



**MINUTES
REGULAR LIQUOR COMMISSION MEETING
TUESDAY, AUGUST 10, 2021, 4:00 P.M.**

The Commission convened in regular session in the Government Center Chambers, 115 E. Washington Street at 4:00 p.m., Tuesday, August 10, 2021. The meeting was called to order by Commissioner Mboka Mwilambwe.

Roll Call

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

Staff Present	Title	Status	Arrived
Amanda Stutsman	Deputy City Clerk	Present	
George Boyle	Asst. Corporation Counsel	Present	
Timothy McCoy	Assistant Police Chief	Present	
Catherine Dunlap	Downtown Specialist	Present	
Chris McAllister	Building Official	Present	

Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person may register at www.cityblm.org/publiccomment at least 5 minutes before the start of the meeting.

Commissioner Mwilambwe opened the meeting for public comment. No individuals had registered to speak in-person and no emailed public comment was received.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by the Commission from the Consent Agenda for discussion are listed and voted on separately.

Commissioner Meister made a motion, seconded by Commissioner Jordan, that the Consent Agenda, including all items listed below, be approved as presented.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

Item 4.A. Consideration and action to approve the Minutes of the July 13, 2021, Regular Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Regular Agenda

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

The following item was presented:

Item 5.A. Consideration and action on the Request from Castle Productions, LLC, d/b/a The Castle Theatre for approval to operate under the Chapter 6, Section 133(D)(6) of the Bloomington City Code that permits Possession of Open Alcohol in Public for a concert to be held in Portions of Downtown Bloomington on Saturday, August 28, 2021, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:03 p.m.

Rory O'Connor, Owner of The Castle Theater ("Castle"), after being sworn, addressed the Commission. He explained the concert would be a ticketed event and was originally planned to take place in the Government Center parking lot, but they had moved it to the 200 block of N. Main St., similar to the Concerts on the Square concert series. He stated that the entire event area would be fenced in with security personnel at entrances to ensure that no alcohol was removed from the premises. He explained that all attendees aged 21 years or older would receive wrist bands.

Commissioner Mwilambwe asked if anyone would like to speak for or against the application. No individuals came forward.

Catherine Dunlap, Downtown Development Specialist, explained that the event would be set up after the Farmer's Market.

George Boyle, Assistant Corporation Counsel, had no concerns.

Commissioner Meister compared event to the Castle's previous events at the location.

Commissioner Jordan asked Mr. O'Connor to confirm the hours of the event. Mr. O'Connor confirmed it would be held from 6:00 p.m. to 11:00 p.m. and that the music would end by 10:30 p.m.

Commissioner Jordan then asked for additional information on entrances. Mr. O'Connor confirmed that security personnel would be posted at both entrances/exits which would be on opposite sides of the street.

Commissioner Mwilambwe asked how alcohol would be served. Mr. O'Connor responded that alcohol would be served in plastic cups or aluminum cans.

Commissioner Mwilambwe asked about the anticipated attendance. Mr. O'Connor stated that he anticipated approximately 1,000 people.

Commissioner Mwilambwe confirmed the event hours with Mr. O'Connor and that alcohol service would end at 10:30 p.m.

Mrs. Dunlap noted that the barricades would be picked up at 11:30 p.m. which gave the event organizers an hour for cleanup.

Commissioner Mwilambwe closed the public hearing at 4:09 p.m.

Commissioner Meister made a motion, seconded by Commissioner Jordan, to approve the license.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

The following item was presented:

Item 5.B. Consideration and action on the Request from Castle Productions, LLC, d/b/a The Castle Theatre for approval to operate under the Chapter 6, Section 133(D)(6) of the Bloomington City Code that permits Possession of Open Alcohol in Public for the Black Dirt Music Festival to be held in Portions of Downtown Bloomington on Saturday, September 11, 2021, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:09 p.m.

Mr. Rory O'Connor, Owner of The Castle Theater ("Castle"), was previously sworn in. He addressed the Commission and explained that the event would celebrate The Castle Theater's 10th year anniversary with the Black Dirt Music Festival. He described the bands and stated that he anticipated 2,000 - 2,500 attendees for the event and that 1,800 tickets were already sold. He explained that the two entrances and exits would be located on the northeast corner of the PNC parking lot and on the corner of Wither's Park. Mr. O'Connor informed the Commission that the main bar would be placed under Castle's marquee sign with food trucks located in the PNC parking lot. He explained that the event was a small festival with multiple bands performing and gates to be opened at 4:00 p.m. and finished by 11:00 p.m. He described the set up and noted that Washington Street would be closed beginning the night before. He stated that the stage they planned to use was larger than normal and that the music would be pointed towards Downtown Bloomington. Mr. O'Connor went on to explain that the entire area would be fenced in with 6-foot-high temporary fencing. He explained that he had wanted to hold a festival for a long time and was excited to hold in in conjunction with Castle's 10-year anniversary celebration.

Commissioner Mwilambwe asked if anyone would like to speak for or against the application. No individuals came forward.

Catherine Dunlap, Downtown Development Specialist, explained the layered street closure was designed to not disrupt the surrounding businesses.

George Boyle, Assistant Corporation Counsel, had no questions or concerns.

Commissioner Jordan asked how Mr. O'Conner would handle security. Mr. O'Conner responded that the entire area would be fenced in, that attendees must have a wristband to purchase alcohol and the event would have only one location to purchase alcohol with the possibility of a craft beer set up near the food area.

Commissioner Jordan asked the targeted age group for the event. Mr. O'Connor explained that adults aged 18 years or older were permitted to purchase a ticket but that attendees must have a wristband to purchase alcohol.

Commissioner Mwilambwe closed the public hearing at 4:15 p.m.

Commissioner Meister made a motion, seconded by Commissioner Jordan, to approve the license.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

Mr. O'Connor thanked staff for their continued assistance with planning the event.

The following item was presented:

Item 5.C. Consideration and action on the Request from SetInTheBar, Inc., d/b/a Jazz Upfront for approval to operate under the Chapter 6, Section 133(D)(6) of the Bloomington City Code that permits Possession of Open Alcohol in Public for a concert to be held in Portions of Downtown Bloomington on Friday August 20, 2021, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:15 p.m.

James Gaston, Owner of Jazz Upfront, after being sworn, addressed the Commission. He explained that a cherished friend wanted to host a birthday party but was concerned about COVID. Mr. Gaston explained that he was informed that the street would be closed beginning Friday, August 20th for the Front Street Music Festival on Saturday, August 21st. He went on to state that he was requesting to use the area for the event and move the band outside. Mr. Gaston stated that staff would serve, but not sell, alcohol from 7:00 p.m. to 10:00 p.m. and that the area would be fenced in with tables expanded beyond the sidewalk café area. He noted that security personnel would be present.

Commissioner Mwilambwe asked if anyone would like to speak for or against the application. No individuals came forward.

Catherine Dunlap, Downtown Development Specialist, explained the area would already be closed in preparation for the Front Street Music Festival the following day.

George Boyle, Assistant Corporation Counsel, had no questions or concerns.

Commissioner Meister asked for clarification on the service of alcohol. Mr. Gaston stated that wait staff would take orders outside and serve guests.

Commissioner Meister confirmed with Mr. Gaston that no alcohol stations would be set up outside.

Commissioner Meister confirmed with Mr. Gaston that attendees would have wristbands.

Commissioner Mwilambwe closed the public hearing at 4:20 p.m.

Commissioner Meister made a motion, seconded by Commissioner Jordan, to approve the license.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

The following item was presented:

Item 5.D. Consideration and action on an Application from Walking Visions Photography Inc., to be located at 1102 S. Main St., requesting a Class EA (Entertainment/Recreational Sports Venue) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:20 p.m.

