

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

March 8, 2011

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to order to hear the request by TVEO Corporation, d/b/a Eric's Mini Mart & Restaurant, located at 903 W. Wood 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 for a text amendment change to Chapter 38. Streets, Division 3 Sidewalk Café, Section 167.2(b) Permits Required, Fee. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Geoffrey Tompkins; Rosalee Dodson, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief, Renee Gooderham, Chief Deputy Clerk; and Hamilton "Eric" Trujillo, owner/operator and License holder representative.

Absent: Commissioners Stephen Stockton, Steve Petersen and Mark Gibson.

Commissioner Buchanan requested Renee Gooderham, Chief Deputy Clerk explain the public comment card. Ms. Gooderham addressed the Commission. Opportunity was provided for individuals to address concerns via the public comment card. No one came forward to address the Commission.

Commissioner Buchanan opened the meeting by reviewing the liquor agenda including addendum. He provided the definitions for the liquor classifications appearing on the agenda. He cited Section 36 and Section 37(c) of Chapter 6 Alcoholic Beverages.

Commissioner Buchanan requested that Eric Trujillo, owner/operator and License holder representative, address the Commission. Mr. Trujillo explained that he wanted to establish a sidewalk café adjacent to his business. The café would be similar to Rosie's and Michael's. He has a larger than normal sidewalk. Currently Chapter 38 allows sidewalk café's in B – 3, Central Business District. Streets, Division 3 Sidewalk Café, Section 167.2(b).

Ms. Gooderham explained that the code currently allows sidewalk cafés in the Downtown area only. The text amendment would allow the application of sidewalk cafés throughout the City. Mr. Trujillo would apply for a sidewalk café permit and appear before the Liquor Commission requesting the addition of the "O" (outdoor) classification.

Rosalee Dodson, Asst. Corporation Counsel addressed the Commission. The Corporation Counsel staff would draft the text amendment on behalf of the Commission.

Commissioner Buchanan stated his belief that more sidewalk serving areas were needed.

Commissioner Clapp stated her support of the text amendment. She would support the addition of the “O” classification to Eric’s Mini Mart and Restaurant when it appears on a liquor agenda.

Commissioner Tompkins believed it would create a vibrant and interactive way for members of the community to enjoy the outdoors. It would also promote business adding favor and atmosphere making the town pleasant. He would support the addition of the “O” classification to Eric’s Mini Mart and Restaurant barring safety concerns.

Motion by Commission Tompkins, seconded by Commissioner Clapp that Corporation Council staff drafts a text amendment change striking B – 3, Central Business District, from Chapter 38. Streets, Division 3 Sidewalk Café, Section 167.2(b).

Motion carried.

Commissioner Buchanan reminded Mr. Trujillo that after the text amendment was passed by the City Council he must fulfill other requirements prior to establishing a sidewalk café.

There being no further business before the Commission, the hearing recessed at 4:35 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to order to hear the application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week requesting a change in classification to a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp; and Geoffrey Tompkins, Rosalee Dodson, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief, Renee Gooderham, Chief Deputy Clerk; and Fouad “Frank” Samhan, Applicant and License holder’s representative.

Absent: Commissioners Stephen Stockton, Steve Petersen and Mark Gibson.

Commissioner Buchanan opened the liquor hearing by citing Section 36 and Section 37(c) of Chapter 6. Alcoholic Beverages. He stated that this application had previously been heard by the Commission on January 11, 2011. The Council had returned the request to the Commission. He requested that Alderman Stearns provide clarification of the Council’s concerns, and noted that Alderman Stearns could address the Commission without violation due to the establishment being within her ward. Alderman Stearns addressed the Commission. She stated the need for neighborhood input, discussion of the business intentions and closing times.

Commissioner Buchanan requested that Mr. Samhan, Applicant/License holder’s representative address the Commission. Mr. Samhan reminded the Commission that this was a family owned business. Gasoline sales had declined. There was steady business

inside the store, and customers had requested spirits. He reminded the Commission that spirits would be maintained behind the counter. He wanted to provide a convenience to the neighborhood. The nearest grocery store was Krogers located, at 1502 N. Main. Additional security and outside lighting would be added. The public telephone outside the building had been eliminated. He understood neighborhood concerns regarding single serve packages. They would not carry half (½) pints and would gradually eliminate single serve beer sales. He was willing to reduce business hours by closing at 11:00 p.m. on weekdays and 1:00 a.m. on weekends. He had an employee checking the premise for litter everyday.

Commissioner Tompkins questioned customer access behind the counter. Mr. Samhan responded only employees were allowed behind the counter.

Commissioner Buchanan cited the original recommendation to Council.

Bob Wall, Asst. Police Chief, addressed the Commission. Calls for service had been low during the previous two (2) years. There had been one (1) intoxicated person at that location since 2010. There were seventeen (17) calls to this location in the last three (3) years. Some were related to the public pay phone. Though the public pay phone was registered to that location, some of the calls were related to domestic violence incidents. Individuals had walked to the establishment to use the public phone. The removal of the public phone reduced loitering and calls for service. This establishment did not have the same problems with litter, loitering and/or illegal consumption in alleyways that other establishments which sell single serve packages have experienced. He believed that the license holder was concerned about the neighborhood. He was optimistic with spirits stocked behind the counter. The placement of spirits would curtail juvenile theft and access. He stated concern with policing single serve city wide. Commissioner Buchanan responded that was not the Commission's intention at this time.

Commissioner Clapp questioned the pattern of sales related to single serve beer items. Mr. Samhan responded that there were a variety brands and price ranges. Commissioner Clapp questioned the most popular. Mr. Samhan responded that the most popular were twenty-four to forty ounces (24 - 40 oz.). He stated that a can of beer could be purchased for \$2.50. Commissioner Tompkins stated his belief that a twelve (12) pack of beer is approximately \$9.99. It was his belief that considering \$2.50 for a single serve beer as inexpensive was not accurate.

Commissioner Buchanan questioned how single serve packages would be substantially reduced. Mr. Samhan responded that currently there is a two (2) door cooler which contained single serve beer items. He believed that this could be reduced to a half (½) door. Future sales experience could possibly eliminate single serve sales altogether.

Commissioner Buchanan opened the hearing for public comment.

Jane Griffin, 428 N. Linden, addressed the Commission. She also owned a business located at 902 N. Linden. She was concerned about litter found on her business property.

Marty Siegel, 615 E. Chestnut, addressed the Commission. She was one (1) of the neighborhood leaders. She had not received a notice when the Liquor Commission first considered this request. She was unsure that she entirely objected but did in part. She stated her concern for a peaceful neighborhood. She resided about one (1) block away. She could exit her back gate and be at the store. She did not frequent the store often.

The neighbors believed they did not have the kind of convenience store as in the past. She was shocked to learn that neighbors do not shop there. It was not perceived as a neighborhood store. There was an expectation that the store should contribute to the neighborhood. She was not opposed to the sale of spirits, but believed single serve sale items were an important issue. It had been a problem in the neighborhood. Another concern was litter, especially towards Franklin Park. She believed that problems of three to four (3 - 4) years ago were not true today. She had not called the police in two (2) years. She does not believe that the store is part of the neighborhood.

Commissioner Buchanan questioned Ms. Siegel's concerns. Ms. Seigel responded that her concerns included freshness of food items, loitering on the corners, discomfort with going into a crowd, and wanting the store to be nice, neat and clean. Commissioner Buchanan inquired as to the last time she had shopped in the store. Ms. Seigel replied that it had been two to three (2 - 3) months. Her argument was that the neighbors did not shop in the store.

Alderman Stearns readdressed the Commission and she expressed her appreciation. She believed the license holder had done good things. Liquor in any neighborhood was a serious issue. She had received emails and telephone calls from both sides of this issue. She was concerned with defining substantial reduction. She understood that a clear and precise definition of single serve reduction should be given. She had heard that there would not be single serve sales. She was also under the impression that the closing hours would be earlier. She questioned closing hours of package liquor stores city wide. Commissioner Buchanan responded that closing hours was 2:00 a.m. on Saturday and Sunday. She believed eliminating single serve sales and closing two to three (2 - 3) hours earlier that a trade off was possible. She would continue to listen to neighbor's concerns. She appreciated the stores business, income and revenue, and their willingness to cooperate. She had to listen to her constituents. They were stating that liquor was a serious thing to bring into the neighborhood.

Commissioner Buchanan closed public input.

Rosalee Dodson, Asst. Corporation Counsel stated that there were no legal issues or concerns.

Commissioner Tompkins stated that the license holder was currently selling alcohol. The removal of the gasoline pumps initiated the request for a change of classification to allow the sale of all types of alcohol. Commissioner Buchanan responded affirmatively, noting that prior to the license holder's ownership there had been problems at this location.

Commissioner Buchanan stated that negotiations took place at the last liquor hearing. There was an absence of specific problems caused by the establishment in relationship to the sale of single serve packages. There had been no testimony against adding spirits. Based on the discussion, single serve sales needed to be reduced. He informed those present of his frequent drive bys and shopping in the establishment. He had taken an interest in this establishment back when the Junior High School was located at 510 E. Washington. At that time there were many concerns. He was pleased with how Mr. Samhan handled single serve sales. He believed that tightening single serve restrictions and reducing business hours were the only conditions which needed to be added to the original motion. He reminded the Commission that all liquor license holders must reapply by December 31st of each year. If there were significant problems the Commission would refrain from renewing the liquor license.

Commissioner Clapp believed that single serve sales were a complicated issue.

Commissioner Tompkins stated his reassurance that the Commission and Council were very diligent. Should there be anything that endangers the neighborhood or lowers the quality of life in the neighborhood through a breech of conduct, the Commission would take action. He believed that closing hours should be uniform throughout the City. Commissioner Buchanan stated reduction of store hours was suggested by the license holder. Mr. Samhan stated his willingness to reduce store hours.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week requesting a change in classification to a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week be approved with the following conditions: 1.) substantial reduction in the sale of single serve products; 2.) reducing cooler doors from two (2) to a half (½) door for single serve products; 3.) no sale of half pint spirits; 4.) offering of convenient store items remain substantially the same; 5.) spirits shall be stocked behind the counter; and 6.) the selling of alcohol will cease at 11:00 p.m. weeknights and 1:00 a.m. weekends.

Motion carried.

Commissioner Buchanan informed the license holder that this item would appear on the March 14, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:15 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to order to hear the request of Casey's Retail Company, d/b/a Casey's General Store # 2554, located at 2017 Fox Creek Rd., currently holding a GPBS liquor license which allows the

sale of packaged beer and wine for consumption off the premises seven (7) days week, of an expansion of premise. *(Total sales area will be 1,217 square feet.)* Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Geoffrey Tompkins; Rosalee Dodson, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief, Renee Gooderham, Chief Deputy Clerk; and Billie Joe Scott, Area Supervisor and License holder's representative.

Absent: Commissioners Stephen Stockton, Steve Petersen and Mark Gibson.

Commissioner Buchanan requested that the License holder's representative describe the expansion. Billie Joe Scott, Casey's Area Supervisor, addressed the Commission. She provided copies of the expansion plans for this location and Casey's Store on Gill St. The expansion would be the same as Gill St. A beer cave was currently under construction. Customers walk into the beer cave or access the beer from the floor. Casey's was within the City Code's fifteen percent (15%) limit. Liquor stock occupied 14.7% of sales area.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to approve the expansion of premise and accept plans submitted for Casey's Retail Company, d/b/a Casey's General Store # 2554, located at 2017 Fox Creek Rd., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days week.

Motion carried.

There being no further business before the Commission, the hearing recessed at 5:20 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to order to hear the request of Ma Veharai, Inc., d/b/a Buddy's Liquors located at 806 Eldorado Rd., requesting a PAS liquor license which would allow the sale of all types of alcohol for consumption off the premises seven (7) days a week, for additional time under Section 4E Permits for Licenses (b) Duration. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, and Geoffrey Tompkins; Rosalee Dodson, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief, Renee Gooderham, Chief Deputy Clerk.

Absent: Commissioners Stephen Stockton, Steve Petersen and Mark Gibson.

Commissioner Buchanan explained that City Code allows for an extension up to twelve (12) months from the original approval date.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to allow an addition six (6) months for the creation of a liquor license for Ma Veharai, Inc., d/b/a Buddy's Liquors located at 806 Eldorado Rd., requesting a PAS liquor license which would allow the sale of all types of alcohol for consumption off the premises seven (7) days a week.

Motion carried.

There being no further business before the Commission, the hearing recessed at 5:22 p.m.

Commissioner Buchanan suggested that Commissioners come to the City Clerk's Office each month to obtain liquor packets. Commissioner Clapp questioned electronic packets. Commissioner Tompkins stated his preference for a paper copy.

Commissioner Buchanan questioned violations for next month. Ms. Dodson noted that Fiesta Ranchero of Bloomington, Inc., located at 2103 N. Veterans Pkwy.

There being no further business before the Commission, the meeting adjourned at 5:30 p.m.

Respectfully,

Renee Gooderham
Chief Deputy Clerk