



**MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, NOVEMBER 12, 2019, 4:00 P.M.**

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:03 p.m., Tuesday, November 12, 2019.

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

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

Staff present: George Boyle, Asst. Corporation Counsel; Greg Scott, Asst. 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 to approve the Bloomington Liquor Commission 2020 Meeting Schedule, as requested by the City Clerk Department.

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

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 5. 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 City Clerk Department.

Commissioner Renner asked if there was a representative present, but none came forward. Commissioner Renner expressed concern of continuing the Public Hearing without a representative present. George Boyle, Assistant Corporation Counsel, confirmed the Public hearing could continue.

Commissioner Renner opened the Public Hearing at 4:05 p.m.

Commissioner Renner asked if there was anyone who would like to speak for or against the application.

Surena Fish, after being sworn in, addressed the Commission. She explained she saw many similarities between Eric's Too and the numerous issues at the original Eric's on Wood

Street. She continued, stating the incidents typically happened after 10:00 p.m. or 11:00 p.m. on the weekends. Ms. Fish explained that in her experiences with the owner, he does not follow the rules unless the business is threatened to be shut down and she believed the neighbors of Eric's Too have a right to ask for peace in the neighborhood.

Commissioner Renner called a brief recess at 4:09 p.m. to allow the Legal Counsel to consult with the Clerk and resumed the meeting at 4:10 p.m.

Cristo Ortiz Palafox, General Manager of Country Inn and Suites, after being sworn in, addressed the Commission. He explained that he attended previous meetings to address his concerns. Mr. Palafox quoted portions of Liquor Commission Meeting minutes from previous Public Hearings referencing a meeting between the hotel managers and Mr. Trujillo the Liquor Commission suggested. Mr. Palafox stated Mr. Trujillo failed to meet with the hotel managers of the Ramada Inn and Suites and the Country Inn and Suites as of the time the application was approved for consideration by the City Council.

Commissioner Renner asked Mr. Palafox to confirm the distance between the hotel he managed and Eric's Too. Mr. Palafox confirmed the hotel is less than 100 feet away, and that the Ramada is about 150 feet from Eric's Too.

Mr. Palafox stated on September 13, 2019, there was an event held at Eric's Too where he called the authorities due to loud music. Mr. Palafox discussed a flyer from social media promoting the event. Commissioner Renner asked if Mr. Palafox wanted to submit the flyer into evidence. Mr. Palafox declined at that time.

Mr. Palafox stated on Friday, November 8, 2019, he met with the owner of Eric's Too, however, he believed it to be unproductive. He expressed an additional concern that the restaurant operates more like a nightclub.

Mr. Palafox continued, stating it was not his intent to attack the business. He clarified his concern with the late-night events, the advertisements for a beer garden, and how he found it offensive that Mr. Trujillo placed flyer advertisements at the front desk of the Country Inn and Suites. Commissioner Renner asked Mr. Palafox why he was offended by the advertisements. Mr. Palafox responded that Mr. Trujillo was aware the hotels have been against his application, that he did not give permission for the advertisements to be placed in the hotel, and that the establishment was not permitted for a beer garden. He believed the owner should wait until he received a permit before posting advertisements.

Mr. Palafox explained he would like the licensee to operate as a restaurant with no outdoor music, especially when Mr. Trujillo makes contradictory comments about the live music events.

Commissioner Jordan inquired if all advertisements placed at the front desk must be approved by the General Manager. Mr. Palafox responded affirmatively.

Joshua Smith, the General Manager of Ramada Inn and Suites, after being sworn in, addressed the Commission. Commissioner Renner asked for confirmation of the distance between the Ramada and Eric's Too is about 150 feet. Mr. Smith confirmed.

Mr. Smith stated the establishment received a violation for selling to a minor in August 2019. He then asked why the Commission considered to approve expanding the premise and how the outdoor area will be regulated to ensure alcohol is not served to underage persons. Mr. Smith echoed the concerns of advertising for a beer garden without a permit, as well as his concern with the current hours of operation of 10:00 a.m. until 2:00 a.m. He continued, stating he was unaware of other restaurants that sell alcohol with similar hours. Mr. Smith

echoed the concerns in reference to the contradicting comments from Mr. Trujillo regarding outdoor music from the meeting on Friday, November 8, 2019.

Commissioner Renner asked for confirmation of the attendees for the meeting on Friday. Mr. Smith responded, stating in addition to himself, Mr. Trujillo, Mr. Palafox, and Jamey, the director of operations for Landmark Hospitality, attended the meeting. Commissioner Renner inquired about the topics of the meeting. Mr. Smith stated their discussions focused on outdoor music and how the hotel representatives believed it should not be allowed past 9:00 p.m. on the weekdays and 11:00 p.m. on the weekends.

Commissioner Renner asked if Mr. Smith if he would be open to allow the establishment to sell liquor outside, but without outdoor music. Mr. Smith responded affirmatively.

Commissioner Renner noted that Mr. Trujillo was in attendance and asked him to come forward to address the Commission.

Mr. Trujillo, Owner of Eric's Too, after being sworn in, addressed the Commission. He confirmed he had a meeting with the hotel representatives. He stated he is in a Commercial District and the location is not too close to the hotels. Mr. Trujillo stated he would like to get along with the hotels and he does not complain about their noise.

Commissioner Renner asked if Mr. Trujillo advertised for events. Mr. Trujillo responded affirmatively. Commissioner Renner stated the real issue is outdoor music and asked if outdoor music was essential to the establishment. Mr. Trujillo stated he does not have outdoor music.

Commissioner Renner confirmed with George Boyle, Assistant Corporation Counsel, the potential for the Commission to positively approve the application to the City Council without outdoor music. Mr. Boyle responded affirmatively.

Commissioner Renner asked Mr. Trujillo if he would be open to allow outdoor service without outdoor music. Mr. Trujillo responded that he has small outdoor speakers that would be utilized during food service, but that could not be heard from a distance.

The Commission discussed the potential to limit outdoor music.

Mr. Boyle reiterated the proposed conditions on the license previously suggested to the City Council. He noted the Commission can recommend additional license restriction options including hours allowed for live or amplified music and the type of music allowed.

Commissioner Jordan asked for confirmation that the only way to access the patio is through the restaurant. Mr. Trujillo responded affirmatively. Commissioner Jordan stated he believed there should be a restriction on hours where amplified sound is allowed.

Commissioner Renner asked Mr. Boyle if the Commission needed to define the terminology for amplified sound. Mr. Boyle provided options the Commission could consider.

Commissioner Renner discussed options for hours of operations allowed for the Outdoor Patio.

Commissioner Jordan asked the Commission if no service or consumption would be allowed after the designated hours. Commissioner Powell reminded the Commission that the original intent of the patio was to allow the patrons who smoke the option to bring their beverage outside with them.

Mr. Boyle discussed enforceability and the use of the patio after hours of service where patrons could go outside to smoke, but all beverages would need to stay inside the building.

Commissioner Renner asked Asst. Police Chief Scott to address enforceability. Asst. Chief Scott stated the cleanest form of enforceability would be for no service or consumption on the patio after a designated hour. Commissioner Jordan agreed.

Mr. Trujillo asked to address the Commission. Mr. Trujillo expressed concern that the Commission previously addressed the music concerns and now the Commission is restricting the hours of operation and availability to serve. He stated restrictions will hurt his business and he does not wish to tell his customers they cannot drink outside.

Commissioner Renner explained limits must be put in place to accommodate concerns.

Christo Ortiz Palafox returned to podium to address the Commission. He stated he was not in opposition of the liquor license, but he was concerned with the terminology being used on promotional advertisements for afterhours events. Mr. Palafox read various promotional advertisements. Commissioner Renner asked if Mr. Palafox had concerns with the patio service hours. Mr. Palafox stated he had no concerns with the patio hours but, he was concerned with the current issues inside the restaurant.

Commissioner Renner asked Mr. Boyle if the Commission ever addressed complaints of internal noise. Mr. Boyle asked Mr. Palafox if he would like to submit the printed promotional advertisements into evidence. Mr. Palafox responded affirmatively and submitted them to the Deputy City Clerk (Objector's Exhibits A, B, C, D, E, F, and G). Mr. Boyle stated there have been complaints regarding internal noise from various establishments.

Commissioner Jordan asked questions regarding the noise inside and if a DJ was present. Mr. Palafox responded affirmatively and mentioned his staff have reported loud music from Eric's Too and he instructed them to call the authorities at the time of the event.

Mr. Trujillo returned to address the Commission. He stated he built the beer garden to attract guests and allow them to smoke and drink outside.

Mr. Boyle asked Asst. Chief Scott for input for calls to service. Asst. Chief Scott stated officers have been sent for calls and the Police Department has completed a few follow up visits but, there have not been any incidents warranting tickets. He continued, stating it is at the officer's discretion to write tickets for noise complaints and typically, the first offense is a warning and the second offense is a written violation.

Commissioner Renner closed the Public Hearing at 4:45 p.m.

The Commission discussed the motion and options of conditions.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to approve the application positively to the City Council with conditions placed on the liquor license that the Outdoor Service and Consumption Area close at 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday nights with service of alcohol concluding one hour before closing and no amplified sound is permitted.

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 6. Public Hearing on the Request from Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, requesting a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as well as, a redefinition of their licensed premise, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:52 p.m.

William Bentley, owner of Ralben, Inc. d/b/a Cadillac Jack's, after being sworn in, addressed the Commission. Mr. Bentley explained he requested a redefinition of the interior space and approval of outdoor consumption area for an interior and exterior beer garden. He described proposed area that would be included in the redefinition of the interior space, as well as the outdoor and enclosed beer garden.

Commissioner Renner confirmed with the applicant that if the Liquor Commission and City Council approved the request, the approval would be conditional until the Community Development Department approved the areas.

Commissioner Jordan inquired about the access to the outdoor beer garden. Mr. Bentley explained patrons would need to enter through the bar in order to gain access. He also noted a modification to the current patio exits are required to ensure the exit bar cannot be opened from the outside. Commissioner Jordan questioned the difference between the covered beer garden and the enclosed beer garden. Mr. Bentley stated the outside, covered beer garden would have a cover and walls and the enclosed beer garden was enclosed with a fence.

Commissioner Renner explained the Commission was provided a color-coded map to reiterate the different areas of the establishment (Exhibit A).

Commissioner Jordan asked if food would be served. Mr. Bentley responded affirmatively and noted he was working closely with Chris McAllister, the Building Official in the Community Development Department, to ensure he obtained the proper permitting.

Commissioner Jordan asked for the hours of operation. Mr. Bentley stated the hours of operation are 10:30 a.m. to 1:00 a.m. weekdays and 10:30 a.m. to 2:00 p.m. weekends and the hours of operation will coincide with the hours of the beer garden.

Commissioner Jordan expressed concern of amplified sound. Mr. Bentley stated he was open to not have amplified sound in the outdoor area.

Commissioner Jordan inquired if the properties across Center Street were notified. Amanda Mohan, Deputy City Clerk, responded stating notices were mailed the ten properties adjacent to the establishment. George Boyle, Asst. Corporation Counsel, requested confirmation that of those ten properties, some were located on Center Street. Ms. Mohan responded affirmatively.

Commissioner Renner asked if anyone would like to speak for or against the application; none came forward.

Commissioner Renner then asked Chris McAllister, Community Development Building Official, to address the Commission. Mr. McAllister stated that Mr. Bentley was accurate in his statements and stated that Mr. Bentley did get a little ahead of himself but has applied for the proper permits for the expansion.

Mr. Boyle reminded the Commission that typically they approve applicants contingent upon health and safety.

Commissioner Renner closed the Public Hearing at 5:01 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to recommend approval of the proposed Request for a permanent extension of premise allowing for an Outdoor Service or Consumption Area, as well as, a redefinition of their licensed premise, contingent upon compliance with all building, health and safety codes.

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

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 7. Public Hearing on the Application of Sarahbest, Inc. d/b/a Bloomington Rosati's Pizza, requesting an RBS (Restaurant, Beer and Wine Only, and Sunday Sales) liquor license, located at 602 N. Main Street, which would allow the sale of beer and wine by the glass for consumption on the premises seven days a week, as requested by the City Clerk Department.

Mr. Boyle pulled this item due to a scrivener's error and explained the address on the agenda was incorrect but, that the Public Notices were sent with the correct address. This item will appear on the December Liquor Commission Agenda.

The following was presented:

Item 8. Consideration and action on the first appearance of BillHill, Inc. d/b/a Maguire's, located at 220 N. Center St, regarding a Complaint and Citation violating Chapter 6, Section 37(e)(12) of the Bloomington City Code for failure to pay City of Bloomington Food and Beverage taxes from May to August of 2019, as requested by the Legal Department.

Commissioner Renner asked George Boyle, Assistant Corporation Counsel, for an update on this matter. Mr. Boyle stated the item was for notification purposes only and the complaint was settled.

Old Business

No old business was brought forward.

New Business

No new business was brought forward.

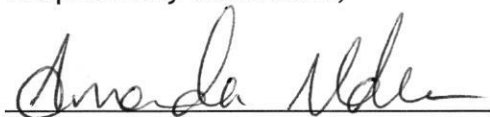
Adjournment

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

Motion carried unanimously (viva voce).

The meeting adjourned at 5:02 p.m.

Respectfully submitted,



Amanda Mohan, Deputy City Clerk