



MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, DECEMBER 8, 2020, 4:00 P.M.

This meeting was conducted under Governor Pritzker’s Executive Order 2020-07, Section 6, which was reissued and extended by Executive Order 2020-74, and 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 virtually via Zoom conferencing with Jeff Jurgens, Corporation Counsel, and Amanda Mohan, Deputy City Clerk, in-person in City Hall’s Council Chambers and virtually via Zoom conferencing at 4:01 p.m., on Tuesday, December 8, 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	Absent	

Staff Advisors

Staff Present	Title	Status	Arrived
Amanda Mohan	Deputy City Clerk	Present	
Jeff Jurgens	Corporation Counsel	Present	
George Boyle	Asst. Corporation Counsel	Remote	
Timothy McCoy	Assistant Police Chief	Remote	

Public Comment

Commissioner Renner opened the meeting to receive public comment. Amanda Mohan, Deputy City Clerk, informed the Commission that the following individuals had registered for public comment: (1) Bill Bentley; (2) Jon Reed; and (3) Jennifer Wilkes. Both Skyler Marmolejo and Grant Jones registered to speak live but were not present during public comment and Carley Cotner submitted emailed public comment.

The following item was presented:

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

Commissioner Jordan made a motion, seconded by Commissioner Renner, that the November 10, 2020 Regular Liquor Commission meeting minutes be approved as presented.

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

AYES: Jordan, Renner

Motion carried.

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

The following item was presented:

Item 5. Public Hearing and action on the request from Green Top Grocery Cooperative, d/b/a Green Top Grocery, located at 921 E. Washington St., who is requesting a change in classification from a Class PBS (Package, Beer and Wine Only, and Sunday Sales) to a Class PAS (Package, All Types of Alcohol, and Sunday Sales) liquor license, as requested by the City Clerk Department.

The following Commissioners were present for the Public Hearing: Jordan and Renner.

Commissioner Renner opened the public hearing at 4:12 p.m. and asked if there was anyone registered to speak against the application. Ms. Mohan responded that no individuals registered to speak against the application.

Nicholas Walters, General Manager of Green Top Grocery, after being sworn, addressed the Commission. He explained how Green Top Grocery benefited the local economy by supporting local businesses and selling their goods. He informed the Commission that the increase in the liquor license classification would allow them to increase local participation and expand into crafted and artisanal spirits from Illinois-owned businesses and businesses from regional states. He stated that crafted and artisanal spirits were not offered in the regional area around Green Top Grocery. Mr. Walters concluded that Green Top Grocery's main objective were to find ways to increase revenue, mitigate operational costs and to find opportunities to impact the community in a unique way.

Commissioner Renner asked if there would be changes in the operations if the increase was awarded. Mr. Waters confirmed operations would not change.

Commissioner Jordan asked if there were other motivations besides the potential to increase profitability. Mr. Walters responded that the ability to offer spirits would increase Green Top Grocery's marketing ability and allow them to offer a line of products that were not offered in the area. He also noted that Green Top Grocery would continue to remain focused on local products and local vendors.

Commissioner Jordan expressed concern with providing routes of sales for packaged license types while on premises license types could not operate to the fullest extent.

George Boyle, Asst. Corporation Counsel, asked Mr. Walters to state the position with Green Top Grocery. Mr. Walters responded that he was the General Manager.

Mr. Boyle stated that the Legal Department had no additional concerns.

Commissioner Renner asked if anyone had registered to speak against the application. Ms. Mohan confirmed no one had registered.

Commissioner Renner closed the public hearing at 4:18 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Renner, that the application be sent with a positive recommendation to Council for consideration. License creations are contingent upon compliance with all building, health, and safety codes.

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

AYES: Jordan, Renner

Motion carried.

The following item was presented:

Item 6. Public Hearing and action on the request from Braize, LLC, d/b/a Braize, to be located at 1406 E. Empire St., who is requesting to a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) liquor license, as requested by the City Clerk Department.