LaVance Walker, Owner of Walking Visions Photography, after being sworn, addressed the Commission. He explained that the establishment operated as a full-time photography studio with paint classes to be offered and led by Mr. Walker's wife. He described a series of planned themed photography events that would be held for multiple hours and would allow attendees to participate for 1-hour and each time slot would receive a different color wristband. He stated that, as a man of faith, would only allow alcohol to be purchased during the first 30 minutes of the 1-hour time slots. He stated that he requested a liquor license to offer guests pre-packaged alcohol for consumption at events. Mr. Walker explained that they would sell wine, beer and champagne for the paint courses and allow attendees to bring-their-own-alcohol ("BYOB"). He stated that attendees would need to pre-register for the event and to purchase alcohol. Mr. Walker stated that the hours of operation included Thursdays and Fridays from 5:00 to 10:00 p.m. and Saturday and Sunday from 12:00 p.m. (noon) to 10:00 p.m. He noted that events would have a 30-person limit.

George Boyle, Assistant Corporation Counsel, stated staff received a written opinion of the application via email. A copy was provided to the Applicant and the Commission. He asked Mr. Walker if he wanted to address any of the concerns noted in the email.

Mr. Walker read the email and then expressed his desire to address the concerns. He addressed the parking issue and stated that there was street parking as well as a driveway behind the building that had an excavation in progress. He then addressed the overflowing garbage by stating that garbage had not been picked up but that he was working to fix the issue. He then addressed the concern of the back door exit and reiterated that excavation was in progress but that guests would only enter through the front door.

Mr. Boyle reminded the Commission that liquor license approvals were always contingent upon compliance with all building, health, and safety codes. He noted that it was not uncommon for construction or remodeling to be on-going while the applicant applied for a liquor license.

Chris McAlister, Building Official, explained the second exit at the back door was blocked by the excavation but that a second exit was not required for the planned use of the space. He noted that he did not have any additional concerns.

Catherine Dunlap, Downtown Development Specialist, and Tim McCoy, Assistant Police Chief, had no concerns.

Mr. Boyle asked for confirmation of the premises' hours of operation. Mr. Walker stated that alcohol would be served during paint and sip courses from 12:00 p.m. (noon) to 7:00 p.m. and during the themed photo events which would be held on Fridays from 5:00 p.m. to 10:00 p.m. and on Saturdays and Sundays from 12:00 p.m. (noon) to 10:00 p.m. and alcohol sales would cease at 9:00 p.m. daily.

Mr. Boyle asked if Mr. Walker was open to the addition of a condition to the liquor license in which alcohol service would cease at 9:00 p.m. and the establishment would close at 10:00 p.m. daily. Mr. Walker stated he did not have any issue with the condition and

stated that the intent of the establishment was not alcohol sales.

Mr. Boyle asked about the BYOB option for customers. Mr. Walker stated that the BYOB would only be permitted for the paint and sip events where there would only be 20 to 30 attendees.

Mr. Boyle asked if the paint and sip events would be held on the same premises as the liquor license. Mr. Walker responded affirmatively. Mr. Boyle expressed concern about BYOB at a licensed establishment and recommended that additional legal research may be required to look into the legal ramifications prior to Council.

Commissioner Meister asked about the area of the building that would be occupied by this establishment. Mr. Walker reported that he owned 1102 S. Main St. and 1104 S. Main St.

Commissioner Meister and Mr. Walker discussed the multiple levels of the building in that the upper floor held two residential apartments, the main floor would be the commercial space with the lower-level basement to be developed into commercial space in the near future.

Commissioner Meister confirmed the hours of operation. Mr. Walker explained that for the first month, that they would be open Thursday to Sunday and then once a month.

Commissioner Meister asked for additional explanation of the themed photography events. Mr. Walker explained that the events would be held for multiple hours with attendees registered to participate in 1-hour increments.

Commissioner Meister asked about the type of alcohol to be sold. Mr. Walker confirmed they would only sell pre-packaged alcohol and that no beer taps would be available. He stated that he intended to work toward beer tap capabilities in the future.

Commissioner Meister asked if Mr. Walker intended to have live music. Mr. Walker confirmed they would not have live music.

Commissioner Jordan asked about amplified music. Mr. Walker responded that they would have background music only.

Commissioner Jordan asked for additional information on parking capacity availability. Mr. Walker responded that the location did not have a designated parking lot but that they would use street parking.

Commissioner Jordan asked where would guests park. Mr. Walker stated that guests could park on East St. and behind the building.

Commissioner Jordan asked what they anticipated for the maximum number of guests. Mr. Walker stated they anticipated a maximum of 30 guests.

Mr. Boyle expressed concern of the location of application. He confirmed with Mr. Walker that the requested premises included the main floor of 1102 S. Main St. only and not the basement or residential area.

Commissioner Mwilambwe confirmed that all events and alcohol service would be on the main floor only. Mr. Walker responded affirmatively.

Mr. Boyle explained a Class EA was an entertainment-style license where at least 60% of revenues were non-alcohol related. Mr. Walker stated that guests would be charged admission and was confident alcohol would not exceed the maximum amount of revenues.

Mr. Boyle asked if the alcohol was the primary source of revenue. Mr. Walker stated alcohol was not the primary source of revenue.

Commissioner Meister confirmed with Mr. Walker that the establishment was currently in operation.

Commissioner Mwilambwe asked Mr. Walker wanted to incorporate alcohol into his business plan. Mr. Walker stated as soon as he could.

Commissioner Jordan asked Mr. Boyle about his concerns with BYOB. Mr. Boyle stated that a licensee should be the sole provider of alcohol and BYOB could be problematic with insurance companies or the State of Illinois. He recommended that additional research into BYOB should be completed before the item went to Council.

Commissioner Meister asked Mr. Walker if he preferred to have BYOB or offer alcohol through a license. Mr. Walker stated he preferred to offer packaged alcohol.

Commissioner Mwilambwe asked why BYOB was considered. Mr. Walker stated that it was common for paint-and-sip style establishments to allow BYOB.

Amanda Stutsman, Deputy City Clerk, asked for clarification on the term "package" as used by Mr. Walker. She noted that no request to offer packaged alcohol to-go and that he meant sales of bottled wine or individual cans of beer. Mr. Walker responded affirmatively.

Mrs. Stutsman notified the Commission that one individual had registered to speak at the public hearing. Mr. Boyle advised that individual testimonies wait until after the Commission concluded their questioning of the applicant.

Commissioner Jordan expressed that he was extremely concerned about BYOB for this establishment. Mr. Walker stated that he did not mind removing the BYOB. He went on to state that he was informed BYOB did not need a license.

Mr. Boyle clarified that the City was aware of some BYOB establishments but that the concern was BYOB at a licensed establishment.

The Commission and Mr. Boyle discussed the transportation of open alcohol.

Commissioner Mwilambwe confirmed with Mr. Walker that he wished to sell only beer, wine, and champagne.

Mrs. Stutsman informed the Commission the applicant applied for a Class EA which allowed for the sale of all types of alcohol and noted that the Commission could also consider a Class EB which would allow the sale of beer, wine, and champagne.

Commissioner Mwilambwe confirmed with Mr. Boyle that the Commission could consider reducing the requested classification to a Class EB.

Mr. Boyle confirmed with Mr. Walker he intended to sell beer, wine, and champagne only. Mr. Boyle suggested a Class EB may suit the establishment's needs better.

Mrs. Stutsman clarified that the applicant did not apply for Sunday sales but mentioned the intent to sell on Sundays. She informed the applicant that there was an additional cost for Sunday sales. Mr. Walker stated he preferred not to offer Sunday sales.

Mr. Walker reiterated that alcohol was not the primary focus of the establishment.

Commissioner Mwilambwe stated that there with many changes and recommended

that the applicant reconsiders his application and amend it to reflect the desired classification of liquor license.

Mr. Walker preferred not to wait.

Commissioner Mwilambwe suggested tabling the item to the next regularly scheduled meeting.

Mr. Boyle agreed with Commissioner Mwilambwe and noted that the nearby area would need to be re-noticed.

Mr. Walker reiterated that he no longer wished to offer Sunday sales.

Commissioner Meister confirmed with Mr. Boyle that the applicant would reduce the requested license from Class EA to Class EB, remove the request for Sunday sales and would no longer allow BYOB.

Commissioner Mwilambwe reiterated his preference to table the item due to the multiple changes on the floor.

Mr. Walker asked for clarification on the changes. Commissioner Meister confirmed.

Mr. Boyle and the Commission discussed the potential courses of action.

Commissioner Jordan stated that the Commission was unclear.

Chris Shupe, Owner of Gene's Dairy Delight, after being sworn, addressed the Commission. He expressed concerns about the safety of his young staff and young guests. He expressed concern about available parking. He went on to explain that his parking bleeds over into Denny's Donut's, who expressed concern with Gene's customers parking in their lot. Mr. Shupe stated he attended the meeting for more clarification on the application and reiterated that his main concern was safety and available parking.

Commissioner Jordan echoed concerns about street parking.

Mr. Shupe stated that while there was street parking, the local residents used the street parking.

Mr. Boyle asked if there were concerns specific to the property under the current ownership. Mr. Shupe stated he did not. He mentioned an incident where cars were tickets on the past Saturday from a resident who was concerned about parking blocking a driveway.

Commissioner Mwilambwe asked for more information. Mr. Shupe explained that the resident's driveway was not concrete, and that grass was overgrown in the area.

Mr. Walker stated that he and his staff had not blocked the resident's driveway. He highlighted that he also installed additional lights and security cameras. Mr. Walker then asked how parking pertained to a liquor license as the issue remained regardless of a license.

Commissioner Mwilambwe stated that he understood the concern of parking.

Commissioner Mwilambwe closed the public hearing at 5:02 p.m.

Commissioner Jordan suggested the item be tabled.

Mr. Walker asked why the item should be tabled. Commissioner Meister responded that there was confusion between the testimony and the application. She recommended Mr.

Walker select the classification the suited his establishment and determine set hours.

Mr. Walker expressed concern about an additional application fee. Mr. Boyle discussed options for noticing and stated that there may be a cost associated with the re-notice.

Mr. Walker requested that the Commission consider the Class EA.

Mr. Boyle and Mrs. Stutsman discussed procedure on noticing and payments.

Commissioner Mwilambwe asked for a motion.

Commissioner Meister made a motion, seconded by Commissioner Jordan, to table the item to the next regularly scheduled Liquor Commission meeting.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

The following item was presented:

Item 5.E. Consideration and action on an Application from Barmania, LLC, d/b/a Drifters, to be located at 612 N. Main St., requesting a Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Rich Marvel, Attorney on behalf of Barmania, LLC, after being sworn, addressed the Commission. He explained that the intent was to operate a high-quality dance club for adults. The establishment would employ 25 staff members including door security and security that monitored the floor. He noted that management would be on premises at all times and that managers and servers would be BASSET trained. He explained that the existing location was previously operated as a nightclub and that, while the new ownership intended to keep the name Drifters, there was no acquisition of assets or affiliation with previous owner. Mr. Marvel explained that the establishment was in the process of completing inspections and updating the front of the establishment. He stated that the business model and lease were contingent upon a liquor license. He noted that Patricia Houston, Owner, was also present. He stated that the establishment would be the first tavern she would own, that she had never held a liquor license, and that she was obtaining counsel from individuals who have run similar successful businesses.

Commissioner Mwilambwe asked if anyone would like to speak for or against the application. No individuals came forward.

George Boyle, Assistance Corporation Counsel, asked Mr. Marvel to confirm the hours of operation. Mr. Marvel reiterated the hours and noted that the establishment would only remain open until 2:00 a.m. on the days permitted by City Code.

Mr. Boyle asked if food would be served. Mr. Marvel confirmed no food would be served, but they would have ice, which required a health permit.

Mr. Boyle asked if the establishment had a manager present. Mr. Marvel stated that Ms. Houston, Owner, was the manager.

Commissioner Meister asked if there would be live music. Mr. Marvel confirmed there may be live music.

Commissioner Meister confirmed the closing hours as 1:00 a.m. on Tuesday through Thursday and 2:00 a.m. on Friday and Saturday. She then stated that, historically, the location had safety concerns. She asked how the applicant would address such concerns. Mr. Marvel stated the owner intended to enforce a strict dress code and would not permit loitering. He stated that, to mitigate any potential issues at closing time, the establishment will have a security manager and increased door security.

Commissioner Mwilambwe asked Mr. Marvel to elaborate dress code restrictions. Mr. Marvel explained that staff would be cognizant of gang paraphernalia.

Commissioner Jordan asked for further explanation. Mr. Marvel elaborated that patrons would not be allowed to wear gang items, hats, or inappropriate clothing.

Commissioner Jordan echoed similar safety concerns that Commissioner Meister mentioned. He then asked if there would be additional security at closing time. Mr. Marvel stated the closing time would have heightened security.

Commissioner Jordan asked Mr. Boyle about a moratorium on liquor licenses. Mr. Boyle confirmed there was not a moratorium.

Mr. Marvel stressed that the ownership and management team were highly focused on security.

Commissioner Mwilambwe asked the type of targeted clientele. Mr. Marvel stated the target market would be young adults and college kids.

Commissioner Jordan asked what methods would be used to check identification ("ID"). Mr. Marvel stated security would perform visual ID checks and the owner also installed security cameras.

Patricia Houston, Owner, after being sworn, address the Commission.

Mr. Boyle asked Ms. Houston to provide information on her background. Ms. Houston stated that she had a bachelor's in education and had worked as a teacher, but that she currently worked as a loan officer.

Mr. Boyle asked her to explain the business model. Ms. Houston explained that this was a brand-new opportunity and that she sought to support and grow the Downtown area. She explained that she was a local and that her experienced management team were BASSET certified. Mr. Boyle asked the names of the management team. Ms. Houston responded she would hire Carri-Ann Houston, Wendy Miller, and Courtney Bowen who were all basset trained and currently employed as bartenders or servers. She explained that she continued to receive counsel on business experience from Nick Hurley, the original owner of Drifters.

Mr. Marvel confirmed that Mr. Hurley was a consultant and that the establishment had no connect with the most recent ownership.

Commissioner Jordan asked if there would be any employees retained from the most recent ownership. Mr. Marvel confirmed that none would be retained but that some staff from Mr. Hurley's ownership have expressed interest in returning.

Commissioner Meister asked the occupancy of the establishment. Mr. Marvel stated that he did not have exact number, but that occupancy would be closely monitored.

Commissioner Meister expressed her appreciation on the intent of the owner to try

something new but that the decision to keep the name, Drifters, people may continue to associate it with the previous Drifters.

Commissioner Mwilambwe confirmed with Mr. Marvel that the lease was contingent on the approval of a liquor license.

Commissioner Meister made a motion, seconded by Commissioner Jordan, to positively recommend the application to Council.

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

AYES: Mwilambwe, Meister, Jordan

Motion carried.

Mr. Marvel asked which City Council meeting the item would appear on. Amanda Stutsman, Deputy City Clerk, stated it would appear on September 13, 2021. Mr. Marvel requested an earlier date. Commissioner Mwilambwe stated Mr. Marvel could discuss potential options with staff after the meeting.

Old Business

No Old Business was discussed.

New Business

No New Business was discussed.

Executive Session

No Executive Session was held.

Adjournment

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

Motion carried (viva voce).

The meeting adjourned at 5:30 p.m.

CITY OF BLOOMINGTON



Amanda Stutsman, Deputy City Clerk