

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

February 10, 2009

The Bloomington Liquor Commissioner Rich Buchanan called the Violation Hearing to order for Indy Trading, Inc., d/b/a Famous Wine & Spirits, located at 1404 E. Empire St., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; and Tracey Covert, City Clerk.

Hannah Eisner, Deputy Corporation Counsel, addressed the Commission. She informed them that there would not be a Violation Hearing. The license holder has agreed to the Order. The City received a certified check today. The outstanding amount has been paid in full.

Ms. Eisner provided an update regarding the status of the keg ordinance. She had sent the City's ideas and the Adult Responsibility Form, (ARF), to the Town of Normal over a month ago. She addressed the draft keg ordinance. She cited Section 35A(b)(3) and (4) which addressed Notification. The amount/quantity had been left blank. She had requested feedback from the Town regarding the City's proposed draft ordinance. She had not received a response to date.

Commissioner Buchanan addressed this issue. The draft ordinance represented the extent of regulations which addressed keg sales. He noted the impact of the college/high school population. He added that a large percentage of keg sales occur in Normal.

Commissioner Clapp expressed her opinion that the keg ordinance needed to be reciprocal between the City and Town.

Commissioner Buchanan noted that the Town has been slow to address this issue.

Commission consensus reached that the City should wait for a response from the Town.

There being no further business the hearing recessed at 4:10 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Baxter's Bar & Grill, LLC, d/b/a Baxter's American Grill, located at 3212 E. Empire St., requesting 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 Steve Stockton, Rich Buchanan, Marabeth Clapp and Steve Petersen; Hannah Eisner, Deputy Corporation Counsel; Tracey Covert, City Clerk; and Larry Hundman, owner/operator and Cameron Brooks, Bar Manager, Applicant representatives, and Andrew Killian, Applicant's attorney.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Larry Hundman, owner/operator and Applicant representative, addressed the Commission. He introduced Cameron Brooks, Bar Manager, and Andrew Killian, attorney who were also present at the hearing. He thanked the City for the interim license which saved an estimated fifty (50) jobs. J Buck's was not financially able to make it and closed the business. He believed that this was his first time to appear before the Commission as an applicant. He and his brother, Mike Hundman, would own the restaurant business. There were two (2) additional partners involved with the Holiday Inn. Mike Hartman would serve as the restaurant's manager. A consultant had been hired to review all policies and procedures.

Commissioner Stockton arrived at 4:21 p.m.

The restaurant's appearance would remain the same. The only exception was that all of the J Buck's pictures had been removed. Mr. Hundman added that the business name had been changed from J Buck's to Baxter's. All of the J Buck's signage had been removed.

Andrew Killian, Applicant's attorney, requested that the premise include the hotel. He added that J Buck's liquor license had included the hotel site.

Commissioner Petersen questioned live entertainment. Mr. Hundman stated that there was no intention to offer it. Commissioner Petersen noted the earlier closing hour, (midnight). Mr. Hundman responded affirmatively.

Commissioner Stockton expressed the Commission interest in any change to the character of the business. He questioned if Mr. Hundman held any interest in Hayashi located at 7 Currency Dr. Mr. Hundman informed the Commission that he owned the building but held no interest in the restaurant.

Commissioner Clapp questioned if there would be any differences between the two (2) restaurants. Mr. Hundman stated that there would be minor menu changes. He restated that a consultant had been hired, Russ Ivy, who had operated twenty-five (25) Ruby Tuesday restaurants. Commissioner Clapp questioned the outdoor patio. Mr. Hundman stated that there were small speakers on the patio which were on the same system as the restaurant. The closest residential housing was over 800 feet away.

Commissioner Petersen questioned if there were other hotel properties with liquor licenses. Hannah Eisner, Deputy Corporation Counsel, responded affirmatively. Commissioner Buchanan added that this request was not unusual. Mr. Hundman noted that room service was not a big item. The hotel banquet area saw the largest percentage of liquor sales.

Cameron Brooks, Bar Manager, addressed the Commission. The restaurant staff requests identification from the individual when providing room service. Commissioner Petersen cited his expectation that the majority of hotel's clientele was either business or family. Mr. Brooks responded affirmatively.

Commissioner Stockton noted that the Applicant needed to acknowledge the responsibility for a liquor license which covered the entire premise. Mr. Hundman questioned if the hotel would be responsible for an individual who brings liquor into the hotel. Commissioner Stockton responded affirmatively. He cited prom night parties as an example.

Mr. Hundman restated his appreciation to the City for its efforts which allowed him to keep the restaurant open. Commissioner Buchanan noted that the City was pleased that the restaurant remained open and operating.

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the application by Baxter's Bar & Grill, LLC, d/b/a Baxter's American Grill, located at 3212 E. Empire St., 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.

Ayes: Commissioner Buchanan, Clapp, and Petersen.

Nays: None.

Abstains: Commissioner Stockton.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their February 23, 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 4:34 p.m.

The Commission readdressed keg registration.

Commissioner Stockton informed the Commission that he had spoken with Mayor Chris Koos. He planned to provide specifics to the Town Council at their March 16, 2009 meeting. He only planned to present registration and education. He would not present notification or the keg license. Commissioner Stockton recommended that the City's ordinance match the one proposed by the Town. However, he wanted to present the Council with options.

Ms. Eisner noted that she had not seen the Town's draft ordinance. She recommended that the City wait for the Town to take action. The City's proposed ordinance would be drafted to match the Town's ordinance with options, (notification and keg license). Tracey Covert, City Clerk, would attempt to obtain a copy of the Town's draft ordinance to include in the Commission's March meeting packet.

Commissioner Clapp noted that she found the Town's response interesting. She restated her belief that the two (2) ordinances should be the same. She expressed her opinion that the City wait for the Town to act first. Commissioner Petersen also recommended that the City's proposed ordinance mirror the Town's efforts.

Ms. Eisner recommended that Section 35A(b)(3) and (4) be removed. She noted that the ARF would apply to any keg sale. She added that the Town also had the City of Champaign's keg ordinance. She reminded the Commission that the Bloomington Normal Community Campus Committee, (BNCCC) would provide the forms. The Commission would need to determine when to put the proposed Ordinance before the Council.

Commissioner Stockton noted that this single form would address registration and education. Ms. Eisner added that this information must be kept with the keg. She noted that based upon the data provided keg sales within the City were uncommon.

Commissioner Buchanan expressed his support for notification. He suggested that it could be accomplished via the web. The Police Department needed to be more proactive in addressing this issue. He was willing to accept reality. The proposed ordinance would be a step in the right direction. He noted that the Commission had provided the BNCCC with the opportunity to address them on a number of occasions.

Commissioner Stockton believed that the ordinance would have an effective date of June 1, 2009. He also wanted to provide the Council with notification language as an option.

She informed the Commission that she had received information from the Police Department involving packaged sales without a license. This issue might appear before the Commission as a liquor violation.

Ms. Eisner noted that other issues which needed the Commission's attention included sign regulation. The City's Code Enforcement staff could perform an inventory. She noted that the City Code contained some language. Signage can be a safety issue. She offered to review the City Code. She planned to review the existing ordinance and provide copies of same to the Commission.

Commissioner Stockton noted that camera equipment is less expensive today. He suggested that the City should have a requirement for same. He noted that the Police Department had recently complained about the video quality of some local bank cameras.

Ms. Covert provided an update regarding Sunday Sales. All of the Tavern license holders also hold Sunday Sales licenses. She also informed the Commission that sixty-seven (67) individuals had signed up for the Liquor Commission's list serve on the City's web site. Finally, she informed the Commission that applications for Liquor License would be moved from the Council's first to its second meeting of the month. David Hales, new City Manager, had announced new deadlines for Council meetings. The deadline for the Council's first meeting of the month would be the morning after the Commission's meeting.

Commissioner Stockton addressed liquor service at the Davis Lodge and Miller Park Pavilion. The Water Department was responsible for the Davis Lodge. Craig Cummings, Director of Water, expressed his interest in having an employee on site to supervise any gathering. A liquor license would be issued through the County. The City could require that a catering license also

be issued. He was unsure if the Council would be willing to experiment with alcohol service at these City facilities.

Commissioner Stockton noted that currently to allow liquor service at these facilities took Council action. Ms. Eisner expressed her belief that liquor service was occurring. She believed that there were misperceptions. The Parks & Recreation Department appeared to be more interested in this issue.

Ms. Eisner offered to prepare a text amendment which would allow a one (1) day license. The City could establish parameters, such as the time of year. The City could set standards for the Miller Park Pavilion.

Ms. Eisner recommended that the rental fee could be increased to cover any risk. She encouraged the Commission to consider the setting. Commissioner Clapp expressed her opinion that these two (2) facilities offered a great place to host an event. Commissioner Buchanan questioned if events where alcohol is served would have City supervision.

Ms. Eisner informed the Commission that the Cultural District hoped to appear on the Commission's March meeting agenda. They were interested in a text amendment that would allow alcohol service at Festival Park.

Commissioner Stockton noted that the Commission would have to think about how to do same. He added his interest in drafting a text amendment which would no longer require Council action for one (1) day limited liquor license. Commissioner Buchanan expressed his interest in a formal process which would make things easier than existing ordinance. Ms. Eisner offered to look at language.

Commissioner Stockton added that the City needed leverage. One issue would be the responsible party who would be expected to keep order. He encouraged the Commission to send any ideas to Ms. Eisner.

There being no further business the meeting adjourned at 5:08 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk