

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

October 19, 2012

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Stockton had prepared a draft letter regarding the class "R", Restaurant, and "Q", Qualified, liquor licenses.

The Bloomington Liquor Commissioner Stephen Stockton 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 Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, 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: Mark Gibson.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He specifically requested that the Applicants present any updated information since the Commission's September 11, 2012 meeting. Gerry Kanta, Chief Executive, and Larry Ehlers, member, and Applicant representatives, addressed the Commission. They extended their appreciation to the Commission. Jackpot Joe's Cafe would offer a different venue. It would have a cafe atmosphere. The Commission had expressed its concern regarding proliferation of gaming parlors. They noted the various types of parlors located within the City. The Council passed a video gaming ordinance on July 23, 2012. There had been no ground swell of applications. They hoped to be provided with the opportunity to open the cafe.

Mr. Ehlers noted that their application had been the only one (1) of this type. He cited the investment to date. He appreciated the opportunity to readdress the Commission.

Commissioner Stockton noted the use of the word parlor and agreed that there were a number of types of parlors within the City. The objection raised addressed gambling. He noted the recent state law which legalized video gambling. He added that there had been an OTB, (Off Track Betting), facility in the City at one time. He noted the impression given to the Applicants at the Commission's September 11, 2012 meeting. He added that this application would not be eligible for the proposed class "E", Entertainment, or "Q", Qualified, liquor license. The proposed classes were not relevant to this application. He added that there had been objections raised by

citizens and the Council. There was a concern regarding the proliferation of businesses whose proprietary business would be gambling. A liquor license would be used as collateral to obtain a video gambling license from the state. He acknowledged that there was no City policy at this time regarding video gambling parlors. He expressed his opposition to this application.

Commissioner Tompkins expressed his concern regarding the necessity to create a liquor license in order to allow video gambling. He would not support this application.

Commissioner Buchanan stated that initially he was challenged to grasp the concept. He understood now that a liquor license would be used to facilitate a video gambling license. He questioned if the Council had this in mind when it passed the ordinance.

Commissioner Stockton noted that the Council removed the prohibition. He questioned what had occurred in other cities outside of IL. He did not recall a debate at the Council meeting. There had been no official pronouncement. This application should be measured by the same standards as any other liquor application. The Commission would then make a decision.

Commissioner Clapp questioned the market research. She specifically questioned if there was community interest in this concept. Mr. Kanta informed the Commission that they had visited West Virginia. Video gambling had been legalized there eight (8) years ago. The clientele was mainly retired and female. There was a cafe atmosphere. They had worked within a circle of friends. They had decided not to spend money on market research as this concept currently did not exist in the community.

Commissioner Tompkins noted that if the application were approved that the license holder would be subject to all state and local laws. Mr. Kanta added that the Commission and City Council had the authority to place conditions upon the license.

Commissioner Stockton added that limitations could be placed upon a liquor license in the future. He added that the City had received inquiries regarding this type of application. He believed that these individuals had adopted a wait and see attitude. He added that video gambling was not in the City Code. He cited the state requirement addressing any relationship to a video gaming company. Mr. Ehlers addressed the Commission. He had contacted the Illinois Gaming Board, (IGB). He had been employed as a licensed handler. An attorney for the IGB had stated that the law did not allow one to have vested interest in a video gaming company. He was no longer employed with that company. Mr. Kanta added that Mr. Ehlers was terminated because of this application.

Commissioner Buchanan stated that the Commission was an independent fact finding body. The Commission made a recommendation to the Council. This application was not a normal and/or usual one. The Commission could act to deny or remain neutral.

Commissioner Stockton recommended denial. He added that if denied the application would not appear before the Council. This application would proceed to the Council if the Commission recommended that a liquor license be created.

Commissioner Buchanan restated that the Commission could remain neutral and make no recommendation. Commissioner Stockton expressed his preference that the Commission take a position.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the Commission reported its findings to the Council. He recommended that the Commission send a report to the Council regardless of the recommendation.

Mr. Ehlers expressed his opinion that this application did not require a new license classification. A liquor license promoted the sale of liquor. Jackpot Joe's anticipated limited liquor sales. The Cafe would not be promoting liquor sales.

Commissioner Stockton encouraged the Commission to consider the merit of this statement. Jackpot Joe's would promote responsible drinking. Liquor sales would not be the business' main purpose. Video gambling would be promoted as a form of entertainment. The Cafe would promote socializing. If the City granted the liquor license it would be to enable video gambling. He restated his aversion to this application.

Commissioner Petersen believed that the Applicants needed the City's and the community's support. He expressed his concern regarding video gambling parlors. He did not believe that this application was in the best interest of the City. He cited the various issues in the Downtown. Mr. Ehlers noted that the issues within the Downtown involved college age individuals. Commissioner Petersen responded affirmatively.

Mr. Kanta restated that the Cafe would be a place to socialize. He added that Starbucks had announced that it would be moving into liquor sales.

Commissioner Stockton restated that this application was different. The liquor license was needed to open/operate a video gaming parlor. The main purpose of this application was gambling. The future was unsure and future state action was an unknown. Mr. Kanta noted that in West Virginia the limit remain at five (5) machines eight (8) years later.

Daniel Ehlers, 1107 Lockenvitz Ln., addressed the Commission. He owned/operated a coin operated amusement business. He had worked with state elected officials and the chairman of the IGB. He noted that the Commission had not heard from any liquor license holders.

Commissioner Stockton responded affirmatively.

Mr. Ehlers noted the Commission's comments regarding need. No one who was eligible for a video gaming license had come forward to speak against this application. The Cafe's clientele would be different. The Commission had not heard any negative comments regarding this application. The concept was something new. He acknowledged that the Commission had raised questions and concerns. He noted that three (3) City businesses had been approved by the state. He cited Cheeks, located at 1206 Towanda Ave., and Times Past Inn, located at 1216 Towanda Ave. He believed that it would be unfair to deny this application. The Applicants had made a monetary investment to create this business. He hoped that the Cafe would be

successful. He believed that there was a need. In addition, there would not be a negative impact upon existing businesses.

Commissioner Buchanan questioned if Mr. Ehlers was a member of the LLC. Mr. Ehlers responded affirmatively. Larry Ehlers was his father. Mr. Kanta was his brother-in-law. There was no financial investment in the LLC.

Commissioner Tompkins stated that this could be a lucrative business. He believed that video gaming parlors would proliferate. The Applicants had requested that the City create a liquor license to allow a gambling parlor. He restated that he would not support this request.

Commissioner Stockton cautioned the Commission against future predictions and personal opinions.

Commissioner Clapp questioned this application with its tie to video gambling. She had no concerns with the application.

Mr. D. Ehlers noted that income from the sale of liquor would help to sustain the business. The Cafe would be an entertainment venue. There were over 100 businesses that were eligible for video gambling. He restated that the Commission had not heard any opposition expressed to this application.

Commissioner Tompkins questioned if the video gaming terminals were removed would the business be successful. Mr. Kanta noted that an honest application was filed. Bar owners needed video gaming terminals to help cover overhead costs. If this application is denied, he planned to reapply.

Commissioner Stockton acknowledged that there was no outpouring of opposition. He noted the proximity of other licenses. He cited Ride the Nine located at 503 N. Prospect Rd., Suite 300, and Chuck E Cheese located at 1701 E. Empire St. He added that Ride the Nine was located in the same shopping center.

Mr. D. Ehlers stated that Ride the Nine had not applied to the IGB.

Commissioner Clapp questioned if the Applicant had solicited comments from other nearby businesses. Commissioner Stockton stated that courtesy notices were mailed.

Commissioner Petersen added that the Commission needed to do what it believed was right for the City. Mr. Kanta informed the Commission that he had approached the City of Clinton. Clinton chose to limit the number of liquor license to those in existence.

Daniel Rolph, 525 N. Center St., addressed the Commission. He owned and operated Six Strings. He would not have video gaming terminals at his place of business. Video gambling had been legalized on a small scale. Any tavern liquor license holder can apply for a state video gambling license. He did not believe that it was the state's intention to create video gaming parlors. He added his opposition to this application.

Commissioner Stockton noted that the video gaming terminals appeared to be driving this liquor license application. He expressed his concern regarding the need for this license. He restated its proximity to Ride the Nine. He encouraged the Commission to take all of the information presented into account.

Commissioner Petersen noted that legalized gambling was new.

Commissioner Clapp questioned the process. She specifically questioned if the application were denied and sending it on to the Council.

Mr. Boyle restated his recommendation that if the Commission recommended denial that it should be sent on to the Council. He noted that there would not be a hearing before the Council.

Commissioner Stockton stated that the Commission had the ability to deny an application. He did not want to set a precedent by sending a denial on to the Council.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that 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 on the premises be denied.

Motion carried, (viva voce).

Commissioner Stockton informed the Applicants that they could reapply. There would be no prejudice due to this application. He hoped that if a decision was made to reapply that it would be an application for a true tavern or restaurant.

There being no further business before the Commission, the meeting recessed at 12:30 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 Stephen F. Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, 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: Mark Gibson.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He requested any updated information since the Commission's September 11, 2012 meeting. Daniel Rolph, co-owner/operator and Applicant representative, addressed the Commission. He thanked the Commission for scheduling an additional meeting. He had met with others and was encouraged. He had prepared a packet of information for this hearing. Currently, Six Strings held a "T", Tavern, liquor license. The facility was too small. A T liquor

license restricted admittance to those twenty-one (21) years of age or older. The cover charge was usually \$5. The building's capacity was 349. These two (2) items limited entertainment opportunities. He also noted the limited sales opportunities, (estimated at twelve to fifteen/12 - 15 hours per week). He described himself as a responsible business owner. He noted that there might be different license classifications in the future. At this time, the application was for an "R", Restaurant, liquor license. Six Strings would offer entertainment, business, food, and activities. Only those twenty-one (21) years of age and older would be allowed on the premise after 11:00 p.m. A cover charge would be linked to entertainment. Generally, access to Six Strings would be free during the day. He noted the expanded opportunities. In addition, there would be expanded sale revenue opportunities. He hoped to offer a sidewalk cafe with music.

Mr. Rolph noted that two (2) neighborhood meetings were held, (October 1 and 5, 2012 at Business Furniture, 205 N. Main St., Suite 100). An additional meeting was held on last night, (Thursday, October 18, 2012). He acknowledged the concerns raised, (noise, litter, public urination, and vandalism/property damage). A key issue was how to mitigate these concerns. He had met with Clay Wheeler, Asst. Police Chief. He had listened to Downtown residents and Dave White, Police Patrol Officer/Public Affairs. He noted that a neighborhood watch program had not been successful. He stated that issues occur in the early hours of the morning. He recommended that the neighborhood watch program be transfer to Downtown Bar Association. He believed that Downtown residents' concerns could be addressed. A key was to keep the patrons in the building. Currently, he spent \$1,000 per week on security. At this time, patrons must stand outside and wait for the shuttles.

He recommended that the 300 - 400 blocks of N. Main St. be restricted to permit parking after 10:00 p.m. He noted that there was a shuttle hub on Main St. He also recommended that there would be no pedestrian traffic on Main St. He believed that the Downtown bars should be required to house their patrons for twenty to thirty (20 - 30) minutes after closing time. These individuals were waiting for the shuttle. He restated that no one under twenty-one (21) years of age would be allowed in the building after 11:00 p.m.

He planned to install video surveillance cameras on the building's exterior and interior. Lighting would be installed in the alley. There would not be any outdoor music after 11:00 p.m. Noise would be directed south towards the McLean County History Museum. There would be trash receptacles for litter and cigarette butts. He offered to sponsor the Downtown neighborhood watch. He also offered to post any conditions placed upon the liquor license. There would not be any exterior liquor advertising. He believed that his plan would mitigate the Downtown residents' concerns. He also noted the Downtown Entertainment Task Force's, (DETF), recommendations.

Commissioner Stockton requested that Mr. Rolph address the physical layout. He noted concerns raised at the public meeting regarding the facility. He questioned how the business would function and the layout. Mr. Rolph directed the Commission to the general floor plan. He reviewed same and addressed the planned food offerings. He hoped to work with local merchants. He noted that the pizzeria and bakery would allow take out and/or delivery. He cited the entrance at 110 E. Jefferson St. This entrance would also serve as an emergency exit. In

addition, 303 N. Main St. would also serve as an emergency exit. Access to the facility would be controlled at the 301 N. Main St. This would serve as the main entrance.

Commissioner Buchanan questioned how/when identification would be checked. He informed the Commission that he had toured the facility on Thursday, (October 18, 2012), night. He had made arrangements with Mr. Rolph. He restated that no one under twenty-one (21) years of age would be admitted after 11:00 p.m. He again cited identification checks.

Mr. Rolph noted special events such as wedding receptions and/or comedy shows. He restated that there should be a Downtown curfew: no one under twenty-one (21) years of age after 11:00 p.m. He addressed the Main St. entrance. Private parties would be held in a segregated area in the lower level. Identification would be check there.

Commissioner Petersen questioned the Main St. entrance. Mr. Rolph stated his intention to allow individuals under the age of twenty-one (21) during the day. In addition, individuals under the age of twenty-one (21) would be allowed during special events. There would be separate areas for alcohol and non alcohol service.

Commissioner Stockton restated that no one under the age of twenty-one (21) would be allowed in the facility after 11:00 p.m. Mr. Rolph responded affirmatively. Commissioner Stockton described this time as an absolute curfew. Mr. Rolph restated that during the day the building would be open to all ages. He noted that there had been issues with parents. There needed to be the ability to physically separate alcohol and no alcohol service areas. When the building was open with a focus on alcohol sales, the food court would be closed to the general public. Private events would be hosted on the lower level.

Commissioner Stockton restated that the absolute curfew would be 11:00 p.m., (no one under twenty-one/21 years of age). This curfew would be applied to the ground floor, (no one under twenty-one/21 years of age) during liquor sale hours. There would be a physical separation in the basement.

Commissioner Petersen addressed the lower level. He questioned how the facility would be controlled when hosting a wedding reception. Mr. Rolph noted that security costs would be included into the invoice for a private party. He referred the Commission to the layout of this area. Lower level guests would be escorted out of the building utilizing the 303 N. Main St. entrance.

Commissioner Tompkins questioned the location of the sidewalk cafe. Mr. Rolph expressed his belief that the sidewalk was wide enough. He cited the Coffee Hound located at 407 N. Main St. as an example.

Commissioner Tompkins noted that the stage would be located against the building's north wall. He noted that Six Strings currently owned sound baffling equipment, curtains, etc. Mr. Rolph added that he planned to check with the tenants in the adjacent building. He noted that work had begun on the building's basement. Currently, it was a large open area.

Commissioner Tompkins described Mr. Rolph as a responsible license holder. He noted another recent liquor license application which has faced Council resistance. Mr. Rolph informed the Commission of his attempts to partner with Marlene Gregor. He had also met with Char Huff. He believed that it was possible to alleviate the Downtown residents' concerns. Six Strings would be relocated to the square. He noted the Downtown residents' unmet needs. Their concerns were legitimate. He believed that his business plan would be of benefit to the community.

Commissioner Stockton questioned the capacity of the building. Mr. Rolph expressed his hope that occupancy would be set around 600. He added that Six Strings at the proposed locations would probably not reach this number. He hoped to expand the business' income by being open in the daytime for business.

Commissioner Stockton questioned the plan for Six Strings existing location, (525 N. Center St.). He did not believe that another liquor license would be granted at that location. He questioned other uses for this property. Mr. Rolph had spoken with the landlord. He did not believe that a T liquor license would be approved. He believed that the building could be converted back to a restaurant. He noted that the proposed cite was currently a vacant building on the square.

Commissioner Stockton had seen the physical layout. He questioned who would control the premise. He addressed accounting for an R liquor license. He questioned the organizational structure. He also cited the food court which would involve some contracting out. Mr. Rolph noted that there would be a ten (10) year contract for sale of real estate. He would be making an investment in the Downtown. Six Strings would be responsible for all liquor sales and management of same. The coffee bar, pizzeria and bakery would be separate businesses. A liquor license was determined by the address.

Commissioner Stockton noted the requirements for an R liquor license. He cited the sale of tangible items and fifty-one percent (51%) of same. This would involve separate businesses and separate accounting. Mr. Rolph questioned the Castle Theater located at 209 E. Washington St.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited the definition of an RA, (Restaurant, All types of alcohol), liquor license. (See Chapter 6. Alcoholic Beverages, Section 7A. Classification, (13)). Sales would be linked to the specified premise.

Commissioner Tompkins expressed his opinion that a ticket was a tangible item. Commissioner Stockton expressed his opinion that a ticket was symbolic of a service. Entertainment was not tangible. He noted that additional items were listed under the proposed "Q", Qualified, license classification. He added that the definition of a restaurant may need to be addressed. Mr. Rolph expressed his opinion that cover charges were not a tangible item but concert tickets were. Commissioner Stockton restated that there were issues that needed to be resolved. Mr. Rolph noted that at this time there were only two (2) options: tavern or restaurant. He noted the variety of sales and services offered. At this time, thirty percent, (30%), of Six Strings revenue came from cover charges and ticket sales. He believed that at the proposed location thirty percent, (30%), of revenue would come from liquor sales. The remaining seventy percent, (70%), of



revenue would come from food, tickets, etc. He planned to own the deli and smoothie bar. These two (2) areas represented food sales.

Commissioner Stockton questioned if all of Six Strings' holdings would be held by a single corporation. Mr. Rolph stated that there would be a single point of sale system. Commissioner Stockton questioned if the deli sales would outweigh the liquor sales. Mr. Rolph responded negatively. He added his plan to include the food sale revenue from other food entities, such as the pizzeria and bakery. He noted that there would be additional entertainment offerings plus food.

Commissioner Stockton recognized Six Strings' efforts. He added his hope that the Downtown neighbors would be willing to give Mr. Rolph credit for his past efforts. Mr. Rolph requested approval of his application for an RAS liquor license. He added his willingness to consider a class E and/or Q in the future if approved by the Council. He added his belief that he had addressed all concerns. He believed that he had the neighborhood's support.

Commissioner Stockton noted Gat's Jazz Cafe, an outstanding liquor license application, proposed location was 424 N. Main St. He noted concerns regarding late night activities. He cite the crowd in the Downtown at closing time. The Council would not support additional taverns in the Downtown. Mr. Rolph stated that his application would eliminate a tavern liquor license. Commissioner Stockton anticipated a request from Mr. Rolph's current landlord. Mr. Rolph noted that the density in the 500/600 blocks of N. Main St. would be decreased. He also cited the change of ownership at Reality Bites located at 414 N. Main St. In addition, Elroy's located at 102 W. Washington St. had been approved for a change of classification, (from a T to an R).

Commissioner Stockton noted Six String current occupancy under the fire code was 349. Mr. Rolph had estimated occupancy at the proposed facility at 600. This fact would add to the burden in the Downtown at closing time. He noted that the larger facility would be used to host concerts. He expressed his concern regarding the net addition to the Downtown. He recommended that conditions be placed upon the liquor license. Mr. Rolph believed that his overhead costs would decrease.

George Boyle, Asst. Corporation Counsel, left the meeting at 1:30 p.m.

Commissioner Stockton noted that a liquor license would be added to the square. He noted that the following licensed facilities were already located on the square: Michael's/Chasers located at 110 W. Washington St., Elroy's located at 102 W. Washington and Maguire's located at 220 N. Center St. The focus area was the Downtown's south end near the US Cellular Coliseum. Mr. Rolph noted that the Front N Center building located at 102 N. Center St. was not a possibility. In addition, the former Elks building located at 110 N. Madison St. needed a new HVAC, (Heating, Ventilating & Air Conditioning), system and would have to be sprinkled. These two (2) items were cost prohibitive.

Commissioner Stockton restated his concern regarding an additional 600 people around the square. He questioned if this application as presented qualified as a restaurant. He questioned

Mr. Rolph's planned investment in this project. Mr. Rolph did not want to share the amount in a public meeting. A loan was built into the lease. He noted the building's infrastructure needs. This would be a contract to purchase the building over a ten (10) year period.

Commissioner Stockton noted Mr. Rolph's request to consider closing Main St. Mr. Rolph stated that the Downtown residents have legitimate concerns. He believed that these concerns could be eliminated.

Theresa Stevens, 201 S. High St., Ellsworth, addressed the Commission. She stated her support for this application. She was a life long resident of McLean County and was employed as a court reporter. She informed the Commission that the applicant was a personal friend. Six Strings would offer other activities. It would be more than a bar. She noted Six Strings' history and track record. Mr. Rolph had done a good job. Six Strings' clientele went beyond college students. Six Strings' staff was professional, respectful and hard working. Six Strings brought diversity to the Downtown. Underage individuals needed somewhere to go. She cited the impact of house parties. College students needed adult supervision. She frequented the Downtown. Today, there was an awareness of DUI, (Driving Under the Influence). The goal was to make the Downtown safe.

She addressed the food sales issue. She noted jury service. Currently, there was only one (1) restaurant available for juries, Michael's located at 102 W. Washington St. She added possible uses for the existing building. She hoped that other young adults might be interested in establishing a small business. She noted the possibilities. She cited the possibility for an indoor skateboard park. She did not believe that Mr. Rolph should be penalized because of the request to hold a liquor license. Mr. Rolph needed to raise additional revenue. She requested that the Commission give consideration to this application. It would be a positive addition to the Downtown.

Commissioner Stockton noted that Mr. Rolph would be unable to control what might happen at 525 N. Center St., (vacant building).

Greg Meyer, 515 N. Center St., addressed the Commission. He represented Recycling for Families. This business shared a wall and an alley with Six Strings. He described Six Strings as a good neighbor. He could not predict the future. He offered a solution for a vacant 525 N. Center St. The building could be donated to Recycling for Families as they needed additional space. He stated his comfort level with Mr. Rolph. He added that there had not been any issues with litter and/or noise. He urged the Commission to give this application consideration. He noted Mr. Rolph's past successes. He also questioned what would happen to the proposed space if the application is denied as it currently is a vacant building. He restated his request for careful consideration as Mr. Rolph was a good man in his opinion.

Commissioner Petersen noted that Mr. Rolph took ownership seriously. Mr. Rolph had been described as a good neighbor. He added that this application involved the displacement of additional liquor licenses. Mr. Rolph stated that Six Strings would be combined with Laugh Comedy Club currently located at 108 E. Market St. and Flinger's Pizza located at 608 N. Main St.

Commissioner Petersen noted the revenue drop for Six Strings in August 2012. He questioned the occupancy per floor. Mr. Rolph believed that occupancy would be established by floor. Commissioner Petersen questioned if occupancy could be set at 300 for the main floor. He also questioned what would happen to Six Strings if this application were denied. Mr. Rolph stated that he must reach a decision by March 1, 2013 regarding his current location.

Larry Williams, Farmer City, addressed the Council. He represented WWHP radio. He had worked with Mr. Rolph during the past three (3) years. He described Mr. Rolph as a professional. He had worked with various venues in Central Illinois. Six Strings' security was second to none. Every customer has their identification checked. The sound and light systems were top notch. National touring acts were treated well. Six Strings brought people to the Downtown. Six Strings gave the Downtown exposure. He believed that Six Strings was needed in the Downtown. He knew how to treat an adult like an adult by offering seating and food service.

Kimberly Jackson, 4 Rachel Ct., addressed the Council. She was the building's owner. She wanted to make three (3) points: 1.) food sales - it was her impression that all sales within the building would count towards the percentage of food sales for an R liquor license; 2.) ticket sales - it was her opinion that a ticket was a tangible item; and 3.) occupancy - it was her belief that it would be established per floor and would be determined based upon square footage, restrooms, etc. There could be restrictions. She noted that there would be various shows at different times.

Commissioner Petersen stated that occupancy per floor might be helpful. Ms. Jackson did not believe that the Commission should give consideration to 525 N. Center becoming vacant. Her building had been vacant for three (3) years. The Commission should consider the quality of the applicant. The Commission should question what this concept would bring to the Downtown. She did not frequent the Downtown. The Downtown was a mixed use area. She believed that this mixed use was what made the Downtown work. Her decision to allow Habitat to use a portion of this building was a charitable venture.

Commissioner Petersen questioned if Ms. Jackson had had other offers. Ms. Jackson responded none at this time.

Commissioner Stockton noted the broader issue - utilization of a Downtown building. He also questioned if this application qualified for an R liquor license. This was a technical question. This answer might be complex and the City Code contained some ambiguity.

Brian Dix, 525 N. Center St., addressed the Commission. He was employed as Six Strings' Security Manager. He addressed Downtown security. He had heard the concerns. Issues arose in unsupervised and unmonitored space. Vacancy was a part of the issue. He expressed his appreciation to the Police Department. The presence of people was a mitigating factor. He addressed the need for a neighborhood watch group. Six Strings could address same. Six Strings had the experience and the interest in the Downtown. The goal was to make the Downtown better for all.

Commissioner Tompkins questioned if Six Strings would retain the existing video monitoring system. He also questioned the retention period for video recordings. Mr. Rolph stated two to two and half, (2 - 2½ ), weeks. He added that he planned to expand the current system. Mr. Dix added that the system would cover the entire facility. Commissioner Petersen questioned if security would include the building's interior and exterior. Mr. Dix noted if required to do so. Mr. Rolph added that during good weather an individual could be placed on the building's roof. There could be a sidewalk patrol. If there were issues outside of the building, Six Strings' staff would call the Police Department. He noted Six Strings' worker's compensation insurance which only covers incidents within the building. Mr. Dix added that Six Strings' staff would be the eyes on the street. Commissioner Stockton stated that the Police Department was responsible for enforcement.

Clay Wheeler, Asst. Police Chief, addressed the Commission. He confirmed meeting with Mr. Rolph. He expressed his concerns. He noted the business plan and questioned Mr. Rolph's ability to do it all. He acknowledged that Mr. Rolph had done a good job at his current location. He expressed his concern with the future unknowns such as clientele and their behaviors.

Commissioner Buchanan addressed relevant factors. He had visited Six Strings and Laugh to observe the business operations on multiple occasions. He believed that these two (2) businesses had limited impact upon the neighborhood. He did not believe that there would be an increase in occupancy. Six Strings and Laugh did not contribute to the college bar scene. Asst. Chief Wheeler responded affirmatively. Six Strings' and Laugh's clientele was more diverse. Both offered more than alcohol consumption, i.e. entertainment. He added that the crowd would be dispersed. There were unknowns which could be both good and bad. He cited pedestrian traffic. Commissioner Stockton questioned Mr. Rolph's plans for closing time. Mr. Rolph stated that people would be in the building twenty-four (24) hours a day. He cited the bakery and pizzeria. He hoped to keep people in the building while they are waiting for the shuttle. He described this action as a community courtesy.

Commissioner Stockton questioned Mr. Rolph's daytime plans. He also noted the Farmer's Market. Mr. Rolph had spoken with the Downtown Business Association, (DBA). This space could be used during inclement weather. He cited the Katic Bakery as a possible tenant. The space could be used in the winter to extend the Farmer's Market.

Commissioner Stockton noted the added crowds in the evening, i.e. closing time. He questioned establishing occupancy limits and setting a closing time. Mr. Rolph believed that if the bars were at capacity the crowd would be spread. He agreed to limiting occupancy to 349 after 11:00 p.m. He added his belief that the occupancy would be limited on the lower level. He requested that if he proved himself that the Commission would add to the 349 occupancy limit.

Commissioner Petersen stated that initially occupancy would be limited on the main floor. Mr. Rolph stated that he would agree to a limited occupancy of 349 in order to obtain the liquor license. He planned to pull people into the establishment.

Commissioner Petersen questioned the sale hours for alcohol. Mr. Rolph was not sure. He noted that during the lunch trade individuals might want a beer with their pizza. The ideal would be to

offer liquor sales during the evening. Commissioner Petersen questioned an earlier closing hour. He cited the people and congestion. Mr. Rolph believed that if Six Strings was given an earlier closing hour, these individuals would go somewhere else. He believed that he would take his existing customer base with him to the new location.

Commissioner Tompkins questioned Mr. Rolph's lease payment. He questioned what/which sales would count towards the percentage of nonalcohol sales. He expressed his interest in a vibrant, diverse Downtown. He expressed his concern that the Council would rebuff this application based upon the location. Mr. Rolph stated that the implementation of the concept must be good. He was a responsible owner.

Commissioner Stockton questioned current conditions on Six Strings. (*Current conditions for Six Strings: 1.) Video cameras be installed on the building's interior and exterior, exterior cameras must be installed on the building's east, west and north sides, focus of same would be patron behavior; 2.) Footage from cameras would be retained for sixty (60) days and turned over to the City upon the request by the Police Department and/or Liquor Commission; 3.) establishment administration will implement procedures which will encourage patron use of the Market St. Garage; 4.) Consistent with the testimony presented at the three (3) meetings ownership/management must address little around the establishment; 5.) Commission reserves the right to confer with the owner to place conditions upon the outdoor patio such as music, occupancy, etc.; and 6.) Establishment ownership will implement a proactive program which encourages appropriate patron behavior.*) Mr. Rolph noted sound proofing. There was no use of the Center St. door except as an emergency exit. He planned to move the soundproofing to the new location.

Commissioner Petersen questioned security between 2:00 - 3:00 a.m. Mr. Rolph stated that there would be security at the door. No one under twenty-one (21) years of age would be present. No intoxicated persons would be present. Six Strings' staff would have to manage those present. In addition, there would be clean up time.

Commissioner Buchanan requested clarification. He noted that an R liquor license required more than fifty percent (50%) of sales from non alcohol items. He questioned what would qualify towards this figure. He noted that this issue had been raised recently. He expressed his opinion that the City Code was vague. He cited a number of R liquor licenses such as the US Cellular Coliseum located at 101 S. Madison, Pheasant Lanes located at 804 N. Hershey Rd., etc. He questioned the impact upon these businesses. He noted City staff's strict interpretation of the definition.

Commissioner Stockton believed that more legal work was needed. He noted the Commission's past understanding of the R license classification. It appeared that the City's legal staff was questioning same. The City may need to amend the definition of an R liquor license. The Commission had tried to avoid the creation of additional license classifications. The Commission had tried to use conditions to clarify the license classification with neighborhood needs.

Commissioner Buchanan noted that the Commission now knew that there was a new interpretation. He added his opinion that this was a new more stringent interpretation. He questioned if the intent was to deny R liquor licenses.

Mr. Rolph noted that currently there were only two (2) options for sale from the glass: T or R. He had applied for an R. He requested approval of same. He would be open to other options in the future.

Commissioner Tompkins read from the packet provided from Mr. Rolph this date. He noted the Downtown residents' comments: (General feeling was that that the late night bar business was introducing problems that impacted their quality of life. They have invested money downtown and no one is addressing the problems adequately: 1.) noise late at night and early morning; 2.) Vandalism, broken windows, overturned flower pots; 3.) Increased trash in front of their building; 4.) public urination on their porch and even worse in the alley; 5.) parking is a problem; 6.) alleys are poorly lit and noisy; 7.) Promises were made to protect their investments and nothing has been done; and 8.) we do not want another bar and nothing you say will change our mind, (see page 5 of Mr. Rolph's handout).

Commissioner Stockton noted that there were various opinions in the Downtown regarding its future direction. He encouraged all to look at the applicant. Mr. Rolph was one of the best Downtown bar operators. He noted that there were issues on the square. He cited his reluctance to add a liquor license at this location. He stated his preference for another location. He questioned if Mr. Rolph's implementation plan was realistic. He noted the food court and an alternate indoor Farmer's Market. There were pluses and minuses to the application. He also addressed qualifications for an R liquor license. The ambiguity in the City Code needed to be clarified. The Applicant had presented some limits. He was unsure of the best use for the square. Occupancy limits could be used. He added that this application might shift people from one location to another.

There were still open questions. The Commission could use conditions with contingencies. He noted the qualifications for an R liquor license. The Commission might chose to give provisional support. The City's legal staff would need to review the technical qualifications for an R liquor license. He questioned alternative uses for the building located at 525 N. Center St. The City would not support additional liquor licenses in the Downtown.

Mr. Rolph requested that the building at 525 N. Center St. be disassociated from his application. Commissioner Stockton acknowledged that Mr. Rolph had no control over the building. He cautioned that the City would not support a tavern at this location in the future. He recommended that there be a condition which addressed occupancy. He cited an occupancy of 349 after 11:00 p.m. In addition, no outdoor music should be allowed. In addition, there should be appropriate soundproofing. Doors and windows should be closed. Mr. Rolph believed that noise abatement should be included. Commissioner Stockton added that there should be substantial food sales until 11:00 p.m. Mr. Rolph noted that food would be available at all times. Six Strings would be a destination.

Commissioner Stockton noted that the Commission had not addressed all objections. Mr. Rolph clarified the 349 number. He questioned private parties such as wedding receptions. Commissioner Stockton noted that occupancy needed to be addressed. He questioned the total number at closing time.

Commissioner Clapp questioned the conditions placed on other food establishments. She noted that individuals under twenty-one (21) years of age would be allowed on the premise. She cited the positive reputation of the applicant. The Commission needed to look at the major elements. The Commission would need to review compliance with any and all conditions. She cautioned that something could fall through the cracks.

Commissioner Stockton questioned if it was possible to meet the goal of no increased burden upon Downtown infrastructure.

Commissioner Petersen noted that there was no consideration of 525 N. Center St.

Commissioner Tompkins requested that the conditions include the following restrictions: 1.) No one under 21 will ever be served alcohol in the establishment. Physical separation and operational procedures will be in place to establish strict control; 2.) No one under 21 will be allowed in the building after 11:00; 3.) Resident concerns will be addressed to the best of our ability: a.) Cameras will be installed inside and outside of the building to help monitor the venue and nearby residents/businesses; b.) Lighting will be installed in the alley off Jefferson; c.) No amplified music outside the building after 9:00 p.m.; d.) Noise baffling material will be installed to limit interior noise that might impact adjacent buildings; e.) Receptacles for trash and cigarette butts will be made available. Cigarette butts and trash will be cleaned up routinely throughout the night; f.) Six Strings will partner with businesses and residents to make the neighborhood watch program more effective downtown. We will help sponsor the program; g.) Operating conditions and a venue schedule of events will be posted at the front door; h.) Additional lighting will be added to the outside face of the building to improve security; i.) Six Strings will continue to listen to neighbor's concerns and take proactive reasonable measures to mitigate any issues; j.) No banners or neons will be displayed on the outside of the building advertising alcohol; and k.) Visibility to alcohol and signage will only be present inside when appropriate to the schedule of events. Alcohol in all locations can be physically locked down behind steel storage doors, (see page 7 of Mr. Rolph's handout).

Commissioner Buchanan cited two (2) additional conditions: 1.) Commission to serve as an active participant/liaison during build out with a review every sixty (60) days and 2.) Commission opposed to a future liquor license at 525 N. Center St. He added that this was a complex project. He requested that the Applicant be required to report back to the Commission.

Commissioner Stockton reviewed the motion and the various issues and conditions. He cited the qualification for an R liquor license. He cited an occupancy limit of 349 after 11:00 p.m. He questioned occupancy for the lower level. He noted that no outdoor music would be allowed. Sound proofing the building would be required. Food sales must be available until at least 11:00 p.m. Compliance with major elements was key. A Commission liaison during the build out was

self imposed. He also cited the Restrictions on the License listing found on page 7 of the Applicant's presentation.

Commissioner Petersen expressed his belief in the Applicant. Mr. Rolph was well thought of in the community.

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 approved with the following conditions: 1.) City's Corporation Counsel Office to determine if the Applicant is eligible for an R liquor license; 2.) occupancy on the ground level would be limited to 349 after 11:00 p.m.; 3.) no outdoor music allowed; 4.) building soundproofing required; 5.) food sales available until 11:00 p.m.; 6.) no one under 21 will ever be served alcohol in the establishment. Physical separation and operational procedures will be in place to establish strict control; 7.) no one under 21 will be allowed in the building after 11:00; 8.) resident concerns will be addressed to the best of our ability: a.) Cameras will be installed inside and outside of the building to help monitor the venue and nearby residents/businesses; b.) Lighting will be installed in the alley off Jefferson; c.) No amplified music outside the building after 9:00 p.m.; d.) Noise baffling material will be installed to limit interior noise that might impact adjacent buildings; e.) Receptacles for trash and cigarette butts will be made available. Cigarette butts and trash will be cleaned up routinely throughout the night; f.) Six Strings will partner with businesses and residents to make the neighborhood watch program more effective downtown. We will help sponsor the program; g.) Operating conditions and a venue schedule of events will be posted at the front door; h.) Additional lighting will be added to the outside face of the building to improve security; i.) Six Strings will continue to listen to neighbor's concerns and take proactive reasonable measures to mitigate any issues; j.) No banners or neons will be displayed on the outside of the building advertising alcohol; and k.) Visibility to alcohol and signage will only be present inside when appropriate to the schedule of events. Alcohol in all locations can be physically locked down behind steel storage doors; and 9.) Commission review compliance with any and all conditions.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 2:55 p.m.

Commissioner Stockton reviewed a draft letter regarding a class "R", Restaurant, and "Q", Qualified, liquor license. He welcomed the Commission's feedback. He believed that the Commission had the authority to request this information. He planned to implement something this year.

Tracey Covert, City Clerk, reminded the Commission that the Commission's November meeting would be held on Wednesday, November 14, 2012 at the Police Department's Osborn Room. The Council meeting would be held on Tuesday, November 13, 2012 due to the Veteran's Day Holiday.



Commissioner Tompkins recommended that in the future all license holders with conditions be required to post same.

Commissioner Stockton noted that there were other pending issues: discussion of Downtown Entertainment Task Force, (DETF), report and proposed Text Amendment regarding employee server training. He noted the time.

Commissioner Clapp requested that the Commission review the DETF report and provide her with any feedback. It was noted that Commissioner Clapp provided the Commission with a draft report dated October 15, 2012. Alderman Karen Schmidt had provided an updated report dated October 17, 2012.

There being no further business the meeting adjourned. Time: 2:58 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk