

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

June 9, 2009

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Famous Trading, Inc., d/b/a Famous Wine & Spirits, located at 1404 E. Empire, 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, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Bobby Ghotra, Store Manager and Kuldip Singh, owner, Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Bobby Ghotra, Manager and Applicant representative, addressed the Commission. He would perform the same type of work. He was currently employed in Decatur, IL. Kuldip Singh would own and operate two (2) stores. Mr. Ghotra informed the Commission that Mr. Singh had formed a new corporation. There would be a new corporation with new corporate officers.

Commissioner Stockton arrived at 4:07 p.m.

Mr. Ghotra noted that no changes were planned at the store.

Commissioner Clapp noted that Mr. Ghotra managed the Decatur store. She questioned if there had been any violations. Mr. Ghotra informed the Commission that during his three (3) year tenure there had not been any issues.

Commissioner Buchanan questioned if Mr. Ghotra would be a hands on manager. Mr. Ghotra responded affirmatively.

Commissioner Peterson questioned the business hours. Mr. Ghotra provided the following: Monday through Saturday - 9:00 a.m. to 10:00 p.m.; Sunday - 10:00 a.m. to 7:00 p.m.

Commissioner Stockton questioned Decatur's sale hours. Mr. Ghotra cited the following no sales are allowed between the hours of 2:00 a.m. and 6:00 a.m. - Monday through Saturday, and between the hours of 2:00 a.m. and 10:00 a.m. on Sunday.

Commissioner Buchanan addressed the Liquor Application. Mr. Ghotra informed the Commission that currently he was not a resident of McLean County. Commissioner Buchanan noted that the Application should be corrected, (see Liquor Questionnaire item 1(i) Legal Requirements). Mr. Ghotra informed the Commission that the same corporation would hold the Decatur and Bloomington stores. Mr. Singh was purchasing the business. Commissioner

Stockton noted that one (1) corporation would hold two (2) stores, (Bloomington and Decatur). Mr. Ghotra noted that Mr. Singh look forward to the opportunity to expand his business.

Commissioner Buchanan questioned the floor plan. Mr. Ghotra stated that there were no planned changes to same.

Commissioner Petersen questioned staff training. Mr. Ghotra noted that customers must be twenty-one (21) years old to enter the store. Mr. Singh had an audit program. Each employee is checked two (2) times a month. If one does not pass, then he/she is terminated. Employees are taught to check each customer's identification. The business practices would be the same in Bloomington as at the Decatur store.

Commissioner Buchanan opened the hearing to public input.

Jeevan Singh, current business owner and license holder, addressed the Commission. This spring, Famous Liquors passed an audit by the state. He had received a letter of commendation.

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the application of Famous Trading, Inc., d/b/a Famous Wine & Spirits located at 1404 E. Empire, requesting a PAS liquor license which allows the sale of all types of packaged alcohol by for consumption off the premises seven (7) days a week be approved.

Motion carried.

Tracey Covert, City Clerk, questioned the sale date for the business. Mr. Ghotra stated that this date was dependent upon the license.

Commissioner Buchanan informed the Applicants that the City would attempt to place this item on the Council's June 22, 2008 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged their attendance.

There being no further business the hearing recessed at 4:20 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Herradura, LLC d/b/a Herradura, located at 909 N. Hershey Rd., requesting 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, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Tommy Chanthaluxay and Vilayphone Keodara, owners, and Armando Martinez, Manager, Applicant representatives; and Mac Arnold, Applicant's attorney.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Tommy Chanthaluxay, owner and Applicant representative, addressed the Commission. He introduced his wife, Vilayphone Keodara. He currently owned a restaurant in Charleston, IL. Armando Martinez, Manager and Applicant representative, addressed the

Commission. He currently managed a restaurant in Charleston, IL. He would also manage the restaurant in Bloomington. Commissioner Buchanan noted that Herradura would be located in the space formerly occupied by Le Peep restaurant.

Mr. Chanthaluxay stated that Herradura would serve lunch and dinner. The floor plan would remain the same as Le Peep. Herradura would also hold a liquor license. Mr. Martinez had years of experience in restaurant management. He had also attended TIPS, (Training for Intervention Procedures by Servers of Alcohol), training.

Commissioner Buchanan questioned Mr. Martinez's employment in Charleston. Mr. Martinez noted Los Potrillos. Mr. Chanthaluxay informed the Commission that he operated a Thai restaurant in Charleston. He and Mr. Martinez were employed at two (2) different establishments.

George Boyle, Asst. Corporation Counsel, questioned if Mr. Martinez would manage both restaurants. Mr. Martinez responded negatively. He planned to relocate to Bloomington.

Commissioner Clapp questioned the business hours and Mr. Martinez's experience. Herradura would be open from 11:00 a.m. to 10:00 p.m. He noted that there would be no liquor service to those under twenty-one (21) years of age. There were no issues.

Commissioner Buchanan noted that in both Charleston and Bloomington a percentage of a restaurant's customers would be college students. Mr. Martinez stated that staff would be trained to request identification.

Commissioner Petersen questioned if the restaurant would also offer a bar. Mr. Martinez responded negatively. Alcohol would only be served with food and offered at table service.

Commissioner Stockton questioned if Mr. Chanthaluxay currently held a liquor license. Mr. Chanthaluxay responded affirmatively. His restaurant also offered table service. There were no violations.

Commissioner Stockton questioned the Herradura's kitchen hours. Mr. Chanthaluxay responded 11:00 a.m. to 10:00 p.m.

Commissioner Buchanan questioned the Applicant's parking arrangement with Terry Winn, landlord. Mr. Chanthaluxay informed the Commission that his lease included forty-five (45) parking spaces.

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

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application of Herradura, LLC, d/b/a Herradura located at 909 N. Hershey Rd., requesting 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 be approved.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their July 13, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged their attendance.

There being no further business the hearing recessed at 4:30 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Highland Park CVS, LLC, d/b/a CVS/Pharmacy #8660, located at 210 N. Center St., currently holding a PA liquor license which allows the sale of all types of package alcohol for consumption off the premise six (6) days a week with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m.; and 2.) no single serve sales permitted before 12 noon; for a change of classification to a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Kevin Frost, Store Manager and License holder representative.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present their request. Kevin Front, Store Manager and License holder representative, addressed the Commission. The store had been open on Sundays from 10:00 a.m. until 4:00 p.m. effective January 1, 2009. CVS has requested permission to add a Sunday license in order to sell liquor between the hours of 12 noon and 4:00 p.m.

Commissioner Buchanan addressed the issue of undesirable sales. Mr. Frost noted that there had been concerns raised in the past. He noted the current license's conditions, (1. ) no alcohol sales permitted before 9:00 a.m.; and 2.) no single serve sales permitted before 12 noon). He added that Sunday shoppers have requested to purchase alcohol. Commissioner Buchanan questioned the primary clientele on Sundays. Mr. Frost noted that Saturday and Sunday customers were similar. He noted that the store had seen new customers due to the fact that currently this was the only CVS in the City.

Commissioner Buchanan questioned if the store's staff had observed any issues. Mr. Frost reflected on the recent past and responded negatively. There had not been any issues. The store's staff had identified certain customers which have limited liquor sales. Commissioner Buchanan noted that the store had taken a proactive approach.

Commissioner Stockton questioned if Mr. Frost worked on Sundays. Mr. Frost responded affirmatively. He was scheduled to work every other Sunday. Commissioner Stockton noted the number of businesses that were closed on Saturday and Sunday in the Downtown. Mr. Frost described Sundays as a slow day. The largest percentage of sales comes from the pharmacy. He was uncertain of what might happen when the east side CVS opened. He recognized that the homeless population was a constant.

Commissioner Petersen questioned who was in charge when Mr. Frost was not on duty. Mr. Frost stated the Asst. Store Manager.

Commissioner Petersen noted that the Commission would be considering a text amendment which would extend Sunday sale hours. He questioned the impact upon CVS. Mr. Frost anticipated an increase in business.

Commissioner Buchanan stated that any liquor license holder has the right to refuse sales. Mr. Frost responded affirmatively. He added that he had done so in the past.

Commissioner Buchanan questioned if CVS intended to increase the volume of liquor stock/sales with the addition of a Sunday liquor license. Mr. Frost noted that there were no planned changes. He added that the store was recently remodeled, (2006).

Commissioner Petersen expressed his support for this request. He did not see any issues with this request. He saw little impact upon this store if the City chose to amend the code regarding Sunday sales.

Commissioner Stockton noted his support for this change of classification. He cautioned the License holder that if there were issues, then the Commission would address them.

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

Motion by Commissioner Clapp, seconded by Commissioner Buchanan that the request of Highland Park CVS, LLC d/b/a CVS/Pharmacy #8660 located at 210 N. Center St., currently holding a PA liquor license which allows the sale of all types of package alcohol for consumption off the premise six (6) days a week with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m.; and 2.) no single serve sales permitted before 12 noon; for a change of classification to a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) no alcohol sales permitted before 9:00 a.m.; and 2.) no single serve sales permitted before 12 noon.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their July 13, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged his attendance.

There being no further business the hearing recessed at 4:45 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Downtown Bloomington Association for an LA, limited liquor license which would allow the sale of all types of alcohol by the glass for an event called "Hot August Nights," to be held on Saturday, August 15, 2009. Present at the hearing were Liquor Commissioners

Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Erika Kubsch, Downtown Bloomington Association's, (DBA), Executive Director, and Jennifer Mullinix, DBA's Events & Outreach Coordinator, Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present their request. Jennifer Mullinix, Events & Outreach Coordinator and Applicant representative, addressed the Commission. She described "Hot August Nights" as a work in progress. She presented the Commission with a hand out entitled Hot August Nights 2009 Beverage Tent Specifics. OSF St. Joseph would not be involved in the event this year. The DBA had a contract with the City for use of the Bloomington Center for the Performing Arts', (BCPA), mobile stage. The DBA had hoped to host the event on the 500 and 600 blocks of North Main St. The DBA had found strong opposition to the 500 block of N. Main St.

Ms. Mullinix opened the discussion regarding the beer tent. She noted that WGLT's Summer Concert which is also held in the Downtown operated with an open beer garden. The DBA was requested an open beer garden on Main Street from Jefferson to Market Street. Individuals would purchase tickets. Identification would be checked and those over twenty-one (21) years of age would be given a bracelet. There would be three (3) bar areas which would host self contained units. This setup would be the same as last year. The DBA also planned to rent approximately thirty (30) stand up cocktail tables.

The DBA planned to request additional police presence. Local security would be provided by the Downtown Bar Association's bar staff. Ms. Mullinix had been BASSET and STEPS trained. The featured restaurants would also offer nonalcoholic beverages for sale.

Commissioner Buchanan expressed his opinion that the key to hosting successful events was directly related to those who were responsible for hosting same. He noted the DBA's motivation. He described last year's tent as unattractive. There had not been any issues with this event in the past. He cautioned that an event would only be as good as its administration.

Commissioner Petersen noted that this would be a big leap for the DBA. He also noted the aesthetics of the last year's tent. Ms. Mullinix informed the Commission that the DBA had put thought into this event. She described it as a Taste of Bloomington/Normal. The focus of the event would be the food. In the past, the tent became the center of the event. Commissioner Petersen noted that the event appeared to draw an older audience. Erika Kubsch, Executive Director and Applicant representative, addressed the Commission. She added that this year the event would be held prior to the college students' return to the community. Ms. Mullinix stated that during the event's first two (2) years there had not been a single police issue.

Commissioner Stockton noted that in the past there had been security located at the entrances to the beer tent. There would be eight (8) access points under the DBA's proposed lay out. He expressed his willingness to grant the DBA's request. Ms. Mullinix noted her unsurety about security staffing levels. She restated the DBA's intention to utilize the Downtown's bars' staff. Ticket sales would stop one (1) hour prior to event's end time. Last call would occur thirty (30) minutes prior to the music ceasing. The music was scheduled to end at 11:00 p.m.

Commissioner Stockton questioned if the DBA was ready to assume the responsibility. Ms. Kubsch responded affirmatively.

Commissioner Buchanan cautioned the DBA that they would be legally responsible for the area defined as the premise. He noted the need for adequate security within the area. Ms. Kubsch stated that the DBA planned to work with the Bistro and Reality Bites.

Commissioner Clapp added that security staff would be needed at both the access points and circulating within the event area.

Commissioner Petersen expressed his opinion that wrist bands were critical. He added that the event would occur one (1) week earlier. He questioned when Illinois State University's, (August 17, 2009), and Illinois Wesleyan University's (August 24, 2009) fall terms would begin. Ms. Mullinix noted that this event was not designed for college age students.

Commissioner Stockton noted that this event had been a success for the last two (2) years. There had not been any issues. He expressed his willingness to experiment. He would be more comfortable with only one (1) block. He acknowledged the patron convenience, (ability to consume food and beverage). Ms. Mullinix noted that the DBA considered utilizing one (1) block for liquor service. This would result in separation by age.

Commissioner Buchanan noted his years of service on the Commission. He had attended numerous special events. Issues were a rarity. The access points would be critical. Ms. Mullinix added that the DBA wanted the event to be of benefit to the Downtown businesses. Commissioner Clapp added that there was no such thing as too much security.

Commissioner Petersen noted the DBA's conviction. He added that most "Taste of" incorporate food and liquor service. He did not support sectioning off the event.

Commissioner Stockton requested that the DBA submit a copy of the map that showed the event layout. Commissioner Buchanan expressed his opinion that this layout be adopted by reference. George Boyle, Asst. Corporation Counsel, addressed the Commission. He questioned if the Commission wanted to include additional security in their recommendation. Commissioner Buchanan noted that security would have to be posted at each access point.

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

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application by Downtown Bloomington Association for a LA, limited liquor license which allows the sale of all types of alcohol by the glass for an event called "Hot August Nights" to be held on Saturday, August 15, 2009 be approved with the following conditions: 1.) DBA to submit map showing event layout; and 2.) DBA must address the security concerns.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their July 13, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged his attendance.

There being no further business the hearing recessed at 5:10 p.m.

Commissioner Buchanan opened the discussion regarding a proposed text amendment to Chapter 6. Alcoholic Beverages, Section 21. Closing Hour - Sunday Sales. The Commission had received requests to extend Sunday Sales hours.

John Payne, Osco Drug # 3116 Store Manager, located at 2201 E. Oakland Ave., addressed the Commission. He had addressed the Commission at their November 20, 2008 hearing date on this same subject. He noted that the Town of Normal allows liquor sales commencing at 7:00 a.m. every day of the week. In November, the request was to match the Town's Code. He cited unscientific research at his store where hundreds of dollars of liquor products have had to be reshelved on Sundays. He added that other items were also found in the shopping carts. He restated that the Jewel/Osco store located at 2103 N. Veterans Pkwy. was also loosing Sunday sales. He added that Meijer was located across College Ave. and in the Town of Normal. The City was loosing food and liquor sales which equaled sales tax dollars. He presented a letter from Jewel/Osco's corporate office. It listed various communities within the state and their Sunday sale hours. He requested that the Commission level the playing field between the City and the Town.

Commissioner Stockton noted the primary decision would be between public safety versus public convenience. He added that there were those who viewed Sunday as a religious day. Tax dollars should not be the primary reason to amend the City's Alcoholic Beverage Code.

Commissioner Buchanan recalled that Sunday sales were first considered in 1977. He noted his fondness for tradition. Personally, he wished that things were different. He expressed his willingness to support a level playing field.

Commissioner Stockton informed the Commission that he had received a request from the Hanger located at 3201 CIRA Dr., currently holding an RAS liquor license on this same subject, (Sunday sales). The request to change Sunday sale hours went beyond those holding a "P", Packaged liquor license.

Tim Davis, Hubbard and Davis, Inc., d/b/a the Hanger, addressed the Commission. He was present on behalf of Tom Hubbard, business partner, and Carol Olson, Central Illinois Regional Airport's Executive Director. The Hanger has received request from airline passengers on Sunday mornings. Liquor cannot be sold until 12 noon. Currently, the airline industry was facing challenging times. The Hanger hoped to attract additional business in an effort to keep its doors open. Technically, the airport operated outside of the City but respected the City Code.

Commissioner Petersen questioned if sale hours would be changed from 12 noon to 7:00 a.m. He expressed his belief that the Council might approve a change from 12 noon to 10:00 a.m.



Mr. Davis noted that there was a demand for liquor service on Sunday mornings. The restaurant was a part of the airport. Bar service was attractive to some airline passengers. Commissioner Stockton noted that when the Hanger first opened there was not a demand for early morning liquor sales. He also acknowledged that the TSA controlled airport operations. Mr. Davis informed the Commission that the Hanger owned a portable bar. Initially, operating same was not cost justifiable.

Commissioner Buchanan questioned Sunday sale hours. Mr. Davis stated between 9:00 - 10:00 a.m. The Hanger would like to meet airline passenger requests for hot food and a drink. He restated his wish to enhance sales opportunities.

Commissioner Clapp questioned the difference between 7:00 a.m. versus 10:00 a.m. The Commission needed to consider the best time and make a recommendation. The Council will approve the Text Amendment.

Commissioner Stockton encouraged the Commission to be sensitive to the Airport Authority. There was a believe that a restaurant at the airport was desirable. The City could make an exception for the airport. Mr. Davis added that the Airport Authority was interested in all opportunities which would enhance sales. The majority of flights at the airport were early in the day. Flights were scheduled between the hours of 5:00 a.m. and 10:00 p.m.

Commissioner Stockton noted the number of liquor license classifications which would be impacted by this change, (Packaged, Restaurant, Tavern, and Club). The Commission would need to determine hours of service.

Commissioner Clapp did not believe that there was substance to the 12 noon restriction. The City should be consistent with the Town, (7:00 a.m.).

Commissioner Petersen expressed his concern going from 12 noon to 6:00 a.m. for all liquor license classifications.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp that the Commission recommend the following Text Amendment to the Council: Sunday sale hours commence at 6:00 a.m. for all categories of liquor license with the following exception: 1.) Sunday sale hours at the Central Illinois Regional Airport would commence at 5:00 a.m.; and with the following condition: 1.) Text Amendment would be reviewed by the Commission one (1) year from the effective date.

Ayes: Commissioner Stockton, Buchanan, and Clapp.

Nays: Commissioner Petersen.

Motion carried.

It was noted that the Commission would review the results of the proposed Text Amendment.

Commissioner Stockton directed George Boyle, Asst. Corporation Counsel, to draft the proposed Text Amendment. Mr. Boyle noted that this was his first time to staff a Commission meeting. He questioned the current liquor licenses which have conditions placed upon them. He cited CVS located at 210 N. Center St. as an example. Commissioner Stockton acknowledged that there were individual conditions which have been placed upon certain liquor licenses.

Commissioner Stockton directed Tracey Covert, City Clerk, to place the proposed Text Amendment on the Commission's July 14, 2009 meeting agenda for a public hearing. All Sunday sale license holders should be notified. After the public hearing, then the proposal would be presented to the Council for a vote.

Mr. Payne readdressed the Commission. He questioned the Sunday Sale hours.

There being no further business the hearing recessed at 5:42 p.m.

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to hear the request of Gill Street Group, LLC, d/b/a Gill St. Bar & Restaurant, located at 3002 Gill 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 with the following condition; the Commission reserves the right to regulate the use of outdoor dining area to include 1.) the time of use, 2.) the time for liquor sales, 3.) the time for music live and/or amplified, 4.) sound/visual baffling/barrier, and 5.) occupancy; to allow live amplified music on Saturday, July 11, 2009 from 10:00 p.m. until midnight for a fundraiser for Make - a - Wish Foundation, "Celebrity Sing for Wishes." Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; and Eric Rohde, owner, and Greg Bojan, General Manager, and License holder representatives.

Commissioner Stockton opened the liquor hearing. He requested that the License holder present their request. Greg Bojan, General Manager and License holder representative, addressed the Commission. Gill St. hosted this event last year and raised \$15,000. The event was stopped at 10:00 p.m. In an effort to raise additional dollars, Dr. Chad Tattini has requested to extend the event by two (2) hours/midnight. He added that Dr. Tattini's father was a member of the band which had its own sound person.

Commissioner Stockton noted that the City had received more complaints for establishments holding an "R", Restaurant liquor licenses. He noted that recently there had not been any involving Gill St. He believed that the restaurant had reached a nice compromise with the neighbors.

Eric Rohde, owner and License holder representative, addressed the Commission. He had noted that fencing was added. Additional enhancements were planned which he hoped would make a difference.

Mr. Bojan noted that this was Gill St.'s only request per year. Mr. Rohde added that flyers regarding this event would be distributed to the neighbors. Gill St. would be donating twenty

percent, (20%), of that night's food sales to Make - a - Wish. He suggested that this might become an annual event. The plan called for twelve to fifteen, (12 - 15) singers. Mr. Bojan added that any other charity events operate within the establishment's condition.

Commissioner Stockton expressed his support for the request with the following conditions: 1.) the neighbors must be notified in advance and provided with a telephone number to call with any complaints; 2.) the volume must be reduced at 10:00 p.m.; and 3.) that the License holder continue to find ways to reduce noise. He informed the License holder that he had taken measurements. He noted that various factors which impact noise. Gill St. hosted an outdoor venue. Sound baffling should be considered, multiple speakers spread through out the area, etc. Mr. Rohde informed the Commission that consideration has been given to surround sound. Commissioner Stockton noted that he would not support an expansion of the license condition. He viewed this request as a one (1) time event. He was willing to give it a try.

Commissioner Buchanan encouraged the License holder to notify the people residing in the area. He expressed his disappointment upon visits to Gill St. His expectation was that something would be done. He wanted to see a plan to reduce noise. He had only seen the volume being reduced. Based upon growth in this area of the City, he would not grant a license which allowed outdoor dining today. The License holder needed to be proactive and acknowledged that there was too much sound.

Mr. Rohde noted the impact of the wind and the adjacent metal buildings. He cited the growth of residential development in the area. He believed that Gill St. currently had neighborhood support. The plan called for construction of a back patio. However, the band's location would not be changed. Mr. Bojan added that Gill St. also needed additional cooler space. Mr. Rohde stated that all of this was in the planning stage. Commissioner Buchanan restated that the plan needed to address sound containment. Mr. Bojan restated multiple speakers. Mr. Rohde added that a system could be purchased by the License holder which the bands would be required to use.

Commissioner Petersen questioned if the issue was noise or music. Commissioner Buchanan responded both. Mr. Rohde stated that his goal was additional space for parties and to add a cooler for the restaurant. Commissioner Stockton recommended that the License holder consider cloth banners to block/absorb sound. Mr. Rohde informed the Commission that there were heaters on the patio.

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

Motion by Commissioner Buchanan, seconded by Commissioner Petersen to waive the 10:00 p.m. provision the night of Saturday, July 11, 2009 with the following conditions: 1.) the neighbors must be notified in advance and provided with a telephone number to call with any complaints; and 2.) the volume must be reduced at 10:00 p.m.

Motion carried.

There being no further business the hearing adjourned at 5:42 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk