

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

August 9, 2011

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor meeting to order at 4:10 p.m. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the Public Comment section of the meeting. No one came forward to address the Commission.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing and noted that the Applicant's attorney requested that this item be laid over until the Commission's September 13, 2011 meeting.

Tracey Covert, City Clerk, informed the Commission that the grocery store was open and operating without a liquor license.

Motion by Commissioner Gibson, seconded by Commissioner Buchanan that the application of the Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be laid over until the Commission's September 13, 2011 meeting.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:14 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Caffe Italia, LLC, d/b/a Caffe Italia currently located at 1804 S. Hershey Rd., holding an RB liquor license which allows the sale of beer and wine only by the glass for consumption on the premises six (6) days a week for a change of location to 511 Chancellor Dr. and license classification to 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. Present at the hearing were

Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Francesco Composto, President and License holder representative.

Commissioner Stockton opened the liquor hearing and requested that License holder address this request. He noted that Wings, Etc. had been located at 511 Chancellor Dr. Francesco Composto, President and License holder representative, addressed the Commission. Caffè Italia planned to relocate and expand the menu. In addition, the license classification would change from an RB to an RAS. The Chancellor Dr. facility offered a full bar. Caffè Italia would also be open on Sundays.

Commissioner Stockton noted that a floor plan had been provided with the application. He questioned if there would be any changes. Mr. Composto cited minor interior remodeling. There would be changes to the dining area. A private room would be added near the rest rooms. The bar area would be reduced. He added that currently the bar area had seven (7) televisions. This number would be reduced to two (2). The L area of the bar would be converted into an espresso area. He called this area a small cafe similar to the existing Caffè Italia. The outdoor patio would be included in the premise. This area would offer table seating and was currently fenced.

Commissioner Gibson restated that the outdoor patio would be part of the premise.

Commissioner Stockton questioned live entertainment and/or amplified music. Mr. Composto responded negatively. Commissioner Stockton noted that this address was located in a commercial area near the airport.

Commissioner Stockton noted that this building would be divided into five (5) areas: 1.) patio; 2.) bar; 3.) espresso; 4.) dining room; and 5.) private room.

Commissioner Gibson stated that this would be a nice addition to this area of the City.

Commissioner Petersen questioned if smoking would be allowed on the patio. Mr. Composto informed the Commission that smoking was not allowed at Caffè Italia.

Commissioner Gibson questioned occupancy. Mr. Composto estimated occupancy at 150. Caffè Italia's current occupancy was thirty-six (36). Commissioner Gibson questioned alcohol sales/service training for Caffè Italia's staff. Mr. Composto informed the Commission that today was the first day for applications for the new expanded Caffè Italia.

Commissioner Petersen questioned packaged sales. Mr. Composto responded negatively.

Commissioner Tompkins noted the complete financial statement included with the application. He questioned food sales, and food and liquor costs. Mr. Composto believed that liquor and food sales had been combined. He estimated liquor sales at twenty-five percent (25%).

Commissioner Tompkins questioned if Caffè Italia's liquor sales would exceed fifty percent (50%). Mr. Composto responded negatively. He cited the limited liquor offerings.

Commissioner Tompkins questioned if Mr. Composto was BASSET, (Beverage Alcohol Sellers and Server Education and Training), certified. Mr. Composto stated his intention to become BASSET certified. Commissioner Tompkins recommended that Caffè Italia take additional steps. Mr. Composto stated that the bar staff would be also be trained.

Commissioner Buchanan requested that Caffè Italia's accountant modify the reports to list liquor sales separately. Mr. Composto believed that for tax purposes they should be tracked separately. Commissioner Stockton questioned the need for an "A", All types of alcohol license, classification. He questioned the Applicant's intention to sell spirits. He noted that bar area and that liquor sales would also be available through table service. Mr. Composto cited the intention to be a full service restaurant which included the bar area. Alcohol sales would be available throughout the entire premise.

Commissioner Stockton cited the business' closing time, (9:00 p.m.). Mr. Composto noted that this was the Caffè Italia's current closing time. Commissioner Stockton questioned service later in the evening. Mr. Composto stated that Caffè Italia would remain a restaurant. He believed that the business hours provided sufficient time for patrons to enjoy their dining experience. Caffè Italia's focus was on food.

Commissioner Petersen questioned if Caffè Italia might remain open later at some point in the future. Commissioner Stockton noted that if Caffè Italia was truly a restaurant then there should not be any issues with the business hours. He questioned if Commissioner Petersen believed that Caffè Italia would become a tavern after a certain hour. He noted the assurances of Mr. Composto. Mr. Composto added that the number of bar stools would be reduced by half. The bar area would offer limited seating.

Commissioner Buchanan noted that the Commission would be able to review the minutes of this hearing. He questioned if the kitchen would remain open when alcohol was served. Mr. Composto restated that he did not plan to serve liquor without food service. Commissioner Buchanan recommended that the sale and/or consumption of alcohol cease one (1) hour after the kitchen closed.

Commissioner Gibson wanted to clarify the information presented at the hearing. He noted Caffè Italia's business plan which called for a 9:00 p.m. closing hour. This restaurant was not located within the Downtown. He did not believe that conditions upon the license were necessary. If the situation changed, the Commission would address same. Caffè Italia was an existing license holder and there had not been a single issue with same.

Commissioner Petersen noted Mr. Composto's presentation. Mr. Composto restated that he had no plans to be open beyond 9:00 p.m. He added that the kitchen would remain open until closing time.

Motion by Commissioner Petersen, seconded by Commission Buchanan that an RAS liquor license for Caffè Italia, LLC, d/b/a Caffè Italia located at 511 Chancellor Dr. be created contingent upon compliance with all applicable health and safety codes.

Motion carried.

Commissioner Stockton informed the License holder that this item would appear on the September 12, 2011 City Council Consent Agenda. He encouraged him to attend this meeting

There being no further business before the Commission, the meeting recessed at 4:45 p.m.

Commissioner Buchanan questioned liquor license reclassification and the Commission's authority to approve same. Commissioner Stockton believed that the original rationale addressed the fact that reclassification of a license did not increase the total number of licenses. He noted the factors considered by the Council. He cited discussions with the state's Liquor Control Commission. The Liquor Commission had the ability to reassign a liquor license.

Caffè Italia's request also included a relocation of the business. In addition, there was the request for a change of classification. The relocation meant that there was a change to the characteristics.

Commissioner Petersen restated that a change of location would be addressed by the Commission but was beyond their scope of responsibilities. Commissioner Buchanan added that Caffè Italia was moving to a new location. This request was not a basic change of license classification.

George Boyle, Asst. Corporation Counsel, noted that the ordinance was clear. Liquor license reclassifications did not require Council approval. A change of business location was different. A liquor license was holder and address specific.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the CS Bloom, Inc., d/b/a Station 220, located at 220 E. Front St., 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 to add an "O", Outdoor, classification to their liquor license. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Chad Ellington, President and License holder representative.

Commissioner Stockton opened the liquor hearing and added that this request would extend Station 220's premise out on to the public sidewalk. Approval of a class "O" license classification was within the Commission's scope of responsibility. In addition, Station 220 must be granted permission from the City's engineering staff.

Chad Ellington, President and License holder representative, addressed the Commission. He planned to add four (4) two top tables along the south wall of his existing outdoor dining area.

This would be a slight expansion to the premise. He noted the sidewalk's width. He also cited other Downtown restaurants which offered outdoor dining.

Commissioner Stockton questioned if there would be adequate space. He noted the location of a tree. Tracey Covert, City Clerk, informed the Commission that the City's engineering staff had reviewed the plan and provided an affirmative response.

Commissioner Stockton noted that the four (4) tables would be placed along the wall of the existing patio. Mr. Ellington responded affirmatively. Commissioner Stockton added that this use was authorized under the City Code. The addition of a class O to a liquor license was not a Council matter.

Commissioner Petersen questioned the planned use for this expansion. Mr. Ellington stated that Station 220 was open Tuesdays through Saturday. The outdoor dining area was open weather permitting. The additional four (4) tables would be put in place based upon need.

Bob Wall, Asst. Police Chief, addressed the Commission. The Police Department had no objections to this request.

Commissioner Stockton added that a barrier was required. He recommended a rope barrier be used at a minimum.

Commissioner Tompkins expressed his concern regarding the trees and the need to leave a four foot (4') aisle in the sidewalk.

Commissioner Stockton expressed his opinion that these concerns could be addressed by amending the drawing which had been submitted with this request. Mr. Ellington cited his concern with individuals smoking along the sidewalk just outside of the building's east entrance. He added that Digger's Again, located at 230 E. Front St., was also adjacent to the east. Commissioner Stockton cited the rope barrier.

Commissioner Petersen questioned the hours of use. Mr. Ellington noted that dinner is served until 10:00 p.m. It was not unusual for restaurant patrons to be seated in the restaurant until 11:00 to 11:30 p.m. Commissioner Petersen cited traffic, (pedestrian and vehicular) along Front St.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the request of CS Bloom, Inc., d/b/a Station 220, located at 220 E. Front St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption off the premises seven (7) days a week requesting the addition of an O, Outdoor, classification be approved.

Ayes: Commissioners Stockton, Petersen, Gibson and Tompkins.

Abstains: Commissioner Buchanan.

Motion carried.

There being no further business before the Commission, the meeting recessed at 5:00 p.m.

Commissioner Stockton noted that the Council encouraged alfresco dining.

Commissioner Stockton opened a discussion regarding the Commission's relationship with the Council.

Commissioner Gibson questioned the outcome of the application by Dazlou, LLC, d/b/a Sidetracked Sports Bar located at 907 E. Oakland requesting a TAPS liquor license. Commissioner Tompkins believed that it went well. The Council approved the application. He was impressed by the Council's feedback and was encouraged by same. He informed Council that the Commission was watchful. There would be additional enforcement and higher penalties. Commissioner Buchanan expressed his concern regarding the Council's attitude. He noted that there were two (2) no votes, (Aldermen Stearns and Sage). He added that another alderman's comments were negative but the individual voted affirmatively. He expressed his opinion that the Council wanted control of the Commission. The Council also wanted to control the approval of the Commissioners.

Commissioner Buchanan believed that this was the rationale for the current environment. He questioned the Commission's future goals. He did not believe in liquor licenses without conditions. There were a variety of factors which impacted an application. The Commission had a solid process. The Council did not understand the Commission's processes.

Commissioner Gibson cited the January 11, 2011 Joint Meeting between the Commission and Council. He believed that the Council needed a thorough refresher. He encouraged the Commission to share the draft white papers, (*Part 1 Conditions & Enforcement and Violations*), with the Council. He believed that the next course of action would be to schedule another joint meeting with the Council in the fall. He added that there appeared to be a lack of understanding on the Council's part. The Commission needed to dispel the Council's concerns and develop trust.

Commissioner Petersen informed the Commission that he had listed to the Council's meeting via web streaming. He noted that the Council appeared to be receptive. He encouraged the Commission to remain positive. The Council may need to attend a Commission meeting to gain an understanding of the Commission's role.

Commissioner Gibson recommended that the Commission attend Council meetings when a liquor item appeared on the agenda. This could be done on a rotating basis as a way to build working relationships with the Council. Commissioner Stockton expressed his support for a Commission rotation at Council meetings. The Council would also become familiar with the Commissioners. Commissioner Gibson added that Council members could be invited to Commission meetings. Commissioner Stockton informed the Commission that he had begun reading the Commission's meeting agenda at Council meetings under Mayor's Discussion.

Commissioner Stockton made some comments regarding the nine (9) areas, (1.) *Violation Penalties*; 2.) *License Fees*; 3.) *Limitation on the Number of Liquor Licenses*; 4.) *Public Notice*; 5.) *Number and Enforcement of Conditions*; 6.) *Restaurant Accounting*; 7.) *DETF - Party Buses*; 8.) *Davis Lodge/Miller Park Pavilion Special Licenses*; and 9.) *Number of Commissioners and Roles*). He hoped to have white papers drafted for each area. The Commission would discuss each draft white paper in an attempt to find better ways. The Council had expressed its interest in additional penalties. The Commission was encouraged to look at other communities. He planned to ask Commissioner Clapp to draft the white paper regarding 7.) *DETF - Party Buses*. He cited her service on the Downtown Entertainment Task Force, (DETF).

Commissioner Petersen believed that the Commission was open to suggestions. Retrospection can be good. He did not believe that liquor was an issue throughout the community.

Commissioner Stockton noted that license conditions had evolved over the years. He added that the final version of the white papers would be given to the Council. He believed that Sidetracked was a win win in that the Commission mediated between the applicant and the neighborhood. The Council accepted the Commission's recommendation.

Commissioner Petersen did not believe that liquor was an issue throughout the community.

Commissioner Stockton noted that Alderman Mwilambwe traveled with Commissioners as license checks were performed. He encouraged the Commissioners to perform license checks with each other. Commissioners can request a police radio when visiting licensed establishments. Commissioners should introduce themselves and hold a short conversation with the establishments' staff. He also encouraged the Commissioners to participate in a police ride along. Commissioners would need to schedule an appointment with the Police Department. Bob Wall, Asst. Police Chief, noted that generally there were two (2) Downtown details on weekend nights. Commissioner Stockton strongly recommended that Commissioners take advantage of this opportunity.

Commissioner Stockton returned to the white papers. He wanted to see the Commission move ahead as there was a good story to tell. He questioned if there were other topics that the Commission believed needed to be addressed. He noted that restaurant accounting/audits was beyond the Commission's role. He questioned who would perform the work and how the City would pay for same. Commissioner Tompkins believed that the burden should be placed on the license holder. Commissioner Stockton believed that an independent party should perform the work.

Commissioner Stockton cited the following topics: 2.) *License Fees*; 3.) *Limitation on the Number of Liquor Licenses*; and 4.) *Public Notice*. He added that there were tavern license holders who were lobbying Council members on this issue.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He stated that courtesy mailings of the notice which was published in the Pantagraph was mailed to a certain distance. Courtesy notices could be mailed to the appropriate Alderman and neighborhood associations.

Commissioner Gibson addressed the Downtown. He questioned the number of liquor licenses and their concentration. There could be an annual review to address any issues/concerns. The Commission would look at each business from a holistic approach. The Commission would plan, audit, consider license classification, and any violations.

Commissioner Stockton noted the time commitment. The Commission can receive petitions to hear concerns regarding a license establishment. The petition can be submitted by a Commissioner, a Council member and/or five (5) citizens.

Commissioner Gibson left the meeting at 5:35 p.m.

Commissioner Stockton requested that each Commissioner choose a white paper topic and become involved in the process. He addressed 5.) *Number and Enforcement of Conditions* white paper. He recommended that a chart of common conditions be drafted. These conditions could be added to the City Code. He cited signs/banners as an example which were listed in the code. He had drafted a list of common conditions: 1.) no live/amplified noise in area; 2.) no live/amplified noise after certain hours or at reduced volume; 3.) service hours limited; 4.) display/storage areas limited; 5.) type of product limited (small, cold); 6.) restaurant/food/kitchen requirements; 7.) reduced occupancy (below fire code); 8.) clean up of property/nearby areas; 9.) limitations on signs/banners in windows; 10.) windows/doors; and 11.) alarms, cameras, locks. He added that the code contain display limitations for class "G", Gasoline, liquor licenses. He addressed occupancy. A key issue was basing occupancy emergency exiting (fire inspectors) versus crowd control. He requested input from the Commission on this issue.

Commissioner Tompkins addressed BASSETT (Beverage Alcohol Sellers and Server Education Training). Commissioner Stockton noted that BASSETT training had been used as a penalty after a violation. He added that at this point the liquor license had been issued.

Commissioner Petersen cited conditions addressing alarms and/or surveillance cameras. Commissioner Buchanan cited the new Buddy's, located at 806 Eldorado Rd., camera set up.

Mr. Boyle address clean up around the premise. He noted that the DETF had a cleanliness work group. City staff had drafted a response to the DETF's report. Premise clean up could be tied to the liquor license. Commissioner Stockton believed this could be added to the City Code. Mr. Boyle cited Chapter 38. Streets, Sidewalks and Public Rights of Way, which addressed litter. He noted that businesses were required to pick up litter in commercial areas. Failure to comply could lead to violations. He cited the potential for repeat citations. Commissioner Stockton believed that if the Commission and Council could reach agreement then staff could draft a Text Amendment. He added that laws were subject to interpretation and police discretion.

Commissioner Buchanan commented on his observations of the Council.

Commissioner Petersen volunteered to address 4.) *Public Notice*.

Commissioner Stockton addressed Miller Park Pavilion and Lake Bloomington's Davis Lodge. City staff needed to make decisions and establish criteria. Liquor would not be allowed at Miller

Park during the summer months. Commissioner Petersen noted that John Kennedy, Director - Parks, Recreation and Cultural Arts, was responsible for the Pavilion and Craig Cummings, Director - Water, was responsible for the Davis Lodge.

Mr. Boyle informed the Commission that the City's Corporation Counsel (attorneys) would be unavailable for the Commission's September 13, 2011 meeting. Commissioner Buchanan recommended that this meeting agenda be limited.

Mr. Boyle informed the Commission that his office had recently received three (3) violations from the Police Department. They would appear on the Commission's October 11, 2011 meeting agenda. The Commission would receive a copy of the Complaint and informed if there would be a settlement or violation hearing.

Commissioner Buchanan questioned if Jim's Steakhouse located at 2307 E. Washington St. passed its police audit. Mr. Boyle responded negatively. This violation had been settled. Commissioner Stockton addressed the penalty phase template, (\$300 - \$350).

There being no further business the meeting adjourned at 6:00 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk