

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

May 12, 2009

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Jim's Steak House of Bloomington, Inc., d/b/a Jim's Steak House, located at 2307 E. Washington 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 to allow a beer garden/outdoor patio. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel and George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Greg Comfort, owner/operator, and Ricky Painter, consultant and License holder representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present their request.

Commissioner Stockton arrived at 4:07 p.m.

Greg Comfort, owner/operator and License holder representative, addressed the Commission.

Commissioner Petersen arrived at 4:08 p.m.

Mr. Comfort informed the Commission that Jim's Steak House had requested a beer garden a couple of years ago. The wooden patio would offer eight (8) tables. There would be two (2) outdoor speakers which would offer the same music as is played in the restaurant. The patio would offer a casual summer menu - cocktails and appetizers.

Commissioner Buchanan noted that the patio would measure 16' x 22' and would offer one (1) entrance from the sidewalk. The exit gate should be equipped with a crash bar. He noted that the patio would be landscaped. Mr. Comfort added that the City's PACE (Planning and Code Enforcement) staff had provided him with a list of approved materials.

Commissioner Buchanan questioned staffing and recommended that video surveillance equipment be installed on the patio which could be viewed from the restaurant's interior. Mr. Comfort stated that the patio would be monitored from the bar area. Two (2) waitresses would be assigned to the patio as it would offer eight (8) tables.

Commissioner Buchanan questioned if the sidewalk would be included in the premise. Commissioner Stockton noted that a number of liquor establishments applied for beer gardens a couple of years ago. He expressed his concern about the separation, (restaurant to beer garden).

Ricky Painter, consultant and License holder representative, addressed the Commission. He suggested that a gate be installed on the sidewalk.

Commissioner Gibson arrived at 4:15 p.m.

Commissioner Stockton stated that he did not want patrons standing on the sidewalk and drinking. The License holder was responsible for the premise. He added his concern about setting a precedent and questioned where to draw the line. He questioned if the patio would be used by smokers. Mr. Comfort stated his intention to allow smoking patrons to flow in and out of the restaurant.

Hannah Eisner, Deputy Corporation Counsel, noted that Jim's held an "R", Restaurant, license which allows entrance to underage persons. She added that the Downtown had more pedestrian traffic. Jim's offered destination dining.

Commissioner Buchanan questioned if the property's elevation would be an issue. Mr. Painter believed the design could be adjusted. The patio would not be handicapped accessible. There would be a distance of thirteen feet, (13') from the restaurant to the entrance of the patio. Commissioner Stockton restated his concern about approving this request and questioned where the Commission should draw the line. Commissioner Buchanan noted that the patio would be located on private property. Commissioner Stockton added that there would be an exterior door and the patio would be enclosed.

Commissioner Petersen questioned if the patio would be used year round. He questioned the location of the patio's entrance. Mr. Comfort noted that the patio would be seasonal, (May to October). He did not want to remove the property's Cottonwood Trees. He noted the elevation issues. Mr. Painter stated that the patio would have to be redesigned. He expressed concerns about drainage.

Mr. Comfort added that the restaurant offered handicapped accessibility. Commissioner Buchanan encouraged the License holder to revisit accessibility to the patio with the City's PACE staff.

Commissioner Petersen suggested that the Commission may need to revisit this request. Commissioner Stockton recommended that the License holder reduce the size of the patio. Mr. Comfort cited his concern regarding drainage. Commissioner Buchanan recommended that the License holder and the Commission take a second look at this request. Mr. Painter recommended that the ramp be relocated to the middle of the patio which might address the drainage issue.

Commissioner Stockton readdressed his concern about consistency. Mr. Comfort offered to bring other ideas back to the Commission. Commissioner Stockton suggested that this request be approved subject to the License holder's submission of an acceptable plan.

Commissioner Gibson recommended that the License holder give consideration to providing access to the patio from the restaurant's interior. Mr. Comfort stated that the interior access door would be for staff only. A public entrance would impact the restaurant's kitchen.

Commissioner Buchanan opened the hearing to public comment.

Vicki Tilton, 200 W. Monroe, addressed the Commission. She noted how enjoyable outside dining was and added that the facility would be more attractive.

Commissioner Stockton questioned if full meals would be available on the patio. Mr. Comfort responded affirmatively.

Motion by Commissioner Stockton, seconded by Commissioner Clapp to approve the request of Jim's Steak House of Bloomington, Inc., d/b/a Jim's Steak House located at 2307 E. Washington 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 to allow a beer garden/outdoor patio with the following conditions: 1.) minimal use of the sidewalk; 2.) submission of a revised plan; 3.) that the outdoor area be monitored by electronic video surveillance; and 4.) the Commission reserves the right to address the use of amplified music.

Motion carried.

Commissioner Buchanan instructed the License holder to bring the revised plan to the City Clerk's Office.

There being no further business the hearing recessed at 4:38 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from a PB liquor license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premise and the sale all types of packaged alcohol for consumption off the premises six (6) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Amy Calhoun and Cindy Beier, owner/operators and License holder representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present the business plan. Amy Calhoun, owner/operator and License holder, addressed the Commission. She presented the Commission with a handout. A. Renee (shop) had been in business for five and a half, (5½) years. The goal has been enlightened hospitality. The business was started with a vision to offer a wine shop and cafe. The business would be extended to the south into the area formerly occupied by Jack Lewis Jewelry. The Cafe would offer global artisan wines and classic cocktails. There would be a self playing grand piano. The Cafe would offer an adult old world cellar adult setting. The application was initially for a "T",

Tavern liquor license. The final word on financing was not settled. A test kitchen would be completed. A sample menu was provided. The goal would be to grow the business into a restaurant. She cited Rosie's located at 106 E. Front St., as an example. The Cafe would offer another dining option within the Downtown. Preliminary meetings were held with City staff, (PACE Department), and the McLean County Health Department, (Environmental Health Division). A copy of a petition in support of this request was also submitted to the Commission. There also was a letter of support from the Downtown Bloomington Association, (DBA).

Vickie Tilton and Denise Eyre, Fox n Hounds, 200 W. Monroe St., addressed the Commission in support of this request. A Renee offered quality merchandise. The business had been a good neighbor. This was the type of business which was needed in the Downtown. The owners had presented the Commission with a great idea.

Commissioner Stockton cited the City's unofficial moratorium on additional Tavern licenses within the Downtown. The Council had expressed its concerns about college age bars. A. Renee would not be located near N. Main St. He was in support of this request given the character of the business and its business hours. He added the License holder's intent to pursue an "R", Restaurant liquor license.

Ms. Calhoun restated that the kitchen would be boxed in. The plumbing would be installed. Initially, the Cafe would provide appetizers. Commissioner Stockton stated that he would not support this business turning into a full "T" Tavern.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She encouraged the License holder to look at the percentage of sales from non liquor items. Ms. Calhoun noted that currently sixty percent, (60%) of the store's sales came from alcohol. There was no intention for the Wine Cafe to be a bar. She was trying to not presume the bank's decision regarding financing.

Commissioner Buchanan questioned the petition in support of this request which had been submitted. He questioned if there were any negative comments. Ms. Calhoun responded that there were none. A. Renee had learned from former ViV's experience, (located at 909 Hershey Rd.). Cindy Beier, owner/operator and License holder representative, informed the Commission that Mike Hill, owner/operator and License holder for Maguire's located at 220 N. Center St., had signed the petition. Ms. Calhoun restated that the Cafe would only offer top shelf liquor. She anticipated a decision regarding the financing in a week or two. Ms. Eisner informed the Commission that it could pass a motion with sunset clause.

Commissioner Gibson questioned the business hours. Ms. Calhoun noted that the hours covered the Shop and Cafe: Tuesday through Thursday, 11:00 a.m. to 10:00 p.m.; Friday and Saturday, 11:00 a.m. to midnight; Sunday and Monday, closed. Ms. Eisner noted the License holder's statement that the Cafe would become a restaurant.

Commissioner Buchanan expressed his opinion that the plan and the License holder's experience appeared to be right for the Downtown.

Commissioner Stockton questioned if the “T”, Tavern classification would apply to the entire premise. Ms. Eisner suggested that the “T” only be applied to the new area. Ms. Beier informed the Commission that there would be a gate to divide the Shop from the Cafe.

Commissioner Buchanan questioned if one (1) license could be subdivided into two (2) classifications. He noted that the Cafe might attract families and young couples.

Commissioner Petersen expressed support for the idea of placing a sunset clause on the “T” license classification. The Commission seemed to support the assumption that the Cafe would grow into a restaurant.

Commissioner Stockton requested that the License holder revisit its gross sales. Ms. Calhoun restated that currently sixty percent, (60%) of sales came from liquor.

Commissioner Gibson suggested that the Commission define the premise. Ms. Eisner noted that the Cafe area might accommodate a lunch trade. Tavern rules might be applied after dining hours. Ms. Calhoun informed the Commission that the Shop currently closed at 6:00 p.m. Ms. Eisner noted another option - Tavern rules would be applied when the Shop was closed.

Commissioner Stockton suggested that the City Code be amended. The Code would allow the Commission to exempt a portion of a premise from tavern rules. He believed that this type of situation would occur again. He added his opinion that underage persons should not be allowed in the tavern area. He questioned the City Code as it applied to the Shop were packaged liquor is sold. Ms. Eisner informed the Commission that there was not an age restriction applied to “P” Packaged liquor licenses. The Commission needed to address when minors would be present. She restated that the “T” classification was based upon the percentage of liquor sales, (over fifty percent). She questioned if the License holder intended to sell packaged liquor from the Wine Cafe. Ms. Calhoun noted that wines listed on the flight menu would be offered for sale, (packaged).

Commissioner Buchanan restated that eventually the Wine Cafe would become a restaurant. The “T” license would not do any initial harm to the business plan. Ms. Calhoun noted that her business had been planned for adults.

Ms. Eisner noted that the “P” area does not allow on premise consumption. There were not any age limitations. Ms. Calhoun informed the Commission that the plan included catering, (gourmet and corporate). She had a preliminary lease which had been conditioned upon obtaining a liquor license.

Commissioner Petersen questioned the number of public entrances. Ms. Beier informed the Commission that there would be two (2) public entrances: 1.) an entrance on Center St. and 2.) an entrance on Jefferson St.

Commissioner Petersen questioned how the business would operate in the evening. Ms. Beier noted that the Shop would be closed. The Shop’s entrance was located on Center St. Ms. Eisner

restated that the Ordinance only addressed on premise consumption. The “T” license could be limited to the Wine Cafe.

Commissioner Clapp noted that the Cafe represented the first time alcohol would be sold by the glass. She questioned the License holder’s plan to hire wait staff. Ms. Calhoun informed the Commission that she had a list of experience individuals who were interested in working at the Cafe. All wait staff would attend alcohol server training, (TIPS, BASSETT, and/or STEPS).

Motion by Commissioner Stockton, seconded by Commissioner Gibson that the application by Taken, Inc., d/b/a A. Renee Shop and Wine Cafe, located at 306 N. Center, Ste. 102, requesting a change of classification from PB license which allows the sale of packaged beer and wine for consumption off the premises six (6) days a week to a TAP 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 alcohol for consumption off the premises six (6) days a week be approved with the following conditions: 1.) that the gate separating the Shop and Wine Cafe be secured when the Shop is closed; 2.) that business hours are approved as presented or one hour after food service ceases not to exceed midnight; and 3.) on premise consumption be limited to the Wine Cafe.

Motion carried.

Motion by Commissioner Stockton, seconded by Commissioner Gibson that City staff prepare a text amendment to the City Code granting the Commission the authority to exempt an area within a premise holding a Tavern liquor license.

Motion carried.

Commissioner Buchanan informed the License holder that this item would appear before the City Council at their June 8, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged their attendance.

There being no further business the hearing recessed at 5:18 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Hani Alsaqri, d/b/a Skewers Steak House, located at 1603 Morrissey Dr., Suite A 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 Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Hani Alsaqri, owner/operator and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant representative present the business plan. Hani Alsaqri, owner/operator and Applicant representative, addressed the Commission. Currently, he was employed at the Garden of Paradise as the restaurant’s manager. Commissioner Stockton noted that this establishment’s license was in good standing, (no violations). He planned to open a steak house in the location of the former Ned Kelly’s. It would be a restaurant with a bar area.

Commissioner Stockton questioned planned changes to the interior. Mr. Alsaqri noted that the interior would be updated. Commissioner Buchanan questioned the floor plan. Mr. Alsaqri noted that the updated interior was completed. The hostess station had been relocated.

Commissioner Petersen questioned if the outdoor patio would be included in the premise. Mr. Alsaqri responded affirmatively. Commissioner Petersen questioned public access. Mr. Alsaqri noted the location of the front door and the outdoor patio's door. Commissioner Stockton noted that the outdoor patio's door should be a crash door, i.e. used as an exit only. Mr. Alsaqri responded affirmatively. He noted that there were two (2) entrances on the patio. Commissioner Buchanan noted that access to the patio would be gained via the restaurant's interior, (door located in the bar area).

Commissioner Stockton added that restaurant staff must be present when the outdoor patio was in use or video surveillance equipment must be installed. Mr. Alsaqri informed the Commission that he was currently researching same. Generally, restaurant staff would be present. Commissioner Buchanan added that this equipment must be monitored by the staff from the restaurant's interior.

Commissioner Petersen questioned if this was the Applicant's first experience with liquor sales. Mr. Alsaqri responded negatively.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She questioned if the license holder intended to be a sole proprietor or a corporation. The application cited Mr. Alsaqri and SRG International LLC. Mr. Alsaqri needed to consult with his attorney in order to make a determination.

Motion by Commissioner Stockton, seconded by Commissioner Petersen that the application by SRG International, LLC d/b/a Skewers Steakhouse, located at 1603 Morrissey, Suite A, 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 be approved with the following conditions: 1.) that the outdoor area be monitored by electronic video surveillance and/or staff; 2.) that the crash bars on the exterior patio door be maintained; and 3.) that the Liquor Commission reserves the right to regulate amplified music on the outdoor patio.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their June 8, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged his attendance.

There being no further business the hearing recessed at 5:30 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Illinois State University Foundation Ewing Cultural Center, located at 48 Sunset Rd., requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor

Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and John Poole, Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant representative present the business plan. John Poole, Applicant representative, addressed the Commission. This would be the second year for the Illinois State University Foundation Ewing Cultural Center to request a LB liquor license for the Shakespeare Festival. This application was the same as last year. The only change has been that there will only be one (1) public entrance to the grounds. A courtesy van will be available to shuttle the Festival's older patrons. The Festival needed to pursue new revenue streams. He anticipated \$10,000 in sales from beer and wine. He provided the Commission with Festival brochures. There were no incidents involving alcohol during last year's Festival. Festival staff received training for alcohol sales. The Festival is a family oriented event. Recently, National Geographic ranked the Festival as one of the top ten (10) in the nation. The Festival was a successful event.

Commissioner Buchanan noted that the main entrance was not for vehicular traffic. Mr. Poole noted that the courtesy van would address this issue. The main entrance to the grounds was pedestrian only.

Commissioner Gibson noted that the premise would include the entire grounds. Commissioner Buchanan responded affirmatively. Mr. Poole restated that there had not been any issues in the past. The Festival has a long standing tradition of picnicking on the grounds prior to the performances. Patrons may bring alcohol to serve with their dinners. All patrons are welcomed by Festival staff. Alcohol sales cease at intermission. There have been no issues with litter, open alcohol, etc. The Festival was going green, (waste recycling).

Commissioner Stockton cautioned the Applicant to be responsible. He noted that the entire grounds would be included in the premise. He added that minors may be present and may attempt to bring their own alcohol. Mr. Poole informed the Commission that a daily log is maintained. The Festival attracts a different demographic group. He believed that the future of the Festival was bright. He believed that it could become an engine of tourism for the community.

Motion by Commissioner Gibson, seconded by Commissioner Petersen that the application by Illinois State University Foundation Ewing Cultural Center, located at 48 Sunset, requesting a LB liquor license which would allow limited sales of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their June 8, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged his attendance.

There being no further business the hearing recessed at 5:41 p.m.

The Bloomington Liquor Commissioner Rich Buchanan opened the discussion regarding the liquor service at the Miller Park Pavilion and Davis Lodge. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; Hannah Eisner, Deputy Corporation Counsel and George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

Commissioner Stockton noted that this issue would also require the Council's consideration. The City would allow liquor service at these two (2) facilities for charitable events and weddings.

Commissioner Clapp recommended that the Commission establish parameters, such as hours, security, and fees.

Commissioner Stockton noted that the Davis Lodge was located in McLean County. He expressed his preference that the liquor service be provided by a City liquor license holder.

Commissioner Gibson recommended that the City require that a caterer be hired.

Commissioner Petersen suggested that the Commission determine the types of events and the fee.

Hannah Eisner, Deputy Corporation Counsel, recommended that the Commission consider the time of year and time of day, (hours). She also suggested that City staff, (Parks & Recreation and Water Departments), prepare a listing of their concerns.

Commissioner Buchanan questioned if the City had a plan to address this issue. Commissioner Stockton stated that the Commission needed some sample language. He cited the following factors: 1.) the group; 2.) the activity; 3.) time of year; 4.) hours; and 5.) supervision.

Ms. Eisner suggested that the Commission look to the City's golf courses and the Bloomington Center for the Performing Arts.

Commissioner Stockton instructed the Commission to e-mail their suggestions to him. Commissioner Buchanan noted that the City must be willing to make reasonable accommodations. Ms. Eisner recommended that the City departments make the initial recommendation.

Commissioner Stockton requested that the Commission take a vote to direct the City departments to take appropriate action to allow events with liquor service at the Miller Park Pavilion and Davis Lodge.

Commissioner Gibson questioned liquor service at Tipton Trails Park.

Commissioner Petersen left the meeting at 5:51 p.m.

Ms. Eisner noted that in the past liquor service was addressed on a case by case basis. She questioned if the Commission's intention was to allow liquor service at these two (2) facilities on a routine basis.

Commissioner Buchanan recommended that the Parks & Recreation and the Water Department develop a recommendation to be presented to the Commission.

Ms. Eisner noted that the City will have to suspend its liquor ordinance to allow liquor service at these two (2) facilities. City staff could look to the wedding which was held at the Miller Park Pavilion last December.

Commissioner Stockton noted the following three (3) items: 1.) the Commission encourages the two (2) City departments to develop procedures/factors to allow liquor service; 2.) City staff shall develop a text amendment to make liquor service at same routine with the permission of the appropriate department; and 3.) the Commission grants approval to the two (2) requests to hold wedding receptions at the Miller Park Pavilion and Davis Lodge in 2010. City staff would prepare the council memorandums to suspend the liquor code.

The Commission directed the City Clerk to provide the Commission's discussion to David Hales, City Manager.

There being no further business the hearing recessed at 5:56 p.m.

Hannah Eisner, Deputy Corporation Counsel, noted the past discussions regarding signage. The City has the authority to address this issue for safety reasons. The City cannot address signage for its content, (First Amendment issue).

Commissioner Stockton expressed his opinion that the Commission had the right to regulate signage as a liquor license was a privilege.

Commissioner Stockton left the meeting at 5:59 p.m.

Commissioner Gibson cited the issue with W. Market Groceries located at 301 W. Market St. Ms. Eisner noted that the City's concern was safety. She questioned what action the Commission wanted the City to take. Commissioner Gibson recommended that City staff provide photographs to present to the Commission. Ms. Eisner stated that PACE had a Sign Inspector.

Commissioner Buchanan recommended that Section 17 Signs of Chapter 6. Alcoholic Beverages be repealed.

Commissioner Buchanan requested that the keg ordinance be clarified. He also questioned Normal's ordinance. Ms. Eisner noted that there had not been any feedback from the Commission. The goal was to place this item before the Council before August 1, 2009.

There being no further business the hearing adjourned at 6:02 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk