

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

December 13, 2011

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to consider the application of Santok 13, Inc., d/b/a Santok 13 located at 2444 S. Main St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk, and Pragnesu Patel, new owner/operator and Applicant representative and Aratl Patel, current owner/operator and License holder.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. He added that this application represented a change of ownership. Pragnesu Patel, new owner/operator and Applicant representative, addressed the Commission. He currently was employed by his sister assisting in her operation of a convenient store/gas station in East Peoria. He had seven (7) years of experience. He hoped to start his own business.

Commissioner Stockton questioned if Mr. Patel had been cited with any liquor violations. Mr. Patel responded negatively. He noted that at his current employer there was new software which required a customers' identification to be scanned to verify date of birth.

Aratl Patel, current owner/operator and License holder, addressed the Commission. She noted that she currently offered this software feature.

Commissioner Stockton noted that the Commission had reviewed the Application. Commissioner Buchanan questioned if the Applicant had a lease to the premise. Mr. Patel noted that there was an agreement to sublease the premise.

Commissioner Tompkins noted that there currently was a liquor license at this location. Mr. Patel noted that the business was a convenient store. Sales which were key to business success were gasoline, tobacco and liquor. Commissioner Tompkins questioned Mr. Patel's understanding of City ordinances and state statutes. Mr. Patel cited his seven (7) years of experience without a violation.

Commissioner Tompkins addressed Mr. Patel financial wherewithal. Mr. Patel addressed his assets. He noted his plan to sell his current residence and relocate to the City. He initially planned to rent an apartment.

Commissioner Stockton addressed residency. Tracey Covert, City Clerk, addressed the Council. The Applicant was a corporation. Therefore, the business' manager must reside in the County.

Mr. Patel informed the Commission that Ms. Patel, current owner/operator and License holder, would manage the business. She resided within McLean County.

Commissioner Clapp questioned the number of employees. Mr. Patel noted that there would only be two (2).

Commissioner Tompkins readdressed the Applicant's financial information. Commissioner Stockton noted that questions must be relevant to the liquor license.

Commissioner Buchanan noted his hope that applications would be carefully completed. He believed the care and attention to detail would be reflected in the store's operations. He suggested that the application packet be reviewed for potential updating.

Commissioner Tompkins questioned which liquor license classification had been eliminated. Ms. Covert cited GPA, (Gasoline, Packaged sales, All types of alcohol).

Commissioner Stockton noted Mr. Patel's seven (7) of management experience without a single violation.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of Santok 13 Inc., d/b/a Santok 13 located at 2444 S. Main St., requesting a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week be approved.

Motion carried.

Ms. Covert informed the Commission that the sale of the business was scheduled for December 31, 2011.

Commissioner Stockton informed the Applicant that this item would appear on the December 19, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting adjourned at 4:20 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the notification by Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi, located at 401 N. Veterans Pkwy., Ste. 7 & 8 currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, regarding a change of stockholder. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton noted that this request involved a change of stock holder. He requested that the license holder address the Commission.

Qin Chen, owner/operator and License holder, addressed the Commission. He informed them that Lin Xi Zheng had sold his interest in the restaurant. Mr. Chen was now the lone stockholder.

Tracey Covert, City Clerk, informed the Commission that the Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Commissioner Stockton added that City Code also required a License holder to inform the City of a change in corporate stockholders.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to accept the change in corporate stockholders for Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi, located at 401 N. Veterans Pkwy., Ste. 7 & 8, currently holding an RAS liquor license; said license remains in force.

Motion carried.

Tracey Covert, City Clerk, informed the Commission that a letter must be sent to the Liquor Control Commission.

There being no further business before the Commission, the meeting adjourned at 4:25 p.m.

Commissioner Stockton noted information provided by Randy McKinley, Police Chief, regarding police audits conducted during 2011. Seventy (70) audits were conducted. Only fifteen (15) businesses failed the audit. He read the list of violations and noted that twelve (12) of them had been resolved. Three (3) were outstanding.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He added that each business that failed had a subsequent police visit, (police audit). All of these businesses passed the subsequent audit.

Commissioner Buchanan noted that police audits were conducted on a monthly basis. Mr. Boyle added that each month the Police Department did a combination of revisiting businesses that failed and auditing new businesses.

Commissioner Stockton noted that there did not appear to be any trends. Mr. Boyle added that the City had conducted more compliance checks. Commissioner Stockton acknowledged the grant dollars which covered this cost.

Commissioner Buchanan questioned if the Commission had been informed of the number of businesses which failed, if the business was offered a settlement and/or schedule for a violation hearing. Commissioner Stockton stated that the Commission was informed of settlements. Mr. Boyle noted the monthly e-mail from the Police Department which addressed compliance checks. It addressed the number of businesses which failed.

Commissioner Stockton questioned the Commission's progress on the various white papers. He urged the Commissioners to complete same.

Commissioner Buchanan informed the Commission that he had contacted three (3) other municipalities. He addressed the white paper's structure.

Clay Wheeler, Asst. Police Chief, arrived at 4:28 p.m.

Commissioner Buchanan had spoken with the staff of these municipalities. He wanted to include relevant facts and a general understanding. He noted that none of these communities had codified anything. There were guidelines in place. Some communities have detailed and precise instructions. He questioned implementation of same. He added his belief that the City was addressing the issue the right way. His paper would include facts, research and recommendations.

Commissioner Stockton cited the Downtown Entertainment Task Force's (DETF) report. He noted its structure, (presented options, pros/cons, etc.).

Commissioner Buchanan questioned the distribution of the white papers. Commissioner Stockton stated that the Commission would have the first response to same. The papers were for discussion purposes. In addition, they would serve an educational role for the Council. He hoped these papers would provoke new ideas.

Commissioner Stockton had a discussion with the Mackinaw Valley Winery owner. He noted issues with state law and location.

Commissioner Tompkins addressed noise at the Castle Theater. The adjacent property owner had complained as the noise was affecting a tenant of the building. Commissioner Stockton believed that the issue had been resolved. The owners of the Theater were suppose to install additional insulation. He believed this issue only impacted one (1) apartment.

Commissioner Buchanan believed that there were concerns raised regarding noise at the Theater's liquor hearing. He did not believe that the Paxton's Building had been included in the discussion. Commissioner Tompkins believed that the Paxton's Building was vacant at that time. Commissioner Stockton restated his belief that this issue had been addressed. Commissioner Buchanan noted the condominiums above the Theater. The Castle Theater was operated well. He noted the noise level. Commissioner Stockton believed that the Theater owners purchased the condominium directly above the Theater. He noted that there was a common wall located between the Theater and the Paxton's Building. He believed that the apartment tenant had a child who visited on weekends. He restated his belief that this issue had been resolved. He recommended that the Commission invite the Theater owners to come in and meet with the Commission.

Commissioner Buchanan questioned if there was the potential for a violation hearing. Mr. Boyle noted that there were three (3) violations which needed to be filed. He recommended that they be scheduled for the Commission's January 10 or February 14, 2012 meetings.

Commissioner Buchanan addressed future consideration by the Commission regarding Downtown shuttles. These vehicles addressed a need. He believed there was also a negative impact upon the Downtown. Passengers have been allowed to consume alcohol on these vehicles. He believed that consumption was allowed under state law on shuttles and limousines. Alcohol consumption was not allowed in taxicabs. He had observed shuttle customers consuming alcohol. He also noted the state of intoxication of some passengers.

Commissioner Stockton believed this issue had been discussed by the DETF. Liquor is not sold on these vehicles. The vehicle for hire companies claim that they do not allow consumption on their vehicles. The Commission's role was to regulate the sale of alcohol.

Mr. Boyle noted that it might be allowable under state law. However, he believed that the City could use its home rule powers to regulate alcohol consumption on shuttles. He also believed that the Town of Normal would also be interested in same.

Commissioner Buchanan restated that alcohol consumption on shuttles creates and aggravates alcohol consumption issues in the Downtown. This issue was serious. He believed that the shuttle drivers were doing a good job. He restated that many of the passengers were intoxicated when exiting the vehicle. He did not want to discourage the shuttles.

Commissioner Stockton believed that the City had recognized the issue. There were college students who drove Downtown and sat in their vehicles consuming alcohol. Others consumed alcohol on the shuttles. These situations were part of the over serving issue. He restated his belief that this issue was not the purview of the Commission. The Commission would be recommending a text amendment to Chapter 40. Taxicabs, (Vehicle for Hire).

Commissioner Buchanan noted that additional issues were created by over serving. Mr. Boyle affirmed that the Vehicle for Hire ordinance was contained in Chapter 40. Taxicabs. Commissioner Stockton noted that the City Manager regulated Chapter 40 not the Commission. Commissioner Buchanan restated his frequent observations of intoxicated persons on the shuttles. He believed that the City should place limitations on open alcohol on these vehicles. Commissioner Stockton stated that this was not illegal.

Clay Wheeler, Asst. Police Chief, added that there must be a separation between the driver and passengers. It was not illegal to transport. He believed that open liquor could be cited as an Ordinance Violation. He expressed his belief that the Normal Police Department would be proactive on this issue. He noted that passengers may be boarding with concealed liquor. Commissioner Buchanan added that shuttles were private property.

Commissioner Stockton restated that the Commission jurisdiction commenced when the patrons entered the bar. The issue for the Commission was over service. The Downtown bars were crowded. Commissioner Tompkins expressed his opinion that the bartenders were observant. He cited his personal experience. Commissioner Stockton noted that the Commission and City staff were aware of the issue (over serving). The key was to develop ways to address same.

There being no further business the meeting adjourned at 5:03 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk