

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

June 12, 2012

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Bloomington Normal Jaycees requesting a Limited Liquor License - Beer and wine only, LB, for an event called "Bruegala", a charitable fundraiser to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. to 11:00 p.m. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Jeremy Kelley, Jaycee and Applicant representative.

Public Comment: Commissioner Clapp opened the Public Comment portion of the meeting. No one came forward to address the Commission.

Tracey Covert, City Clerk, informed those present that the Revocation hearing for the Parke Hotel & Conference Center, LLC, d/b/a Parke Hotel & Conference Center, located at 1414 Towanda Barnes Rd., had been removed from the Commission's meeting agenda.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Jeremy Kelley, Jaycee and Applicant representative, addressed the Commission. This year marked Bruegala's thirteenth (13th) year. Sample sales would be available inside the BCPA and outside in Lincoln Park. Bruegala was a charity event.

Commissioner Buchanan informed the Commission that he had attended last year's event. Commissioner Tompkins had also attended this event last year.

Commissioner Petersen noted that the request was for an LB Liquor License. Mr. Kelley added that the Jaycees would hold the liquor license for this event.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Bloomington Normal Jaycees requesting a Limited Liquor License - Beer and wine only, (LB), for the event called "Bruegala", a charitable fundraiser to be held at the BCPA, located at 600 N. East St., on Friday and Saturday, August 24 and 25, 2012 from 5:00 p.m. until 11:00 p.m. be approved.

Motion carried.

Commissioner Clapp informed the Applicant that this item would appear on the July 9, 2012 City Council Consent Agenda. She encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:06 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Blues Blowtorch Society requesting a Limited Liquor License - Beer and wine only, LB, for an event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the General Electric (GE) Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. to 11:30 p.m. and Saturday, July 21, 2012 from 12 noon to 11:30 p.m. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Steve and Deborah Mehlberg and Ed Moore, Blue Blowtorch Society's officers and Applicant representatives.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Steve Mehlberg, President, Ed Moore, Vice President, and Deborah Mehlberg, Treasurer, and Applicant representatives addressed the Commission. This year marked Ain't Nothin But the Blue's eleventh (11th) year. The festival moved to the GE Employees Club Park last year. Ms. Mehlberg noted that liquor sales and music would stop at 11:30 p.m. each night. She acknowledged that the music did not stop at 11:30 p.m. last year. Everyone would be gone by midnight this year. The Society had hired back a police officer.

Funds raised at this event brought the blues into local schools. School children were provided with a harmonica and a history lesson of the blues. Classes, (guitar and harmonica), were also held during the festival. All of the artists who were scheduled to perform were blues artists. She added that musicians were coming from all over the globe. Other non for profit groups were also involved in the festival.

Commissioner Clapp questioned the event's set up as music carries. Ms. Mehlberg acknowledged that the bass was too loud last year. The stage would be moved forward this year. The Society was attempting to address the residents' concerns. The GE Park was a beautiful place to host this event. She would be very busy during the festival.

Commissioner Buchanan questioned the location of the stage. Ms. Mehlberg noted the stage's location. It had been moved away from the adjacent residences. She noted the location of the porta potties. There would be a sound man.

Commissioner Petersen questioned if the Society had contacted the neighborhood association. Ms. Mehlberg stated she had not been contacted by citizens. She offered an e-mail and telephone number. She encouraged the neighbors to attend the festival.

Commissioner Clapp noted that generally outdoor music is stopped or the volume is lowered at 10:00 p.m. Ms. Mehlberg stated that the sound man would be given instructions. The musicians would also be informed. There were a number of things that needed to be controlled.

Commissioner Tompkins informed the Commission that he, Commissioner Buchanan and Alderman Mboka Mwilambwe attended last year's event. He noted that there were complaints from residents late in the evening.

Commissioner Tompkins questioned if there would be any vendors selling counterfeit goods.

Chuck Witte, 33 Monarch Dr., addressed the Commission. He currently served as President of the Spring Ridge Homeowners Association. Two (2) other Board members had accompanied him to the meeting. There were 147 residents at the Villas at Spring Ridge. At last year's festival, the music lasted until 11:58 p.m. on Friday night. The back of stage was less than fifty (50) yards from the residences. The curtain was not sound deadening. He cited a sound level of eighty to ninety (80 - 90) decibels. He had received forty-one (41) e-mails from Spring Ridge residents who complained about the Festival. These individuals had their air conditioning on and their windows closed. The Police Department was called and they did not respond. This Festival was an incompatible use due to the proximity to 147 residents. He noted the average age of same which was seventy-five (75). Music after 10:00 p.m. was problematic. A sound man would not resolve the issue. He was not interested in excuses. He wanted the music turned off by 10:00 p.m.

Mr. Witte suggested that the Society should look at the property to the west on the other side of the pool. This area of the park was further from the residences and closer to the Park's entrance and parking lot. He did not object to the Festival. It was the location. He noted that the Jaycees had chosen a Downtown location for their event.

Commissioner Tompkins questioned mitigating techniques. Mr. Witte recommended that the Festival be moved Downtown. Downtown residents seemed better able to deal with the noise. Another option was to move the Festival to the Park's west side and the music end time be 10:00 p.m. He believed that last year's attendance was approximately 1,000. Last year on Saturday evening, the sound was turned down at 10:00 p.m. This action was helpful. He noted that thirty to forty (30 - 40) residences backed up to the creek.

Ms. Mehlberg stated that she was very busy on Friday. She had depended upon the people who had been hired. Assurances were given that all issues would be addressed on Saturday. She provided Alderman Mwilambwe and the homeowners association with a telephone number. The Festival could not be relocated to the Park's west side. She cited the tennis courts. Landscaping would help to filter noise.

Commissioner Tompkins expressed his opinion that the Society did a good job of liquor control. He addressed acoustics and quality improvements. Ms. Mehlberg noted that a professional stage was used with acoustic curtains. Commissioner Tompkins questioned if a second curtain could be hung with an area of separation between the two. Ms. Mehlberg described the previous year's staging. Three (3) different curtains were hung to keep the sound levels down.

Commissioner Tompkins recommended that if the acts ran behind schedule that the Festival end on time. Ms. Mehlberg stated that there would be thirty (30) minutes between sets. The schedule would be tightly controlled. Commissioner Tompkins stressed that there could not be a repeat of last year. Similar issues might impact the Society's ability to host the Festival next year. Ms. Mehlberg restated that there had not been any contact from the residents.

Commissioner Buchanan addressed the sound person. He noted that it would be impossible to please everyone. Sound men want to please the musicians. He had attended this Festival last year on Saturday night. He did not find the music too loud. He recommended that the

amplification be reduced. Ms. Mehlberg did not believe that the Festival was as loud as GLT's Summer Concert which was held on Saturday, June 9, 2012. Commissioner Buchanan added that the gain on the equipment could be reduced. Ms. Mehlberg informed the Commission that the sound man had a decibel meter. He was instructed that the level could not exceed ninety (90) decibels. Commissioner Buchanan restated that the gain should be reduced. Ms. Mehlberg responded affirmatively.

Mr. Witte readdressed the Commission. Ms. Mehlberg had not been contacted by the residents because the Board (Villas at Spring Ridge) did outreach to the 147 homeowners. On Friday night, the decibel level exceeded ninety (90). On Saturday night, the decibel level ranged between eighty to eighty-five (80 - 85). The Society's guarantees had failed. The music did not stop on time. The curtain did not work as claimed. He had received complaints both nights. He had attended the Festival both nights.

Commissioner Petersen questioned if there was a difference between Friday and Saturday nights. Ms. Mehlberg stated that 11:30 p.m. meant 11:30 p.m. She had expected the residents to call her. She had been contacted by Alderman Mwilambwe on Friday night. This year, the stage would be moved forward. A second acoustic curtain could be hung.

Commissioner Petersen questioned the line up. The headliner usually performed last. He recommended that the volume be controlled. Ms. Mehlberg noted that the Society was the promoter. The Society hired the individuals, (sound man, musicians, etc.). All needed to follow her instructions. The Society wanted to continue the Festival. She noted the benefit to the City.

Commissioner Buchanan cited the Festival's hours of operation: Saturday from 12 noon until 11:30 p.m. Ms. Mehlberg stated that there would be music for ninety (90) minutes followed by a thirty (30) minute break. Workshops would be held in the building.

Commissioner Buchanan was looking for a compromise. Ms. Mehlberg responded negatively. The artist contracts were signed.

Randy Hoffman, 3 Dunbar Dr., addressed the Commission. He had served as the stage manager at the Festival for nine (9) years. Last year, someone else had performed this role. This year, he would return as the stage manager. The musicians will be on time and the sound will be controlled.

Ms. Mehlberg restated the Festival hours: Friday from 5:00 p.m. until 11:30 p.m. and Saturday from 12 noon until 11:30 p.m.

Commissioner Buchanan recommended that a condition be placed on the motion that the music stop at 11:30 p.m.

Motion by Commissioner Petersen, seconded by Commissioner Tompkins that the application of Blues Blowtorch Society requesting a Limited Liquor License - Beer and wine only, (LB), for the event called "Ain't Nothin But The Blues", a charitable fundraiser to be held at the GE Employees Club Park, located at 1750 GE Rd., on Friday, July 20, 2012 from 5:00 p.m. until

11:30 p.m. and Saturday, July 21, 2012 from 12 noon until 11:30 p.m. be approved, with the following condition 1.)the music must stop at 11:30 p.m.

Motion carried.

Commissioner Clapp informed the Applicant that this item would appear on the July 9, 2012 City Council Consent Agenda. She encouraged all to attend this meeting.

There being no further business before the Commission, the meeting adjourned at 4:45 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the request of We Can't Golf, Inc., d/b/a Elroy's located at 102 W. Washington St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week, requesting a change of classification to an RAS which would allow 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 Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Butch and Kim Thompson, owner/operators and License holder representatives.

Commissioner Clapp opened the liquor hearing and requested that the License holders address their request. Butch and Kim Thompson, owner/operators and License holders, addressed the Commission. Ms. Thompson noted that the request was for a change of classification from a "T", Tavern to an "R", Restaurant liquor license. She noted the impact of the recession on the business. Due to the economic hardship, Elroy's needed to generate additional revenue. Elroy's needed to widen its customer base and be more family friendly.

Commissioner Clapp questioned if there would be any other changes. Ms. Thompson informed the Commission that the kitchen closed at 10:00 p.m. Mr. Thompson added that Elroy's would operate as a restaurant until 10:00 p.m. They did not want under twenty-one (21) year old individuals in the establishment after 10:00 p.m. Commissioner Clapp restated that food would be served until 10:00 p.m. She added that typically the Commission imposed tavern rules an hour after the kitchen closed.

Commissioner Buchanan noted that the Thompsons had submitted data which documented that food sales exceeded alcohol sales. He addressed the Thompsons' request that if Elroy's became a restaurant that tavern rules would apply after 10:00 p.m. He noted that generally tavern rules are applied an hour after the kitchen closed or in this case 11:00 p.m. He added that additional conditions might be placed upon the license.

George Boyle, Asst. Corporation Counsel, noted that the Thompsons intended to continue the current operations at Elroy's. Mr. Thompson responded affirmatively.

Commissioner Clapp questioned how Elroy's wait staff would verify customers' ages. Ms. Thompson stated by requesting identification. This information could be noted on the guest check. She added that no one under twenty-one (21) years of age would be on the premise after

10:00 p.m. Wait staff is assigned to a section. She restated that those under twenty-one (21) years old would have to be identified.

Commissioner Buchanan questioned if underage individuals were present after 10:00 p.m. would they be asked to leave. He cited the Commission's comments regarding an 11:00 p.m. time line. He noted past Commission motions. He stated that currently Elroy's held a "T", Tavern liquor license which meant its customers should be over twenty-one (21) years of age. He restated that the Thompsons did not want underage individuals on the premise after 10:00 p.m.

Mr. Thompson questioned the Town of Normal's practice. He believed that all underage persons had to leave liquor licensed establishments by 10:00/11:00 p.m.

Commissioner Buchanan questioned if Elroy's was open seven (7) days a week. In addition, if the change of classification was approved, would the 10:00 p.m. time line with tavern rules apply everyday. Mr. Thompson questioned if tavern rule conditions had been applied to Buffalo Wild Wings located at 3220 E. Empire St. He questioned if conditions upon a liquor license were a Downtown issue.

Commissioner Clapp believed that this change of classification would be a challenge. Mr. Thompson readdressed Buffalo Wild Wings. He believed that it was open until 2:00 a.m. Commissioner Clapp restated her concern regarding this change of classification. She questioned how Elroy's staff would identify those customers under twenty-one (21) years of age. In addition, how could Elroy's guarantee that underage customers would be gone by 10:00 p.m. Mr. Thompson questioned how the Commission might have reacted to a request for Elroy's to go from a restaurant to a tavern. Commissioner Clapp questioned if wristbands might be used. Mr. Thompson acknowledged that the change might not be easy.

Commissioner Petersen questioned what the Thompsons hoped to gain from a change of classification from a tavern to a restaurant. Mr. Thompson informed the Commission that they have a seventeen (17) year old daughter. She cannot eat at Elroy's. In addition, there were Downtown residents under the age of twenty-one (21). They cannot eat at Elroy's. He cited family/youth events at the US Cellular Coliseum and/or Castle Theater. Individuals under twenty-one (21) cannot eat at Elroy's. Commissioner Petersen noted that the Thompsons ran good businesses. He believed that it would be a challenge to make the change. He also questioned enforcement. Mr. Thompson restated that identification would be checked at the table by the wait staff. Information would be placed on the guest ticket. Elroy's employed five (5) doormen. He acknowledged that the change would be difficult.

Ms. Thompson restated that currently all customers were carded. The wait staff would have to designate those over and under twenty-one (21) years of age.

Commissioner Clapp also acknowledged the challenge. She believed that there would be scrutiny. Mr. Thompson acknowledged that they had thought about this request carefully.

Commissioner Tompkins noted Elroy's costs and sales. He questioned if this was a trial balance. He believed that most taverns showed more than fifty percent (50%) of total sales came from alcohol sales. Mr. Thompson cited better mark up on food than alcohol sales.

Commissioner Tompkins cited his attempt to visit Elroy's three (3) weeks ago. He added that a Liquor Commissioner must be granted access to a licensed establishment at anytime. Mr. Thompson added that identification must be shown.

Commissioner Buchanan expressed his concern that individuals under twenty-one (21) years of age would be comfortable in a tavern. He noted that party buses empty out in the Downtown around 10:00 - 10:30 p.m. He questioned the impact upon society. The Commission might be encouraging unwanted behavior.

Mr. Thompson questioned if there was a restaurant in town that did not have a bar. A number of restaurants offer a bar atmosphere.

Clay Wheeler, Asst. Police Chief, had no comment for the Commission.

Mr. Boyle noted that the City had a number of restaurants. The Commission's concerns should address an "R", Restaurant liquor license. The Commission should also address the Thompsons' plan to implement same.

Commissioner Tompkins noted that Elroy's met the criteria. The Thompsons ran a tight ship. The Commission should not treat them differently.

Commissioner Clapp noted Elroy's location and current reputation. Elroy's held a "T", Tavern liquor license. She believed that challenges were ahead. The Thompsons needed to proceed cautiously and they also needed an oversight plan.

Commissioner Buchanan expressed his comfort with this request. Elroy's had a good history. This change would be a challenge from an enforcement standpoint. He believed that the Thompsons were capable owners.

Commissioner Petersen questioned if Elroy's would be a restaurant only on certain nights.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of We Can't Golf, Inc., d/b/a Elroy's located at 102 W. Washington St., currently holding 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, requesting a change of classification to an RAS 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 with the following condition: 1.) tavern rules would apply after 10:00 p.m.

Motion carried.

Commissioner Clapp informed the Thompsons that this request would appear on the Council's July 9, 2012 meeting agenda. She encouraged them to attend same.

Commission discussion regarding whether to send this recommendation to the Council.

Commissioner Petersen questioned if the Council could deny this request. Commissioner Buchanan responded affirmatively.

Mr. Boyle addressed the Commission. He cited Chapter 6. Alcoholic Beverages, Section 4F. Change of Classification, (b). The Commission has the authority to approve a change of classification.

Commissioner Clapp believed as a courtesy the Commission should inform the Council.

Commissioner Buchanan believed that the Commission needed to be consistent with the City Code.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to reconsider the previous motion.

Motion carried.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of We Can't Golf, Inc., d/b/a Elroy's located at 102 W. Washington St., currently holding 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, requesting a change of classification to an RAS 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 with the following condition: 1.) tavern rules would apply after 10:00 p.m.

Motion carried.

There being no further business before the Commission, the meeting recessed at 5:21 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Gold Standard Enterprises, Inc., d/b/a Binny's Beverage located at 1407 N. Veterans Pkwy., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Michael Binstein, CEO, Walt Fornek, President, and Steve Ryd, Corporation Counsel, Applicant representatives.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Michael Binstein, CEO and Applicant representative, addressed the Commission. Binny's had waited seven (7) years for a hearing before the Commission. The company had searched for an appropriate site. Binny's hoped to open a store in the community. He noted the company deep roots. Binny's was a family business started with one (1) store in 1948. He described Binny's as old fashioned merchants with good work ethics and ideas who believed in hard work. Binny's was a local family owned business with a national reputation. Binny's

newest store was located in Champaign. Binny's had been named retailer of the year by Wine Spectator magazine and had also been cited in the Wall St. Journal.

Mr. Binstein noted that Binny's acknowledged that wherever purchased Bacardi and Budweiser tasted the same. The key was selection. Binny's offered a large selection, (wine - 6,000, beers - 2,000 and spirits - 3,000). Binny's hired smart, knowledgeable staff. He encouraged the Commission to visit the Champaign store. Binny's was happy to be in Champaign. Last year, Binny's stores served 6.5 million customers with no violations.

Commissioner Clapp questioned the store's operations. Mr. Binstein stated that the store would have 20,500 square feet. Binny's would offer a staff of twenty-five to thirty (25 - 30) people who would be residents of the community. The store would be open seven (7) days a week. Binny's would follow the laws. The store would provide sales tax dollars to the City. Bloomington was a great town. Binny's planned to invest over \$1 million in the facility. This store would become part of something bigger.

Commissioner Clapp questioned other product lines. Mr. Binstein informed the Commission that there would be a walk-in cigar humidor. He described it as a store within a store. Binny's would also offer a climate controlled wine cellar. Binny's offered good service and low prices. Binny's does the research. Binny's was happy to be in Champaign.

Commissioner Tompkins addressed the Emergency Call-in Listing. He requested that this form be updated to include local contact information. Mr. Binstein informed the Commission that Binny's had hired a store manager. Commissioner Tompkins addressed the Liquor License Questionnaire, Item 1(k). The Applicant had provided supplemental information to this item. He noted the comments regarding sales to others who held liquor licenses. Mr. Binstein noted that Binny's looked for red flags. He cited unusual purchases, quantities purchased, etc. Binny's had denied sales.

Commissioner Petersen noted the business' hours: Monday through Saturday - 9:00 a.m. until 10:00 p.m., and Sunday - 10:00 a.m. until 6:00 p.m. Mr. Binstein noted that these were standard store hours.

Commissioner Clapp questioned if Binny's planned to offer tastings. Commissioner Buchanan noted that tastings were allowed under the City Code. Mr. Binstein noted that Binny's had a copy of the City Code and would adhere to same.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Gold Standard Enterprises Inc., d/b/a Binny's Beverage Depot located at 1407 N. Veterans Pkwy., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried.

Commissioner Clapp informed the Applicant that this item would appear on the June 25, 2012 City Council Consent Agenda. She encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:32 p.m.

The Commission returned to order at 6:45 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address this request. Jim Bass, Applicant's attorney, addressed the Commission. Gat's Jazz Cafe would offer limited hours, jazz music and a relaxed venue. He described the Cafe as a benefit to the community. James Gaston, owner/operator and Applicant representative, addressed the Commission. He noted the photograph of his father on his materials. He had wanted to open a jazz cafe. He noted his family's history and his love of jazz. The Cafe would allow him to do something good. The Cafe would be an upscale place. He believed that the Downtown needed a hip jazz cafe.

Commissioner Clapp noted the business' 10:00 p.m. closing hour. Mr. Gaston replied 10:00 p.m. on weeknights and 12 midnight on weekends. Jazz would be offered from 5:00 to 8:00 p.m. or 6:00 to 9:00 p.m. on weeknights. On weekends jazz would be offered from 7:00 to 10:00 p.m. or 8:00 to 11:00 p.m. He had visited with some Downtown business.

Commissioner Clapp questioned the Applicant's liquor sales experience. Mr. Gaston noted his employment at various restaurants and taverns in the City since 1974, (Turn of the Century, Red Lion, After Hours, Juju's, Fat Jack's, etc.).

Commissioner Buchanan questioned if piano jazz would be offered during the week. Mr. Gaston responded affirmatively. On the weekends he hoped to host larger groups, (trios, quartets). Commissioner Buchanan questioned amplification and noted that the structure might vibrate. He hoped that the goal would be to contain the sound to the structure. He cited the apartments located on the building's second and third floors. He questioned a Saturday night quartet. Mr. Gaston stated that jazz music can be played softly. He described it as background music. He added that the music would be louder on Saturday nights between the hours of 7:00 and 10:00 p.m. The music would not over power the customers' conversations.

Commissioner Buchanan described After Hours as an asset to the Downtown. He recalled that there were issues with the clientele, (behavior/demeanor).

Commissioner Buchanan stated that the issue would be the impact upon the neighborhood. He noted that the Council has expressed interest in a noise ordinance. Enforcement might be an

issue. There would need to be a system of measurement. He cited eighty to ninety (80 - 90) decibels as an acceptable level.

Mr. Gaston informed the Commission under the terms of his lease the music must cease at 11:00 p.m. on Saturday nights. The piano, horns and saxophones would not be amplified. The premise was described as a small space. He restated that the jazz music would be background music. There would be a house PA (Public Announcement) system. The Jazz Cafe would hire in house staff.

Mr. Bass noted that there was a lease clause which stated that Mr. Gaston may not disturb the apartment residents. Commissioner Buchanan cited the lease and noted that the lessor and lessee needed to be reversed.

Commissioner Tompkins made note of the Cafe's food menu. He questioned if there would be a cover charge. Mr. Gaston responded negatively.

Commissioner Tompkins questioned the application for a "T", Tavern liquor license. Mr. Gaston noted that his business plan called for liquor sales to cover the cost for the musicians. Commissioner Tompkins read the Cafe's mission statement. It did not appear that this establishment would be a college bar. Mr. Gaston responded affirmatively.

Commissioner Tompkins requested that additional individuals be placed on the Emergency Call-in Listing.

Commissioner Petersen questioned the Cafe's layout. Mr. Gaston noted that the stage would be up front. He noted the large glass windows. There would be a baby grand piano. The Cafe would be on three (3) levels. Tom Delforge, building owner, had prepared the floor plan. The mezzanine level would be where the kitchen and banquet space would be located. This level was just above the basement.

Commissioner Clapp questioned the kitchen. Mr. Gaston described it as a good size. The Cafe would offer a tapas menu, (small plates), desserts, good coffee and wine, plus jazz music. He noted that there were a number of vacant properties in the City. He had selected the Downtown. He hoped to make the Cafe successful.

Commissioner Buchanan addressed "T", Tavern liquor licenses in the Downtown. This application would be scrutinized. He noted the recent GLT Summer Concert which was held in the Downtown on Saturday, June 9, 2012. The Downtown was a bar community. He noted the 2,500 plus college students, party buses, etc. which came to the Downtown on weekends. He believed that the Downtown benefited from this activity. He informed the Commission that he had ridden on approximately fifteen (15) of these buses on Friday and Saturday nights. He noted that there was over consumption by some individuals and had observed consumption of the buses. A small percentage of these individuals cause issues/challenges. He took issue with some individual's attire and/or behavior. All of these persons did not appear to be college students. He questioned how Mr. Gaston would handle this situation. Mr. Gaston stated that the Cafe would be closed before the college students arrived. He restated that the Club would offer jazz

music. If an issue arose, it would be addressed. He planned to hire good people and there would be staff at the door. Customers would be refused service. He planned to operate a good establishment.

Commissioner Clapp opened the hearing to comments.

Jan Lancaster, 316 N. Main St., addressed the Commission. She noted the Downtown Entertainment Task Force's, (DETF), report. She cited the idea of no more taverns in the Downtown. She specifically cited the blocks of N. Main St. She had some concerns. If the establishment remained as presented, there might not be any issues. In the past, this has not worked out and the establishments have ended up marketing to college students. A food menu was an important component. She informed the Commission that she had spoken with Mr. Delforge.

Marlene Gregor, 107 W. Market St., addressed the Commission. Her residence was a half block from the proposed Cafe. She believed that there was a moratorium on taverns within the Downtown. She had seen a lot as a Downtown resident. She liked the proposal but wished that the Cafe had chosen a different location. She recalled when Robinson's Ribs was located at this address. She cited activities in the alley. There were a number of problems. She noted that the capacity of the banquet room was forty (40). She cited traffic issues. She restated her concerns. She liked the concept but not the location.

Commissioner Clapp informed the Commission that she served on the DETF. Concerns were expressed for this area of the Downtown. The proposal was attractive but the location was a concern. If the application was for an "R", Restaurant liquor license and focus was on food, her thoughts on this application might be different.

Mr. Gaston stated that the application was for a "T", Tavern liquor license but the establishment would be a cafe. He noted the investment needed in the premise, (kitchen, sprinkler system, etc.). Due to the investment, he had to make the business successful. He cited the business' closing hours: 10:00 p.m. on weeknights and 12 midnight on weekends.

Commissioner Tompkins questioned the number of minority businesses in the Downtown. The Cafe would bring diversity to the Downtown. He cited Mr. Gaston's stake in the business and noted his investment in same. The Cafe would attract a mature crowd. He cited Eleven located at 105 W. Front St. as the Downtown's most recent tavern. The Cafe would be classy and add variety to the Downtown. The Commission should allow the market to decide.

Commissioner Clapp noted the investment which would require a return. She expressed her concern regarding the business model. Mr. Gaston restated that his lease contained a clause. If the Cafe turned into a loud bar, he would lose his lease.

Commissioner Tompkins noted that the Cafe would be located in the 400 block of N. Main St. He described Commissioner Clapp's concerns as mission creep.

Commissioner Buchanan noted the investment required in the property. He cited the City's building codes, kitchen, etc. He added that the Commission had just received Mr. Gaston's financial statement. There had been no opportunity to review same. However, he predicted that the Cafe would be successful. Mr. Gaston acknowledged that there was an investor in the Cafe.

Commissioner Buchanan recalled that in the past the Commission had recommended to the Council that liquor licenses be granted based upon the marketplace. A recommendation to create a liquor license should not be seen as doing the Applicant a favor. He cited the size of Mr. Gaston's investment in the Cafe. He raised the issue of a sunset clause. He suggested a twelve (12) month sunset which would be based upon any substantial movement away from the business plan. He expressed his hope that the Cafe would be successful. A critical factor of each liquor license application was the applicant. He knew Mr. Gaston and also knew that this was his life's dream. He believed that Mr. Gaston would protect the neighbors and the Downtown community.

Mr. Bass expressed his concern regarding subjective criteria. The preference was for a positive recommendation with no restrictions. Mr. Gaston meant what he said. He questioned if a twelve (12) month trial period was fair. Mr. Gaston stated his preference that there be no restrictions. He had a plan and he would stick to it. He was not the only person involved in the Cafe.

Commissioner Tompkins did not believe that a sunset clause was necessary. The Applicant was known to Commissioner Buchanan. There were enforcement mechanisms in place.

Commissioner Petersen expressed his opinion that Mr. Gaston has presented an excellent plan/concept. Mr. Gaston's commitment appeared to be sincere. He had compromised on the business hours. Concerns had been expressed regarding additional "T", Tavern liquor licenses in the Downtown. The Cafe could enrich the Downtown. He expressed his support for this application.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He acknowledged that there were mechanisms in place to address any liquor violations.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe located at 424 N. Main St., 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 be approved.

Ayes: Commissioners Buchanan, Petersen and Tompkins.

Nays: Commissioner Clapp.

Motion carried.

Commissioner Clapp informed the Applicant that this item would appear on the July 9, 2012 City Council Consent Agenda. She encouraged them to attend this meeting.

There being no further business before the Commission, the meeting adjourned at 6:33 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the request of Kadeke, Inc., d/b/a Daddios located at 527 N. Main St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week, requesting permission to host a teen night on Thursdays during the summer months. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Butch and Kim Thompson, owner/operators and License holder representatives.

Commissioner Clapp opened the liquor hearing and requested that the License holder address their request. Butch and Kim Thompson, owner/operators and License holders, addressed the Commission. They stated that they wanted to amend their request to Wednesdays. Kim Thompson stated that the teen night would only be open to fifteen to nineteen (15 - 19) year olds. The teen night would be held on Wednesdays from 7:00 until 11:00 p.m. They hoped to provide a safe, secure environment for teens to dance and meet with friends.

Commissioner Clapp noted that all of the alcohol would have to be removed. She questioned who would monitor the teen nights. Butch Thompson stated that Daddios would employ the same staff as on their regular business nights. There would be five to six (5 - 6) bouncers present. All alcohol products would be placed under lock and key. Daddios would offer soda, water, Red Bull, chips, etc. There would be a cover charge. Currently, Daddios was only open on Thursday, Friday and Saturday nights. The goal was to avoid having teenagers commingled with those over twenty-one (21) years of age.

Commissioner Petersen considered Daddios a tavern. He questioned how this fact might impact attendance. Mr. Thompson cited feedback received from local teens.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited the City's curfew, (Chapter 28, Section 17). Curfew was 11:00 p.m. for individuals less than seventeen (17) years of age on week nights.

Commissioner Clapp questioned who would monitor the teen nights. She suggested off duty police officers. Mr. Thompson noted that there had been no interest from the Police Department. Commissioner Tompkins restated that liquor would have to be removed and/or be inaccessible. Mr. Thompson stated that the tappers would be turned off and all liquor would be locked up. In addition, there would be a dress code.

Commissioner Buchanan questioned revenue. He questioned the Thompsons' objective by offering a teen night. Mr. Thompson stated that it had been his daughter's idea. The age group would be limited to those between the ages of fifteen and nineteen (15 - 19). Daddios would provide a safe environment for teenagers one (1) night a week. He noted the environment at the Castle Theater.

Commissioner Tompkins expressed his concern that teenagers would be exposed to bar culture. Mr. Thompson cited the area's restaurants which feature bars. He noted beer signs. Alcohol was everywhere.

Commissioner Buchanan questioned if the Thompsons anticipated any security/safety problems. Mr. Thompson noted that this was always an issue. Commissioner Buchanan questioned problematic individuals. Mr. Thompson stated that they would be asked to leave.

Commissioner Tompkins noted the limited duration of the teen night.

Commissioner Petersen acknowledged that teenagers needed some where to go. He expressed his preference for Tuesday nights. He did not believe that the mix of teenagers and those over twenty-one (21) years of age was a positive thing.

Commissioner Buchanan noted that if Daddios did not have a liquor license then it could offer teen nights. Anyone without a liquor license could offer teen nights. He expressed his concern about the environment. He noted the Thompsons experience operating Daddios and Elroy's located at 102 W. Washington St. Mr. Thompson restated that the teen nights would be limited to the summer. There was no interest in offering teen nights during the school year.

Clay Wheeler, Asst. Police Chief, addressed the Commission. He expressed his concern regarding the mixture of underage individuals with those over twenty-one (21) years of age in the Downtown. He noted that Daddios was located in the City's bar district. Hosting teen nights on Wednesday with earlier hours would be of assistance.

Mr. Boyle expressed his concern regarding minors in a tavern.

Commissioner Buchanan questioned if the City had the authority to set tavern hours for a specific liquor license.

Commissioner Clapp noted that this request was similar to Laughs located at 108 E. Market St. Commissioner Buchanan believed that there were similarities between the two.

Mr. Boyle acknowledged that the Commission could suspend Daddios liquor license on Wednesday nights for a specific period.

Commissioner Petersen noted that if successful the City might commend the Thompsons. The Thompsons expressed their interest in hosting teen nights. Allowing teenagers in a tavern would require that the liquor license be suspended. Commissioner Petersen questioned if Daddios would have a DJ on teen nights. The Thompsons responded affirmatively. No loitering would be allowed. Individuals must have a valid government issued photo id for admission.

Asst. Chief Wheeler stated that to the Police Department Tuesday would be no different than Wednesday nights.

Mr. Boyle expressed his belief that Corporation Counsel Office would receive more request to suspend tavern liquor licenses. He noted that the Thompsons operated two (2) businesses, Daddios and Elroy's. A different set of rules was a challenge for the Police Department. This was the second request in a limited time frame.

Commissioner Tompkins believed that teen nights undermined the message against teen drinking. Commissioner Buchanan cited society's contrast. Mr. Thompson noted that it was not okay to drink until one has reached twenty-one (21) years of age. This was the law. If the teen nights proved unsuccessful then they would be stopped. The request was for a two (2) month trial.

Mr. Boyle noted that the Commission had the authority to set conditions. The license holder cannot unilaterally define the licensed premise.

Commissioner Petersen expressed his opinion that the Thompson intentions were true. He believed that there was a need. He questioned if teens in a Downtown bar could be successful. The Commission needed the authority to say if the teen nights were successful or not.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen that the request of Kadeke, Inc., d/b/a Daddios located at 527 N. Main St., currently holding 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, to host teen nights on Tuesdays be approved effective immediately and be terminated in sixty (60) days by suspending the liquor license from 1:00 a.m. on Tuesdays until 6:00 a.m. on Wednesdays.

Ayes: Commissioner Buchanan, Clapp and Petersen.

Abstains: Commissioner Tompkins.

Motion carried.

There being no further business before the Commission, the meeting recessed at 7:05 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order regarding a change of corporate officers for Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse located at 1407 N. Veterans Pkwy., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Clapp opened the liquor hearing and stated that this involved a change of corporate officers.

Tracey Covert, City Clerk, addressed the Commission. The Commission had received a letter from Webster Powell, attorney for Outback Steakhouse of Florida, LLC. Dirk Montgomery, Chief Financial Officer, had been replaced by David Deno.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen to accept the change of corporate officers for Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse located

at 1407 N. Veterans Pkwy., currently holding an RAS liquor license; said license remains in force.

Motion carried.

Ms. Covert would send the letter from the City to the Liquor Control Commission.

There being no further business before the Commission, the meeting adjourned at 7:07 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk