

MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, SEPTEMBER 10, 2019, 4:00 P.M.

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:04 p.m., Tuesday, September 10, 2019.

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

Present: Commissioners Tari Renner, Lindsey Powell and Jim Jordan.

Staff present: George Boyle, Assistant Corporation Counsel; Greg Scott, Assistant Police Chief; and Amanda Mohan, Deputy City Clerk.

Public Comment

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

The following was presented:

Item 4. Consideration and action on Revised Minutes from the August 13, 2019 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

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

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 5. Continuation on the 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, as requested by the Liquor Commission.

Commissioner Renner opened the Public Hearing at 4:05 p.m. He stated that he had listened to the recording of the hearing from the July Liquor Commission where this item was presented and stated that parties who had testified at that meeting need not present the same evidence unless they have something new to add.

Hal Jennings, friend of and lawyer to Eric Trujillo, after being sworn in, addressed the Commission by having Eric Trujillo, Owner of Eric's Too, confirm facts and statements about himself, the business at hand, and the proposed outdoor consumption area being discussed. Mr. Trujillo was also sworn in. Mr. Jennings asked confirmation of his name, that he is the owner, the address of the establishment, and of how patrons can gain access into the patio. Mr. Trujillo responded stating there is a five-foot cast-iron fence around the patio area that

patrons can only access by entering through the restaurant. There is also an emergency exit push bar gate outside.

Commissioner Jordan confirmed that in order for patrons to gain access to the patio, they would need to go through the restaurant. In order to address concerns of the neighbors that had previously come forward against the application, he also inquired whether amplified sound is necessary for the establishment. Mr. Trujillo stated that he would like to have the option to have a band on the patio. Mr. Trujillo also stated he will be posting signage for patrons to only gain access to patio through the restaurant, not through the emergency exit, and additional signage in the parking lot that it was only for *'Eric's Too Parking Only.'*

Commissioner Renner asked if there was anyone who would like to speak for or against the application, and no one came forward.

Commissioner Renner closed the Public Hearing at 4:13 p.m.

Commissioner Renner proposed a motion to recommend the application positively to the City Council with the condition that the closing hours of the outdoor patio would be 10:00 p.m. on weekdays and 11:00 p.m. on weekends. He stated that at some time in the future the establishment could request that the hours for outdoor service or consumption be expanded.

Commissioner Jordan agreed.

Commissioner Powell agreed it was reasonable.

George Boyle, Asst. Corporation Counsel, asked for clarification on how the conditions addressed the amplified sound concern.

Commissioner Renner stated the conditions lined up with the City's Noise Ordinance to allow the establishment to have amplified music up until the conditional hours.

Mr. Boyle and Commissioner Jordan discussed beer garden ordinances, conditions applicable, and types of music allowed.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to approve the application positively to the City Council with the condition that the closing hours of the outdoor patio would be 10:00 p.m. on weekdays and 11:00 p.m. on weekends with the option to return to the Liquor Commission in the spring to request the condition be lifted.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 6. Public Hearing on the Application of LKH II, Inc., d/b/a 1107 West Lounge, located at 1107 West Locust Street, for 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, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:18 p.m.

Tom Hubbard, Owner of 1107 West Lounge, addressed the Commission. He explained that he is the original owner of the Coppertop. He built the building and opened the business in 1981. He later sold the business in 2001 but maintained ownership of the building. He explained the business has since then been sold again, but the current owners, who are tenants of his, are very behind on rent and contractual payments. He and his wife plan to take the business back, fix it up, and then run the establishment under a new name/business. Mr. Hubbard also pointed out that he has held a liquor license in Bloomington for 43 years.

Commissioner Jordan asked if the new business will replicate one of his other businesses, Cheeks. Mr. Hubbard confirmed that it would on a smaller scale.

Commissioner Jordan confirmed package sales would also be applied for. Mr. Hubbard responded affirmatively.

Mr. Hubbard continued, stating there are currently five video gaming terminals in the establishment and he wants to keep the terminals and intends on applying for a video gaming license.

Mr. Boyle stated there is not a provision in the City Video Gaming Ordinances that allows the transfer of a license from one corporation to another. However, if the State of Illinois approves the transfer of the Coppertop Video Gaming License from their corporation to another, the City will review the application. Mr. Hubbard stated he believes he deserves the right to have one of the video gaming licenses that are available.

Commissioner Jordan confirmed the Liquor Commission is not able to guarantee a license at this time.

Commissioner Renner asked if there was anyone who would like to speak for or against the application, and no one came forward.

Commissioner Renner closed the Public Hearing at 4:27 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to positively recommend the application to the City Council as presented.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 7. Public Hearing on the Application of Biaggi's Ristorante Italiano, LLC., d/b/a Biaggi's Ristorante Italiano, requesting an RAPS (Restaurant, All Types of Alcohol, Package Sales for Consumption Off Premises, and 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 consumption off premises seven (7) days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:28 p.m.

Todd Hovenden, Representative of Biaggi's Ristorante Italiano, after being sworn in, addressed the Commission. He informed the Commission that they intend on moving from their

current location, where they have a lease until February 28, 2019, to a new location near Ancho & Agave with the goal of opening by Valentine's Day.

Commissioner Renner asked if it would be identical at the new location.

Mr. Hovenden responded affirmatively, including a private event space, with the addition of a designated To-Go area as well as the addition of patio seating and a larger bar/lounge area. He mentioned that Biaggi's has been in Bloomington for 21 years. Commissioner Renner responded that Bloomington proudly has the very first Biaggi's.

Commissioner Jordan confirmed that all staff and BASSET qualifications would transfer to the new location. Mr. Hovenden responded affirmatively adding the corporation only intends to be dark for three days while they wash small wares and prepare the new location for opening.

Commissioner Renner asked if there were any citizens who would like to speak against this business. None came forward.

Commissioner Renner closed the Public Hearing at 4:30 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to positively recommend the application to the City Council as presented.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 8. Public Hearing on the Application of Bloomington Normal Sunrise Rotary, for their 2019 Oktoberfest Fundraising Event to be held at Union Park, located at 1750 General Electric Road, on October 20, 2019, requesting a Class LB (Limited, Beer and Wine) liquor license, which allows the sale of beer and wine by the glass for consumption on the premises on the date of the event, as requested by the City Clerk Department.

Commissioner Powell recused herself at 4:30 p.m., as she is a member of the Bloomington Normal Sunrise Rotary.

Commissioner Renner opened the Public Hearing at 4:30 p.m.

Kristen Kubsch, Representative of the Bloomington Normal Sunrise Rotary, after being sworn in, addressed the Commission. She stated this event is an annual fundraiser that will be held on Sunday, October 20, 2019, at GE Park and will include a run and drinks at the clubhouse.

Commissioner Jordan asked where alcohol will be served and if there will be wristbands. Ms. Kubsch responded stating there will be a 5K run outside in Tipton Park and alcohol will be served in the clubhouse with wristbands issued to persons over the age of 21.

George Boyle, Asst. Corporation Counsel, informed the Commission that approving this item would also require a suspension of the ordinance by the Council for alcohol in a public park.

Commissioner Renner asked if there were any citizens who would like to speak against this business. None came forward.

Commissioner Renner closed the Public Hearing at 4:32 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Renner, to positively recommend the application and suspension of the ordinance to allow alcohol in a City park to the City Council as presented.

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

Ayes: Commissioners Renner and Jordan.

Nays: None.

Recused: Commissioner Powell.

Motion carried.

Commissioner Powell returned to the meeting at 4:32 p.m.

The following was presented:

Item 9. Consideration of the Request of d/b/a Tony's Tacos Downtown, for Suspension of Portions of Chapter 6 of the Bloomington City Code Prohibiting Possession of Open Alcohol in Public for the Tony's Tacos Downtown Luke Combs Pre-Party on Friday, September 27, 2019, from 4:00 p.m. until 9:00 p.m. on Front Street from Center Street to Main Street, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:32 p.m.

Herald DePaz, Owner of Tony's Tacos Downtown, then addressed the Commission. He explained the event would have closed-off streets between Front & Center for a party before the concert at the Coliseum. There will be food available inside the restaurant and outside. There will be alcohol available outside with either a local brewery or Lake Shore Beverage. Wristbands will be given for attendees over the age of 21.

Commissioner Jordan expressed concerns about the security of the perimeter and the age of persons allowed entry. Mr. DePaz responded stating there will be barricades at the perimeter with security at each side, monitoring to ensure no alcohol leaves the event. Attendees of all ages are welcome, but any attendees over the age of 21 will have wristbands.

George Boyle, Asst. Corporation Counsel, stated this would not be an issue as there is typically a centralized location where BASSET trained persons would check IDs and give wristbands. This is not unusual for street festivals.

Mr. DePaz stated they will only be serving margaritas, beer and wine but that there will not be a full bar available.

Commissioner Powell asked for confirmation of the event hours. Mr. DePaz stated he asked for 4:00 p.m. to 9:00 p.m.; however, he only expects to operate from 5:00 p.m. to 7:00 p.m. as the concert beginning at 7:30 p.m. will pull most of the attendees.

Commissioner Jordan inquired about post-event clean up. Mr. DePaz stated he and his staff will be completing the cleanup.

Commissioner Renner asked if there were any citizens who would like to speak for or against this application. None came forward.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to positively recommend the approval of the application and suspension of the ordinance.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 10. Consideration and action on the continuation for a Complaint and Citation of Grand Café, LLC, d/b/a Grand Café - Oakland Avenue, located at 2205 E. Oakland, Suite A2, for violating Chapter 6, Section 37(e)(12) of the Bloomington City Code for failure to pay City of Bloomington Food and Beverage taxes for the months of April through June, 2019, as requested by the Legal Department.

Commissioner Renner asked if there was a representative present. None came forward. Commissioner Renner asked George Boyle, Assistant Corporation Counsel, for an update on the violation.

Mr. Boyle informed the Commission the corporation agreed to pay all owed taxes and a \$600.00 fine in installments, but a signed agreement was not received by the date of the Liquor Commission. He believed it was a miscommunication and asked the Commission for a motion to continue the item to the next Liquor Commission.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to continue the item to the next regularly scheduled Liquor Commission.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

The following was presented:

Item 11. Consideration and action on the notification of Change of Officers from BLM Columbian Home Association, d/b/a Bloomington Columbian Home Association, located at 1706 R T Dunn Drive, as requested by the City Clerk Department.

Commissioner Renner explained that this is for notification purposes only.

Old Business

12 (a) Delivery of Alcohol and Curbside Pickup Ordinance

Discussion was had regarding an Ordinance for Delivery of Alcohol and Curbside Pickup. Mr. Boyle informed the Commission that the Legal Department is working on an Ordinance to mirror the Ordinance recently approved by the Town of Normal. The Town of Normal has given the City of Bloomington until October 1, 2019 to approve an Ordinance. The draft Ordinance will appear before the City Council on September 23, 2019.

Commissioner Renner asked if there are any significant differences between the Town of Normal and the City of Bloomington Ordinances. Mr. Boyle responded stating there were no significant differences.

Renner asked if Greg Scott, Asst. Police Chief, had any concerns. Asst. Chief Scott responded affirmatively but continued by stating all concerns should be addressed with the proposed Ordinance. He continued by stating the only other concern he had was with enforcement.

Commissioner Jordan expressed concern with alcohol being delivered to parties where there are intoxicated individuals and underage persons in attendance. He suggested the penalty associated with a violation should be large enough to deter the person ordering from violating City Codes and other applicable laws.

Mr. Boyle responded, stating the establishment delivering or allowing pick-up as well as the person placing the order could be held responsible.

Commissioner Renner stated the Commission could vote but that it is not required. Commissioner Renner asked the Commission if there was any objection to the Liquor Commission positively recommending the proposed ordinance to the City Council. No objections from the Commission were brought forward.

Commissioner Powell motioned, seconded by Commissioner Jordan, to positively recommend the proposed Ordinance to the City Council.

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

Ayes: Commissioners Renner, Powell, and Jordan.

Nays: None.

Motion carried.

12 (b) Other Old Business

Commissioner Jordan requested information and criteria on how the City will be enforcing the video gaming licenses and follow up. He also requested clarification on the Liquor Commission's role in video gaming. Commissioner Renner responded, stating a complaint would need to be brought to the City, Liquor Commission or City Council.

Commissioner Powell asked for clarification on where the complaint would be directed. Mr. Boyle stated that if there is a violation on the premise, the item would be brought before the Liquor Commission, as the Ordinance states the establishment's liquor license could be affected. He continued by informing the Commission only the City Council has the authority to revoke a video gaming license. Mr. Boyle will prepare a short presentation for the Commission on the new video gaming ordinance.

New Business

No new business was discussed.


Adjournment

Commissioner Renner made a motion to adjourn.

Motion carried unanimously (viva voce).

The meeting adjourned at 4:54 p.m.

Respectfully submitted,


Amanda Mohan, Deputy City Clerk