

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

January 14, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification regarding a change of corporate ownership by Illinois Brewing Company, Inc., d/b/a Illinois Brewing Company, located at 102 N. Center St., Suite 111, currently holding an TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of corporate ownership. 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.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the change involved approximately five percent (5%) of ownership.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of corporate ownership for Illinois Brewing Company, Inc., d/b/a Illinois Brewing Company, located at 102 N. Center St., Suite 111, currently holding a TAPS 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 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to consider the application of Ralben, Inc., d/b/a Bonkers located at 1507 S. Main St., requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Bill Bentley, owner/operator, and Applicant representative.

Commissioner Renner questioned the purpose of this application. He noted that this application involved a 100% change in stockholder. Bill Bentley, owner/operator and Applicant representative, addressed the Commission. He read from a prepared statement. Bonkers was a neighborhood bar with established clientele. Patti Quinn-Jones, current owner/operator and license holder, would manage the business for an additional year. His intention was to maintain the status quo. He cited the other surrounding properties which he owned and/or managed. Bonkers would be an investment property/business.

Commissioner Jordan questioned if there were any contingencies which would require Ms. Quinn-Jones to remain for one (1) year.

Mr. Bentley responded affirmatively. There was a contract between the parties.

Commissioner Jordan questioned if there were any past issues at Bonkers.

George Boyle, Asst. Corporation Counsel, responded negatively.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Ralben, Inc., d/b/a Bonkers located at 1507 S. Main St., requesting a TAPS liquor license, which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, (viva voce).

Commissioner Renner informed the Applicant that this item would appear on the February 10, 2014 City Council Consent Agenda. He encouraged Mr. Bentley to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:07 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Beningo's Restaurant, Inc., d/b/a Beningo's Restaurant, located at 610 W. Chestnut St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was a first offense for Beningo's, a long term license holder. The license holder paid a \$400 fine and paid a \$250 Ordinance Violation as the license holder was also the server.

There being no further business before the Commission, the meeting adjourned at 4:09 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Tobin's Pizza, Inc., d/b/a Tobin's Pizza, located at 1513 N. Main St., currently holding an RBS 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 Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was a first offense for Tobin's, a long term license holder. The license holder paid a \$500 fine. The license holder was not the server.

There being no further business before the Commission, the meeting recessed at 4:09 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding C & K Hotel Group, LLC, d/b/a Hawthorne Suites & Conference Center, located at 1 Lyon Ct., 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 Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was a first offense for Hawthorne Suites. The license holder paid a \$600 fine.

There being no further business before the Commission, the meeting recessed at 4:109 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Jim's Steak House of Bloomington, Inc., d/b/a Jim's Steak House, located at 2307 E. Washington St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This hearing represented a first appearance. He had spoken with Greg Comfort, license holder's representative. Jim's had had other liquor violations, (2004 and 2011). He requested that this item be laid over until the Commission's February 11, 2014 meeting date.

Commissioner Tompkins believed that it was mandatory for the license holder to appear before the Commission after the first violation.

Commissioner Renner addressed the number of police audits and subsequent liquor violations. He recommended that license holder not appear before the Commission until the third violation.

Commissioner Tompkins cited past liquor fines: first offense equaled \$600; second offense equaled \$1,2000 and a maximum fine would be levied for third offenses.

Commissioner Renner informed the Commission that he had had a discussion with Mr. Boyle this date. There would be further discussion at the Commission's February 11, 2014 meeting.

Commissioner Jordan recommended that consideration be given to the time frame for the offenses. He expressed his concern regarding the frequency of the violations. The Commission needed to be fair and reasonable.

Mr. Boyle referred the Commission to the Work Session held on April 3, 2012 which addressed violation penalties. This meeting allowed the Commission flexibility.

Commissioner Jordan recalled the three (3) year rule for violations.

Mr. Boyle affirmed that the Commission's past actions addressed a three (3) year calendar.

Commissioner Renner requested that an item be placed on the Commission's February 11, 2014 meeting agenda. This item would address the establishments of ranges for fines based upon the number of offenses. His goal would be for the Commission to adopt a formal policy.

Mr. Boyle restated that this first appearance would be continued until the Commission's February 11, 2014 meeting.

There being no further business before the Commission, the meeting recessed at 4:15 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation and Sanction & Conditions Review Hearing to order regarding Europe, Inc., d/b/a Chasers, located at 110 W. Washington St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the

hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing. This hearing would address a review of sanctions and conditions and an initial liquor violation.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He requested that this item be laid over until the Commission's February 11, 2014 meeting date. This request had been made by Bob Lenz, license holder's attorney.

Commissioner Renner reviewed the current sanctions: license suspension was served on November 30 and December 1, 2013; BASSET training – certificates have been provided to the City Clerk's Office; fine – current on monthly payments of \$1,000; and installation of a camera system.

Mr. Boyle added that the license holder planned to enhance the installed camera system which would impact its effectiveness.

Commissioner Tompkins expressed his concern regarding additional liquor violations.

Commissioner Renner noted that the most recent liquor violation involved a single person. The previous liquor violation involved thirty-two (32) people. The Commission could be setting a precedent regarding this violation in light of the previous violation. The Commission had issued a record fine due to the fact that the violation involved a record number of people.

Mr. Boyle was assured the Commission that the license holder took the situation seriously. He restated that the request to continue had been received from the license holder's attorney.

There being no further business before the Commission, the meeting recessed at 4:15 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Tjolo's Corp., d/b/a Main Street Grill, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Brian Novotny, owner/operator and License holder representative and Sam Zabek, license holder's attorney.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor violation hearing. He had reached the conclusion that initially all of the conditions placed upon this establishment had not been met. At this time, he

recommended that all conditions be removed. He cited the license holder's compliance with same.

Commissioner Jordan noted the license holder's first financial report. He cited food and alcohol sales. He questioned the inclusion of video gaming receipts.

Commissioner Renner cited the recent text amendment which clarified the definition of a restaurant, (i.e. food sales). Video gaming receipts do not equal food sales.

Commissioner Jordan restated his concern regarding the last audit, (food was food and alcohol was alcohol).

Sam Zabek, license holder's attorney, addressed the Commission. There was some uncertainty regarding the language contained in the Order.

Commissioner Renner noted that the description of a restaurant was qualitative. Quarterly reporting could be required.

George Boyle, Asst. Corporation Counsel, stated that nebulous language had been removed, (i.e. tangible items).

Commissioner Tompkins questioned if there had been any liquor violations. He cited compliance with the Order.

Mr. Zabek noted that there had not been any subsequent violations. He affirmed that the license holder had complied with the Order.

Commissioner Renner noted that Main St. closed at midnight on New Year's Eve.

Commissioner Tompkins had also been informed from a customer that Main St. had closed at midnight.

Commissioner Renner restated that the sanctions had been reviewed. Conditions could not be continued in perpetuity. Main St. held an "R" liquor license and needed to be a restaurant.

Jan Lancaster, 316 N. Main St., owner/operator and license holder for the Bistro located at 316 N. Main St., and Lancaster's located at 513 N. Main St., addressed the Commission. Mr. Novotny was doing a good job. He had applied for an "R" liquor license. He had stated that he was operating a sports bar. She questioned if the City would be open to a change of license classification, (i.e. "T", Tavern).

Commissioner Renner restated that Main St. held an "R" liquor license.

Ms. Lancaster expressed her concern regarding an empty building/space. She again questioned the City's openness to a change of classification from an R to a T.

Commissioner Renner cited the Council and the Downtown. There was a de facto moratorium, (i.e. no new taverns in the 400 – 600 blocks of N. Main St.).

Ms. Lancaster acknowledged that Main St. would continue with an R liquor license. She believed that this would be an issue for Mr. Novotny.

Commissioner Renner addressed the Town of Normal's liquor code for restaurants. The City did not want to be that detailed. There would be no more taverns on these blocks. He planned to hold the line.

Ms. Lancaster was interested in a plan that would be easier for all involved, (Mr. Novotny, Police Department, etc.).

Commissioner Jordan addressed the licensee's responsibilities. Mr. Novotny held an "R" liquor license. It was Mr. Novotny's responsibility to monitor underage patrons. He could set a time limit when underage persons would not be allowed on the premises.

Commissioner Renner cited the Castle Theater located at 209 E. Washington St., Unit 1. This establishment would qualify for an "E", Entertainment license classification. The license holder might decide to use wristbands.

Commissioner Jordan believed that the eighteen to twenty (18 – 20) year olds would try to be served alcohol. Mr. Novotny needed to protect his business by setting policy.

Brian Novotny, owner/operator and license holder, addressed the Commission. He noted his agreement with the comments made. He already had a 9:00 p.m. rule. He thanked Ms. Lancaster for speaking on his behalf. The original concept, (Show Me's), for his business was a sports bar. He cited his efforts to increase food sales. He was a food purveyor. Currently, he was considering offering delivery service. This would be an additional business investment. He was concerned. He cited Downtown politics. He believed that the City received calls for service regarding his business when it was busy. The business needed to be profitable. He took the situation seriously. Employees were trained but some have failed to do the job. He believed that Main St. had been a benefit to the Downtown. He was unsure that given the history, he would take this action again.

Commissioner Jordan believed that underage drinking was the nature of the best. There needed to be separation. This was a tough call. The dynamics between taverns and restaurants were different. The Council had set the direction.

Commissioner Tompkins stated that the Commission did not want to micromanage license holders. The Commission's role was regulations and oversight.

Commissioner Tompkins addressed future discussions regarding liquor license fees which had not been increased in thirty-two (32) years.

Commissioner Renner directed City staff to place this issue (license fees) on the Commission's March 11, 2014 meeting agenda. He expressed his interest in raising liquor license fees in the Downtown for power washing. He believed that he had Council support for same.

Commissioner Tompkins offered to draft a white paper to address this issue.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to remove the sanctions and conditions listed in the Order dated July 23, 2013 effective immediately.

Motion carried, (viva voce).

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

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk