

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

September 11, 2012

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the notification by BAPS 12, LLC, d/b/a Amigo's Express, located at 502 N. Prospect Rd., currently holding 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 Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Sonal Patel, owner and License holder.

Commissioner absent: Steve Stockton.

Public Comment: Commissioner Buchanan opened the Public Comment portion of the meeting. No one came forward to address the Commission.

Commissioner Buchanan informed those present that Six Strings liquor application would be heard prior to Laugh's request.

Commissioner Buchanan opened the liquor hearing and noted that this request involved a change of corporate members. 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 Buchanan added that the City Code also required a License holder to inform the City of a change in corporate members.

Commissioner Petersen arrived at 4:09 p.m.

Ray Patel and Sonal Patel, (his wife), addressed the Commission. They noted the addition of two (2) members: Sandhyaben Patel and Renuka Patel. These additional corporate members were also family members.

George Boyle, Asst. Corporate Counsel, addressed the Commission. He questioned who was responsible for the day to day operations of the store. Mr. Patel noted that either he or another employee were responsible for the store's day to day operations. Mr. Boyle cited that the Secretary of State's listing of LLC members. It listed Sandhyaben Patel's address as 401 Brock Dr., a/k/a Quality Inn. Mr. Patel stated that this individual resided in an apartment at the hotel. Mr. Boyle questioned if Mr. Patel had an ownership interest in Amigo's Express. Mr. Patel responded negatively. He added that Sonal Patel was his wife.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to accept the change of corporate members for BAPS 12, LLC d/b/a Amigo's Express, located at 502 N. Prospect Rd., currently holding a PAS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:13 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the notification by Fiesta Ranchera of West Bloomington, Inc., d/b/a Fiesta Ranchera #6, located at 1041 JC Parkway, 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 Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and noted that this request involved an outdoor patio. Fiesta planned to provide food and beverage service on the patio. The patio would allow outdoor smoking for its customers. He added that he had visited Fiesta and added that the patio was nicely done.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen to approve the request by Fiesta Ranchera of West Bloomington, Inc., d/b/a Fiesta Ranchera #6, located at 1041 JC Parkway, currently holding an RAS liquor license; to include the outdoor patio in the premise.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:16 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the application of EEK Enterprises, LLC d/b/a Jackpot Joe's Cafe, located at 503 Prospect Rd., Unit 200, requesting a TBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; Gerald Kanta, Chief Executive and member, and Larry Ehlers, member and Applicant representatives.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and requested that the Applicant address the Commission. Gerry Kanta, Chief Executive and member, addressed the Commission. He thanked the Commission for laying this application over from its August 14, 2012 meeting. He noted the Commission's concern. The Commission had addressed Chapter 6. Alcoholic Beverages, Section 4B Creation of New License - Findings, (b) Factual Criteria. The Commission had questioned the need for a liquor license. He noted that this would be a new venture. The Commission had expressed concerns regarding video gambling parlors. Mr. Kanta addressed the issue of need. He noted other businesses with liquor licenses in the area: Ride the Nine, located at 503 N. Prospect Rd., Unit 300, holding a TAS liquor license; Chuck E Cheese, located at 1701 E. Empire St., holding a RBS liquor license; and Amigo's Express located at 502 N. Prospect Rd. Holding a PAS liquor license. He compared Jackpot Joe's to Starbucks. He added that Starbucks has announced plans to enter into beer and wine sales.

Mr. Kanta believed that there was a need. Jackpot Joe's customers would visit the establishment to relax and interact with others. Jackpot Joe's would offer a variety of entertainment. He cited movies, magazines and video gaming. He noted the five percent (5%) return to the City. The Commission had expressed concern that there would be a proliferation of liquor license applications for video gaming parlors. He stated his willingness to initially limit EEK Enterprises' requests to no more than two (2) applications. Liquor sales would not be a major component of this business. He hoped that he had addressed the Commission's concerns. He believed that there were two (2) major concerns: the need for a liquor license and the establishment would be detrimental to the City. He restated EEK's willingness to limit the number of facilities.

Commissioner Buchanan noted that each establishment would be limited to no more than five (5) video gaming machines. He cited Mr. Kanta's previous appearance before the Commission. At that time, the Applicant was interested in additional facilities. Mr. Kanta stated his willingness to start with one (1) facility. Economics of the business would be reviewed with any business expansion being based upon need. This application was presented as a cafe. He had been honest about the video gaming terminals.

Larry Ehlers, member and Applicant representative, addressed the Commission. He believed that there was a need for at least one (1) video gaming parlor. He compared Jackpot Joe's to McDonalds. He noted that initially there was only one (1) McDonalds in the area. Today, there were eight to nine (8 - 9) of them. If the need for additional facilities became apparent then they would readdress same by filing additional applications and reappearing before the Commission.

Commissioner Buchanan noted that there had been some communication between Commissioner (Mayor) Stockton and the Council. The Commission had the autonomy to recommend application approval or denial. The Applicants had presented an interesting concept. If the Council voted to approve this application and create a liquor license, it would allow video gaming parlors in the City. He presented his personal recommendation which was to give this concept additional time prior to voting on this application. The Council might hold a Work Session on this issue prior to the application being placed on a Council agenda.

Commissioner Tompkins agreed that approval of this application would create a video gaming parlor. He was unsure if this was the right direction for the community. He added his belief that this type of application would be filed after the Council approved video gaming.

Commissioner Petersen expressed his support for allowing additional time. He noted that every licensed tavern could have up to five (5) video gaming terminals. Mr. Ehlers noted that by state law the limit was up to five (5) video gaming terminals. In order to apply for a state video gaming license, a business must have a license to sell alcohol by the glass. Commissioner Petersen questioned if the same concept had been approved in other communities. He questioned if any action had been taken by Clinton, IL. Mr. Kanta informed the Commission that Clinton had voted to limit the number of liquor licenses in the city to the existing number. It would not be possible to obtain a liquor license in Clinton as this time.

Commissioner Gibson noted that if the applicant held a tavern or a restaurant liquor license, this request would not be before the Commission. Those with a liquor license to sell by the glass merely apply to the state. George Boyle, Asst. Corporation Counsel, responded affirmatively. He noted that there were other business entities that also qualified for a video gaming license. Mr. Kanta added that a truck stop was not required to have a liquor license.

Commissioner Clapp stated that the Commission was not familiar with the state's video gaming law. She questioned the saturation point for video gaming terminals and the implications of this application. Mr. Kanta expressed his belief that there was a market niche. Jackpot Joe's would not be bar. It would have a cafe atmosphere. It would offer music, television, and entertainment. He believed that the number of gamblers would be limited. It would be a different venue. Commissioner Clapp noted that current liquor license holders can apply directly to the state. Mr. Kanta did not believe that Jackpot Joe's would compete with existing bars.

Commissioner Petersen questioned the eligible date for video gaming. Tracey Covert, City Clerk, noted that Council approved the video gaming ordinance on July 23, 2012. Mr. Ehlers added that the business also needed to apply for the state license. The state conducts an investigation after an application is received. The state's time line was three to four (3 - 4) months. The video games were not available on line. Jackpot Joe's cannot apply without a liquor license. The hope was to open by January/February 2013.

Mr. Kanta added that after the Council passed the video gaming ordinance, he believed that Jackpot Joe's was eligible to apply for a liquor license.

Commissioner Tompkins expressed his belief that Jackpot Joe's primary business would be video gaming. Mr. Kanta responded affirmatively. Commissioner Tompkins added his belief that there would be a proliferation of applications for video gaming parlors. The Commission would be setting a precedent. The Commission needed direction from the Council.

Commissioner Clapp noted that the applicant did not plan to market to bar patrons. Jackpot Joe's customer would be drawn to play video gaming. The Commission/Council has the ability to control liquor licenses. She did not see major issues and/or a proliferation of liquor license applications for video gaming parlors.

Commissioner Gibson noted that the state had married a video gaming license to a liquor license, (which allowed sale by the glass). He believed that there would be a wait and see attitude. He noted the Applicants honesty regarding their business plan. The Commission had reviewed the facts. The Commission needed to send its recommendation on to the Council.

Mr. Boyle questioned Mr. Ehlers' employment. Mr. Ehlers had been employed by Illinois Gaming Investors, a terminal operator. He had been terminated by this company. He cited the role played by Rachel Well, Pantagraph reporter, in his termination. He restated that a liquor license application had been filed with the City.

Mr. Boyle questioned Mr. Kanta's employment. Mr. Kanta was retired from the United States Postal Service. He had been the Director of Operations.

Mr. Boyle questioned the Applicant's liquor experience. Mr. Ehlers cited his experience at pubs located in El Paso and Minonk, IL from 1998 - 2002. Mr. Boyle questioned if there were any issues with same. Mr. Ehlers responded negatively. The businesses were sold as he resided in the City.

Commissioner Petersen complimented the Applicants for their forthrightness. He questioned the creation of multiple LLCs and the Applicants plan to open a number of video gaming cafes. He added his concern regarding expansion plans.

