquor license which allows the sale of all types of alcohol the glass for consumption on the premises and the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) that there be no outstanding PACE (Planning and Code Enforcement) fees and/or fines at this address; 2.) that the “P” Packaged portion of said license would sunset six (6) months from date of issuance unless subsequent action is taken by the Commission; 3.) that the Commission would request an audit of food and liquor sales for the “R” Restaurant and “P” Packaged portion of the license; and 4.) “P” Packaged liquor items for sale must be unrefrigerated.

Ayes: Commissioners Buchanan, Clapp and Tompkins.

Nays: Commissioners Stockton and Petersen.

Motion carried.

There being no further business before the Commission, the meeting recessed at 5:44 p.m.

The Commission took a short recess.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Penalty Box Restaurants, LLC d/b/a Baxter’s American Grille, located at

3212 E. Empire St., requesting an RAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Rod Burchett, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. He noted that this Application involved new ownership. Rod Burchett, owner/operator and Applicant representative, addressed the Commission. He became the restaurant's manager in March 2010. The hotel's ownership wanted out of the restaurant business. The operation of the restaurant would remain the same. Baxter's was opened three (3) years ago. He hoped that Baxter's would be busier under his ownership. The clientele would be in the thirty-five to sixty-five (35 - 65) year old range. There would be two additional (2) LLCs: 1.) for the land and 2.) for the hotel.

Commissioner Buchanan believed that there was an error on the Application Questionnaire. He cited the section entitled Legal Requirements, item (i), the correct answer was No.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Penalty Box Restaurants, LLC, d/b/a Baxter's American Grille, located at 3212 E. Empire St., requesting an RAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 28, 2010 City Council Consent Agenda. He encouraged Mr. Burchett to attend this meeting.

There being no further business before the Commission, the meeting recessed at 6:00 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Mary and Valentine Schonberger to allow moderate consumption of alcohol at their son's July 10, 2010 wedding reception to be held at Davis Lodge at Lake Bloomington from 5:00 p.m. - midnight. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Mary Schonberger, mother of the groom and requester.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Mary Schonberger, mother of the groom, addressed the Commission. Kenney's Restaurant (f/k/a The Fireside Inn), in Lexington, had been hired to cater the food and beverage service for the wedding reception. She anticipated a hot day. There would be two (2) bartenders. The plan was to provide beer.

Commissioner Buchanan informed the Commission that he had contacted the Lexington Police Department. Christee Collier, Kenney's Restaurant's responsible party held a catering license. He recommended that the Commission amend the conditions for this request.

Commissioner Stockton had spoken to Hannah Eisner, McLean County's Civil Asst. State's Attorney. The County honors the City's liquor licenses. He believed that the City had some leverage over City liquor license holders. He added that he had no concerns regarding this wedding reception.

Commissioner Petersen noted that Kenney's had been retained to provide food and beverage service for the wedding reception. Ms. Schonberger responded affirmatively. Commissioner Petersen expressed concern about setting a precedent. He noted that Kenney's has a catering license and is also located in McLean County.

Tracey Covert, City Clerk, informed the Commission that she would request a copy of Kenney's catering license plus a Certificate of Insurance stating that there would be liquor liability coverage at the Davis Lodge on July 10, 2010. A catering license meant that alcohol is poured and served at the event. There will not be a cash bar.

Commissioner Stockton added that the City could require a bond to coverage any damages. Davis Lodge was a City asset. The Commission wanted to allow reasonable use.

Commissioner Petersen questioned if the entire premise would be included. Commissioner Stockton responded affirmatively.

Commissioner Buchanan stated that the City's "B" Beer and wine category would allow wine service. He cited a champagne toast as an example.

The Commission encouraged Mrs. Schonberger to work with Craig Cummings, Director - Water. The Commission noted that there would be conditions implicit in the contract with the City.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp to recommend the suspension of City ordinance for a wedding reception be held at Davis Lodge on July 10, 2010.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the June 28, 2010 City Council Consent Agenda. He encouraged Mrs. Schonberger to attend this meeting.

There being no further business before the Commission, the meeting recessed at 6:15 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Castle Productions, LLC d/b/a The Castle, located at 209 E. Washington, Unit 1, requesting an RAS 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. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and

Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and John Campbell and Rory O'Connor, owners/operators and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. He noted that the goal was to reopen the theater. John Campbell and Rory O'Connor, owners/operators and Applicant representatives, presented the Commission with a brochure entitled Where Music is King. Mr. Campbell resided in Chicago and Mr. O'Connor resided in Bloomington. Mr. Campbell attended Illinois State University and resided in the community from 1997 - 2000. He was present in the community on most weekends. The plan was to reopen the theater as an entertainment venue. Mr. O'Connor is employed in the radio industry. Mr. Campbell had a marketing background and was employed in advertising. Peter Erickson, (third partner), was employed in event management. They believed the City needed a place for live music performances. The opening was planned for October 2010. They have clients involved in the music industry.

