



LIQUOR COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
109 E. OLIVE ST, BLOOMINGTON IL 61701
TUESDAY, APRIL 12, 2016 4:00 P.M.

1. Call to order
2. Roll Call
3. Public Comment
4. Consideration of approving the Commission minutes of March 8, 2016.
5. Consideration of the request from Eric Lott and Summer Baughman to allow moderate consumption of alcohol at their June 10, 2016 wedding reception to be held at Davis Lodge.
6. The application of Hurley Entertainment Group, Inc., d/b/a Spotted Dog Tavern located at 1504 Morrissey Dr., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.
7. The application of VenuWorks of Bloomington, LLC, d/b/a US Cellular Coliseum, located at 101 S. Madison St., requesting an EAS 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.
8. Consideration of proposed ordinance increasing liquor license fees.
9. Consideration of proposed ordinance establishing video gaming licenses and fees.
10. Adjournment.

ORDINANCE NO. 2016-

AN ORDINANCE AMENDING BLOOMINGTON
CITY CODE CHAPTER 6

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois:

SECTION 1. That Bloomington City Code Chapter 6 is hereby amended by amending Section 7B to read as follows:

SEC. 7B LICENSE FEES.

(a) The annual license fee for each of the classes of licenses shall be as set forth below; ~~listed below shall be the product of the base fee as determined hereafter, times the class-factor indicated below. The base fee as of July 1, 1982 shall be \$1,000.00.~~

(1) For calendar year 2016, license fees shall be as follows:

- (i) CA, EA, RA, ST and TA Class Licenses: \$1,760.00;
- (ii) RB and TB Class Licenses: \$660.00;
- (iii) GPA and PA Class License: \$960.00, except to the holder of an RA or TA Class License, then 0.00;
- (iv) GPB and PB Class License: \$730.00, expect to the holder of RB or TB Class License, then \$170.00; to the holder of a RA or TA, then 0.00;
- (v) S Class License: \$450.00, except the holder of CA and CB Class License, then 0.00;
- (vi) MA Class License: \$960.00; MB Class License: \$660.00;

(2) For calendar year 2017, License fees shall be as follows:

- (i) CA, EA, RA, ST and TA Class Licenses: \$2,100.00;
- (ii) RB and TB Class Licenses: \$700.00;
- (iii) GPA and PA Class License: \$1,100.00, except to the holder of an RA or TA Class License, then 0.00;
- (iv) GPB and PB Class License: \$800.00, expect to the holder of RB or TB Class License, then \$200.00; to the holder of a RA or TA, then 0.00;
- (v) S Class License: \$500.00, except the holder of CA and CB Class License, then 0.00;
- (vi) MA Class License: \$1,100.00; MB Class License: \$700.00;

(3) For calendar year 2018, License fees shall be as follows:

- (i) CA, EA, RA, ST and TA Class Licenses: \$2,400.00;
- (ii) RB and TB Class Licenses: \$800.00;
- (iii) GPA and PA Class License: \$1,200.00, except to the holder of an RA or TA Class License, then 0.00;

- (iv) GPB and PB Class License: \$900.00, except to the holder of RB or TB Class License, then \$225.00; to the holder of a RA or TA, then 0.00;
- (v) S Class License: \$550.00, except the holder of CA and CB Class License, then 0.00;
- (vi) MA Class License: \$1,200.0; MB Class License: \$750.00;

(4) For calendar year 2019 and thereafter, License fees shall be as follows:

- (i) CA, EA, RA, ST and TA Class Licenses: \$2,700.00;
- (ii) RB and TB Class Licenses: \$900.00;
- (iii) GPA and PA Class License: \$1,300.00, except to the holder of an RA or TA Class License, then 0.00;
- (iv) GPB and PB Class License: \$1,000.00, except to the holder of RB or TB Class License, then \$300.00; to the holder of a RA or TA, then 0.00;
- (v) S Class License: \$600.00, except the holder of CA and CB Class License, then 0.00;
- (vi) MA Class License: \$1,300.00; MB Class License: \$850.00;

License—Class Factor

CA	1.760	
EA	1.760	
PA	.960	except to the holder of RA or TA, then 0.00
RA	1.760	
ST	1.760	
TA	1.760	
CB	.660	
EB	.660	
PB	.730	except to the holder of RB, TB or FB, then .170; and except to the holder of RA or TA, then 0.00
RB	.660	
TB	.660	
S	.450	except to the holder of CA and CB, then 0.00
MA	.960	
MB	.660	
GPA	.960	
GPB	.730	
O	.000	

(b) The fee for each Class "LA", "LB", "SA" and "SB" licenses issued shall be One Hundred Dollars (\$100.00) for the first day any such license is in effect and Fifty Dollars (\$50.00) for each subsequent day up to a maximum of \$500.00 per license. A separate license is required for each premise for which a license is issued. A separate license is also required for each event at a single premise, provided however that a series of performances at a single premise sponsored, hosted, produced or organized by the same person, entity, group or organization shall be considered a single related event and such related events shall require only one license

(c) The annual license fee for a Class "W" license shall be Seventy-five Dollars (\$75.00). ~~Twenty Dollars (\$20.00) for an individual and Fifty Dollars (\$50.00) for two or more persons who will have a legal relationship between or among themselves for the purpose of providing catering services. These fees shall not be prorated except with the specific approval of the Liquor Commissioner.~~

(d) The fee for each Class "SPA" or "SPB" license issued shall be \$500.00 for each season.

SECTION 2. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 3. The City Clerk shall be, and she is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 4. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 5. This Ordinance shall take effect ten (10) days after approval and publication.

PASSED this ___ day of _____, 2016.

APPROVED this _____ day of _____, 2016.

APPROVED:

TARI RENNER
Mayor

ATTEST:

CHERRY L. LAWSON
City Clerk

Video Gaming statistics from calendar year 2015.

Report provided by the Illinois Gaming Board,
<http://www.igb.illinois.gov/VideoReports.aspx>.

Total number of businesses with terminals: 59

Total amount of terminals: 253

Average number of terminals: 4.29

Per (230 ILCS 40/25) (c) Terminal operator.

~ Of the after-tax profits from a video gaming terminal, 50% shall be paid to the terminal operator and 50% shall be paid to the licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment, notwithstanding any agreement to the contrary.

Total profits paid to licensed establishments: \$4,943,863.29

Average profits per establishment: \$83,794.29

CHAPTER 6
ARTICLE II: VIDEO GAMING LICENSE

SEC. 47 DEFINITIONS. For the purpose of this Article, the following words or phrases shall be defined as set forth herein:

- (a) "Video Gaming Terminal" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- (b) "Establishment" shall mean any business licensed by the State of Illinois to have or operate a video gaming device in Normal and shall include any "licensed establishment," "licensed fraternal establishment," "licensed veterans establishment," and "licensed truck stop establishment" as those terms are defined in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- (c) "Distributor" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.
- (d) "Terminal Operator" shall have the same meaning as ascribed in the State of Illinois Video Gaming Act, 230 ILCS 40/5.

SEC. 48 LICENSE REQUIRED.

After _____, 20____, no establishment shall have on its premises any video gaming terminal without first obtaining a video gaming license from the City of Bloomington and paying the appropriate fee.

SEC. 49 LICENSE APPLICATION REQUIREMENTS. The license applicant shall provide the following information to the City of Bloomington on a form provided by the City:

- (a) The legal name of the establishment;
- (b) The business name of the establishment;
- (c) The address of the establishment where the video gaming terminals are to be located;
- (d) The business office address of the establishment if different from the address of the establishment;
- (e) A phone number for the establishment;
- (f) An e-mail address for the establishment, if any;
- (g) The name and address of every person owning more than a five percent (5%) share of the establishment;
- (h) The name, address, phone number and e-mail address (if any) of any terminal operator or distributor owning, servicing or maintaining a video gaming terminal;

- (i) A copy of the establishment's State of Illinois Video Gaming License;
- (j) A statement as to the number of video gaming terminals which the establishment will have on its premises;
- (k) A statement that the establishment is not in arrears in any tax, fee or bill due to the City of Bloomington or State of Illinois;
- (l) A statement that the establishment agrees to abide by all State and Federal laws and any local ordinance.

SEC. 50 VIDEO GAMING LICENSE FEES.

The fee for a Video Gaming License in the City of Bloomington shall be \$500 per video gaming terminal per year or portion thereof. Video Gaming Licenses shall be issued by the Clerk and shall be for a twelve-month period commencing on January 1 of each year. There shall be no proration of any fee.

SEC. 51 NUMBER OF VIDEO GAMING TERMINALS.

No establishment shall have on its premises more video gaming terminals than are permitted by the City of Bloomington Video Gaming License.

SEC. 52 UNLAWFUL ACTIVITY.

No establishment shall permit the use of a video gaming terminal in any manner not authorized by State law including, but not limited to, improper location of terminals, lack of required oversight, payouts in excess of those provided for by law, side bets, underage use, and other illegal gambling activities.

SEC. 53 EMPLOYER RESPONSIBILITY.

Any action by an employee of an establishment in violation of the provisions of this Ordinance shall be considered a violation committed by the establishment.

SEC. 54 LICENSE DENIAL.

A Video Gaming License may be denied if any required information is omitted or false, or if the applicant does not meet the licensing requirements. The Clerk shall send a letter to an applicant stating the reason for the denial. An applicant may appeal any denial of a Video Gaming License to the City Manager who shall then hold a hearing to determine if the denial of the license was for a lawful reason. It shall be the burden of the applicant to show that he meets the qualifications for a license. The rules of evidence shall not apply at the hearing and hearsay will be permitted.

SEC. 55 LICENSE REVOCATION. Any Video Gaming License may be revoked, after notice and hearing by the City Manager, or his designee, for any of the following reasons:

- (a) Failure to pay the Video Gaming License fee;

- (b) Violation of any law occurring on the establishment's premises committed by the establishment or an employee of the establishment;
- (c) Violation of any law or State regulation regarding video gaming or video gaming terminals;
- (d) Violation of any law occurring on the establishment's premises which the establishment did not take adequate means to prevent, or did not respond in an appropriate manner after it became aware of such violation;
- (e) Failure to pay any tax, fee, or bill due to the City of Bloomington; or
- (f) Failure to provide current information regarding the ownership or location of the business.

The rules of evidence shall not apply at the hearing and hearsay will be permitted. At the hearing, the City Manager, or his designee, shall determine by a preponderance of the evidence whether a lawful reason exists to revoke the license. The City Manager, or his designee, after determining that a lawful reason exists to revoke the license, shall also determine whether that lawful reason merits the sanction of a revocation of the license.

SEC. 56 RIGHT OF ENTRY.

Any licensee must permit the entry into the establishment of any police officer or agent of the City charged with investigating crime or compliance with this Code at any time when persons are present in the establishment for the purpose of investigating compliance with this Code or State Statute regarding video gaming. The City of Bloomington is authorized to obtain a warrant from a court should entry to the establishment be denied.

SEC. 57 PENALTY.

Any person, including any establishment, found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Chapter, except when otherwise specifically provided, upon conviction thereof shall be fined not less than Fifty dollars (\$50.00) nor more than Five Hundred dollars (\$500.00) for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation or permit any such violation to exist.