

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

October 12, 2010

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Treehouse Lounge of Bloomington, Inc., d/b/a Treehouse Lounge, located at 2060 Ireland Grove Rd., currently holding a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, requesting an extension of premise for the purpose of an outdoor beer garden and smoking area. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Biddle, owner/operator and License holder.

Commissioner Stockton opened the liquor hearing and requested that the license holder explain this request. Gary Biddle, owner/operator and License holder, addressed the Commission. He hoped to construct on beer garden which would allow a central place for customers who smoked. This had been customers' number one request. The beer garden would be located on the south side of building. Three (3) parking spaces would be lost. A new concrete pad would be poured, a fence installed, and a partial roof for inclement weather. He described his plan as simple. He did not believe that the loss of three (3) parking spaces would be an issue. He hoped and anticipated that this addition would bring additional customers. He had taken his plans to the City's PACE (Planning & Code Enforcement) office. He was informed that a building permit could not be issued without the Commission's approval. He hoped to submit his plans tomorrow.

Commissioner Stockton restated that this was a request for an extension of premise. Any action taken by the Commission would also be contingent upon the City's PACE Department's approval of Mr. Biddle's plans.

Mr. Biddle informed the Commission that his plans included changing a window into a door. Access to the beer garden would be through what is currently a garage. Commissioner Stockton questioned an emergency exit. Mr. Biddle noted that this exit would be located at the west end of the beer garden. Commissioner Stockton noted that this exit must be alarmed. The Commission required controlled access to a beer garden through the licensed premise. Video surveillance of the outdoor area was also required. Mr. Biddle informed the Commission that there would not be an outdoor bar. There would be wait staff available. He estimated occupancy at forty (40). There would be sit down and stand up tables with seating available.

Commissioner Stockton questioned amplified music. Mr. Biddle noted that there would be speakers as the premise had a jukebox. The Treehouse was located in area which was zoned B -

1, Highway Business. The closest residential property was located across Veterans Pkwy. There was no plan for live entertainment in the beer garden.

Commissioner Buchanan noted Mr. Biddle's letter to the Commission. He reviewed the contents of same. This letter was an integral part of this hearing. Mr. Biddle informed the Commission that he already had on premise cameras. He also owned and operated the Coppertop Lounge located at 1107 W. Locust St. Cameras had been installed in the beer garden. He knew from experience that they worked.

Commissioner Stockton requested that any motion on this request include the following condition: the Commission reserves the right to regulate the use of the outdoor patio area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, and occupancy. Mr. Biddle restated his hopes that an outdoor patio would bring additional business while serving the request of his customers who smoked.

Commissioner Stockton noted that the extension of premise would include the foyer and outdoor patio area.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the request of Treehouse Lounge of Bloomington, Inc., d/b/a Treehouse Lounge, currently located at 2060 Ireland Grove Rd., holding a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week, for an expansion of premise for the purpose of an outdoor beer garden and smoking area be approved with the following conditions: 1.) compliance/approval with PACE Department; 2.) compliance with the contents of the license holder's letter dated September 20, 2010; and 3.) the Commission reserves the right to regulate the use of the outdoor patio area to include the time of use, the time for liquor sales, sound/visual baffling/barrier, and occupancy.

Motion carried.

Commissioner Stockton informed the License holder that this request did not require Council approval. He encouraged Mr. Biddle to work with the PACE Department's staff. Mr. Biddle thanked the Commission for their consideration and approval.

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Tri Star Marketing, Inc., d/b/a Super Pantry #29, located at 1206 N. Towanda Barnes Rd., requesting a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey

Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Brian Wentz, Tri Star employee and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Brian Wentz, Tri Star employee and Applicant representative, addressed the Commission. Tri Star was a third generation family business. Its office was located in Champaign, IL. Currently, there were fifty (50) stores in Illinois. Tri Star owned/operated the Mobile Super Pantry which was located at 2412 S. Main St. This application was for a new store which was currently under construction. He added that the license classification applied for was a common practice for Tri Star.

Tri Star had a good record. Alcohol sales were taken seriously. Identification scanners had been purchased. There were two (2) scanners per store. The scanner verifies that the individual is of legal age to purchase alcohol. The company's policy was 100% carding (request identification) for liquor sales. There was also a zero tolerance policy. Employees were not given second chances. Failure to pass an audit resulted in termination. Tri Star employed a third party to perform audits.

Commissioner Clapp questioned the store's layout. Mr. Wentz noted the walk in cooler, (Beer Barn). The walk in cooler was stocked with twelve (12) packs or larger quantities of beer. All liquor is stocked in one area. Super Pantry was not a liquor store. Tri Star offered convenience. Liquor sales have been requested by its customers. In addition, liquor sales were a part of this competitive industry.

Commissioner Buchanan questioned the age of store employees and minimum staffing levels. Mr. Wentz noted that an employee must meet the minimum age requirement (twenty-one/21). There were stores where only one (1) employee was on duty from midnight until 4/6:00 a.m. He added that the check out area may be bullet proof. Tri Star was concerned about employee safety.

Commissioner Stockton questioned the number of beer signs. Mr. Wentz noted that company policy set the limit at two (2). No posters were allowed. Commissioner Stockton cited the City's preference which was one (1). Windows should be unobstructed for employee safety. He added his opinion that businesses appeared more appealing with limited signage. Mr. Wentz informed the Commission that the store front would be glass, floor to ceiling.

Commissioner Buchanan questioned Tri Star's pricing policy. Mr. Wentz noted that alcohol sales were not a loss leader. Tri Star wanted loyal customers.

Commissioner Buchanan had visited the site and noted that the building was under construction. Mr. Wentz added that this store would be approximately 500 square feet larger than the store located on S. Main St.

Commissioner Stockton questioned if Tri Star's marketing plan included the sale of cold single serve containers. Mr. Wentz informed the Commission that he had been employed by Tri Star for the last ten (10) years. Tri Star does not stock this type of item. Commissioner Stockton

noted that the City did not prohibit the sale of this type of item. The Commission discouraged the sale of same.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Tri Star Marketing, Inc., d/b/a Super Pantry #29, located at 1206 Towanda Barnes Rd., requesting a GBPS 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.

Commissioner Stockton informed the Applicant that this item would appear on the November 8, 2010 City Council Consent Agenda. He encouraged Mr. Wentz to attend this meeting.

Commissioner Buchanan noted the thoroughness of the application.

There being no further business before the Commission, the meeting recessed at 4:30 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Major Convenient Mart, Inc., d/b/a Main Street Convenient Mart, located at 1919 S. Main 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. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Happy Singh, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Happy Singh, owner/operator and Applicant representative, addressed the Commission. He was the former owner of Buddy's Liquor located at 2303 E. Washington St. At this time, he was purchasing Main St. Convenient which held a GPAS (Gasoline, Packaged, All types of alcohol, Sunday sales) liquor license. He had left the area and operated a liquor store in Decatur, IL.

Commissioner Stockton questioned if there were any planned changes to the store's operations. Mr. Singh informed the Commission that the gasoline pumps would be removed. The business would remain a convenience store with a liquor license.

Commissioner Stockton questioned if there had been any violation issued for the business located in Decatur. Mr. Singh responded negatively. Main St. Convenient Mart would be open from 8:00 a.m. until 10:00 p.m. seven (7) days a week. Identification would be requested for all liquor sales.

Commissioner Stockton questioned staff training. Mr. Singh cited his twenty (20) years of experience with liquor sales. The store would be operated by himself and his wife. They had formed a new corporation.

Commissioner Tompkins questioned the Applicant's Emergency Call-In Listing. Mr. Singh informed the Commission that his and his wife's residence was located within three (3) miles of the store.

Commissioner Stockton questioned the number of liquor signs posted in the windows. Mr. Singh noted that there had been a liquor license at this location for a number of years. He would comply with the City's wishes. Commissioner Buchanan informed Mr. Singh that there would only be one (1) liquor sign. Commissioner Stockton added that the windows should be unobstructed. He cited area police patrols and safety issues.

Commissioner Tompkins questioned security measures at the store. Mr. Singh noted that additional video cameras could be installed. There would be two (2) employees on duty at all times.

Commissioner Stockton supported the ideas cited for additional surveillance equipment and minimum staffing for safety issues.

Commissioner Stockton opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of Major Convenient Mart, Inc., d/b/a Main Street Convenient Mart, located at 1919 S. Main 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 approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the November 8, 2010 City Council Consent Agenda. He encouraged Mr. Singh to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:40 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Sidecar Entertainment, Inc., d/b/a Eleven, located at 105 W. Front St., requesting a TAS 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, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Leah Sabaduquia, General Manager and Wade Nichols, CEO/Treasurer, Applicant representatives, and Todd Bugg, Applicants' attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Todd Bugg, Applicants' attorney, addressed the Commission. His clients had prepared a business plan. Eleven would be located in the former Federal Cafe. The building had been vacant for several months. The Applicants planned to lease the premise from themselves through two (2) different corporations. This action would provide liability barriers. The upper level of the building would be rented as residential apartments. A lease between the two (2) corporations has been prepared but not executed as of this date. He expressed his opinion that his clients were well prepared.

Wade Nichols, CEO/Treasurer and Applicants' representative, addressed the Commission. He noted the targeted age demographics - twenty-five to forty (25 - 40) years of age. Eleven would be a pub that offered quite conversation. Customers would sit at tables, key words were comfort and quality music from the 60's, 70's and 80's. The movie "This is Spinal Tap" was cited as an inspiration for Eleven. Food offerings would be from a limited menu. There would be small plates and appetizers. Dishes would be made fresh, again a key theme of quality, was cited. Cocktails would be garnished with fresh fruit, again the key them of quality, was cited. Drink offerings would be tied to location. Staff would be well trained. Those with BASSETT certification would be scheduled for priority shifts. The goal was for customers to have an enjoyable experience. Identification scanners had been purchased. Eleven planned to develop a banned list. Eleven planned to share information regarding individuals who have been flagged. Eleven would be a comfortable place. College students were welcomed to look Eleven up in twenty-five to thirty (25 - 30) years. Eleven was not starting with the goal of making a lot of money. There plan was to be defensive in order to minimize liability. The policy was one of a quality, controlled atmosphere. There was no interest in the college crowd.

Commissioner Stockton questioned if the Applicants purchased these scanners with no certainty of being approved for a liquor license. Mr. Nichols informed the Commission that he brought one with to the hearing.

Leah Sabaduquia, General Manager and Applicants' representative, addressed the Commission. She had attended Illinois State University. She was a part of the college bar scene while a student. Eleven would be nice place to have a quite drink. Eleven would bring something new to Front St. Customers would be able to enjoy a cocktail, food and company.

Commissioner Stockton noted that Eleven would need Council approval. The Council had an informal policy which discouraged additional Downtown taverns. An "R", Restaurant, application had a better chance of being approved. A "T", Tavern, application faced an up hill climb. The Applicants had stated that Eleven would be different from a college bar. He noted Eleven's pricing policies. He cited the planned hours of operations. The college crowd appeared around 11:00 p.m.

Mr. Nichols believed that the scanners would control access. The music offerings would be recorded. There would be no low priced alcohol promotions, i.e. specials. Eleven hoped to market itself with the US Cellular Coliseum and Bloomington Center for the Performing Arts, (BCPA). Eleven would not market itself to the college crowd.

Ms. Sabaduquia cited BASSETT training. The focus would be on controlled service. Eleven was concerned about ambiance and customer retention.

Mr. Nichols viewed the following businesses as peers, Reality Bites located at 414 N. Main St., Rosie's located at 106 E. Front St., and Swingers located at 1304 Cross Creek Dr., Normal. He believed that this community was under served.

Commissioner Stockton questioned the building investment. Mr. Nichols stated that the first two (2) floors would be for Eleven. The first floor would be the bar with booths. The second floor would offer a small bar. It would accommodate small groups. There would be security provided for the bar area. The building was in rough condition. The basement required structural work. The kitchen would be reduced in size. The rest rooms would be enlarged. The floors would be hardwood and the walls would be replastered. The second floor would offer a large open space with hardwood floors. The decor and music would be from the 60's, 70's and 80's.

Ms. Sabaduquia added that Eleven would offer local artist a venue to show their work.

Commissioner Clapp questioned the Applicants' entertainment plan. Ms. Sabaduquia noted Eleven's small space. Eleven might offer live low key acoustic music. She restated that the business would be located on two (2) floors. The upper floor would be away from the music.

Commissioner Clapp questioned occupancy. Mr. Nichols estimated occupancy at 100.

Commissioner Tompkins questioned if the Applicants had liquor license experience. Ms. Sabaduquia responded negatively.

Commissioner Stockton opened the hearing to public comment.

Tyler Holloway, owner/operator and License Holder for Fat Jack's located at 507 - 511 N. Main St., addressed the Commission. This application had been discussed at the Downtown Bar Association at its last meeting. The Association reached a consensus to be opposed to this application. He provided the following rationale: the last three (3) "T", Tavern applications claimed that they would cater to an older crowd. The key to operating a tavern in the Downtown was the business hours. He cited his sixteen (16) years of experience in the Downtown bar business. The crowd grows younger as the night progresses. After a certain hour, the entire crowd is college age. Mr. Holloway stated that there were twenty-six (26) tavern licenses within the Downtown. (Upon a review of the record, there were twenty-four restaurant and tavern licenses within the Downtown). The market was over saturated. This had led to a price war. He believed that businesses would close. These businesses were separating the market base. He did not believe that Front St. would draw from the college crowd. He also did not believe that there was a need for another Downtown tavern. He informed the Commission that Ms. Sabaduquia had work for him at Maggie Miley's, located at 126 E. Beaufort, Normal.

Commissioner Tompkins requested a copy of the Downtown Bar Association's minutes. Mr. Holloway noted that they were not available. Commissioner Tompkins expressed his opinion that the Association did not want to share the market. Mr. Holloway informed the Commission

that he currently served on the BNCCC, (Bloomington Normal Community Campus Committee). He restated his belief that the area was over saturated with liquor licenses.

Commissioner Petersen arrived at 5:07 p.m.

Commissioner Tompkins believed that Mr. Holloway's comments were contradictory. Mr. Holloway restated that there currently was a price war between the taverns located on Main St. Commissioner Tompkins questioned Mr. Holloway's response if the roles were reversed. Mr. Holloway acknowledged that he would be upset and look for another location.

Mr. Nichols believed that Front St. was a community place. Eleven did not want to be on Main St. It would not be a good fit for the business model. Ms. Sabaduquia added that Eleven would not be in competition with the Main St. taverns. Eleven hoped to bring in new clientele to the Downtown. Mr. Nichols did not believe Mr. Holloway's statements regarding over saturation. He was willing to take the risk. Eleven would provide the products and services to warrant its opening. He was willing to compete in the open market.

Commissioner Stockton noted the Council's serious approach to Downtown tavern licenses. He wanted to see the Downtown taverns improve. One way for this to occur would be through competition and market forces. He noted that the Downtown Bloomington Strategy included a tavern district on Front St., (See Downtown Bloomington Strategy, II. Illustrative Master Plan, Existing Retail, 4. Recommendation: Liquor Commission should restrict new taverns to designated Tavern District.) He addressed the concept of business hours. He believed that there would be pressure after 10:30 p.m. for Eleven to turn into a college bar.

Mr. Nichols noted that the business hours cited defaulted to the City Code. Eleven would maintain an atmosphere which was a place for adults. Eleven was after certain behavior. Commissioner Stockton noted that Eleven was interested in behavior and not the age of its customers. He believed that there was a correlation between the hour of night and behavior. Mr. Nichols cited BASSETT training. He added that water would be served with cocktails.

Commissioner Tompkins questioned if the Applicants were familiar with the City's and state's laws regarding alcoholic beverages. Mr. Nichols and Ms. Sabaduquia responded affirmatively.

Commissioner Stockton read the Downtown Business Association's (DBA) letter of support.

Daniel Rolph, owner/operator and License holder of Six Strings located at 525 N. Center St., addressed the Commission. He stated his respect for the Commission's judgment. He also had attended the Downtown Bar Association's meeting. He expressed his concern regarding competition. He cited the impact of the economy on business. He informed the Applicants that he had purchased the identification scanners. They did not perform as expected. The ability of the machine to read the bar code was based upon the condition of same. Eleven would need good staff. The City needed to promote "R", Restaurant licenses within the Downtown. All of the peers cited by the Applicants were restaurants. He noted the plan would reduce the size of the kitchen. He did not believe that it would be possible for Eleven to be a restaurant and not a tavern. Eighty-five percent (85%) of Six Strings' demographics were over twenty-five (25)



years. The clientele changes late at night to a college crowd. He cited Drifters' located at 612 N. Main St., business plan. Drifters planned to work with the Bloomington Center for the Performing Arts. At this time, it is doing whatever it had to do to stay in business. There were responsible Downtown bars who were trying to do things right. Six Strings has an older clientele. Eleven would be another tavern offering acoustic music early in the evening. This would be nothing new. Eleven's model is the same as Fat Jack's and Six Strings.

Commissioner Stockton stated that a restaurant was not a panacea. It could turn into a tavern after 10:00 p.m.

Commissioner Buchanan noted that the business plan stated that food sales would equal twenty to twenty-five percent (20 - 25%). Ms. Sabaduquia noted that the kitchen size would still support a restaurant. Mr. Nichols cited the kitchen equipment. It would be a full size U-shaped kitchen. He also acknowledged Mr. Rolph's statements. Technology was no substitute for well trained staff. He restated the benefits of BASSETT certification.

Mr. Bugg addressed the Bar Association's concerns. He restated that the Applicants owned the building. They had a stake in the building and the community. He believed that the situation was different. The criteria to create a license was important.

Commissioner Buchanan stated that if the location was on Main St. then the scenario would be different. There was a potential for conflict on Main St. Front St. was a better location. He noted the integrity and credibility of the Applicants. The business plan in comparison to the real world was a challenge. There was no easy formula. The Applicants had performed market research. A lot of effort was put into their application.

Commissioner Buchanan noted that the business plan stated that food revenue would be twenty to twenty-five percent (20 - 25%) of total revenue. He questioned if other revenue streams beyond liquor sales could be increased substantially. He also questioned an earlier closing time. He cited midnight, seven (7) days a week. He noted the demographic pressures. Mr. Nichols noted that other establishments remain open until the code specified closing hour. He cited Rosie's located at 106 E. Front St., currently holding an RASO liquor license; CII East located at 102 S. East St., currently holding a TAPS liquor license; Illinois Brewing Co. located at 102 N. Center St., currently holding a TAPS liquor license; Mugshots located at 107 W. Front St., currently holding a TAS liquor license; and Diggers located at 230 E. Front St., currently holding a TAS liquor license.

Commissioner Buchanan expressed his opinion that Six Strings was not a college bar. Mr. Bugg challenged the Commission. If they approved of the business plan and his clients did not follow through, then the Commission could place conditions upon the license or revoke same at renewal time. He believed his clients had a good plan.

Commissioner Stockton noted that revocation was easier said than done. He cited the Applicants investment.

Commissioner Clapp encouraged the Applicants to change the business profile. Eleven would have to be made acceptable to the Commission. She was not convinced that Eleven would not become another college bar.

Commissioner Tompkins noted the DBA's letter of support welcoming Eleven to the Tavern District. The Applicants owned the building. No one could predict the future.

Commissioner Petersen expressed his concern regarding the twenty-five to forty (25 - 40) years of age demographic. He questioned how long it would take the Applicants to draft a new plan. Mr. Nichols requested at least two (2) weeks.

Commissioner Stockton did not believe that the Council would approve this application. He also could not support it as presented. The Applicants were trying to establish on business on Front St. Two (2) key factors would be 1.) the food menu and 2.) reduced business hours. The food menu should be more aggressive and advanced. A revised business plan addressing these two (2) factors would bring his support. The Commission has seen good intentions, but when the market does not match the business plan there have been unintended consequences.

Mr. Nichols offered to keep the kitchen open and continue to serve food until closing time.

Commissioner Stockton recommended that the Commission lay this application over until the Commission's November 9, 2010 meeting. The revised business plan should address the following: 1.) business hours and 2.) a prepared food menu which is more aggressive and embellished. Mr. Nichols restated that Eleven would be an American pub which offered good food. Commissioner Stockton restated that he could not support the application as presented. Mr. Nichols believed addressing the business hours would be simpler.

Commissioner Buchanan stated that the Commission was searching for a way to consider this application. He cited his experience on the Commission. He noted that there was one (1) constant - the quality of the applicant. The Applicants had made an excellent presentation. They were credible. He expressed his support for laying over this item to allow the Applicants time to revise their proposal.

Mr. Bugg requested that the Commission lay this item over to allow his clients time to prepare additional materials. His clients would refine their plan and present it to the Commission again. Commissioner Stockton expressed his belief that at this time the application would be denied.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Sidecar Entertainment, Inc., d/b/a Eleven, located at 105 W. Front St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be laid over until the Commission's November 9, 2010 meeting.

Motion carried.

Mr. Nichols requested clarification. If Eleven agreed to a midnight closing hour, he questioned if the Commission would accept a request to change the closing hour in the future.

Commissioner Stockton stated a request to change from more restrictive to less would be filed with the Commission. Mr. Nichols also questioned food sales and a higher percentage of same. Commissioner Stockton restated a more aggressive approach to food sales. Eleven must be made more attractive to an older crowd. The Commission would consider the entire package.

Commissioner Tompkins left the meeting at 5:50 p.m.

There being no further business before the Commission, the meeting recessed at 5:50 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of LSRE, Inc., d/b/a Laugh, Comedy Club, located at 108 E. Market St., requesting a TA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, and Steve Petersen, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Luke Swanson and Adam Weber, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants explain this request. Luke Swanson, owner/operator and Applicant representative, addressed the Commission. He provided the Commission with background information about himself. Since November 2007, he had been employed at the former Donnie B's Funnybone Comedy Club which had been located at 1407 N. Veterans Pkwy. He was employed in a variety of roles. The business had closed recently. The plan was to host five (5) comedy shows a week. At this time, three (3) shows a week were being offered. Adam Weber, owner/operator and Applicant representative, addressed the Commission. He and Mr. Swanson were business partners. He believed that their plan, (comedy club) was unique and proven. Their business was about comedy. Mr. Swanson had the experience to bring nationwide professional comedy acts.

Commissioner Stockton noted that Laugh, Comedy Club would be located in the Downtown. Mr. Swanson informed the Commission that he had kept the comedy schedule going. He had been working with the Lucca Grill located at 116 E. Market St. Comedy was offered on Thursday through Saturday nights on the Lucca's second floor. Comedy required a microphone and a chair. He hoped to raise the community's awareness. He restated that the Funnybone had closed. The franchise was in decline. Laugh would be community based. He wanted the business to become a part of the community. Mr. Weber and Mr. Swanson had been college roommates. The Applicants cited booking Mike Armstrong to come to town for a fundraiser for Carl Boyd Jr., (Sheriff's Deputy), when battling cancer.

Alcoholic beverages would be offered during the show. Laugh would offer a Downtown setting. The bar area would be smaller than the Funnybone. The amount of space dedicated to the bar area at the Funnybone was not needed. The premise would be seventy-five percent (75%) seating and twenty-five percent (25%) bar area. There would not be a drink minimum. He noted that a standard policy for comedy clubs was a two (2) drink minimum. Ticket prices would start at \$11.

Commissioner Petersen questioned a typical night at Laugh. Mr. Swanson noted that the hours of operation cited on the application were the same as the business hours at the former Funnybone. Laugh would open at 4:00 p.m. Customers would arrive at 6:30 - 7:00 p.m. The show would start at 8:00 p.m. Generally the club would be closed by midnight.

Commissioner Petersen questioned occupancy. Mr. Swanson believed occupancy would be set at 175 - 200. There would be an extra (fire) exit.

Commissioner Buchanan questioned gross revenues by percentage. Mr. Swanson cited the following figures: 1.) tickets sales - sixty percent (60%) and 2.) liquor sales - forty percent (40%). He added that percentages by evening would be based upon the comic performing and the ticket price. Drink sales typically occurred during the show. Mr. Weber added that on Saturday nights there would be two (2) shows.

Commissioner Petersen questioned if there would be special college nights. Mr. Swanson restated that Laugh would offer five (5) shows a week. There would be hands on management. Thursday night would be college night. There would be a drink special on Thursday nights. Mr. Weber added that alcoholic beverages would be more expensive at Laugh. Laugh would not offer lower prices.

Commissioner Stockton stated that there would be a commitment to comedy. Mr. Swanson was 100% committed to comedy. He hoped to be able to rent the space on Tuesday nights. He cited motivational speakers, hypnotist, etc. as examples. Mr. Weber had spoken with Illinois State University student musicians. Student ensembles could provide ambiance. Monday and Tuesday nights would be available for rentals. Wednesday through Saturday nights would be comedy.

Commissioner Buchanan expressed his opinion that once the show is over Laugh would become a bar until closing. Mr. Swanson responded affirmatively. He noted that groups who come to a show stay and visit afterwards. Generally individuals were gone within an hour.

Commissioner Petersen questioned show times. Mr. Swanson stated for Wednesday through Friday show time was 8:00 p.m. On Saturdays, shows would be at 8:00 and 10:00 p.m. The average show length was an hour and a quarter to an hour and a half.

Commissioner Buchanan questioned the demographics on a Saturday night at 11:45 p.m. Mr. Swanson noted that the late show drew an older crowd. He restated that Thursday nights would be college students. Individuals were there to laugh. Commissioner Buchanan provided the following scenario - an individual shows up at 11:45 p.m. without a ticket. Mr. Swanson noted that Funnybone had been a destination. A ticket was required for admission. Commissioner Buchanan presented another scenario - someone pulls the fire alarm at Fat Jack's after the show. Mr. Swanson noted that if the comedy show was over, he would allow Fat Jack's customers into the club to move them inside and off of the street. He restated that once the show starts there was no admittance.

Commissioner Stockton questioned at a minimum what the Applicants might be willing to give up. Mr. Swanson believed that there were possible scenarios. Commissioner Stockton noted that the Commission was struggling with this application. He did not want Laugh to become another Downtown tavern. Mr. Swanson noted that the comedy show was the most important thing. He would be willing to give up hours of operation. The comedy was important.

Commissioner Buchanan stated that drink prices would be such to discourage the college crowd. Mr. Swanson believed that people came for the show. There would not be any drink specials on Friday and/or Saturday nights. The hours also discourage alcohol consumption. Individuals come for the comedy. He cited ticket prices.

Commissioner Stockton restated that admittance was tied to a purchased ticket. Commissioner Buchanan suggested that ticket prices could be reduced and drink prices increased to discourage consumption.

Commissioner Stockton opened the hearing to public comment.

Tyler Holloway, owner/operator and License Holder for Fat Jack's located at 507 - 511 N. Main St., addressed the Commission. The Downtown Bar Association had met and supported this application. The Association believed that the business hours should be limited to a set time after a show ended. He noted that this building had been a venue for live performances in the past. The Association believed a comedy club would be a good addition to the Downtown.

Commissioner Stockton informed the Commission that the City had received a letter of support from the DBA (Downtown Business Association). Commissioner Petersen questioned if the Applicants had approached the DBA. Mr. Swanson informed the Commission that Laugh had been in the planning stage for months. He resided in the Downtown. He recalled his first experience with comedy at the Castle Theater located at 209 E. Washington St. He believed that the comedy offerings in the community could be better. He wanted Laugh to become a part of the Downtown community. He planned to bring new, national acts. This building would be conducive for comedy shows.

Alderman Petersen questioned the number of entrances. Mr. Swanson stated that there would be two (2) entrances. One (1) of them would be in the alley.

Daniel Rolph, owner/operator and License holder of Six Strings located at 525 N. Center St., addressed the Commission. He believed that good entertainment was available in the Downtown. The addition of comedy would be a plus to the community. He believed that the Commission needed to put the right constraints on this application. He cited no admission after the show commenced as an example.

Commissioner Stockton believed that the ticket price would be a deterrence. If Laugh closed at midnight, its customers would visit other Downtown establishments.

Commissioner Buchanan had visited the Funnybone a number of times. He was not disturbed by the establishment's other customers. Mr. Swanson restated that it was about the show. He was

strict about how the room is run. Customers were there to watch the show. He restated the caliber of the acts.

Mr. Swanson believed that Laugh would work as it would be located in the heart of the Downtown. Commissioner Stockton recalled that the building had been a vaudevillian theater. Mr. Swanson agreed that there was a lot of history to the building. He hoped to have Laugh open for the holidays.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the application of LSRE, Inc., d/b/a Laugh, Comedy Club, located at 108 E. Market St., requesting a TA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week be approved with the following conditions: 1.) that the closing hour on Monday through Thursday shall be midnight and on Saturday and Sunday at 1:00 a.m.; 2.) that last call shall be thirty (30) minutes prior to closing time or one (1) hour after a show ends which ever is later; 3.) a cover charge (ticket) will always be applied for admission with a minimum charge of \$10; and 4.) that patrons who arrive after the comedy act starts shall be charged half the face value of the ticket price with a minimum charge of \$5.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the November 8, 2010 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 6:43 p.m.

Commissioner Clapp left the meeting at 6:45 p.m.

Commissioner Stockton noted the two (2) discussion items on the Commission's agenda. There would be no formal action taken on same.

Commissioner Stockton noted comments made during the Commission's September 14, 2010 meeting regarding "level playing field" as part of the request made by Mac's Convenience Store, LLC, d/b/a Circle K. The Commission had been instructed by the Council to look at each application on its individual merits.

Commissioner Buchanan expressed his opposition to the grandfathered GPA license holders. He requested that the Commission consider a one (1) year amortization schedule. Commissioner Stockton questioned this time frame. The City could consider phasing out this license classification. Commissioner Buchanan restated his request that the Commission propose a schedule to eliminate the GPA license classification.

(There are three remaining GPA license holders: Qik N Ez located at 1607 Morrissey Dr., Convenient Food Mart located at 1102 N. Hershey Rd., and Huck's Convenience Food & Fuel located at 501 N. Hershey Rd.)

Commissioner Stockton opened the hearing to public comment. He noted that the GPA license classification and single serve issue were separate. The Commission has the ability to limit single serve sales by application. He cited his belief regarding cold single serve items.

Doug Jameson, City Beverage, located at 1105 E. Lafayette, addressed the Commission. He questioned the City Code. Commissioner Stockton restated that the City has the ability to place conditions upon a liquor license.

Commissioner Buchanan restated his belief that GPA liquor licenses should be banned.

George Boyle, Asst. Corporation Counsel, cited the definition of single serve, (see Chapter 6. Alcoholic Beverages, Section 1. Definitions).

Doug Schumacher, 502 S. Clayton St., addressed the Commission. He expressed his belief that in neighborhoods, where conditions which addressed single serve sales have been imposed, were better places to live. He cited from personal experience - police calls. Life was not a level playing field. Liquor licenses were a privilege and conditions should be dependent upon the neighborhood. Issues with single serve sales had declined. He added that Circle K had not policed alley.

Bob Wall, Asst. Police Chief, addressed the Commission. The Police Department has come before the Commission to make requests, present evidence, and/or address problem licensed establishments. The Commission must use its authority to regulate the license holders to address neighborhood issues which in turn improves the area.

Commissioner Stockton noted that conditions often allow the Commission to approve an application. He cited this hearing's approval of a comedy club within the Downtown.

Commissioner Buchanan expressed his belief that whenever possible the Commission needed to be consistent.

Commissioner Petersen questioned the economic impact upon those who sell single serve items. Mr. Jameson believed that these items equaled a small percentage of total sales.

Laura Schumacher, 502 S. Clayton St., addressed the Commission. The issue for her was not the economic impact. She cited public consumption in the alley and at Lincoln Memorial Park. This Lincoln site had a historic marker. She questioned the impression upon the City. She also noted public urination and litter. She cited her personal experience. Ms. Schumacher stressed her concern regarding litter.

Commissioner Stockton stated that the Commission could look at restrictions at other locations. He encouraged the Schumacher to attend the monthly meeting at the Police Department which addressed neighborhood issues. He also encouraged the Schumachers to keep the police informed. He acknowledged that there was a role for the Commission.

Joan Phillips, 503 S. Clayton, addressed the Commission. She noted the significant reduction in the numbers of issues in the neighborhood. She expressed her opinion that no one should be allowed to sell single serve items. She informed the Commission that seven (7) years ago she found a homeless person sleeping in her car. She added that the neighborhood improved when the Pit Stop closed.

Commissioner Stockton noted that single serve sales was a complex issue. The City had not banned same. Single serve sales was addressed on an individual basis. The Commission worked with the Police Department. A ban on single serve items would have to extend beyond the City.

Commissioner Buchanan did not associate single serve sales and the GPA license classification.

Commissioner Buchanan addressed public intoxication. Asst. Chief Wall informed the Commission that the police officer will check for any outstanding warrants for an individual. Public intoxication was an Ordinance Violation. Eventually a civil warrant can be issued. He noted that the McLean County Jail was overcrowded. Mr. Boyle added that prosecution may be futile. If found guilty, the individual may be unable to pay the fine. If the individual agrees to rehabilitation, then the fine is dropped. Full payment for the chronic individual was difficult. Asst. Chief Wall acknowledged that there was not a lot that can be done. Citizens can call the Police Department. He noted that public intoxication is impacted by the weather. He added that this also was a social issue. Commissioner Stockton encouraged the Schumachers and Ms. Phillips to attend the monthly meeting at the Police Department.

There being no further business before the Commission, the meeting adjourned at 7:19 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk