



MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, MAY 12, 2020, 4:00 P.M.

This meeting was conducted under Governor Pritzker's Executive Order 2020-07, Section 6 implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Liquor Commission convened in Regular Session both in-person in City Hall's Council Chambers and virtually via zoom conferencing at 4:00 p.m., Tuesday, May 12, 2020. The meeting was called to order by Commissioner Tari Renner.

Roll Call

Attendee Name	Title	Status	Arrived
Tari Renner	Commissioner	Remote	
Jim Jordan	Commissioner	Remote	
Lindsey Powell	Commissioner	Remote	

Staff Advisors

Staff Present	Title	Status	Arrived
Amanda Mohan	Deputy City Clerk	Remote	
George Boyle	Asst. Corporation Counsel	Remote	
Gregory Scott	Asst. Police Chief	Remote	

Public Comment

Commissioner Renner opened the meeting to receive public comment. Ms. Mohan confirmed there were no registrations for public comment.

Agenda

The following item was presented:

Item 4. Consideration and action to approve Minutes from the March 10, 2020 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

Commissioner Jordan motioned, seconded by Commissioner Powell, to approve the Minutes from the March 10, 2020 Regular Liquor Commission Meeting as presented.

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

AYES: Powell, Jordan, Renner

Motion carried.

The following item was presented:

Item 5. Public Hearing and action on the Application of Bloomington Normal Sunrise Rotary, requesting a Class LB, (Limited Beer and Wine Only, and Sunday Sales) liquor license, for their annual Brats and Bags event on Friday, August 7, 2020, located in Downtown Bloomington, as requested by the City Clerk Department.

The following Commissioners were present for the Public Hearing: (1) Renner; and (2) Jordan.

Commissioner Powell recused herself from the vote as she was a member of the applicant organization at 4:02 p.m.

Commissioner Renner opened the Public Hearing at 4:03 p.m.

Kristen Kubsch, Representative of the Bloomington Normal Sunrise Rotary Club, after being sworn in, addressed the Commission. She explained the organization decided to move forward with the event with some contingencies. She went on to explain they would hold a brat lunch and a bags tournament in the evening.

Commissioner Jordan confirmed the hours of the event. Ms. Kubsch stated the lunch portion would be from 11:00 a.m. until 2:00 p.m. and liquor service would begin at 4:30 p.m. through the bags event from 5:00 p.m. until 10:00 p.m.

Commissioner Renner asked if anyone had registered to speak for or against the applicant. Ms. Mohan confirmed none had registered.

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

Mr. Boyle suggested if the Commission motioned to approve any items during the meeting, they should be contingent upon compliance with all building, health and safety codes and consistent with Executive Orders relating to public gatherings.

Commissioner Jordan motioned, seconded by Commissioner Renner, to positively recommend to Council the approval of the license as presented contingent upon compliance upon compliance with all building, health and safety codes and consistent with Executive Orders relating to public gatherings.

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

AYES: Jordan, Renner

RECUSED: Powell

Motion carried.

Commissioner Powell returned to the meeting at 4:06 p.m.

The following item was presented:

Item 6. Public Hearing and action on the Application of Lil Beaver Brewery, LLC, d/b/a Lil Beaver Brewery, located at 16 Currency Dr., Unit 2, requesting to redefine their approved area for consumption with a permanent extension of premise to allow an Outdoor Service and Consumption Area, as requested by the City Clerk Department..

Commissioner Renner opened the Public Hearing at 4:06 p.m.

The following Commissioners were present for the Public Hearing: (1) Renner; (2) Jordan; and (3) Powell.

Chad Bevers, one of the Owners of Lil Beaver Brewery, after being sworn in, addressed the Commission. He explained the establishment was previously approved for a patio on the west side of the building, but with no permanent structure, the patio received excessive sun exposure. He went on to explain through business expansion and with new business partners, opportunities presented to improve the patio. Mr. Bevers stated his business partners purchased the land the brewery was on that included an empty lot to the east. They acquired permits to build a larger patio on the east side of the building which included fencing and ample shade.

Commissioner Powell confirmed the outdoor area closed at 9:00 p.m. on weekdays and 10:00 p.m. on weekends. Mr. Bevers confirmed the establishment did not stay open past 11:00 p.m. as their clientele was trended toward the afternoon and early evening crowd.

Commissioner Powell asked if live music would be enjoyed. Mr. Bevers stated the establishment typically did not have live music outdoors, but occasionally held parking lot parties for which they sought approval beforehand. He explained they wanted to be respectful of their neighbors.

Mr. Boyle asked what the outdoor seating capacity would be. Mr. Bevers replied they anticipated seating for 40. Mr. Boyle asked if the entire area would be enclosed or partially enclosed. Mr. Bevers responded the area would be enclosed with gates to lock overnight.

Mr. Boyle stated the Legal Department had no prior issues with Lil Beaver Brewery.

Commissioner Renner asked if anyone had registered to speak for or against the applicant. Ms. Mohan confirmed the following individual registered to speak live: (1) Patrick King.

Mr. King, after being sworn in, address the Commission. He explained he had been a 13-year resident of the Currency Commons, which was near the establishment. He stated the brewery was a nice addition to the neighborhood but expressed concern with potential noise that could emanate from the patio. Mr. King referenced notable issues with two establishments on Wood Street and Maple Hill Road that resulted in multiple noise complaints. He explained he wanted to ensure this would not be a similar situation and the potential to add restrictions to consumption to the patio and on outdoor music.

Commissioner Renner asked Mr. Bevers if the patio was only on the east side. Mr. Bevers confirmed. Commissioner Renner asked if the establishment were to have live music, how late would it be enjoyed. Mr. Bevers responded the latest would be 10:00 p.m. He went on to explain that historically, with their clientele consisted mostly of a daytime crowd, and events usually finished before 9:00 p.m. and cleaned up by 10:00 p.m.

Commissioner Renner asked Mr. Boyle to confirm the time the City Noise Ordinance began. Mr. Boyle confirmed it began at 10:00 p.m. He suggested the possibility the Commission could condition the license to not allow amplified music after 10:00 p.m. Commissioner Renner stated Lil Beavery Brewery was located in a primarily commercial and noted some of the concerns could be balanced.

Commissioner Powell believed since there were no issues with Lil Beaver Brewery's past events and the establishment typically not extending hours of operation past 10:00 p.m., noise should not be an issue.

Commissioner Renner asked Mr. Boyle if Lil Beavery Brewery had any past issues. Mr. Boyle responded he was not aware of any issues or citations from the Legal Department.

Chief Greg Scott, after being sworn in, addressed the Commission and stated the establishment did not have any liquor or noise complaints from the Police Department.

Commissioner Jordan asked Mr. King if he opposed a 10:00 p.m. closing time. Mr. King responded the time was reasonable and he was more concerned with a sustained noise from amplified music and patrons' voices. He went on to say he did not have any previous concerns with the establishment and his desire to maintain the quiet neighborhood.

Commissioner Renner asked if Mr. King had questions for Mr. Bevers. Mr. King did not.

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

Commissioner Powell motioned, seconded by Commissioner Jordan, to positively recommend to Council the approval of the Outdoor Service and Consumption Area as presented contingent upon compliance with all building, health and safety codes and consistent with Executive Orders relating to public gatherings.

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

AYES: Powell, Jordan, Renner

Motion carried.

The following item was presented:

Item 7. Public Hearing and action on the Application of ARJA Enterprises, d/b/a Las Margaritas Mexican Bar N Grill, to be located 3805 Bally Bunion Road, requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license, as requested by the City Clerk Department.

Commissioner Renner opened the Public Hearing at 4:19 p.m.

The following Commissioners were present for the Public Hearing: (1) Renner; (2) Jordan; and (3) Powell.

Commissioner Renner asked if anyone had registered to speak for or against the applicant. Ms. Mohan confirmed none had registered.

Arturo Reyes, Owner, after being sworn in, addressed the Commission. He explained the current establishment was in Mt. Zion and had been in business for three years.

Commissioner Renner asked if they had any liquor violations for underage consumption. Mr. Reyes confirmed they did not, and stated management enforced BASSET certifications for staff.

Commissioner Jordan asked the proposed hours of operation. Mr. Reyes replied they would be open Sunday to Thursday from 11:00 a.m. to 9:00 p.m. and Friday to Saturday from 11:00 a.m. until 10:00 p.m.

Commissioner Renner closed the Public Hearing at 4:22 p.m.

Commissioner Powell motioned, seconded by Commissioner Jordan, to positively recommend to Council the approval of the license as presented contingent upon

compliance with all building, health and safety codes and consistent with Executive Orders relating to public gatherings.

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

AYES: Powell, Jordan, Renner

Motion carried.

Mr. Reyes asked for specific details on a parking lot party for Cinco de Mayo. Commissioner Renner advised a one-time extension of premises for the event would need to be applied for well in advance.

Mr. Boyle asked if an outdoor consumption area was included in the proposed location. Mr. Reyes responded affirmatively. Mr. Boyle stated a temporary extension of premises could be requested for the event through the City Clerk Department and that Mr. Reyes would need to communicate with the neighbors before the event.

Chief Scott noted the floor plan of the proposed location included an outdoor consumption area where the previous business served food and beverages. He asked if Mr. Reyes intended to do the same. Mr. Reyes confirmed.

Mr. Boyle asked if the diagram submitted for approval included the outdoor consumption area. Mr. Reyes confirmed. Commissioner Renner confirmed the floor plan included the outdoor consumption area that was approved.

The following item was presented:

Item 8. Continued Hearing on Europe, Inc., d/b/a Chasers, located at 110 W. Washington Street, on a Complaint and Citation alleging violations of Chapter 6, Section 27(b) of the Bloomington City Code prohibiting minors in a tavern, as requested by the Legal Department.

Commissioner Renner asked Mr. Boyle to provide an update. Mr. Boyle explained the citations were for minors in a tavern. He went on to explain the parties have not reached an agreement yet, but the parties agreed to extend the hearing to the June 9, 2020 Liquor Commission Meeting. Commissioner Renner confirmed with Mr. Boyle the item was informational.

The following item was presented:

Item 9. First appearance on PSM Shell, Inc., d/b/a PSM Shell, located at 2401 E Oakland Ave., for failure to pay City of Bloomington Motor Fuel taxes in violation of Chapter 6, Section 37(e)(12) of the Bloomington City Code, as requested by Legal Department.

Commissioner Renner asked Mr. Boyle to provide background on the item. Mr. Boyle explained the monthly motor fuel taxes were not paid on time and the check was returned due to non-sufficient funds (NSF). He went on to explain a payment was made on May 11, 2020 that included the amount due as of April 13, 2020. Mr. Boyle reminded the Commission Chapter 6 Section E(12) of the City Code allowed a range of fines from \$250 to \$3,000 per day; however, historically the City did not enforce per diem fines for a first offense. He asked for time to accept testimony from a Finance Department representative.

Commissioner Renner and Mr. Boyle discussed public hearing procedures and decided individuals could testify after being sworn in.

Ted Kozinski, Financial Services Manager, after being sworn in, addressed the Commission. Mr. Boyle asked Mr. Kozinski if he was familiar with payments made for motor fuel taxes. Mr. Kozinski responded affirmatively. Mr. Boyle asked if PSM Shell paid February motor fuel tax by the due date. Mr. Kozinski responded PSM Shell initially paid on time; however, the check was returned for non-sufficient funds (NSF) after the deadline. Mr. Boyle asked if PSM Shell was informed of the NSF and if so, how. Mr. Kozinski responded the establishment was informed via email. Mr. Boyle confirmed with Mr. Kozinski the February tax payments were due March 25, 2020. He then asked when PSM Shell was informed. Mr. Kozinski stated did not have the exact date. Mr. Boyle asked if it was a fair assumption notice was given prior to April 13, 2020. Mr. Kozinski responded affirmatively. Mr. Boyle asked for a total amount of taxes owed and how the total was determined. Mr. Kozinski responded the total owed was \$7,037.70 and was determined by the principal less the 1% discount plus interest for two months, standard late fee, and NSF fee. Mr. Boyle confirmed with Mr. Kozinski \$7,037.70 included penalties and interest from March 25, 2020 to present. He then asked if \$7,037.70 included a fine assessed by the Liquor Commission. Mr. Kozinski responded it did not.

Commissioner Renner asked Mr. Kozinski how much of the \$7,037.70 was a penalty. Mr. Kozinski stated the 5% late fee was \$323.62. Commissioner Renner confirmed the tax payment due date and then asked the amount of payment made on May 11, 2020. Mr. Kozinski responded the City received payment of \$6,909.55. Commissioner Renner asked the reason the payment was less than \$7,037.70. Mr. Kozinski stated \$6,909.55 was the amount stated in the Complaint and Citation from the Legal Department.

Mr. Boyle clarified the Complaint stated \$6,909.55 was the total as April 13, 2020.

Commissioner Renner reiterated the statements provided.

Mr. Boyle clarified the \$6,909.55 of the unpaid taxes, interest, and penalties that were paid covered through April 13, 2020, but it was the City's position the unpaid taxes, interest, and penalties from April 14, 2020 through May 11, 2020 were not paid plus a fine that could be assessed by the Commission.

Suresh Metha, one of the Owners of PSM Shell, after being sworn in, addressed the Commission. He stated due to COVID-19, their establishment has been significantly affected. He went on to state the check was returned because it was slightly less. He stated since the check was returned, he received the Complaint and Citation that PSM Shell needed to pay \$6,909.55 by May 12, 2020 to take care of all and unpaid taxes, interest, and penalties. Mr. Matha explained it was paid on May 11, 2020. He asked for leniency and requested a penalty not be assessed as they were struggling. He stated money collected went to pay bills.

Commissioner Renner stated the Commission sympathized with businesses affected by COVID-19; however, less taxes were owed if less business was conducted. He explained the money owed were funds collected from customers and non-payment was against the law. Commissioner Renner stated in addition to the amount owed, staff and Commissioners time were spent to settle this matter. He stated it was unfair to not assess a fine to an establishment that did not pay their taxes on time when other establishments did.

Commissioner Jordan stated PSM Shell used the funds collected from customers for other expenses and believed they should be required to pay fines and a penalty.

Commissioner Powell agreed with her fellow Commissioners that the establishment must pay the required fines and penalties.

Commissioner Renner explained to Mr. Metha the City could charge up to \$3,000 per day for non-payment, but since it was a first offense, they would not assess such a large penalty. He explained historically the minimum fine was \$600 per transgression.

Commissioner Renner asked Mr. Metha to respond about the NSF check and significant late payment. Mr. Metha stated his confusion as he believed payment was required before May 12, 2020 and expressed he would have made payment by April 13, 2020 if he was made aware. Commissioner Renner reminded him tax payments were due March 25, 2020 which was two weeks before the Citation was dated, and May 12, 2020 was listed as the Liquor Commission date. Mr. Metha apologized for the misunderstanding.

Commissioner Renner asked Mr. Boyle for additional comments. Mr. Boyle stated on Saturday, May 9, 2020 and Monday, May 11, 2020 Mr. Metha was informed of the remainder of the unpaid taxes, delinquencies and interest that began April 13, 2020 with the additional settlement of a \$600 fine, to which Mr. Metha disagreed.

Commissioner Renner stated PSM Shell was offered a settlement but did not accept, and a hearing was required so the fine would not be the same. He proposed a fine of \$900 in addition to the payment of unpaid taxes, delinquencies and interest to be paid within 60 days. Commissioner Powell and Commissioner Jordan agreed the assessment was fair.

Old Business

No old business was discussed.

New Business

No new business was discussed.

Adjournment

Commissioner Jordan made a motion, seconded by Commissioner Powell, that the meeting be adjourned.

Motion carried (viva voce).

The meeting adjourned at 4:55 p.m.



Amanda Mohan, Deputy City Clerk