

**MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, JULY 9, 2019, 4:00 P.M.**

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:00 p.m., Tuesday, July 9, 2019.

Commissioner Jordan directed the City Clerk to call the roll and the following answered present:

Present: Commissioner Lindsey Powell and Commissioner Jim Jordan.

Absent: Commissioner Tari Renner

Staff present: George Boyle, Asst. Corporation Counsel; Dan Donath, Asst. Police Chief; and Amanda Mohan, Deputy City Clerk.

Public Comment

Commissioner Jordan opened the meeting to receive public comment. No public comments were received.

The following was presented:

Item 4. Consideration of approving the Liquor Commission minutes of May 14, 2019 and June 11, 2019 Regular Liquor Commission Meetings.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve the minutes.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 5. Consideration and action on an Ordinance Suspending Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code Prohibiting Alcohol on Public Property as they pertain to the Davis Lodge on August 31, 2019 to allow moderate consumption of alcohol for the Pherigo and Rogers wedding.

Jodi Rogers, bride to be, addressed the Commission. She told the Commission that approximately 75-90 guests are anticipated to attend the event, which would be catered by Nelson's Catering. She confirmed that only beer and wine would be served and that the event would be held from 4:00 p.m. to 10:00 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 6. Consideration and action on an Ordinance Suspending Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code Prohibiting Alcohol on Public Property as they pertain to the Davis Lodge on September 14, 2019 to allow moderate consumption of alcohol for the Ehresman wedding.

Leslie Ehresman, bride to be, addressed the Commission. She told the Commission that approximately 100-120 guests are anticipated to attend the event, which would be catered by Destihl Restaurant & Brew Works. She confirmed that only beer and wine would be served and that the event would be held from 4:00 p.m. to 6:00 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 7. Consideration and action on an Ordinance Suspending Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code Prohibiting Alcohol on Public Property as they pertain to the Miller Park Pavilion on November 22, 2019 to allow moderate consumption of alcohol for the Biondo and Mehlberg wedding.

Rose Biondo, bride to be, addressed the Commission. She told the Commission that approximately 70 guests are anticipated to attend the event, which would be catered by Biaggi's Ristorante. She confirmed that only beer and wine would be served and that the event would be held from 6:00 p.m. to 10:00 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 8. Consideration and action on an Ordinance Suspending Section 701 of Chapter 31 and Section 26(d) of Chapter 6 of the City Code Prohibiting Alcohol on Public Property as

they pertain to the Miller Park Pavilion on November 2, 2019 to allow moderate consumption of alcohol for the Stein and Egts wedding.

Katie Stein, bride to be, addressed the Commission. She told the Commission that approximately 150-160 guests are anticipated to attend the event, which would be catered by Nelson's Catering. She confirmed that only beer and wine would be served and that the event would be held from 3:30 p.m. to 9:30 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 9. Consideration of the Request from The Momma, Inc. d/b/a The Bistro for Suspension of Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of Open Alcohol in Public for the Bistro Pride Fest on Saturday, July 27, 2019, from 12:00 p.m. until 11:00 p.m. in the 300 Block of North Main and 100 Block of West Monroe.

Jan Lancaster, owner of The Bistro, addressed the Commission. This will be the second year for the festival. No major changes are expected, with the exception that alcohol will be sold outside of The Bistro with a Secondary Premise License, to relieve congestion issues resulting from all liquor sales occurring inside The Bistro at last year's event.

Commissioner Jordan asked if she was aware of other vendors that would be participating in selling alcohol at the event in addition to The Bistro and if the wristbands are specific to the event.

Jan Lancaster responded stating wristbands are specific to the event and there are no other vendors in the area, to her knowledge, that would be participating.

Commissioner Jordan asked Dan Donath, Assistance Police Chief, to come forward and address any concerns from the Police Department including barricades and security.

The Police had no concerns as they had no complaints from last year.

Commissioner Powell mentioned she believed the event went over well last year.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 10. Consideration of the Request from SETINTHEBAR, INC. d/b/a Jazz Upfront for Suspension of Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of

Open Alcohol in Public for the Front Street Music Festival on Saturday, August 17, 2019, from 2:00 p.m. until 10:30 p.m. on Front Street from Center Street to the alleyway just east of Rosie's and Main Street from Washington Street to Front Street.

James Gaston, owner of Jazz Upfront, addressed the Commission. He told the Commission that he hires the same security every year and they are posted at the gate entrances. He will also be working with the city to get the fencing.

Commissioner Jordan asked Dan Donath, Asst. Police Chief, to come forward and address any concerns from the Police Department including barricades and security. The Police Department had no concerns as they had no complaints from last year.

George Boyle, Asst. Corporation Counsel, asked if other vendors would be participating in selling alcohol besides Jazz Upfront. Mr. Gaston responded by stating no, he has not had anyone approach him and ask to join in and sell alcohol. He continued, stating if the businesses allow patrons to leave their establishment, it must be beer or wine only and the patron must have a wristband. Wristbands are specific to the event and are given to event attendees over the age of 21 years old.

Commissioner Powell stated she believed the Front Street Music Festival is another great event for our Downtown area.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 11. Public Hearing on an application for Four Rows, LLC d/b/a The Mystic Kitchen & Tasting Room, located at 306 N. Center Street, #102, requesting a Class TAPS (Tavern, All Types of Alcoholic Liquor, Package Sales for Consumption Off Premises, and Sunday Sales) liquor license, which allows the sale of alcoholic liquor by the glass for consumption on the premises, and the retail sale of packaged liquor for consumption off premises seven (7) days a week.

George Boyle, Asst. Corporation Counsel, explained the process of a Public Hearing for applications of new liquor licenses.

Public Hearing opened at 4:12 p.m.

Chelsea Hefferman and Terrie Vanderlugt, sworn in separately, addressed the Commission.

Commissioner Jordan asked how many employees they anticipated hiring and if employees will be BASSET trained. Chelsea Hefferman stated all employees will be BASSET trained, however, staff has not been hired yet. She stated they anticipated hiring ten to fifteen staff members, including kitchen staff. She also stated both she and Terrie Vanderlugt are BASSET trained.

Commissioner Jordan asked about the hours of operation. Chelsea Heffernan responded stating they would be open on Tuesday through Thursday from 11:00 a.m. to 10 p.m., Friday and Saturday from 11:00 a.m. to 11:00 p.m., and closed to the public on Sunday and Monday. Sundays will be available for private events only. Commissioner Powell commented the hours would be shortened then originally applied for. Chelsea Heffernan confirmed, stating they decided to do so at this time but, it is possible the business may stay open through to what was originally applied for. Commissioner Jordan stated this should not be an issue since the business will be located Downtown near establishments with similar hours of operation.

George Boyle, Asst. Corporation Counsel, asked the applicants to describe the business plan. Chelsea Heffernan responded describing the business as a restaurant with a full-service bar in the front of the building with a small wine tasting room in the back. Terrie Vanderlugt's background is in wine sales and distribution. She also worked for a winery in Oregon for several years as a Tasting Room Manager. Chelsea Heffernan has fifteen (15) years in restaurant operations with the past ten (10) years as the Director of Operation for Baxter's American Grill located in Bloomington as well as the Baxter's in Champaign. There were no complaints or liquor violations under these licenses. The business will offer lunch, dinner and a full bar.

Commissioner Jordan asked the total seating capacity. Chelsea Heffernan responded, stating the capacity of the interior of the restaurant is seventy-five and the outdoor seating, with a Sidewalk Café License, will add an additional twenty-five seats for a total of one hundred seats.

Commissioner Jordan asked if there were any citizens who would like to speak in favor of this business.

Jan Lancaster addressed the Commission on behalf of the Downtown Bloomington Association. She stated the Association is in favor and are thrilled the establishment will be Downtown.

Vicky Tilton, owner of Fox and Hounds Hair Studio and Day Spa the Monroe Center, owns the building next door to Mystic Kitchen. She stated she believes their background speaks for themselves. In her opinion, the location has always given an upscale feel and the turnover in the location has only been because of the lack of food and beverage experience. She continued stating the owners have the background to make a successful business and they will not only be an asset to the block but to the whole Downtown and the City.

Commissioner Jordan asked if there were any citizens who would like to oppose. No one came forward.

The Public Hearing closed at 4:19 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to recommend approval of the item.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 12. Public Hearing on an application for Jay Goga, Inc. d/b/a Illini Liquor, located at 2402 E. Oakland Ave., Suite 6, requesting a Class PAS (Package, All Types of Alcoholic Liquor and Sunday Sales) liquor license, which would allow the sale of all types of packaged alcoholic liquor for consumption off premises seven (7) days a week.

Public Hearing began at 4:20 p.m.

Richard Marvel, Attorney for Illini Liquor, after being sworn in, addressed the Commission. He described the business to the Commission as a 1,700 - 1,800 square foot convenience store that will be in a strip mall near State Farm where eight to ten percent of the floor space will be utilized by liquor. The store will offer full convenience items, hot food, grab and go sandwiches, tobacco, liquor, coffee, newspapers, etc. The owners believe there will be a demand based on the proximity to State Farm and that there will be demand for walk in traffic. Mr. Patel, owner, has business operations in Rockford, IL. Nitin, store manager, has experience in package liquor sales in Buckley, IL as well as managing a grocery store in Champaign, IL for four years where there have been no problems. Both owner and manager are certified in BASSET and they anticipate hiring an additional three employees who will also become certified. The hours of operation will be from 7:00 a.m. until 12:00 a.m. (midnight) daily. The owners anticipate there to be twenty to thirty percent alcohol sales.

Commissioner Jordan inquired about the parking situation for the building. Mr. Marvel responded stating the business will be in a strip mall with six or seven retail spaces and there are fifty shared parking spaces.

Commissioner Jordan expressed concern with the types of businesses located in the strip mall relative to the parking spaces. He also asked if either the owner or manager have had a liquor license in Bloomington. Mr. Marvel responded confirming neither had a liquor license in Bloomington. Nitin Patel, store manager, owns a Seva Salon, in the Greenbriar Walmart, and owns a smoke shop in Champaign.

Commissioner Jordan and George Boyle, Asst. Corporation Council, inquired about the residency of the applicant and manager. Mr. Marvel stated that the owner is a resident of Rockford, IL and may move to Bloomington and the manager is a resident of Normal, IL.

Commissioner Jordan asked the advantage to have liquor at this location. Mr. Marvel stated Oakland Ave. is a high traffic area, near State Farm and to-go restaurants. He also stated the gas station has a liquor license across the street but, this location would be the only location on the particular side of Oakland.

Nitin Patel, owner, after being sworn in, addressed the Commission.

George Boyle, Asst. Corporation Counsel, asked how long he has been a resident of Normal and why the initial application stated there were no liquor licenses in the area when there are multiple options near the establishment, including the gas station located at 2401 E. Oakland. Mr. Patel stated he has been a Normal resident for three years but was unable to answer why the initial application stated no liquor licenses were in the area. Mr. Marvel stated that the application was completed in his office with his staff, the owner and manager. He also stated the only liquor convenience store in the area is the gas station across the street. Discussion was had about the locations and amount of locations in the area where liquor is available.

Commissioner Jordan asked if no liquor license was granted, would the owner still open the business. Nitin, manager, stated that they would not as there are more likely to succeed

with liquor. Discussion was had on the percentage of sales needed to turn a profit and how a liquor license was necessary.

Commissioner Jordan asked if there were any citizens who would like to speak in favor or in opposition of the business. No one came forward.

Commissioner Powell commented that it would be difficult to operate convenience store without liquor when competitors operate with a liquor license and did not have an issue with granting a license.

George Boyle, Asst. Corporation Counsel, asked for Bob Mahrt, Community Development to come forward and discuss parking. Mr. Mahrt, after being sworn in, addressed the Commission on parking. He confirmed the property is zoned for commercial and that the parking is not assigned to an individual business and is to be shared. He also explained the parking allowed under the previous code versus the newly implemented zoning code. Mr. Mahrt the property has 26 parking spaces in the front and four spaces in the back of the building. There is no bicycle parking but, that is the responsibility of the developer, not the lease holders. He also confirmed six units within the strip mall.

Mr. Boyle expressed concern with 7:00 a.m. opening time to have liquor available.

Commissioner Powell expressed concern about the name as Illini Liquor if the business is more focused on convenience instead of liquor. Nitin Patel, manager, suggested a potential name change to Illinois Food and Liquor.

Commissioner Jordan reiterated concerned about location and proximity to other license holders. He continued by stating if a store is contingent to be successful based on liquor, it is concerning with so many establishments offering the same product. Discussion was had about the heavy traffic during peak times and the options to purchase liquor locations are all on the opposite side of the street from the proposed location.

Robert Fazzini, after being sworn in, addressed the Commission. He stated he used to live on Canterbury Court which is not far from the proposed location. He stated he would not order a pizza for pick up at the Papa Murphy's, and then drive across Oakland to pick up liquor. He stated that liquor is a part of their business plan and it is more convenient to walk to their store than to walk or drive to the other establishments that sell liquor.

Commissioner Jordan closed the Public Hearing at 4:57 p.m.

Commissioner Powell made a motion, to recommend the approval the item and died for lack of a second.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to table the item until a future Liquor Commission Meeting to allow Commissioner Renner an opportunity to review the application and the meeting.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Jordan and Powell.

Nays: None.

Motion carried.

The following was presented:

Item 13. Public Hearing on an application for T-V-E-O Corporation d/b/a Eric's Too, located at 921 Maple Hill Road, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area.

Commissioner Jordan noted for the record that Hal Jennings, Attorney representing Eric's Too, is also his personal attorney.

Mr. Jennings stated he was present as Eric's Too's Attorney and friend.

Eric Trujillo addressed the commission and explained why he decided to build a beer garden at his establishment.

Commissioner Jordan asked if the patio area was accessible only through the building. Mr. Trujillo responded stating there are two entrances into the area: 1) one entrance from the sidewalk and 2) one from inside the building.

Commissioner Jordan asked if the business would offer full service bar and food outside. Mr. Trujillo responded affirmatively.

George Boyle, Asst. Corporation Counsel, inquired about the potential hours of operation for the patio. Mr. Trujillo responded, stating he proposed to have the patio available for the same hours as the establishment which is from 7:00 a.m. to 2:00 a.m.

Commissioner Jordan inquired whether the patio would be enclosed. Mr. Trujillo stated that it will be an open-air patio.

Commissioner Powell confirmed the hours of operation to be open until 2:00 a.m. as the application said 2:00 p.m.

Commissioner Jordan asked if Interim Police Chief Dan Donath had issues with the location. Chief Donath had no issues, but pointed out that there are three hotels, a personal residence, and Turnberry Village, an apartment complex, all within walking distance of the establishment.

Mr. Boyle asked if an outdoor consumption area was approved, would the Police Department anticipate any issues. Chief Donath stated they did not.

Commissioner Jordan asked if there were any citizens who would like to speak in favor of the business.

Mr. Jennings, Attorney and friend of the applicant, stated that the owner has re-done the outside and inside of the establishment in a first-class manner, including the food. He believes Eric's Too will be a success because of the proximity to neighboring hotels.

Commissioner Jordan asked if there were any citizens who would like to speak in opposition of the business.

Rodney Brown, after being sworn in, addressed the Commission. He stated he was concerned about the noise. He stated he has been a resident at 920 Maple Hill Road since 1977. The previous business located on Wiley Drive, who did not have an outdoor patio, had very loud amplified music.

Commissioner Jordan asked if the business didn't have music outside, would he still be opposed. Mr. Brown responded that wouldn't be a problem.

George Boyle asked if earlier closing hours for the patio would also fix the problem. Mr. Brown responded affirmatively.

Commissioner Jordan asked if only dining was approved, and no music allowed outside, would eliminate his concern. Mr. Brown responded stated that would not be an issue.

Cristo Ortiz Palafox, after being sworn in, addressed the Commission. Mr. Palafox stated he has been the General Manager of Country Inn and Suites for 14 years and that the hotel had had a good working relationship with the previous occupant, Cousin's Restaurant. Mr. Palafox stated that the hotel has had nothing but issues since Eric's Too took over. They often deal with trash, cans, and broken bottles from the restaurant in their parking lots, especially after the weekend. He stated that hotel guests also often voice concerns for their safety and has been told that patrons of Eric's Too approach hotel guests to ask for money. He mentioned that patrons leave the restaurant playing loud music and hang out in the parking lot doing the same. The hotel has not called the police about issues as they are usually notified after the fact from guests. He also mentioned hotel employees having reported fights between restaurant patrons. He expressed concerns with Eric's Too hosting teen nights and stated that guests reported minors leaving intoxicated. In his opinion, he believed it would not be a good decision to allow alcohol to be served outside. He stressed that he believes Mr. Trujillo is irresponsible with his current liquor license. Mr. Palafox also commented on the entrances to the patio. He stated one entrance is very accessible from the parking lot and that he is concerned staff are not present, which could allow anyone to come in and out. He also stated that a hotel guest reported that there is a DJ Booth in the restaurant which raises concerns for him that the restaurant is being operated as a bar or club.

Commissioner Jordan asked if he had discussed these concerns with Mr. Trujillo. Mr. Palafox stated he had not because in the past, living near Eric's other business, Mr. Trujillo had ignored his concerns.

Joshua Smith, after being sworn in, addressed the Commission. Mr. Smith has been the manager of the neighboring Ramada for the past two months. Mr. Smith presented a photo, taken by a Ramada employee, to the Commission which was entered into records as Objector's Exhibit A. The photo was of a gentleman that was passed out between the Ramada and Eric's Too. He stated that before the patron passed out, he was loud, belligerent, and attempted to enter the Ramada. He was denied entrance and the doors were locked for guest's safety. The police were also called after the patron passed out, but the Police instructed hotel staff to leave the patron alone. He believed that allowing Eric's Too an outdoor permit would be detrimental to the area as the hotels are already dealing with intoxicated individuals from Eric's.

George Boyle asked if Mr. Smith was on-site when this happened event occurred. Mr. Smith responded stated that he was not as he typically works in the daytime.

Mr. Boyle asked how Mr. Smith knew the patron was from Eric's. Mr. Smith responded stating multiple guests reported the patron walked from the restaurant and through their parking lot.

Mr. Boyle asked if there was a compromise that could be done. Mr. Smith believed that liquor should stay inside as they already have enough issues.

Commissioner Jordan asked Interim Chief Donath to discuss the issues that the hotels are reporting. Chief Donath stated the testimony from the hotels that managers find out after the event has already occurred explains why the violations go unreported. He continued stating that if the Police are not called at the time of the violation, they cannot do anything after the violation is already over. He also stated that he had no information on the call to

service for the citizen passed out as it was made by the Ramada and his research was only performed for Eric's Restaurant.

Christopher Palafox returned to the podium. He stated that among the five properties, two hotels and three residences, in the area three of the five had testified against Eric's Too receiving an outdoor consumption area.

Commissioner Jordan asked Mr. Trujillo if he had heard previously heard concerns from the hotels. Eric Trujillo failed to respond to the question.

Mr. Boyle reminded Mr. Trujillo that the Liquor Commission was to discuss the outdoor consumption area. He stated Mr. Trujillo mentioned there is no late-night business and if Mr. Trujillo would consider amending the hours of operation for the outdoor consumption area. Mr. Trujillo responded that he would not.

Commissioner Jordan asked if amplified sound is currently being used. Mr. Trujillo confirmed that he does not currently use amplified sound. Commissioner Jordan asked if he intended to have amplified sound. Mr. Trujillo stated that he does have interest in having live music on the patio.

Mr. Trujillo's legal counsel recommended Mr. Trujillo have a discussion with the hotel managers to try and come to a compromise.

Commissioner Powell stated it is the responsibility of the business owner to work with the neighbors and that she felt it was wise to table the item to a future Liquor Commission date to allow the business owner and the neighbors time to discuss a compromise.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to continue the item to the August 13, 2019 Liquor Commission.

Commissioner Jordan directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Jordan and Powell.

Nays: None.

Motion carried.

Old Business

New Business

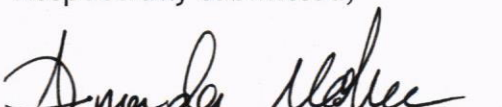
Adjournment

Commissioner Powell made a motion, seconded by Commissioner Jordan, to adjourn.

Motion carried unanimously (viva voce).

The meeting adjourned at 5:33 p.m.

Respectfully submitted,


Amanda Mohan, Deputy City Clerk