



**MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, JANUARY 14, 2020, 4:00 P.M.**

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:00 p.m., Tuesday, January 14, 2020.

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

Present: Commissioners Lindsey Powell and Tari Renner

Absent: Commissioner 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 and the following people came forward: (1) Jan Lancaster.

Commissioner Renner responded to the speaker's comments that staff would investigate the complaint regarding the late fee. He stated it would appear on the next Liquor Commission Agenda under Old Business.

The following was presented:

Item 4. Consideration of and action on Minutes from the November 12, 2019 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

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

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

Ayes: Commissioners Powell, and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 5. Consideration of and action on Minutes from the December 10, 2019 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

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

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

Ayes: Commissioners Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 6. Public Hearing and action on the Application of Harmony Korean BBQ, LLC d/b/a Harmony Korean BBQ, located at 7 Currency Drive, requesting a Class 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 4:06 p.m.

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

Stewart Hummel, after being sworn in, addressed the Commission. He stated that he was present as the representative for Epiphany Farms and their new Harmony restaurant. He stated that the location had previously been a restaurant and that they were re-purposing it for their new restaurant. The restaurant would be the newest addition to the Epiphany Farms Group and pointed out that the requested license classification aligned with their other restaurants. Mr. Hummel informed the Commission that Harmony Korean BBQ would be a Korean style restaurant involving a lot of interaction at individual tables.

Mr. George Boyle, Asst. Corporation Counsel, asked who would manage the establishment.

Mr. Hummel responded that Epiphany Farms would manage it and pointed out that Harmony Korean BBQ would be Epiphany's fifth restaurant concept.

Commissioner Renner inquired on the status of the BASSET training for staff.

Mr. Hummel responded all staff would become BASSET trained.

Commissioner Renner closed the Public Hearing at 4:09 p.m.

Commissioner Powell made a motion, seconded by Commissioner Renner, to positively approve the application to the City Council contingent upon the compliance with all building, health, and safety codes.

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

Ayes: Commissioners Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 7. Public Hearing and action on the Application of MM Bowers, Inc. d/b/a Bloomington Tennis Center, currently located at 4101 Wicker Road, requesting a Class CBS (Clubs, Beer and Wine Only, and Sunday Sales) liquor license, which would allow the retail sale on the specified premises only of beer and wine for consumption only on the premises seven days a week, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:09 p.m.

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

Mark Bowers, Owner, after being sworn in, addressed the Commission. He explained the establishment was a tennis dome that has been in business for four years. The business hosts local and national tournaments. Mr. Bowers stated the addition of alcoholic beverages would be a welcomed perk to those events. He also explained that club members have frequently requested the addition of alcoholic beverages to enjoy while at the establishment.

Commissioner Renner asked how liquor will be controlled and questioned if wristbands would be utilized to ensure anyone under the age of 21 would not consume alcohol.

Mr. Bowers stated staff would card all patrons who requested an alcoholic beverage and the purchase of alcohol would be confined to the lobby area only. He also stated they did not wish to offer hard liquor and, if approved, only intended to offer beer.

Commissioner Powell inquired on the status of BASSET training for staff.

Mr. Bowers stated he submitted his BASSET certification that afternoon and all staff would be trained. He also noted they would not begin to sell alcohol until September 1, 2020.

Mr. Boyle reminded the Commission and the applicant that if the request was approved by City Council, the applicant would have 180 days to become operational. He explained in the event the applicant would exceed the time limit, they would need to request an extension from the Liquor Commission. Mr. Boyle stated the liquor license was applied for and noticed to the public as a "club" license; however, upon review by the Legal Department, the applicant would not fit the definition of "club" as defined by the City Code. He explained "club" is defined as non-for-profit, national chartered organization or fraternal organization. Mr. Boyle suggested the Commission consider adjusting the license classification to an entertainment/sports license.

Commissioner Renner inquired if staff or the Commission would need to perform any additional review. Mr. Boyle advised a new notice would not be required as the classification would only be significant to staff and the applicant. He also stated he previously discussed the change in classification with Mr. Bowers who agreed to the change.

Commissioner Renner Closed the Public Hearing at 4:14 p.m.

Commissioner Powell made a motion, seconded by Commissioner Renner, to amend the application classification to Class EBS (Entertainment, All Types of Alcohol, and Sunday Sales) liquor license and positively approve it to the City Council contingent upon the compliance with all building, health, and safety codes.

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

Ayes: Commissioners Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 8. Public Hearing and action on the Application for Gold Standard Enterprises, Inc, d/b/a Binny's Beverage Depot, currently located at 1409 Veterans Parkway, requesting a Permanent Extension of Premise, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:14 p.m.

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

Walter Fornek, Binny's Representative, after being sworn in, addressed the Commission.

Commissioner Renner asked Mr. Fornek to describe the changes to the location.

Mr. Fornek stated the Bloomington location has been successful and the decision was made to take advantage of the empty space previously occupied by Outback Steakhouse. He stated with the additional space gained from the addition, the Bloomington location was still under the average square footage when compared to their other establishments. Mr. Fornek explained they would not operate outside their regular business model. He explained the expansion would include the addition of a tasting room which would be a 700 square foot glass enclosure that is completely visible. He explained this location would be used for consumer education, staff education, and a location for distributors to provide samples and present their products.

Commissioner Renner inquired if staff was BASSET trained.

Mr. Fornek responded that all staff are BASSET trained. He also noted that if there was a sample of alcohol offered, at least one BASSET trained manager supervises the tasting.

Mr. Boyle asked for a representative to contact the Legal Department in respect to tastings to ensure the tasting room would not operate outside of the State of Illinois laws. He also noted if Binny's decided to expand further in the future, that they should contact the City of Bloomington beforehand.

Mr. Fornek apologized for the delayed contact with City staff and expressed it would not happen again.

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

Commissioner Powell made a motion, seconded by Commissioner Renner, to positively approve the application to the City Council contingent upon the compliance with all building, health, and safety codes.

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

Ayes: Commissioners Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 9. First appearance on Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main Street, on a Complaint and Citation alleging violation of Chapter 6, Section 37(e)(12) of the Bloomington City Code for failure to pay City of Bloomington Food and Beverage taxes, as requested by the Legal Department.

Tayah Minniefield, Owner, and Rich Marvel, Attorney for Drifters, after being sworn, addressed the Commission.

Mr. Boyle provided background on the item that included the verbal contacts with the establishment and legal representation, as well as the process the Legal Department undertook to formally notify the establishment of their unpaid taxes.

Mr. Marvel stated he believed the unpaid taxes were the result of a learning curve for the new ownership. He stated he did not have knowledge of the contact from the City with the establishment prior to his involvement. He detailed his contact with the City and his client after the violation notification was received. Mr. Marvel stated he believed the owner had misconceptions regarding their tax obligations for the State and City.

Commissioner Renner asked for explanation of the confusion.

Mr. Marvel stated he was unsure, but believed it was due to an internal process which was not established with their accounting platform. He offered the confusion could also have been the use of an out of town accounting firm that failed to operate as anticipated. Mr. Marvel explained the establishment was in the process of cleaning up the accounting issues. Mr. Marvel stated his client could make a payment for the fine and set up a payment plan for taxes owed after the Commission Meeting.

Mr. Boyle stated the City did not have an exact amount of taxes owed as a return had not been filed since the establishment opened. He explained a representative from the Finance Department was present and could testify to an estimated amount owed based on what the premise sold during an equivalent time last year.

Commissioner Renner asked Mr. Boyle for an approximate amount of owed taxes.

Mr. Boyle responded the establishment owed approximately \$4,000.

Commissioner Renner explained liquor violation fines increase with subsequent violations. He expressed his belief that with the amount of taxes owed in conjunction with a first offense, a \$600 fine would be appropriate.

Mr. Boyle stated the Legal Department requested a higher fine as the establishment did not settle by the Commission date as stated in the violation notification.

Commissioner Renner asked Ted Kozinski, Financial Services Manager, to address the Commission and inquired on the approximate amount owed.

Mr. Kozinski, after being sworn, informed the Commission the establishment owed approximately \$4,000.

Commissioner Renner asked Mr. Kozinski if the establishment owed additional fees or fines for transgressions other than the previously mentioned.

Mr. Kozinski stated they only owed food and beverage taxes.

Commissioner Renner asked Mr. Boyle for additional information on the fine and potential fine increase.

Mr. Boyle stated the \$600 fine was assessed to the establishment to have been paid before the Liquor Commission. He explained that since the establishment failed to do so, the Legal Department requested the fine be increased to \$1,000 in addition to the payment of owed taxes due to the additional staff preparation time.

Commissioner Renner asked Mr. Marvel the reason the establishment did not contact the Legal Department before the meeting to settle the violation.

Mr. Marvel responded that he was unsuccessful in contacting Ms. Minniefield.

Commissioner Renner asked Commissioner Powell if she had any comments.

Commissioner Powell had no concerns.

Commissioner Renner informed the licensee they would not receive the increased fine of \$1,000 this time, but the Liquor Commission would not be as lenient with any type of violation in the future. He informed them the fine would be \$600 and reminded if a violation is received in the future, contact with the Legal Department is required. Commissioner Renner confirmed with the licensee's counsel the taxes and fine would be resolved.

Mr. Marvel confirmed the taxes and fine would be fully paid before the next Liquor Commission Meeting.

Commissioner Renner made a motion, seconded by Commissioner Powell, to continue the item so the taxes, interest and penalties may be paid in full before the next Liquor Commission Meeting.

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

Ayes: Commissioners Powell and Renner.

Nays: None.

Motion carried.

The following was presented:

Old Business

New Business

Commissioner Renner asked the Commission and Mr. Boyle to consider potential solutions on how to make the deadlines for license renewal clearer to the licensees in order to combat the confusion by business owners during the 2020 renewal season. He stated they will discuss further at the next Liquor Commission Meeting.

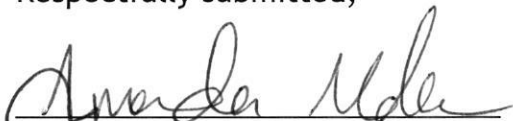
Adjournment

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

Motion carried unanimously (viva voce).

The meeting adjourned at 4:29 p.m.

Respectfully submitted,


Amanda Mohan, Deputy City Clerk