The following Commissioners were present for the Public Hearing: Jordan and Renner.

Commissioner Renner opened the public hearing at 4:18 p.m. and asked if there was anyone registered to speak for or against the application. Ms. Mohan responded that besides the business representative, no individuals registered to speak for or against the application.

Brandon Leach, Owner of Braize, after being sworn, addressed the Commission.

Commissioner Renner asked how the license would affect the business.

Mr. Leach explained he closed the previous location to open at the new, closer and more favorable, location. He explained the 1406 E. Empire St. location was more favorable to a carry-out environment.

Commissioner Renner asked if there were any changes to BASSET certifications. Mr. Leach responded that his certification was still valid, and he would ensure that all staff held valid BASSET and ServeSafe certifications.

Commissioner Jordan stated that the applicant was under the same COVID-19 rules as the other establishments of Bloomington. Mr. Leach stated he understood.

Mr. Boyle stated that there were no violations at the previous location and that the Legal Department did not have any additional concerns.

Commissioner Renner closed the public hearing at 4:21 p.m.

Commissioner Jordan made a motion, seconded by Commissioner Renner, that the application be sent with a positive recommendation to Council for consideration. All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

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

AYES: Jordan, Renner

Motion carried.

Commissioner Renner stated he believed there were several settlements and asked Mr. Boyle to provide an update on the remaining items.

Mr. Boyle stated some of the establishments listed on the agenda had admitted to the violation of Chapter 6 Section 37(E)(3) and Chapter 6 Section 37(E)(4) which required compliance with State law and health regulations in that they violated Executive Orders #2020-69 and #2020-73 which prohibited indoor dining. The following establishments agreed to pay \$400.00 in settlement, all of which have paid on their violations before the meeting: (1) Applebees; (2) Cheek's Bar and Grill; (3) Parkview Inn; (4) Eastland Suites; and (5) Garden of Paradise.

The following item was presented:

Item 7. Public Hearing: First appearance on a Complaint and Citation issued to Al Sagri Group, LLC, d/b/a Garden of Paradise, located at 1412 E. Empire St., as requested by the Legal Department.

The following item was presented:

Item 8. Public Hearing: First appearance on a Complaint and Citation issued to Richard Services, Inc. d/b/a Parkview Inn, located at 1003 S. Morris Ave., as requested by the Legal Department.

The following item was presented:

Item 9. Public Hearing: First appearance on a Complaint and Citation issued to Eastland Suites-Bloomington, LLC, d/b/a Eastland Suites, located at 1801 Eastland Drive, as requested by the Legal Department.

The following item was presented:

Item 10. Public Hearing: First appearance on a Complaint and Citation issued to BayMT, Inc. d/b/a Western Tap, located at 1301 N. Western Ave., as requested by the Legal Department.

The following Commissioners were present for the Public Hearing: Jordan and Renner.

Tom Devore, attorney representing Western Tap, addressed the Commission and noted that Jason Taylor, Owner of Western Tap, was also present.

Commissioner Renner stated that a formal hearing would not be held during the meeting and asked Mr. Devore if Western Tap would be pleading to the violation or stipulating a hearing.

Mr. Boyle stated for the record that the Legal Department had discussed the potential settlement with Mr. Devore but had not received a response.

Mr. Devore asked for a brief moment to confer with his client on the potential settlement.

Commissioner Renner granted the request.

Mr. Devore returned and requested additional time to discuss the potential settlement with his client in greater detail and, if his client declined the settlement, then requested to appear on the following meeting.

Commissioner Renner determined a hearing be held at a Special Liquor Commission meeting on Tuesday, December 15, 2020 at 4:00 for Western Tap if an agreement was not reached beforehand.

The following item was presented:

Item 11. Public Hearing: First appearance on a Complaint and Citation issued to LKH, Inc., d/b/a Cheeks Bar & Grill, located at 1206 Towanda Ave., as requested by the Legal Department.

The following item was presented:

Item 12. Public Hearing: First appearance on a Complaint and Citation issued to Apple Bloomington, LLC, d/b/a Applebee's, located at 502 N. Veterans Parkway, as requested by the Legal Department.

The following item was presented:

Item 13. Public Hearing: First appearance on a Complaint and Citation issued to Ted J, LLC, d/b/a Joe's Pub, located at 3907 General Electric Rd., Unit 2, as requested by the Legal Department.

The following Commissioners were present for the Public Hearing: Jordan and Renner.

Anthony Wargo, Representative of Joe's Pub, addressed the Commission.

Commissioner Renner reiterated that a formal hearing would not be held during the meeting and asked Mr. Wargo if Joe's Pub would be pleading to the violation or stipulating a hearing.

Mr. Wargo stated he understood from the Compliant and Citation that he was to appear at the meeting and state why Joe's Pub should not be fined or reprimanded. He explained he prepared a statement he wished to make.

Commissioner Renner apologized for the confusion and explained that at present, a hearing would not be held and that the first appearance was to stipulate if the establishment agreed or disagreed. Commissioner Renner explained that if Mr. Wargo disagreed, then a hearing would be held at a future meeting.

Mr. Wargo requested a moment to discuss a decision with the other owners.

Commissioner Renner granted the request and apologized for the miscommunication.

Mr. Boyle stated that he was contacted by Attorney Richard Marvel who stated he would represent Joe's Pub and that Mr. Marvel was advised of the hearing process.

Mr. Wargo stated that a conversation was had with Mr. Marvel on the complaint and citation but that it was determined that his representation was not needed at present.

Commissioner Renner reiterated that the first appearance was the equivalent to a preliminary hearing where the establishment either stipulated to the facts or a formal hearing was required.

Mr. Jeff Jurgens clarified that the Agenda listed the item as a first appearance and stated the Commission could allow a brief statement along with plea.

Commissioner Renner stated that the Commission would permit a brief statement.

Mr. Wargo stated that up until the most recent Executive Order by Governor Pritzker, Joe's Pub has adhered to the recommendations set forth by the CDC, IDPH, and McLean County Health Department. He stated ownership worked with the McLean County Health Department to remain open including the requirement that all both back of the house and front of the house staff were required to wear masks in addition to all interactions with customers. He stated that, in addition to the requirement of masks for customers, staff have worked tirelessly to ensure the highest quality of sanitation. He went on to explain additional precautions implemented for seating restrictions. Mr. Wargo then stressed that Joe's Pub continued to do their part to stop the spread of COVID-19 and argued that they did so in order to provide a safe place for their staff and customers.

Mr. Boyle stated that Mr. Wargo's statement seemed to be a request for a hearing and Mr. Jurgens advised a statement could be made along with a plea.

Mr. Wargo stated his belief that there was more to his statement but did not agree to the violation and citation.

Commissioner Renner determined a hearing would be held at a Special Liquor Commission meeting on Tuesday, December 15, 2020 at 4:00 for Joe's Pub where they could make their case.

The following item was presented:

Item 14. Continued Public Hearing on a Complaint and Citation issued to Mickey's Kitchen, Inc. d/b/a Mickey's Kitchen, located at 1709 S. Veterans Parkway, Suite A, as requested by the Legal Department.

Commissioner Renner asked Mr. Boyle for an update on the item.

Mr. Boyle stated that a payment had been received for taxes and that there were ongoing investigations. He asked for the item to be tabled to next regular Liquor Commission meeting.

Commissioner Jordan made a motion, seconded by Commissioner Renner, that the item be tabled until the next regularly scheduled Liquor Commission meeting.

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

AYES: Jordan, Renner

Motion carried.

Old Business

No old business was discussed.

New Business

No new business was discussed.

Adjournment

Commissioner Jordan, seconded by Commissioner Renner, motioned to adjourn the meeting.

Motion carried (viva voce).

The meeting adjourned at 4:36 p.m.



Amanda Mohan, Deputy City Clerk