



MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION MEETING  
DECEMBER 11, 2018; 4:00 PM

1. Call to Order.

The meeting of the Liquor Commission was called to order by Commissioner Renner at 4:00 P.M.

2. Roll Call.

Present: Commissioners Tari Renner, Lindsey Powell, Jim Jordan. Staff present: George Boyle, Asst. Corporation Counsel; Asst. Police Chief Ken Bays; and Ashley Lara, Legislative Assistant.

3. Public Comment.

Commissioner Renner opened the meeting to receive public comment. There was no public comment offered.

4. Consideration of approving the Commission minutes of October 9, 2018, September 11, 2018, and August 14, 2018.

Commissioner Renner asked for a motion to submit to the Council with a positive recommendation.

**Commissioner Powell made the motion for approval, which was seconded by Commissioner Jordan.**

**Ayes: Commissioners Renner, Powell and Jordan.**

**Nays: None**

**Motion carried.**

5. Consideration of approving the Change of Ownership Application of LKH, Inc., d/b/a Cheeks Bar & Grill, located at 1206 Towanda Avenue, holding a Class TAPS (Tavern and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week.

Mr. Hubbard appeared the second time to request formal approval of the ownership change.

**Commissioner Jordan made the motion for approval, which was seconded by Commissioner Powell.**

**Ayes: Commissioners Powell, Jordan, and Renner.**

**Nays: None**

**Motion Carried.**

6. Public Hearing on the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week.

Mr. Boyle stated that this is a change of classification from a PAS, which is essentially a grocery store packaged license to a RAPS. There has been a restaurant added. He explained there has been a previously approved change in classification for this applicant. However, the restaurant had not yet been constructed. When a license is approved, it is an approval for the ability to obtain a license, which lapses after 12 months. In this case, the previous change in classification authorization from the Council lapsed on June 8th of this year. Since the initial application, the restaurant facilities have been built and approved by the health and fire inspectors.

Commissioner Renner asked whether the police have any concerns. Asst. Chief of Police Greg Scott stated they do not.

Commissioner Jordan asked whether the bar and the grocery store is all one room, based on the floor plan. The representative from Lupita's stated the grocery is divided from the restaurant. It is the same building but they built a wall to divide it from the restaurant.

Commissioner Jordan clarified that there is a doorway from the grocery store into the bar and the restaurant. The representative from Lupita's stated that it is a separate space. Commissioner Renner asked if it is separate and they responded yes.

Commissioner Jordan asked Mr. Boyle whether this falls under the same type of classification as Hy-Vee. Mr. Boyle responded yes.

Mr. Boyle asked whether it is expected that customers will take the alcohol out of the restaurant and drink it in the store. The representative replied no.

Commissioner Renner asked if Commissioner Powell had any concerns and she responded that she had no concerns.

Commissioner Renner asked for a motion to submit to the Council with a positive recommendation.

**Commissioner Powell made the motion for approval, which was seconded by Commissioner Jordan to submit to the Council with a positive recommendation.**

Commissioner Jordan stated he would second with the stipulation that they fully understand the concept of what is being approved. He asked what time they would be serving in the bar. The representative responded 11 a.m. to 9 p.m.

**Ayes: Commissioners Renner, Powell and Jordan.**

**Nays: None**

**Motion carried.**

7. Public Hearing on the Change of Ownership Application of Penalty Box Restaurants, LLC d/b/a Baxter's American Grille, located at 3212 E. Empire Street, currently holding a Restaurant All Types with Package and Sunday Sales (RAPS) liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week.

Rodney Burchett, Manager of the LLC, appeared to request formal approval of a change of ownership that occurred earlier in the year, which effected 56% ownership. He confirmed that the change in ownership did not result in any operational changes.

**Commissioner Jordan made the motion for approval, which was seconded by Commissioner Powell.**

**Ayes: Commissioners Powell, Jordan, and Renner.**

**Nays: None**

**Motion Carried.**

8. Public Hearing on the Change of Ownership Application of Copper Top, Inc., d/b/a Copper Top Lounge, located at 1107 W. Locust St., holding a Class TAPS (Tavern and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week.

John Rexroad, CPA for Coppertop, Inc., and Bethany Olsen, Owner, appeared to request formal approval of a change of ownership that occurred earlier in the year,



which effectively gave Ms. Olson 100% ownership. Ms. Olson confirmed that the change in ownership did not result in any operational changes.

**Commissioner Jordan made the motion for approval, which was seconded by Commissioner Powell.**

**Ayes: Commissioners Powell, Jordan, and Renner.**

**Nays: None**

**Motion Carried.**

9. Public Hearing on the Change of Ownership application of Dyno Enterprise, Inc. d/b/a Hot Spot Grocery & Liquor, located at 1102 N. Hershey Road, currently holding a PAS liquor license which allows the sale of all types of packaged alcohol only for consumption off the premises seven (7) days a week.

Mr. Boyle announced that the Dyno Enterprise, Inc. d/b/a Hot Spot Grocery & Liquor Change of Ownership will continue to January 8, 2019.

10. Public Hearing on the Change of Ownership Application of Roko's, Inc., d/b/a Pub 1, located at 505 W. Market Street, requesting a Class TAP (Tavern and Package Sales, All Types of Alcohol) liquor license which would allow the sale of all types of alcohol for consumption on the premises six (6) days a week.

Barbara Rokos, Owner, appeared to request formal approval of a change of ownership following her husband's passing, which resulted in her becoming 100% owner. She confirmed that the change in ownership did not result in any operational changes.

**Commissioner Powell made the motion for approval, which was seconded by Commissioner Jordan.**

**Ayes: Commissioners Powell, Jordan, and Renner.**

**Nays: None**

**Motion Carried.**

11. Public Hearing on the application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week.

Johnette Palumbo, Owner of JK Entertainment, spoke on behalf of this item.

Commissioner Renner opened the meeting to receive public comment on this item. There were no comments offered.

Ms. Palumbo was sworn in by the Clerk and provided testimony.

Commissioner Renner asked Ms. Palumbo to tell the Commission about the nature of the business.

Ms. Palumbo stated they are opening a virtual reality entertainment center. It is a family environment, adding alcohol to keep to its business model.

Commissioner Renner asked Ms. Palumbo to clarify the procedures to ensure there is no underage drinking. Ms. Palumbo stated they will have wristbands in different colors.

Commissioner Jordan asked how the entertainment is separated from the alcohol serving. Ms. Palumbo explained there is a lobby when customers first walk in and to the right of that is the bar. The customers need to go down a hallway to enter the arena or simulator rooms. These rooms are separate.

Commissioner Jordan asked whether the alcoholic beverages would be served in the lobby and Ms. Palumbo stated yes. Ms. Palumbo stated the three event rooms can be used for liquor as needed.

Mr. Boyle stated the concept is similar to Pheasant Lanes since they have virtual reality. Commissioner Renner asked Asst. Police Chief Scott whether the police have had any issues with the establishment, and he replied no.

Commissioner Powell asked whether alcohol would be allowed in the arena and Ms. Palumbo replied there will be no alcohol in the arena or simulator rooms. Commissioner Powell asked if there will be food and Ms. Palumbo responded there would be concession food.

Commissioner Jordan stated that Pheasant Lanes has a window for bowlers to get alcohol while bowling and asked if this would be similar. Ms. Palumbo stated all liquor will be in the event rooms and the lobby. They will have signs indicating as such.

Ms. Palumbo stated the premise is that customers will go in the arena to play and then afterwards, they will view the play on screens in the lobby where they can have a drink and food.

Commissioner Jordan expressed concerns of alcohol being served in the lobby where children can be. Commissioner Powell stated the establishment will be more strict than Pheasant Lanes, where you can take a drink anywhere on the premise.

Asst. Police Chief Scott stated the plan is similar to Game Time Gym where there are sports and then a separate area for alcohol.

Ms. Palumbo stated that each customer will go through on-boarding where they watch a safety video before going into the arena.

Mr. Boyle stated concerns with customers drinking before playing and Ms. Palumbo stated she wants to avoid that by having customers book a space online and sign in when they arrive. They would be directed into the arena immediately after arrival.

Mr. Boyle asked how the players would be prevented from playing again after drinking. Ms. Palumbo stated there is nothing preventing them; however, she will be there at all times to restrict them. Ms. Palumbo stated she is BASSET certified.

Mr. Boyle asked what their occupancy is and Ms. Palumbo explained it will be about 75-80 customers, with about 14 gamers at a time. Ms. Palumbo stated seating is about 120 and she will have about 12-15 part-time employees. Ms. Palumbo and her assistant are full-time.

Ashley Lara, Legislative Assistant, stated this item will appear on the December 17, 2018 City Council Meeting.

Commissioner Jordan asked if there was a full kitchen and Ms. Palumbo replied it is not complete with a hood, but there will be concession food.

Commissioner Renner asked for a motion to submit to the Council with a positive recommendation.

**Commissioner Powell made the motion for approval, which was seconded by Commissioner Jordan to submit to the Council with a positive recommendation.**

**Ayes: Commissioners Renner, Powell and Jordan.**

**Nays: None**

**Motion carried.**

12. First appearance for Violation Citation of Nightshop, Inc., d/b/a Nightshop, located at 517 N. Main Street, for violating Section 26(a) of Chapter 6 of the Bloomington City Code prohibiting the sale of alcohol to a minor.
13. Liquor Sales Violation Settlement Report: Fresh Thyme Market.
14. Notification of change of officers for Mac's Convenience Stores, LLC, d/b/a Circle K #1407, 2412 S. Main Street and Circle K # 1421, 1206 N. Towanda Barnes Rd.




Mr. Boyle stated a letter will be sent to the State Commission and let them know that we have been notified.

15. Adjournment.

Commissioner Powell made a motion to adjourn the meeting, which was seconded by Commissioner Jordan. The meeting adjourned at 4:43 PM.

**Motion carried. (Viva Voce)**

Respectfully submitted,



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Leslie Yocum, Interim City Clerk