Commissioner Stockton expressed his interest in the project. The City had invested TIF (Tax Increment Financing) dollars in this building. He believed the theater was a great property. The business plan would fill a void. He noted that according to demographics reports there were approximately 100,000 college age students in the Central Illinois area. The Applicant had presented an interesting proposal.

Mr. Campbell stated the intention to bring national acts to Central Illinois. This type of venue would fill a void. The space was evaluated for sound. Mr. O'Connor noted the building's interior and its aesthetics. The stage would need to be deepened, (sixteen to seventeen feet was needed).

Commissioner Petersen questioned if there would be any food service. Mr. O'Connor stated that the initial plans did not call for food service. This would be a live entertainment venue not a restaurant.

Commissioner Stockton noted that the City did not expect the theater to become a restaurant. He encouraged the Applicants to give consideration to food service. He added that food sales were not a legal requirement. He cautioned that liquor service may need to be de-emphasized.

Commissioner Stockton addressed parking. Mr. O'Connor informed the Commission that he had spoken with PNC Bank. Their Washington St. lot had seventy (70) spaces. He had also contacted State Farm regarding the two (2) parking lots located near Second Presbyterian Church. He added that the Lincoln lot was located a block and half away from the theater. He had also reached out to the owner of the former Illinois Healthcare Building. The owner had requested compensation.

Commissioner Buchanan questioned the application's classification, (RAS). He noted that fifty-one percent (51%) of revenue must come from sales other than alcohol. He added that individuals would not have to be twenty-one (21) years of age to enter the Castle Theater. Mr. Campbell noted that the application had been completed based upon projected revenue. He believed that they would meet the City's requirement.

Commissioner Stockton noted that the license classification could be changed. Mr. O'Connor stated that the majority of sales revenue would come from ticket sales. Ticket prices would range from \$15 - \$45. Commissioner Stockton added that sales of merchandise may or may not count towards the necessary percentage.

Mr. Campbell restated that the theater would be a music venue. Time in the facility would be limited. He believed that they had the ability to provide a positive concert going experience.

Commissioner Tompkins questioned if the Applicants had prior liquor sales experience. He specifically cited holding a liquor license. He also questioned the Applicants' plan to address security. Mr. O'Connor responded negatively to the first question. He noted that the liquor would be secured when the facility was not in use. He informed the Commission that the church wanted to remain a tenant. Mr. Campbell added that there was a storage room. There would be security taps on the beer kegs.

Commissioner Tompkins questioned identification checks. Mr. Campbell noted that there was a separate entrance/exit to the balcony. This area would be used for underage patrons.

Commissioner Stockton reminded the Applicants that they would be responsible for what occurred in the facility. He believed segregation of underage patrons might be the best option. Mr. O'Connor added that wrist bands would also be used. Staff would monitor all ingress/egress points.

Commissioner Petersen questioned if the Applicants would have a policy to limit the number of liquor sales to an individual at one time.

Commissioner Tompkins questioned if the Applicants were familiar with the City's Alcoholic Beverage Code. Mr. O'Connor informed the Commission that they had friends in the liquor industry. They planned to seek expert advice.

Commissioner Buchanan expressed his belief that when the music stopped liquor sales would cease. Mr. Campbell stated that the plan intended that there would be an artist meet and greet within thirty (30) minutes of the concert's end. Meet and greets would be hosted in the lobby area. Alcohol would only be allowed inside the auditorium. Commissioner Buchanan recommended that this application include a condition that no alcohol be sold/consumed thirty to forty-five (30 - 45) minutes after a performance/show. Mr. O'Connor added that the music would be over by 10:30 p.m. The goal was to be closed by 11:30 p.m.

Commissioner Tompkins questioned if there would be a green room. Mr. O'Connor stated that work continued on performer accommodations. He had contacted Fred Wollrab, building's owner, regarding the use of space above the theater for performers. There would be no fan interaction in this area.

Commissioner Stockton noted that the premise would not include the lobby. The premise would include the theater's interior (auditorium). He questioned if the performer's space would be included in the premise. He also recommended that a restriction be placed on the balcony. Mr.

O'Connor noted that music can be for persons of all ages. There would be different types of performances.

Commissioner Stockton suggested that the classification be changed from an "R" Restaurant to a "T" Tavern. Under the City Code, a "T" Tavern classification would allow persons under twenty-one (21) years of age when accompanied by a parent or legal guardian. Mr. Campbell stated that they would know the band's appeal. There would be times when there would be no cross over to those under twenty-one (21). There may also be some events (family) where no alcohol would be offered for sale. Mr. O'Connor added that each event would draw from a certain demographic. Commissioner Stockton suggested that restrictions be placed upon the auditorium. Those under twenty-one (21) years of age would have access to lobby and balcony for events which drew from a cross section ages.

Commissioner Buchanan questioned if a condition should be placed upon this application which would not allow alcohol service unless there was a performance. Commissioner Stockton noted that the Applicants presented their plan and stated that it would be a performance venue. Mr. O'Connor questioned as an example if an Oscar Night Party would be considered an event. Mr. Campbell stated their intention to update the audiovisual equipment. The auditorium could then be used to host corporate training/meetings.

Commissioner Buchanan questioned the planned date for the first show. Mr. O'Connor stated a tentative date of September 26, 2010. They hoped to host a grand opening weekend.

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the application of Castle Productions, LLL d/b/a The Castle, located at 209 E. Washington St., Unit 1, requesting an RAS liquor license which allows the sale of all types of alcohol the glass for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) that the lower level of the auditorium be restricted to those over twenty-one (21) years of age with the exception of no under twenty-one (21) events; 2.) that for no under twenty-one (21) events the premise would include the lobby and balcony area of the theater; 3.) that bar food sales are encouraged and may become a future requirement; and 4.) that the Commission reserves the right to reconsider parking arrangements in the future if needed.

Motion carried.

Commissioner Stockton referred the Applicants to Chapter 6. Section 27 No Underage or Intoxicated Person in Licensed Premises - Exceptions and Burden of Proof, (2) (a).

Commissioner Stockton informed the Applicants that this item would appear on the July 12, 2010 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting adjourned at 6:55 p.m.

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the request of Gill Street Group, LLC, d/b/a Gill St. Bar & Restaurant, located at 3002 Gill St., currently holding an RAS liquor license, which allows the sale of all types of alcohol by the glass

for consumption on the premises seven (7) days a week with the following condition; the Commission reserves the right to regulate the use of outdoor dining area to include 1.) the time of use, 2.) the time for liquor sales, 3.) the time for music live and/or amplified, 4.) sound/visual baffling/barrier, and 5.) occupancy; to allow live amplified music on Saturday, July 10, 2010 from 10:00 p.m. until midnight for a fundraiser for Make - a - Wish Foundation, "Celebrity Sing for Wishes." Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Greg Bojan, General Manager, and License holder representative.

Commissioner Stockton opened the liquor hearing. He noted that the same request appeared before the Commission last year. He requested that the License holder present their request. Greg Bojan, General Manager and License holder representative, addressed the Commission. This will be the third year for the event. Last year was the first time that Gill St. requested two (2) additional hours. This change had a positive impact upon fundraising. Dr. Chad Tattini has remain involved in this event. Gill St. works with the bands and has simplified band set ups.

Commissioner Tompkins informed the Commission of his attendance at last year's event.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen to waive the 10:00 p.m. provision the night of Saturday, July 10, 2010 with the following conditions: 1.) the neighbors must be notified in advance and provided with a telephone number to call with any complaints; and 2.) the volume must be reduced at 10:00 p.m.

Motion carried.

Commissioner Stockton hoped that the event would be successful and that the City would not receive any complaints. He noted that the number of complaints regarding Gill St. were down this year.

Mr. Bojan invited the Commission to this event.

There being no further business the hearing recessed at 7:05 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Violation Hearing to order regarding Sandhya Foods, Inc., d/b/a Indian Bhavan, located at 716 Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The Police Department conducted an audit. Four (4) establishments were issued Liquor Violations. This was Indian Bhavan's first offense. It was believed that Indian Bhavan had failed to pay the liquor fine. If there was no payment, then the stipulation was void.

Commissioner Stockton recommended that this item be continue until the Commission's July meeting. If the matter is resolved then it could be removed from the Commission's July meeting agenda.

Commissioner Stockton opened the discussion regarding a text amendment addressing sidewalk cafes.

Commissioner Buchanan stated that the City should not discourage same.

Commissioner Stockton added that there was not a concern about heavy items being left out over night. The sidewalk cannot be obstructed. Tables and chairs would not be allowed to be left out over night. Heavy items not used for food/beverage service should be allowed to remain in place. The City's engineering staff would still grant approval for use of the sidewalk.

George Boyle, Asst. Corporation Counsel, noted that obstructions left on the sidewalk after dark when a business is closed can be hazardous.

Commissioner Stockton addressed scheduling a date for Tjolo's, Inc., d/b/a Show Me's liquor violation hearing. Mr. Boyle presented three (3) possible dates: June 29, July 6 or July 13, 2010. He informed the Commission that Show Me's has retained legal counsel. The City planned to call at least seven (7) witnesses. Concerns were expressed regarding summer vacations.

Commission reached a consensus to schedule the liquor violation hearing for Tuesday, July 13, 2010 at 3:35 p.m. It was noted that Commissioner Clapp would be unavailable on this date.

Mr. Boyle suggested that July 20, 2010 be held on the calendar as a possible alternative date. He cited a poor response from witnesses to the July 13, 2010 date as the reason. If the alternative date is selected the hearing would commence at 3:00 p.m.

Mr. Boyle offered to provided a second copy of the complaints a few days in advance of the hearing.

It was noted that if the City received applications that the Commission's regular monthly meeting would be held on either July 13 or 20, 2010 dependent upon the violation hearing date. Commissioner Stockton reminded the Commission of the need to address liquor license fees.

There being no further business before the Commission, the meeting adjourned at 7:21 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk