



MINUTES
REGULAR SESSION LIQUOR COMMISSION
TUESDAY, MAY 11, 2021, 4:00 P.M.

This meeting was conducted under Governor Pritzker’s Executive Order 2020-09 §6, which was reissued and extended by Executive Order 2021-09. The Order, 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 4:03 p.m., on Tuesday, May 11, 2021. The meeting was called to order by Commissioner Mboka Mwilambwe.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Commissioner	Remote	
Jim Jordan	Commissioner	Remote	
Lindsey Meister	Commissioner	Remote	

Staff Advisors

Staff Present	Title	Status	Arrived
Amanda Mohan	Deputy City Clerk	Present	
Jeff Jurgens	Corporation Counsel	Present	
George Boyle	Asst. Corporation Counsel	Present	4:07 p.m.
Timothy McCoy	Assistant Police Chief	Remote	

Public Comment

Commissioner Mwilambwe opened the meeting to receive public comment. Amanda Mohan, Deputy City Clerk, informed the Commission that no individuals had registered speak live and no emailed public comment was received.

The following item was presented:

Agenda Item 4. Consideration and action to approve Minutes from the April 13, 2021 Regular Liquor Commission Meeting, as requested by the City Clerk Department.

Commissioner Meister motioned, seconded by Commissioner Jordan, to approve the Consent Agenda as presented.

Amanda Mohan, Deputy City Clerk, informed the Commission of a correction to the motion for Agenda Item 8 in the minutes from the February 9, 2021 minutes. The Commission accepted the amendment.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

The following item was presented:

Agenda Item 5. Public Hearing and action on the request from 8 Bit II, Inc., d/b/a Which Craft? Bottle Shop, to be located at 315 N. Main St., requesting a Class TBPS (Tavern, Beer and Wine Only, Package and Sunday Sales) liquor license, as requested by the City Clerk Department.

Commissioner Mwilambwe introduced the item provided an overview of the order of proceedings.

George Boyle, Assistant Corporation Counsel, replaced Jeff Jurgens, Corporation Counsel, as the Legal Department representative at 4:07 p.m.

Commissioner Mwilambwe opened the public hearing at 4:07 p.m.

Jason Pacey, Owner of 8 Bit II, Inc., after being sworn, addressed the Commission. He explained a bottle shop business model where a small number of seats would be available at a bar, but the majority of the space would be designated for to-go high-end craft beer coolers. He noted that craft beer would be available for purchase for to-go or, for a sur-charge, the customer could drink purchased alcohol at the bar. Mr. Pacey went on to explain that there would be 8-16 drafts and customers could purchase growlers to-go as well. He explained that while they applied for a tavern license, the majority of their revenue would be from retail.

Commissioner Mwilambwe opened the meeting to receive public comment for the application. Ms. Mohan stated one emailed comment was received and provided to the Commission from Jan Lancaster.

Commissioner Jordan noted an agreement for the 300 and 400 blocks of Center St. where the residents were not in favor of another liquor license in the area. Commissioner Mwilambwe was not familiar with an agreement and deferred to Mr. Boyle.

Mr. Boyle reported that no such agreement was in found in writing and provided additional background on the situation referred to by Commissioner Jordan and Ms. Lancaster's email. He explained that the Commission expressed concern of the menu items and the location by the then applicant; however, there was no ruling on the area. He went on to state that there were residences in close proximity and a number of notices were mailed but, that he was not aware of an agreement.

Commissioner Jordan noted that a previous Commission denied the application due to the location and that there was some controversy on location at that time.

Mr. Boyle asked if Commissioner Jordan had any questions for the current Applicant.

Commissioner Jordan asked the hours of operation. Mr. Pacey responded that the establishment would open at 1:00 p.m. on weekdays and at 12:00 p.m. (noon) on weekends with a daily closing time of 9:00 p.m.

Commissioner Jordan expressed concern about the types of alcohol offered under the tavern classification and the potential to extend the hours of operation. Mr. Pacey responded that they applied for a beer and wine only classification.

Mr. Boyle confirmed the classification, and that the Applicant would have to request a change in classification if they wished to alter it. He also noted that if there was a significant change in the size of premises, an application would also be required to redefine the premises.

Commissioner Jordan expressed concern about the number of seats available at the bar. Mr. Pacey responded that the establishment would have a 10-20 capacity.

Commissioner Meister had no issues with the applications. She noted familiarity with bottle shops and the relatively small size of the proposed business. She also believed that the proposed hours of operation were reasonable. She asked if staff would be BASSET trained. Mr. Pacey confirmed.

Commissioner Meister confirmed with Mr. Pacey that he also owned two other establishments with liquor licenses in Peoria and Washington, IL. She then expressed her belief that the proposed business would be a great addition to Downtown Bloomington and create more diversity of offerings.

Commissioner Mwilambwe asked Mr. Pacey to expand on the unique offerings of the proposed establishment. Mr. Pacey explained that they would only offer high-end craft beer, ciders, and meads and that there would be no domestics or low-end offerings. He explained that he traveled the State to bring in offerings that even Binny's doesn't offer.

Commissioner Mwilambwe asked if music would be offered. Mr. Pacey confirmed only the standard store background music would be played.

Commissioner Jordan confirmed the seating capacity of 10 at the bar and 10 at other tables. Mr. Pacey confirmed. Commissioner Jordan then expressed interest in making the hours of operation a condition on the license.

Mr. Boyle briefly discussed the potential license condition.

Commissioner Mwilambwe asked Mr. Boyle to discuss the addition and removal processes of license conditions. Mr. Boyle elaborated, noting a license condition could be suggested by the Commission and Council would need to approve. He stated that a hearing would be held if the Applicant applied to lift or modify any license condition. He noted what would be discussed at such a hearing. He clarified that he was not advising to place a condition on the license only explaining the process if the Commission chose to implement one.

Mr. Pacey asked if the Commission was concerned with the opening or closing time. Commissioner Jordan responded that he was concerned with the closing time.

Commissioner Mwilambwe asked Mr. Pacey if the business' hours of operation would be extended past 9:00 p.m. Mr. Pacey confirmed that they would not because their business model focused on retail sales.

Commissioner Jordan asked Mr. Pacey if he anticipated retail sales to far exceed bar sales. Mr. Pacey confirmed.

Commissioner Mwilambwe asked for additional details Mr. Pacey's other establishments. Mr. Pacey responded that he had an 8 Bit Arcade Bar in Peoria, IL and a restaurant in Washington, IL.

Mr. Boyle asked if the other establishments had any liquor violations. Mr. Pacey reported that the Peoria location had one service of underage patron three years ago but that there had not been any since nor had there been any violations at the Bloomington location.

Mr. Boyle confirmed that there had not been any violations in Bloomington at Mr. Pacey's past establishment. He then asked how many employees would be on staff. Mr. Pacey responded that one employee would be on staff in addition to himself.

Commissioner Jordan asked Mr. Pacey if he had any intention of adding video gaming machines to this establishment. Mr. Pacey responded absolutely not.

Commissioner Mwilambwe opened the meeting to receive public comment against the application. Ms. Mohan confirmed no one had registered to speak against the application.

Commissioner Mwilambwe closed the public hearing at 4:25 p.m.

Commissioner Meister motioned, seconded by Commissioner Jordan, to approve the change in classification as presented.

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

Ms. Mohan stated for clarification that no conditions were placed on the license.

AYES: Jordan, Meister, Mwilambwe

Motion carried.

The following item was presented:

Agenda Item 6. Public Hearing and action on the request from Texas Roadhouse Holdings, LLC, d/b/a Texas Roadhouse, to be located at 1713 E. Empire St., requesting a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) liquor license, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:27 p.m.

Nicole Levesque, Attorney on behalf of Texas Roadhouse Holdings, LLC, after being sworn, addressed the Commission. She noted that Chris Hernan, Managing Partner of Texas Roadhouse Holdings, LLC, also joined her and may have additional comments on the application. Ms. Levesque explained that the establishment would be a new build in Bloomington and that it was part of a well-known steakhouse chain with about 600 locations in the United States. She explained that the premises would have 320 seats, including a large dining area with a separate bar space with 55 seats in the bar area. She explained the robust alcohol offerings that would be similar to their other locations. Ms. Levesque stated that, while this location did not initially intend to offer delivery, there would be a curbside pick-up area; however, the establishment only intended to offer food, not alcohol, in the pick-up area. She explained that Texas Roadhouse typically had 8-9% alcohol sales revenue. She stated that all employees must be BASSET trained and that employees were not allowed to be on the floor until each obtained their TIPS training. She noted Texas Roadhouse had a robust in-house training program and asked Chris Hernan to elaborate on the training program.

George Boyle, Asst. Corporation Counsel, asked for one person to address the Commission at a time. Ms. Levesque noted that their presentation wouldn't be complete until Mr. Hernan was able to make comments. She then welcomed questions.

Commissioner Meister had no concerns with the application.

Commissioner Jordan asked for a confirmation of the hours of operation. Ms. Levesque stated that she believed the hours of operation were Monday - Thursday 10:00 a.m. to 4:00 p.m., Friday - Saturday 10:00 a.m. to 11:00 p.m., and Sunday from 11:00 a.m. to 11:00 p.m.

Mr. Boyle had no questions.

Chris Hernan, Managing Partner of Texas Roadhouse Holdings, LLC, after being sworn, addressed the Commission. He corrected that the Bloomington location would have similar

hours of operation to other locations in Central Illinois in that it would not be open for lunch during the week. He explained that they would open at 4:00 p.m. on weekdays, 11:00 a.m. to 11:00 p.m. on Saturdays, and 11:00 a.m. to 10:00 p.m. on Sundays. He stated that their hours of operation would be similar to the Outback Steakhouse across the street with the exception of lunch. Mr. Hernan went on to reiterate that Texas Roadhouse had a very extensive alcohol training program and that every employee that serves alcohol must complete annually.

Commissioner Mwilambwe asked for additional details on the annual training. Mr. Hernan explained that the program was an online training course that was modeled after the BASSET training. He noted that employees must obtain an almost perfect score in order to pass the certification.

Commissioner Jordan asked how employees verified a customer's age. Mr. Hernan responded that employees verified based on a customer's driver's license, military I.D., state I.D., or passport.

Commissioner Meister had no additional questions.

Mr. Boyle asked Mr. Hernan if he lived in Bloomington or if there would be a local manager. Mr. Hernan explained that the current management team was built from managers at the surrounding Texas Roadhouse locations. He noted that he currently resided in Morton, IL but that he had two managers that lived in, or just outside of, Bloomington.

Commissioner Mwilambwe opened the meeting to receive public comment for or against the application. Ms. Mohan informed the Commission that no individuals had registered speak live and no emailed public comment was received.

Commissioner Mwilambwe closed the public hearing at 4:38 p.m.

Commissioner Jordan motioned, seconded by Commissioner Meister, to positively recommend the creation of the license to the City Council.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

The following item was presented:

Agenda Item 7. Continued Sanctions Hearing on a Complaint and Citation (#2021-003) issued to Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main St., as requested by the Legal Department.

Commissioner Mwilambwe asked George Boyle, Asst. Corporation Counsel, for an update on the item.

Mr. Boyle explained that, at the last hearing, an amended agreed order was issued ordering sanctions and that essentially, there were three parts to the sanctions. He explained that the item was continued to the May Commission meeting to monitor the compliance of the first portion of the sanctions, which it had been. Mr. Boyle explained that the first portion of the sanctions included a total fine of \$2,500, payment of the liquor license renewal fee in the amount of \$2,950, a \$290 late renewal fee, and the provision of supporting documentation of the license renewal. He reiterated that the first portion had been complied with.

Mr. Boyle then stated that the second portion of the sanctions included ½ payment of the outstanding delinquent food and beverage taxes, fees, penalties, and interest owed. He

requested a motion to continue the item to the next regularly scheduled meeting on June 8, 2021 for a continued sanctions hearing.

Commissioner Jordan motioned, seconded by Commissioner Meister, to continue this item until the June 8, 2021 for a continued sanctions hearing.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

The following item was presented:

Agenda Item 8. Continued 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 Mwilambwe asked George Boyle, Asst. Corporation Counsel, for an update on the item.

Mr. Boyle provided background on the item noting the issues of multiple businesses occupying the same premises and non-payment of taxes. He reported that an agreement had been made but that it had not been signed yet. He requested a motion to continue the item to the next regularly scheduled meeting on June 8, 2021.

Commissioner Meister motioned, seconded by Commissioner Jordan, to continue the item to the June 8, 2021 Liquor Commission meeting.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

Old Business

No old business was discussed.

New Business

Mr. Boyle noted a potential need for a special meeting and asked Ms. Mohan to address the Commission. Ms. Mohan reported that staff had received an application for an event to be held at the Miller Park Zoo and a special meeting may be needed so it could be considered by both the Commission and City Council before the event. She stated that staff continued to consider dates for the following week and more information would be sent to the Commission.

Adjournment

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

Motion carried (viva voce).

The meeting adjourned at 4:45 p.m.



Amanda Mohan, Deputy City Clerk