



LIQUOR COMMISSION MEETING MINUTES

CITY HALL, COUNCIL CHAMBERS

109 E. OLIVE ST, BLOOMINGTON IL 61701

TUESDAY, APRIL 10, 2018; 4:00 P.M.

1. Call to Order.

The meeting of the Liquor Commission was called to order by Commissioner Renner at 4:20 P.M.

2. Roll Call.

Present: Commissioners Tari Renner, Lindsey Powell, Jack Bataoel. Staff present: George Boyle, Asst. Corporation Counsel, Asst. Police Chief Ken Bays, and Cherry Lawson, City Clerk.

3. Public Comment.

4. Consideration of approving the Liquor Commission Meeting minutes of March 13, 2018.

Motion by Commissioner Powell, seconded by Commissioner Renner to approve the minutes of the March 13, 2018 Liquor Commission meeting.

Commissioner Renner directed the Clerk to call the roll:

Ayes: Commissioners Bataoel, Renner and Powell

Nays: None.

Motion carried.

5. Public Hearing on the application of the Bloomington-Normal Jaycees located at 311 Clover Court, Bloomington, 61704 who will host Brews at the Zoo event at Miller Park Zoo located at 1020 S. Morris Street; Bloomington, IL requesting an LB (Limited Beer and Wine Only) on May 18, 2018, which would authorize the retail sale of beer and wine of alcoholic beverages by the glass for consumption on the premises.

Tony Brown, Member of the Bloomington-Normal Jaycees, addressed the Commission and stated this is the same event that has been held in the past two years, that there are no deviations or changes from last year to this year's event.

Commissioner Bataoel asked Mr. Brown what his position was with the Jaycees.

Mr. Brown stated, he is a member of the Jaycees.

Motion by Commissioner Bataoel, Commissioner Powell seconded to refer this application to the City Council for its consideration of the application for a Class LA liquor license be created, which would allow the selling and serving of all types of alcohol by the glass for consumption on the premises for a fund raiser to be held on April 12, 2018 from 4:00 p.m. to 12:00 a.m. at the Bloomington Center for the Performing Arts, 600 N. East St., Bloomington.

Commissioner Renner directed the Clerk to call the roll:

Ayes: Commissioners Bataoel, Renner and Powell

Nays: None.

Motion carried.

6. Citation of Caffe Italia, LLC, d/b/a Caffe Italia, 511 Chancellor Drive, a violation of Chapter 6, Section 37(e)(12) of the Bloomington City Code for failure to pay municipal taxes.

Mr. Boyle stated that at the last hearing Mr. Composto appeared and that at that time he had already paid a good part of the delinquency amount. At the hearing, he agreed to pay the remainder of the delinquency amount plus a fine of \$500.00. He has now paid all amounts due; in total, the City has been paid \$14,112.39. Of that amount \$11,194.30 was taxes; \$2,417.99 for penalties and interests and \$500 in fines. Therefore, this case is now resolved.

Commissioner Renner asked whether there was anything other than announce publicly that this case is now closed. Mr. Boyle stated no further action is required.

7. Citation of B & M 16, Inc., d/b/a Cousin's Restaurant, located at 921 Maple Hill Road.

(A transcript of the proceedings pertaining to this agenda item was taken by a certified court reporter, and will be made available upon request from the City Clerk's Office.)

Commissioner Renner requested a motion to go into executive session to decide on the citation and complaint.

[Minutes: 5:01PM]

Motion by Commissioner Bataoel, Commissioner Powell seconded the motion to go into Executive Session.

Commissioner Renner directed the Clerk to call the roll.

Ayes: Commissioners Renner, Bataoel and Powell.

Nays: None

Motion carried.

[Minutes: 5:05 PM]

Commissioner Renner asked for a motion to come back into Regular Session.

Motion by Commissioner Bataoel to come back into Regular Session, second by Commissioner Powell.

Commissioner Renner directed the Clerk to call the roll.

Ayes: Commissioners Renner, Bataoel and Powell.

Nays: None

Motion carried.

Commissioner Renner announced that the Commission is holding Mr. Bekiri in Contempt, and as a result of that, fines him \$2,000.

Commissioner Renner announced that the Liquor Commission agreed unanimously on a finding that the taxes were owed and that we will suspend the liquor license for another 30 days for Cousin's Restaurant and that will begin immediately.

Mr. Boyle asked if we have a finding on count two.

Mr. Boyle stated that count two pertains to the Change in Ownership and the failure to gain approval in the change in ownership. Commissioner Renner confirmed that count two had been found to be proven.

Mr. Boyle asked whether the suspension going to sanction pertains to count one, count two or both. Commissioner Renner, the suspension is pursuant to both counts.

Commissioner Renner asked each of the Commissioners whether concurred with the decision.

Commissioner Bataoel, yes.

Commissioner Powell, yes.

Mr. Boyle asked whether this matter will be continued for further proceedings. Commissioner Renner stated yes.

8. Citation of CJ's Catering Inc. d/b/a CJ's Restaurant located at 2901 E. Empire Street.
 - A. Failure to obtain and pay for an annual liquor license;
 - B. Violation of Chapter 6, Section 37(e) (12) of the Bloomington City Code for failure to pay municipal taxes

Commissioner Renner stated this is a citation of CJ's Restaurant located at 2901 East Empire for failure

to pay an annual liquor license fee, and violation for failure to pay municipal taxes. He asked whether there was a representative from CJ's Restaurant attending. There was no representative from CJ's Restaurant attending the hearing.

The Commission issued a finding that the licensee is in default, taxes are owed of approximately \$5,000.00, and ask the sanctions be reserved for the next hearing.

Motion by Commissioner Bataoel, Commissioner Powell seconded to suspend the license until payment of arrears have been made, and all the proper paperwork has been made to renew the liquor license.

Commissioner Renner directed the Clerk to call the roll.

Ayes: Commissioners Renner, Bataoel and Powell.

Nays: None.

Motion carried.

9. Public Hearing on a proposed amendment to Chapter 6, Section 5 of the Bloomington City Code, Prohibiting Taverns and Certain Specified Classes of Packaged Liquor Licenses Holders (Class GPA, GPB, PA, PB) from being within 100 feet of Schools, Daycare Centers, Preschools, Hospitals, Home for the Aged or Indigent, Homes for Veterans, Military Stations, or Mortuary.

Commissioner Renner opened the Public Hearing to receive testimony, and the following individuals came forward to provide comment.

Betty Toland expressed concern over the close proximity of the schools or daycare centers.

Commissioner Renner stated this is a public hearing and that ordinarily there would not likely be a response. However, he deferred to Mr. Boyle for response to Ms. Toland concerns.

Mr. Boyle stated the ordinance does do three (3) things: increases and specifies and adds convenience stores to the number of establishments that are affected by this restricted location, the ordinance adds daycares of 12 children or more, such as daycare centers that are registered with DCFS.

Jim Grossman stated he is speaking on behalf of the vast majority of the families with homes in that area. He read a statement in part that a high percentage of crime is related to alcohol use.

Commissioner Renner closed the Public Hearing.

10. Consideration and discussion of recommending to the City Council an Amendment to Chapter 6, Section 5 of the Bloomington City Code Prohibiting Taverns and Certain Specified Classes of Packaged Liquor Licenses Holders (Class GPA, GPB, PA, PB) from being within 100 feet of Schools, Daycare Centers, Preschools, Hospitals, Home for the Aged or Indigent, Homes for Veterans, Military Stations, or Mortuary.

Mr. Boyle provided a summary of the amendment to Chapter 6 Section 5 of the Bloomington City Code stating; Chapter 6, Section 5 of the Bloomington City Code prohibits the issuance of retail liquor licenses to “any tavern, packaged liquor store or any other business in which the sale of alcoholic liquor is the principle business” located within 100 feet of a specified list of institutions, including churches, schools, and hospitals, among others. The proposed amended ordinance was drafted pursuant to an aldermanic request. It would amend the liquor code to do the following:

- Expand the categories of liquor licenses subject to the location restriction to specifically include convenience stores and all kinds of packaged sales of liquor, regardless of whether the sale of alcoholic liquor is the principal business of the establishment;
- Add preschools and daycare centers to the list of places triggering the license location prohibition; the amendment would apply only to “daycare centers” licensed by the Department of Children and Family Services. The Department defines “daycare centers” as daycare facilities licensed to care for twelve or more children.
- Clarify that, for purposes of applying the prohibition, the 100 feet distance is measured from property line to property line, as opposed to from building to building or some other standard of measurement.

Establishments having liquor licenses issued prior to April 1, 2018, are specifically exempted from the proposed amendment.

Commissioner Renner asked whether the Commission could place restrictions on a similar restriction can be placed on a business that is say 100 feet from a daycare center the Commission has prevented the sale of single containers. He read the email received by Susan Kern into the records. Communication has been received by some developers that this just might inhibit development, as that is the only negative comment that he had received.

Commissioner Bataoel asked whether there is a certain license that this ordinance would affect. Commissioner Renner stated there are several that would be affected by the ordinance. He deferred to Mr. Boyle and asked whether the ones affected would be grandfathered. Mr. Boyle stated yes, unless there is a change in ownership and sold things could change for the new owner.

Commissioner Bataoel asked whether there had been any case study or any statistics. Assistant Chief Bays stated it is not centrally located in one area of the city, that there is crime throughout the city.

Commissioner Renner stated one option that the Commission could do is to refer it to the Council and allow them to do their legislative work. If they decide that they want 200, 250 feet or more, they can certainly make that decision.

Commissioner Renner asked for a motion to send ordinance to the Council for its review and determination.

Mr. Boyle asked for clarification of the motion asking is it the intent of the Commission to send this item forward as presented.

Motion by Commissioner Powell, Commissioner Bataoel second to send this item to the Council positively as presented.

Commissioner Bataoel stated, ultimately he is for the kids of the community and cannot go against that.

Commissioner Renner directed the Clerk to call the roll.

Ayes: Commissioners Renner, Bataoel, and Powell.

Nays: None

Motion Carried.

11. **Adjournment.**

Motioned by Commissioner Powell to adjourn the meeting, seconded by Commissioner Bataoel.
Meeting adjourned at 5:45 PM.

Respectfully submitted,

Cherry Lawson, City Clerk