Commissioner Buchanan expressed his preference for the Council to address their interest in this concept. The Commission could decide to recommend and/or deny this application. Another option was to grant the Council the opportunity to review this concept/application and then return it to the Commission for recommendation.

Commissioner Gibson expressed his opinion that the Commission understood the issues and should make a recommendation to send on to the Council.

Commissioner Tompkins expressed his concern that in the future there would be a proliferation of video gaming parlors. There would be a flurry of liquor applications. He added his concern regarding the floor and business plan. This could be a serious community issue. He recommended that the application be denied.

Mr. Boyle noted that there were three (3) options: 1.) recommend approval; 2.) recommend denial; or 3.) lay the application over to a specified time. The third option would allow the Council to review this concept.

Commissioner Buchanan also recommended that the Council review this concept.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to deny the application of EEK Enterprises, LLC, d/b/a Jackpot Joe's Cafe, located at 503 Prospect Rd., Unite 200, requesting a TBS liquor license which would allow the sale of beer and wine by the glass for consumption on the premises seven (7) days a week be denied.

Ayes: Commissioners Petersen and Tompkins.

Nays: Commissioners Buchanan, Clapp and Tompkins.

Motion failed.

Commissioner Clapp recommended that the Commission focus on reasonable outcomes to reach a decision. She acknowledged that there were a number of unknowns. The Commission needed to gather additional information regarding its concerns and then reach a decision. The Commission would then vote to deny or approve the application. This recommendation would be sent on to the Council. The Council could vote to overturn the Commission's recommendation.

Mr. Boyle recommended that the Commission take public input.

Jan Lancaster, 316 N. Main St., addressed the Commission. She did not have any issues with this application. She cited her interest in the Commission's discussion regarding the proposed "E", Entertainment and "Q" Qualified license classifications. She expressed her belief that this application would fit under the proposed E license classifications. She believed that the City would continue to receive this type of application.

Commissioner Buchanan stated that he favored giving the Council the opportunity to consider this application. The Council needed to review this idea.

Commissioner Clapp noted that this application could be laid over until a decision was reached regarding the proposed new license classifications.

Commissioner Petersen added that the Commission represented the community. He expressed his concern about the impact upon the community.

Commissioner Clapp recommended that this application be laid over until additional information was available and a decision was reached regarding the proposed new liquor license classifications.

Commissioner Gibson expressed his support for allowing the Council to make a decision. The Applicant had shown good faith. They were honest with the Commission. He acknowledged that the application could be laid over until a future Commission meeting. The Applicant could also reapply at any time. He added his comfort level had improved after this meeting's discussion. He cited that the possibility of new liquor license classifications.

Commissioner Buchanan stated that if the Commission recommended approval and sent this application on to the Council, the Commission would receive the Council's feedback.

Commissioner Clapp recommended that the application be laid over until a different classification would be available.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to lay the application of EEK Enterprises, LLC, d/b/a Jackpot Joe's Cafe, located at 503 Prospect Rd., Unit 200, requesting a TBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, over until the Commission's November 13, 2012 meeting.

Motion carried, (viva voce).

Commissioner Gibson noted that this application would require further review if the E and/or Q classifications were not created. Commissioner Tompkins noted that sixty (60) days had been allowed. Commissioner Gibson added that the Commission had a number of issues before it.

Commissioner Buchanan stated that this application had been laid over.

Mr. Kanta questioned if the E license classification was approved would the application be changed to this new classification. Mr. Boyle expressed his belief that Commissioner (Mayor) Stockton would allow such an amendment. Mr. Kanta informed the Commission that there was a lease which was contingent upon liquor license approval.

Commissioner Gibson stated that the Commission should take time which would be of assistance. The Commission was cutting new ground. It needed to take a thorough look at this application then vote and send its recommendation on to the Council.

Commissioner Buchanan added that the City would waive the application fee if the E license classification was created. This application would be given priority by the Commission. He noted that the Commission had a dead line of the Council's October 22, 2012 meeting to have a recommendation regarding the E and Q license classifications.

Mr. Kanta thanked the Commission for their consideration.

There being no further business before the Commission, the meeting recessed at 5:09 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the application of Morrissey Unit One, LLC d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., 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 Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Stephanie Karonis, owner/operator and Applicant representative. Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and requested that the Applicant address the Commission. Stephanie Karonis, owner/operator and Applicant representative, addressed the Commission. Sweet & Savory Grille would offer home made food, large portions and employ local residents.

Commissioner Gibson cited the complete application. He questioned Ms. Karonis' liquor license experience. He questioned owner/operator and staff training. He also questioned Ms. Karonis' familiarity with local ordinances and state law. Ms. Karonis stated her intention to attend server classes, for herself and her employees. Commissioner Gibson cited BASSETT, (Beverage Alcohol Sellers & Server Education & Training), and STEPS, (Safety Training to Encourage Profitable Services), training.

Commissioner Clapp strongly recommended server training. She added that BASSETT training was available as web based training.

Ms. Karonis informed the Commission that she had grown up in the restaurant business. She currently owned/operated Wildberries in Normal and Peoria, IL.

Commissioner Buchanan noted that Ms. Karonis would be the operations manager. He questioned the individuals who would be employed upon opening and their experience level. Ms. Karonis noted that Sweet & Savory Grille would be a family business. She planned to employ family members.

Commissioner Petersen questioned the space used and if it would include the outdoor patio. Ms. Karonis noted that the application included the outdoor patio.

Commissioner Gibson questioned the business hours. Ms. Karonis stated 10:00 a.m. to 10:00 p.m., seven (7) days a week. The central bar would offer alcohol and coffee service.

Commissioner Buchanan noted that this had been the site of the Red Fire Grille.

He requested public input regarding this application. No one came forward to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of Morrissey Unit One, LLC, d/b/a Sweet & Savory Grille, located at 1605 Morrissey Dr., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be approved.

Motion carried, (viva voce).

Commissioner Buchanan informed the Applicant that this item would appear on the October 8, 2012 City Council Consent Agenda. He encouraged her to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:18 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the application of KTPS, Inc., d/b/a Six Strings, located at 301 & 303 N. Main St. and 110 E. Jefferson St., 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 Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and

Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Daniel Rolph, owner/operator and Applicant representative.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and requested that the Applicant address the Commission. Daniel Rolph, owner/operator and Applicant representative, addressed the Commission. He informed the Commission of this incredible opportunity. The building was available and had been vacant for two and a half (2½) years. He stated that a tavern license classification would be too restrictive. This would be an entertainment food mall. It would offer a bakery, pizza, coffee, smoothies and a delicatessen. In addition, there would be entertainment. On Saturdays, an indoor farmer's market would be available. Alcohol free events would be hosted on Sundays. He noted the variety of options. He planned to collaborate with Adam Weber, current owner/operator of Laugh Comedy Club located at 108 E. Market St. He planned to meet with the Downtown residents to inform them of this incredible opportunity. The building could be open twenty-four/seven (24 hours a day/7 days a week).

Commissioner Buchanan had studied the application. He questioned the floor plan and the portion that would be defined as the premise. Mr. Rolph noted that it was a building with three (3) addresses. It would be a multiuse facility. Commissioner Buchanan questioned the licensed premise. Mr. Rolph responded anywhere in the building. Commissioner Buchanan questioned if the basement would be included in the premise. Mr. Rolph did not consider the basement an isolated area. He compared his business plan to the Olive Garden Restaurant located at 1701 E. Empire St. He planned to allow individuals under twenty-one (21) years of age in the facility. He cited Laugh n Lunch as an example. The facility would be treated as a restaurant. He acknowledged the obligation/responsibility that no underage consumption occur. No one under the age twenty-one (21) would be allowed after 11:00 p.m. He added his opinion that no one under twenty-one (21) should be in the Downtown after 11:00 p.m. He could not operate a profitable business on three (3) nights a week for a total of eighteen (18) hours a week.

Commissioner Buchanan described this application as a combination of interesting factors. Mr. Rolph noted that the back corner of the building would operate as the pizzeria/bakery for take out and delivery.

George Boyle, Asst. Corporate Counsel, noted that Mr. Rolph wanted permission to offer alcohol service anywhere in the building. Mr. Rolph stated his request was for a restaurant license classification. Mr. Boyle suggested that alcohol service be confined to certain area(s) of the building. Mr. Rolph noted the physical separation of the building's lower level plus there would be security personnel. There would be mixture of ages, (underage individuals). The building materials would be repurposed. There would be one large open space with no alcohol signage. Alcohol would be locked down during non sale hours. There would be a physical and operational separation of alcohol sales. His requested effective date was June 1, 2013. He needed the City's approval prior to rehabbing the building. Mr. Boyle noted that the City's approval was a contingency upon the building's build out.

Commissioner Buchanan questioned financing and secured tenants. The Applicant was not requesting a typical recommendation from the Commission. The Applicant's intention was for the entire facility to be defined as the premise. He noted that there were common areas on each level. He questioned what the Applicant needed from the Commission and Council at this time. Mr. Rolph expressed his opinion that during the day the facility would operate as a restaurant. The facility would host community events. There would be multiple food vendors. There was a narrow window of opportunity. He noted the lease renewal of Six Strings' existing space, (525 N. Center St.). He hoped for the City's approval with conditions which would allow site design and build out.

Commissioner Tompkins noted that there appeared to be a number of individual kiosks. Mr. Rolph added that there would only be one (1) liquor license. Six Strings would be the license holder and would not operate out of a kiosk.

Commissioner Clapp questioned potential kiosk tenants. Mr. Rolph stated that the kiosks would be sublet. Six Strings would provide the infrastructure. The tenant would complete the build out. Commissioner Clapp questioned if the liquor license would be held jointly by Six Strings and Laugh Comedy Club. Mr. Rolph stated that there would only be one (1) entity. Commissioner Clapp questioned the anticipated percentage of liquor sales. Mr. Rolph expressed his opinion that total sales within the building would be twenty percent (20%) alcohol and eighty percent (80%) food and entertainment.

Mr. Boyle restated that the premise would be defined as the whole building with a single point of sale. He questioned the license holder's revenue: alcohol sales versus non alcohol sales.

Commissioner Tompkins described this application as an entertainment venue. He added that the plan was ambitious.

Commissioner Buchanan liked the concept. He added that the project required alcohol sales. Mr. Rolph stated that there would be a variety of income sources. He cited darts, pool tables, etc. as examples. He stated his belief that more than fifty percent (50%) of sales would come for item other than alcohol.

Commissioner Buchanan questioned the location of the stage, the over twenty-one (21) years of age lounge area, and if there would be more than one (1) point of sale for alcohol. Mr. Rolph stated that there would be a bar on each level. Commissioner Buchanan questioned a busy Saturday night. Mr. Rolph stressed that no one under twenty-one (21) would be allowed on the premise after 11:00 p.m. He restated his belief that individuals under twenty-one (21) years of age should not be in the Downtown after 11:00 p.m. He added that the kiosks may be open after 11:00 p.m.

Adam Weber, owner/operator and license holder for Laugh Comedy Club, addressed the Commission. Laugh was open on Thursday, Friday and Saturday nights. The current standard was individuals over twenty-one (21) years of age. He planned to book clean comics on Sundays. Customers would be allowed to bring in food purchased on the upper level. He planned to book more shows. The City was a smaller market.

Mr. Rolph acknowledged that Six Strings had been a tavern in the past. This plan would add various functions during the day to address profitability.

Commissioner Petersen questioned the impact of kiosks closing at 10:00 p.m. Mr. Rolph noted that there would be security personnel at the door. Commissioner Petersen questioned building occupancy. Mr. Rolph expressed his opinion that this issue would be determined by City staff. At this time, this issue was not decided/determined.

Commissioner Clapp cited the potential change to liquor license classifications. The Applicant had presented a good plan with a lot of possibility. She noted the potential for change. Mr. Rolph stated that currently there were only two (2) options: restaurant or tavern. If the City evolved and offered new liquor license classifications, he would be willing to address same. He planned to remain open after 11:00 p.m. Six Strings would operate similar to Flinger's Pizza located at 608 N. Main St.

Commissioner Tompkins expressed his opinion that there would be three (3) points of sale for alcohol. Mr. Rolph affirmed same. Commissioner Tompkins questioned if there would be wait staff. Mr. Rolph responded affirmatively.

Commissioner Buchanan stated that he had a number of questions. He added his opinion that the Commission wanted to recommend approval with conditions. A key issue was for the Commission to understand the concept and how it met the City's alcoholic beverage code. He questioned the deadline for Six Strings' existing lease and the new proposed landlord. Mr. Rolph cited the tight deadlines. There was some flexibility in Six Strings existing lease. A renewal of the existing lease would be for a three (3) year term effective March 1, 2013. He needed to notice the landlord and exercise his options. The proposed new landlord needed an answer. She may choose to pursue other options including a sale of the building. The build out time line was eight (8) months. The goal was a June 2013 opening. A meeting with the Downtown Business Association (DBA) had been scheduled. Letters had been mailed. He restated that his application was for a restaurant license. He did not understand the Commission's issues with this application. Mr. Boyle cited Chapter 6. Alcoholic Beverages, Section 1. Definitions and Section 7A. Classification, (13) Class "RA".

Commissioner Clapp questioned the planned opening date. Mr. Rolph noted that the college students would be gone. This would allow time for him to work on operations.

Commissioner Gibson noted that the Applicant had outlined the business plan. He recommended that the Commission take public input. He noted the business opportunity and the limited window.

Commissioner Buchanan was attempting to structure the information. He noted that a meeting had been scheduled. He questioned when the mailing was done and to whom it was sent. Mr. Rolph made a quick statement: two (2) tavern licenses would be converted into a single restaurant liquor license. He cited the City's courtesy notice. When he originally opened Six Strings, he had met with Common Ground located at 516 N. Main St., Chocolatier located at 514 N. Main St., and Recycling for Families located at 515 N. Center St. He had also met with

Trisha Stiller, DBA's Executive Director regarding scheduling a meeting with the Downtown residents. He had prepared a Power Point presentation for the Commission. He also met with Greg Koos, McLean County History Museum' Executive Director. There was a Facebook posting and an article had been published in the Pantagraph. He believed that he had been forthright and had performed outreach.

Mr. Boyle reminded the Commission that its decision must be based upon evidence presented at the hearing. He recommended that the Commission take input from the public. Meetings held after this hearing would be problematic.

Commissioner Tompkins questioned the Alderman for this area. (*This building is located in Ward 4, Alderman Stearns.*) Mr. Rolph informed the Commission that he had met with Alderman Karen Schmidt. He believed that Alderman Schmidt supported this application. He had also spoken with Mayor/Commissioner Stockton regarding this concept. Commissioner Tompkins questioned the adjacent tenants. He expressed his concern regarding noise. Mr. Rolph cited Six Strings past efforts. Sound would be pointed towards the square. He cited the building located to the north. There was a game shop on the first floor and residents located above. He added his willingness to mitigate sound if needed.

Frank Hoffman, 401 N. Main St., addressed the Commission. He had a number of concerns. He cited Mr. Rolph's intention to remain open until 3:00 a.m. Commissioner Buchanan noted that liquor sales would cease at 1:00 or 2:00 a.m. Mr. Hoffman informed the Commission that his law office had been located on Main St. for over twenty (20) years. He cited vandalism, broken store front windows, damaged flower pots, and damage to the City's decorative lighting. Young people tended to bar hop and consume excessive amounts of alcohol. This application would change bar patrons walk pattern. They would continue south on N. Main St. He anticipated additional vandalism. He was alarmed and did not believe that this application was in the best interest of the Downtown. The Applicant had compared this application to the Olive Garden. He could not think of a single restaurant with a liquor license that was open at 2:00 a.m. Bands would draw hundreds of patrons. There would be parking issues and increased pedestrian traffic. He questioned the number of liquor establishments in the Downtown. He restated his question regarding restaurants that were open at 2:00 a.m. He recommended that the Commission set an earlier closing time.

Bob Steinman, 315 N. Main St., addressed the Commission. He had been a Downtown resident for twenty-five (25) years. He had attended a number of Commission meetings. The Downtown had become an entertainment district. He was distressed as the meeting chair had expressed his willingness to approve this application. He believed that the issues were intuitive. There was a nice mix of residential, retail and office uses in the 300 and 400 blocks of N. Main St. There also was one (1) liquor establishment in each block. He expressed his belief that if this application was approved that it would be the beginning of the end. He acknowledged that the Downtown was a mixed use district.

Marlene Gregor, 107 W. Market St., addressed the Commission. She also owned and operated the Gregor Gallery located at 311 N. Main St. There was an apartment on this building's third floor. She believed that entertainment could be offered without alcohol. She noted new

additions to the 300 N. block of Main St. She cited Azura Boutique located at 314 N. Main St., Gryfalió's Aerie located at 309 N. Main St. She added that there also were five (5) apartments at this address. She noted that there were other residences in the 300 block of N. Main St. She added her concern regarding late night activities. She cited traffic, congestion and vandalism. She also cited her concern regarding property values and neighborhood safety. She questioned the viability of a mini mall. She also questioned fire safety and ingress & egress. She noted the building's exterior and control at closing time. She cited the vehicle for hire companies' shuttle buses. She presented the Commission with a Downtown map and photographs of various businesses.

Jan Lancaster, 316 N. Main St., addressed the Commission. She questioned the status of the proposed class "E", Entertainment and "Q", Qualified liquor licenses. She noted that two (2) Downtown taverns, (Six Strings and Laugh Comedy Club), would go into this building. The plan was to remain open after the bars closed and offer food sales. She stated her belief that the goal at closing time was to move individuals out of the Downtown. Parking would be an issue. She believed that this was a great concept. She restated her concerns: 1.) parking; 2.) after hours; and 3.) license classification. She recommended that no new liquor license be granted until a decision is reached regarding the class E and Q license classifications.

Paul Brown, 306/310 N. Main St., addressed the Commission. He had spent his career on this corner. He expressed his opinion that this application would alter this block in a negative way. He noted the City's investment in the Downtown. He cited time, money, the TIF, (Tax Increment Financing), District, facade grants, etc. He added the impact of noise, traffic and congestion.

Bob Vericella, 906 S. Adelaide, Normal, addressed the Commission. He informed the Commission that he had attended Illinois State University, (ISU). He currently owned the following properties: Reality Bites located at 414 N. Main St., Gigi Bottega located at 413 N. Main St., and Gryfalió's Aerie located at 309 N. Main St. This building was located directly to the north. This business was doing well. The business owner had left his job at State Farm. He had not been contacted by Mr. Rolph. He added his belief that the bar area should be consolidated. This application represented the consolidation of two (2) Downtown bars into a new location. A vacant building would be changed into a bar. He questioned parking and vandalism. He noted that insurance did not cover same. He liked the concept. He was a Downtown developer with residential tenants. He cited the Castle Theater located at 209 E. Washington St. This building was not sound proof. He noted Steve Parker's concerns. Mr. Parker owned 207 E. Washington St., f/k/a the Paxton's Building.

David Raymer, ADDRESS, addressed the Commission. He was an ISU student and a Laugh comedian. He had worked with Mr. Weber and attested to his character. He had heard the Downtown residents and property owners' concerns. Mr. Rolph and Mr. Weber would follow through and be good neighbors. They wanted to develop this business plan. The utilization of this large building would be good for the community. There was enthusiasm for this project. Mr. Rolph and Mr. Weber were competent business owners.

Trisha Stiller, DBA's Executive Director, 106 W. Monroe St., addressed the Commission. She was working with Mr. Rolph to schedule a Town Hall meeting. The key would be to balance the needs of all. She noted the variety of concerns. The challenge was to provide an opportunity to all. Conversation was important. She liked the idea of two (2) businesses collaborating. One must consider the impact upon the entire Downtown community.

Commissioner Buchanan questioned if the Commission would take some action this evening.

Commissioner Tompkins stated that Mr. Rolph had been a good businessman. There were no violations. Downtown property owners and residents had expressed concerns. He noted the Commission's recent experience with Gat's Jazz Cafe located at 424 N. Main St. This business had offered a 10:00 p.m. closing time.

Commissioner Buchanan expressed his hope that the concept would be endorsed. He believed that it would be a net plus for the Downtown. This application would be a challenge to approve and the Commission had insufficient information to deny. The Commission would be addressing deficiencies in the current license classifications. He noted the draft E and Q license classifications. The Commission would have a Work Session and hold a Public Hearing regarding same. The goal was to place a recommendation before the Council at their October 22, 2012 meeting. He noted that the DBA would host a Town Meeting regarding this application. He recommended that the Commission lay this application over until a future meeting date.

Commissioner Petersen recalled that there were concerns regarding an E. Front St. application. He noted that there were objections raised by Downtown residents and property owners. He was unable to vote in support of this application at this time. He cited the synergy of the 300/400 blocks of N. Main St.

Commissioner Petersen noted the time line. Mr. Rolph stated that there was no window beyond the hearing date. The result would be that the City would still have two (2) Downtown taverns. He cited the location of vehicle for hire shuttle drop offs.

Commissioner Tompkins noted that Kim Smith, building owner, was present. Kim Smith, 4 Rachel Ct., addressed the Commission. As the building owner, she had other interested parties. She stated her preference to work with Mr. Rolph. She restated that the building materials would be repurposed as much as possible. She expressed her concern regarding the time line. The Council's action was an unknown. Mr. Rolph was a responsible businessman and a good neighbor. He would be a positive influence. It was important to have Commission approval this date.

Commissioner Gibson noted that he was not in favor of laying this item over. He expressed his respect for the Downtown's residents and property owners. This application represented a net positive was possible for the Downtown. The Commission should address mitigating factors and move this application forward to the Council.

Commissioner Buchanan added that appropriate conditions would be needed.

Commissioner Gibson noted that there were a number of conditions placed on Downtown liquor licenses.

Motion by Commissioner Gibson, seconded by Commissioner Tompkins to call for the question.

Motion carried, (viva voce).

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application of KTPS, Inc., d/b/a Six Strings, located at 301 & 303 N. Main St. and 110 E. Jefferson St., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be laid over until November 13, 2012.

Ayes: Commissioner Buchanan, Clapp, Petersen and Tompkins.

Nays: Commissioner Gibson.

Motion carried.

Commissioner Buchanan had studied the application. He noted the hearing before the Commission. He believed that it would be a net plus for the Downtown. He was hopeful and optimistic that Mr. Rolph would be given an opportunity. He believed that it should be passed and he endorsed the concept. He added his concern regarding the details. A significant factor was who would be the operators. He thought this business plan would work and work well in the Downtown.

Commissioner Petersen questioned the time line. Commissioner Buchanan was not comfortable addressing a time table. He hoped the Commission had given Mr. Rolph the opportunity to continue to work on this application.

Commissioner Clapp cited the proposed new classes. Additional public input was needed. She added her concern regarding the Commission's recommendation to the Council. The Commission should not be held to a time table.

Commissioner Tompkins expressed his opinion that this was a great concept. He was willing to support same. However, additional public input was needed.

Commissioner Gibson expressed his support for this application. The business plan was well defined. The Commission would need to place conditions upon the license. The Commission needed to move forward and place this application in front of the Council.

There being no further business before the Commission, the meeting recessed at 7:02 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the request of LSRE, Inc., d/b/a Laugh Comedy Club, located at 108 E. Market St., currently holding 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 to allow 1.) eighteen (18) year olds and over in the showroom

and 2.) twenty-one (21) year olds and over in the bar area. Present at the hearing were Liquor Commissioners Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Adam Weber, owner/operator and license holder.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor hearing and requested that the license holder address the Commission. Adam Weber, owner/operator and license holder, addressed the Commission. He withdrew his request.

There being no further business before the Commission, the meeting adjourned at 7:03 p.m.

The Bloomington Liquor Commissioner Buchanan called the Liquor Hearing to order to hear the violation regarding Ma Vehari, Inc., d/b/a Buddy's Liquor, located at 806 Eldorado Rd., currently holding 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 Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Nita Patel, owner/operator and license holder.

Commissioner absent: Steve Stockton.

Commissioner Buchanan opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He addressed the factual portion of the hearing. The license holder had stipulated that the violation had occurred. He presented the Commission with a Violations Query which listed four (4) violations for this license holder. He reviewed the contents of this report. He noted that the latest violation occurred on June 26, 2012. No additional written notification was provided to the license holder.

Commissioner Buchanan stated that the Commission would consider as evidence any aggravating and/or mitigating circumstances before determining the sanction.

Nita Patel, owner/operator and license holder, addressed the Commission. She had tried her best. A mistake had been made. Dilip Patel was working when the violation occurred. She noted that there were times when she worked alone in the store.

Mr. Boyle questioned if the Patels had hired additional staff. Ms. Patel responded affirmatively. There was additional part time personnel on the weekends.

Commissioner Buchanan questioned if Mr. Boyle had prepared a recommended sanction. Mr. Boyle responded negatively. He noted the last sanction: \$1,000 fine and a one (1) day suspension. The maximum fine was \$3,500. The Commission could also consider license suspension or revocation. He suggested that the sanction be higher than the last one.

Commissioner Gibson recommended that the Commission conduct its sanction deliberation in closed session. The Commission would address Ms. Patel of the sanction in open session. Commissioner Tompkins concurred.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to recess to Executive Session, 2 (c) (4), deliberation of quasi judicial bodies. Time 7:12 p.m.

Motion carried.

Motion by Commissioner Clapp, seconded by Commissioner Buchanan to return to Regular Session. Time: 7:23 p.m.

Motion carried.

Commissioner Buchanan announced the sanction after consideration of mitigating and aggravating factors. Ma Vehari, Inc., d/b/a Buddy's Liquor, located at 806 Eldorado Rd., currently holding a PAS liquor license, would be fined \$3,500 and the liquor license would be suspended from Thursday through Saturday, October 18 - 20, 2012. He informed Ms. Patel of her right to appeal to the state's Liquor Control Commission within thirty (30) days.

He noted that the Commission had made a strong statement. He questioned the Patels ability/desire to operate their business within the laws of the City and State of Illinois. He noted the Commission's sanction options: 1.) reprimand; 2.) fine up to \$3,500; 3.) suspension up to thirty (30) days; and 4.) revocation.

Mr. Boyle questioned the fine's payment date. Commissioner Gibson questioned the final day to appeal. Commissioner Buchanan recommended that payment be made on or before October 18, 2012.

Ms. Patel acknowledged her responsibility to pay the fine. She planned to continue her efforts to improve the business.

There being no further business before the Commission, the meeting recessed at 7:30 p.m.

Tracey Covert, City Clerk, directed the Commission's attention to the Illinois Liquor Control Commission's letter dated August 20, 2012 regarding the 4th Annual College Town Summit which will be held on Wednesday, October 17, 2012 from 10:00 a.m. until 3:00 p.m. in Springfield. Commissioner Stockton will be unable to attend same. Commissioner Buchanan and George Boyle, Asst. Corporation Counsel, stated their intention to attend same.

There being no further business before the Commission the meeting adjourned at 7:32 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk