

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

May 11, 2010

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order at 4:06 p.m. Commissioner Stockton welcomed Geoffrey Tompkins to the Liquor Commission. He announced that he would recues himself from the Normal Community High School Class of 1965 Reunion at Davis Lodge. Commissioner Buchanan would chair this portion of the Liquor Hearing.

Commissioner Buchanan called the Liquor Hearing to order to hear the request of the Reunion Committee for the Normal Community High School (NCHS) Class of 1965 to allow moderate consumption of alcohol at the Davis Lodge at Lake Bloomington on August 21, 2010 for a class reunion. Present at the hearing were Liquor Commissioners Richard Buchanan, Steve Petersen and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Richard Percy, NCHS Class of 1965 Reunion Committee representative.

Commissioner Buchanan questioned the purpose of this request. He added that the request would involve a suspension of the City Code. Richard Percy, NCHS Class of 1965 Reunion Committee representative, addressed the Commission. This summer would mark the 45th Class Reunion. On August 21, 2010, the committee would host a casual gathering. Davis Lodge would be a wonderful setting. He stated his understanding that liquor was generally not allowed. The request was for moderate consumption of alcohol. The committee had entered into a contract with Times Past Inn located at 1216 N. Towanda Ave.

Commissioner Buchanan noted that the Davis Lodge was City property that was located in McLean County. A county liquor license was not required. It was his understanding that the reunion would be a catered event. There would not be a cash bar.

Commissioner Buchanan encouraged Mr. Percy to work with Craig Cummings, Director - Water.

Commissioner Petersen questioned if there would be a cash bar. Mr. Percy responded negatively. This would be a catered event.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted past motions regarding Davis Lodge included the following condition: those set forth in the rental agreement, (1. restrict alcohol consumption to the building's interior and rear patio; 2. requiring a class "W", catering liquor license (no cash bar); and 3. setting the time of day). Commissioner Buchanan expressed his opinion that conditions were implicit in the contract with the City.

Commissioner Petersen questioned who would be the responsible party. Tracey Covert, City Clerk, addressed the Commission. She noted that Times Past held a class W, catering license. Mr. Boyle added that this could be dependent upon dram shop insurance. Mr. Percy expressed his opinion that it could fall to all, (individual, Class of 1965, and Times Past).

Commissioner Tompkins called for the question.

Commissioner Buchanan restated that the Council would have to vote to suspend the ordinance.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen to recommend the suspension of City ordinance for the Normal Community High School Class of 1965 Reunion to be held at Davis Lodge on August 21, 2010.

Commissioner Buchanan informed Mr. Percy that this item would appear on the June 14, 2010 City Council Consent Agenda. He encouraged Mr. Percy to attend this meeting.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of the OHM Liquor, Inc. d/b/a Famous Wine & Liquors, located at 1404 E. Empire 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 Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Rakesh "Ray" Patel, owner/operator and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Rakesh "Ray" Patel, owner/operator and Applicant representative, addressed the Commission. He informed the Commission that currently he owned Main St. Convenient located at 1919 S. Main St., and Amigo's Express located at 502 N. Prospect Rd. Main St. Convenient held a GPAS, (Gasoline, Packaged, All types of alcohol, Sunday sales) liquor license. Amigo's Express held a PAS, (Packaged, All types of alcohol, Sunday sales). He was in the process of acquiring Famous Wine & Liquors. This store had fallen on difficult times. He planned to improve same. The exterior had been painted and the parking lot had been repaired. The interior flooring has been replaced and spirits and wine have been added.

Commissioner Stockton questioned the inventory and stocking. Mr. Patel informed the Commission that inventory has been increased by fifty percent (50%). He added that there would be additional items. Additional inventory would mean more selection.

Commissioner Stockton questioned the difference between stores. Mr. Patel cited staffing. At Famous, there would be two (2) managers: one for the store and another for wine.

Commissioner Petersen questioned the business hours. Mr. Patel cited the following: Monday through Saturday - 10:00 a.m. to 10:00 p.m.; Sunday - 12 noon until 8:00 p.m. There would be little change to the overall business.

Commissioner Petersen questioned Mr. Patel's interest in the keg business. Mr. Patel stated that he was not interested in same. There was little traffic for kegs.

Commissioner Tompkins questioned if there would be security video. Mr. Patel stated that the equipment was recently upgraded.

Commissioner Buchanan questioned the day to day operations. Mr. Patel stated his intention to be on site three to four (3 - 4) hours per day. In addition, he has a store manager.

George Boyle, Asst. Corporation Counsel, questioned the building's ownership. Mr. Patel stated his intention to purchase same. The property was currently involved in foreclosure.

Mr. Boyle questioned if Mr. Patel had any relationship with the current corporate owner. Mr. Patel responded negatively.

Mr. Boyle noted that the existing license holder owed the City packaged liquor sales taxes. Mr. Patel was not aware of same. Commissioner Stockton noted that the existing license holder has not paid this tax from July 2009 through March 2010. Mr. Patel believed that this should be a part of the contract for sale of the business. This fact needed to be taken care of by the current business owner.

Commissioner Buchanan cited the City's packaged liquor tax and the amount owed. Mr. Boyle informed the Commission that City staff had prepared an estimate of the amount owed. He recommended that the license be approved contingent upon payment of the outstanding tax. At this time, the information was preliminary in nature.

Commissioner Stockton recommended that the proceeds from the sale be used to pay the tax liability. Mr. Boyle encouraged Mr. Patel to work with the Finance Department's Office Manager.

Commissioner Buchanan requested that Mr. Patel provide the City with a copy of the contract. He added that the seller would be responsible for remitting these dollars to the City. Mr. Patel noted that the contract had already been filed with his application.

Commissioner Stockton restated that there would be no license until payment is received.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of OHM Liquor, Inc., d/b/a Famous Wine & Liquors, located at 1404 Empire 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 June 14, 2010 City Council Consent Agenda. He encouraged Mr. Patel to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:39 p.m

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of the N & N Petroleum, Inc. d/b/a Bloomington BP, located at 1220 Towanda Ave., 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 Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Rod and Sam Daya, owners/operators and Applicant representatives.

Commissioner Stockton questioned the purpose of this application. Rod and Sam Daya, owners/operators and Applicant representatives, addressed the Commission. They currently owned and operated the Marathon station located on S. Main St. which was located in the county. Commissioner Stockton had watched the progress on this facility. Rod Daya noted that this would be his tenth location. The business plan included purchasing foreclosed properties. The property is renovated and brought up to date. He had a proven track record. The S. Main St. store was purchased in 2006. Sales had increased dramatically. He also cited his experience with the site of a former Hucks in Mattoon, IL. He anticipated that sales would increase four times over the previous owner. This store had been purchased for \$300,000. The investment in this property was the same. He had eight (8) years of experience and a number of liquor licenses. There had been no violations.

Commissioner Petersen questioned if there was anything special about this store. Sam Daya stated that the store would have a coffee house feel. There would be sofas and wifi. Their focus was on the area. People have stopped by to question the store's opening date. He hoped to add pizza, (limited offering).

Rod Daya noted that there would be no on premise consumption of alcohol. He hoped to offer prepared sandwiches. This store would be more high end compared to a Huck's/Casey's. There would be wood flooring. The store would offer new concepts.

Commissioner Buchanan noted that a key factor was the management and staff. Rod Daya informed the Commission that they had long term staff. Promotions are handled from within. He preferred to hire locally, (from the community). Some of their stores were operated by families. He cited the S. Main St. store which had been operated by a family from Clinton, IL for the past four (4) years. Sam Daya added that there was a general manager. This individual trained the new store manager for a period of six to eight (6 - 8) months.

Rod Daya noted that the S. Main St. store offered .99 per gallon gasoline for its grand opening. The plan was to make a big splash and hit the ground running. He anticipated a retention rate of seventy percent (70%) from the grand opening.

The store would have a fifteen (15) door cooler. Eight (8) doors would be stocked with beer and wine. Commissioner Stockton encouraged the Applicants to become familiar with the City's liquor code. Rod Daya believed that it was similar to the county's code with expanded sale hours. Commissioner Stockton cited the section of the code that addressed the class "G" liquor

license. Mr. Daya referred the Commission to the floor plan. There would be a twenty foot (20') coffee bar. In addition, there would be thirty-two feet (32') of shelving for convenience items.

Commissioner Buchanan noted that there were additional conditions placed upon a class "G" liquor license. He also encouraged the Applicants to familiarize themselves with the City Code. Rod Daya encouraged the Commission to visit the S. Main St. store.

Commissioner Stockton presented three (3) questions: 1.) video surveillance; 2.) servicing the handicapped; and 3.) unobstructed view of sales counter, (safety reminder). Rod Daya informed the Commission that there would be full interior and exterior video surveillance. Generally, there would be two (2) staff members present. All of their stores meet the City of Chicago's access standards. An intercom system would offer assistance to customers at the pump. A window had also been added to the front of the building by the cash register. There would not be any exterior signage.

Commissioner Buchanan questioned times when only one (1) employee was on duty and there was an emergency at the pump. Rod Daya noted that an employee would make a judgment call. There was an emergency shut off by the register (within five feet/5'). This was done to comply with fire codes. Most issues could be resolved quickly. His preference was for staff not the leave the store if there were customers present. However, there was interior video surveillance for an emergency situation.

Commissioner Stockton noted that juveniles could create a distraction. Rod Daya noted that there was only one (1) point of access. This was a small property.

Commissioner Petersen questioned the business hours. Rod Daya noted the following: Monday through Saturday - 6:00 a.m. to 10:00 p.m. and Sunday - 7:00 or 8:00 a.m. to 10:00 p.m.

Commissioner Petersen noted that the previous owner had a drive up window. Rod Daya stated his plans to utilize same. He questioned if the City would have any issues with same.

Commissioner Stockton noted that the Commission only regulated liquor. Rod Daya restated that the store would have video surveillance. Commissioner Stockton expressed no concerns at this time. Mr. Daya believed that it could be an issue for the store. It was an opportunity to increase sales. He cited concerns regarding counterfeit bills.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of N & N Petroleum, Inc. d/b/a Bloomington BP, located at 1220 Towanda, 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.

Commissioner Stockton informed the Applicants that this item would appear on the June 14, 2010 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:05 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of the NTR Foodmart, Inc., d/b/a Clark Gas Station, located at 1810 S. Morris Ave., 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 Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton noted that no one was present to represent the Applicant.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan to lay this Application over until the Commission's June 8, 2010 meeting.

Motion carried.

Tracey Covert, City Clerk, offered to follow up with the Applicant and inform him of same.

There being no further business before the Commission, the meeting recessed at 5:06 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the notification by Treehouse 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 all types of packaged alcohol for consumption off the premises seven (7) days a week, regarding a change of stockholder. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that Gary Biddle had purchased Jesse Crank's interest in the corporation. 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 Buchanan, seconded by Commissioner Petersen to accept the change in corporate stockholders for Treehouse of Bloomington, Inc., d/b/a Treehouse Lounge, located at 2060 Ireland Grove Rd., currently holding a TAPS 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 recessed at 5:08 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of the Ireland Grove, LLC, d/b/a Links at Ireland Grove, located at 3807 Ballybunion, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton noted that no one was present to represent the Applicant.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen to lay this Application over until the Commission's June 8, 2010 meeting.

Motion carried.

Tracey Covert, City Clerk, offered to follow up with the Applicant and inform him of same.

There being no further business before the Commission, the meeting recessed at 5:10 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Violation Hearing to order regarding Tjolos, Inc., d/b/a Show Me's Restaurant, located at 517 N. Main 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. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; Brian Novotny, owner/operator and License holder, and Ron Cote, Show Me's President; and Wayne Karplus, Town of Normal's Deputy Corporation Counsel.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He distributed Complaints No. 2010 - 02, 2010 - 03 and 2010 - 04 to them.

The Commission took a five (5) minute recess.

Wayne Karplus, Town of Normal's Deputy Corporation Counsel, addressed the Commission. He would represent the Commission. There was no Stipulation and a hearing date needed to be scheduled.

Commissioner Stockton opened the Liquor Violation Hearing for Tjolos, Inc., d/b/a Show Me's Restaurant, located at 517 N. Main 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.

Mr. Boyle addressed the nature of the Complaints. He noted that there were three (3) of them. Copies of same had been provided to the Commission. Mr. Novonty acknowledged receipt of same. Mr. Boyle reviewed each Complaint, (Complaint 2010 - 02 contained three (3) Counts; Complaint 2010 - 03 contained 2 Counts; and Complaint 2010 - 04 contained two (2) Counts). Mr. Boyle had spoken with Mr. Novonty on Thursday, May 6, 2010. At that time, today's hearing was to address Stipulations. At this time, Mr. Novonty has requested time to retain counsel and was contesting all of the Complaints. A hearing needed to be scheduled to address Findings of Fact.

Commissioner Stockton noted that this was a serious matter. The Commission would review Show Me's entire file. The highest sanction would be revocation of the liquor license. He encouraged the license holder to take these Complaints seriously. It would be a good idea to retain legal counsel. Any statement made by the license holder would become a part of the official record. He believed that the best course of action would be to schedule a Violation Hearing.

Mr. Boyle concurred. Any discussion should be limited. He encouraged the Commission to schedule a hearing. Commissioner Stockton noted that Mr. Novonty should have adequate representation due to the serious nature of the Complaints.

Commissioner Buchanan questioned Complaint 2010 - 02. Commissioner Stockton noted that both City ordinance and state statute had been cited. Mr. Boyle added that the Complaint format had been used by the City for a number of years. City ordinance and state statute were shown as separate Counts. Commissioner Stockton stated that this provided the City with flexibility. Two (2) laws had been violated by the same offense. Based upon his understanding of the situation, he recommended that a hearing date be scheduled.

Ron Cote, Show Me's President, believed that this complaint involved a Police Department audit. He requested that the hearing date be scheduled as soon as possible.

Mr. Boyle recommended allowing at least two (2) weeks to allow Mr. Novonty to retain legal counsel. He suggested May 25, 2010 as the earliest possible date. Commission discussion regarding possible dates and times for the Violation Hearing. Consensus reached to schedule the Violation Hearing for Tuesday, June 22, 2010 at 3:30 p.m. The Commission stated their intention to move forward and not grant delays.

Mr. Karplus informed the Commission that he would meet with Show Me's legal counsel and Mr. Boyle to develop protocol for the Violation Hearing. The hearing would be similar to a court proceeding. Procedure would be established in advance. There would be evidentiary rules established.

Mr. Cote questioned what would have happened if stipulations were addressed today. Mr. Karplus noted that a sanctions hearing would have been scheduled. Commissioner Stockton noted that Mr. Boyle was not authorized to extend sanctions. These Complaints represented the fourth, fifth and sixth, (4th, 5th and 6th) violations for Show Me's in the past three (3) years. He noted the range of possible sanctions: fines, (up to \$3,000 per violation); license suspension, (up

to thirty/30 days); and revocation of license, (no liquor sales for one/1 year). Mr. Boyle added that the Commission could also change and/or add to the conditions currently placed upon this liquor license.

Mr. Cote restated his interested to clearing up these matters as soon as possible.

There being no further business before the Commission, the meeting recessed at 5:40 p.m.

Commissioner Stockton informed the Commission that the Council had expressed an interest in an adjustment to the liquor license fees. He cited the impact of the smoking ban. However, the City appeared to be pulling out the recession. The Commission needed to review same. He believed that it had been over ten (10) years since the last increase. He added that the Commission should also consider a new license classification for the Downtown with higher fees. The Council was interested in subsidy levels. He noted the various Downtown issues, (police enforcement on weekends, litter, etc.). The City may need to establish an entertainment district. He cited the collage age population. The Commission would examine the costs and benefits. He encouraged the Commission to give some thought to this issue.

Commissioner Tompkins expressed his opinion that the fees were too low.

Commissioner Petersen requested a complete listing of all liquor license holders. In addition, he questioned the license fee. Commissioner Stockton recommended that the Commission also be provided with a copy of the fee page contained within the City Code. One option would be to increase the base fee.

Commissioner Tompkins questioned credentials for serving as a Commissioner. He hoped to visit the various establishment. It was noted that the City's Human Resources Department issued employee id cards. Commissioner Stockton cautioned that Commissioners be aware of their personal safety. It may be possible to borrow a police radio. In rare instances, a Commissioner might be able to accompany a police officer. The role of the Commission was not one of enforcement.

Commissioner Buchanan expressed his opinion that there was value to occasional social contact with the various liquor license holders. He noted that the Police Department had expressed an interest in amending the conditions currently in place for Show Me's. Mr. Karplus noted that a citizen could bring charges to the Commission. He could not recall a single instance of same.

There being no further business before the Commission, the meeting recessed at 5:45 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk

