

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

February 10, 2015

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Laurel Augsburger and Aaron Davis to allow moderate consumption of alcohol at their May 16, 2015 wedding reception to be held at Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner opened the Public Comment section of the meeting. No one came forward to address the Commission.

Commissioner Renner opened the liquor hearing and requested that the requestor address this request. Aaron Davis addressed the Commission. The wedding ceremony and reception would be held at the Davis Lodge on May 16, 2015. Baxter's American Grille, located at 312 E. Empire St., would provide the food and beverage service. Liquor service would be limited to beer and wine only.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Laurel Augsburger and Aaron Davis to allow moderate consumption of alcohol at the Davis Lodge for their May 16, 2015 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's March 9, 2015 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:02 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Hy-Vee, Inc., d/b/a Hy-Vee located at 1403 N. Veterans Pkwy., requesting an RAPS 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 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 and Renee Gooderham, Chief Deputy Clerk and Andrew Cochran, Hy-Vee Store Director, applicant representative.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that Hy-Vee had two (2) requests for liquor license. Andrew Cochran, Hy-Vee Store Director, addressed the Commission. Mr. Cochran stated the RAPS liquor license would be used for the grocery store and restaurant. The restaurant will be known as Hy-Vee Market Grill and would operate similar to Applebee's. There will be a hostess located at the front handling seating and a full bar available for consumption.

Commissioner Tompkins questioned two (2) applications. Mayor Renner clarified that the requests were for two (2) different locations, requiring two (2) licenses.

Commissioner Tompkins noted the location of a larger alcohol retailer. Mr. Cochran acknowledged same.

Commissioner Jordan questioned precautions taken to separate the restaurant and grocery store. Mr. Cochran responded that essentially the grocery store and restaurant were two (2) separate spaces. The interior spaces were separated by walls with double doors. The restaurant had an exterior entrance separate from the store.

Commissioner Jordan questioned management of both. Mr. Cochran confirmed he would manage both.

Commissioner Jordan noted Hy-Vee's concept was new to the community.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He provided Commissioners with Chapter 6. Alcoholic Beverages. Section 4B. Creation of New License – Findings. He recommended that the Commission refer to same when making recommendations.

Commissioner Tompkins questioned staffing. Mr. Cochran replied that employees would be hired specially for the store or restaurant.

Commissioner Tompkins questioned BASSETT (Beverage Alcohol Sellers and Servers Education) certification. Mr. Cochran stated that he was certified. Same would be a requirement for all management.

Commissioner Jordan questioned alcohol service hours. Mr. Cochran stated that alcohol could be ordered without food. The hours were 6:00 a.m. - 10:00 p.m. Sunday through Thursday and 6:00 a.m. - 11:00 p.m. Friday and Saturday. He noted that BASSETT certification would assist with alcohol only orders.

Commissioner Tompkins questioned video gaming. Commissioner Jordan noted that the lease prohibited gaming.

Commissioner Jordan believed the Council should decide granting the application.

Motion by Commissioner Tompkins, seconded by Commissioner Renner to recommend to Council that an RAPS liquor license for Hy-Vee, Inc., d/b/a Hy-Vee located at 1403 N. Veterans Pkwy., be approved contingent upon compliance with all health safety codes.

Ayes: Commissioners Tompkins and Renner.

Present: Commissioner Jordan

Motion carried.

Commissioner Renner stated that this item would appear on the Council's February 23, 2015 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:12 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Hy-Vee, Inc., d/b/a Hy-Vee C-store, located at 1405 N. Veterans Pkwy., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only 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 and Renee Gooderham, Chief Deputy Clerk and Andrew Cochran, Hy-Vee Store Director, applicant representative.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted this request was for the second (2nd) liquor license.

Commissioner Jordan questioned Hy-Vee C-store management. Andrew Cochran, Hy-Vee Store Director, addressed the Commission. The C-store would have different managers from those at the grocery store/restaurant. Same would require BASSETT (Beverage Alcohol Sellers and Servers Education) certification.

Commissioner Jordan questioned minimum employment age. Mr. Cochran stated eighteen (18).

Commissioner Tompkins questioned whether single serve alcoholic beverages would be sold. Mr. Cochran responded affirmative.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to Council that GPBS liquor license for Hy-Vee, Inc., d/b/a Hy-Vee located at 1403 N. Veterans Pkwy., be approved contingent upon compliance with all health safety codes.

Motion carried (viva voce).

Commissioner Renner stated that this item would appear on the Council's February 23, 2015 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:14 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Hurley Consolidated Enterprises LLC, d/b/a Drifters Pub, located at 612 N. Main St., currently holding a TAS liquor license, 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, requesting expansion to 608 N. Main St. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, Clay Wheeler, Asst. Police Chief and Nick Hurley, owner/operator.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and began by clarifying Drifter's proposed plans based on the map provided. He explained that the expansion would encompass D'Agostinos Pizza. Some video gaming from Drifter's would go into same. He stated that the pizza area would continue to not serve alcohol. Patrons would be able to take alcohol from Drifter's into the pizza area.

Commissioner Renner questioned capacity increase. Nick Hurley, Drifter's owner/operator, addressed the Commission. He provided the Commission a load capacity document developed by the architect.

Commissioner Renner cited concerns with the 300 to 600 blocks of Main St in the Downtown. He noted Council's request to limit new liquor licenses in same. This was an effort to maintain area control. He questioned the benefits to the Downtown, addressing risks and costs. Mr. Hurley believed the request was not for a new license. It was an addition to an existing license.

Mr. Hurley stated that the expansion would assist D'Agostinos restaurant. The restaurant was open until 3:00 a.m., an hour after bar close. The change would eliminate same. He believed same would assist with the clearing of the Downtown. He noted that pizza would be sold from a window out onto the sidewalk.

Commissioner Renner stated that sales on the public right away had different license requirements. He believed same would cause safety issues.

Mr. Hurley noted the that there was a hot dog vendor ten feet (10') from the business and a grill truck operated in the Lewis Yockey and Brown parking lot (corner of N. Main St. and Mulberry). He believed food sales were better for the area.

Commissioner Jordan questioned closing times for alcohol and pizza. Mr. Hurley stated alcohol sales would end at 1:45 a.m. with pizza sales ending at 2:00a.m. Commissioner Jordan believed that fifteen (15) minutes would not deter individuals from drinking.

Mr. Hurley noted that the expansion would add 561 sq. ft. He compared the space to the size of the average living room. He stated that the space would allow additional booth seating. The

addition would assist with weekday sales. Additional seating was needed. The goal was to provide better dinner-service.

Commissioner Tompkins questioned limiting the tavern numbers. Mr. Hurley believed Drifter's was not a mega bar. That Drifter's was the sixth (6th) largest Downtown bar.

Commissioner Renner believed that Council would object to this request. The concern if considered would be setting precedents.

Mr. Hurley stressed the importance of creating a better weekday dining experience. He wanted to combine efforts making it more esthetically pleasing for all patrons.

Asst. Police Chief Clay Wheeler, addressed the Commission. He stated that he had spent time with Mr. Hurley and the police officers that work the night shifts Downtown. He mentioned that he had handled issues from the business regarding loitering, etc. and had heard from his officers that they somewhat support the change because it will eliminate calls regarding those issues. He stated that on the flip-side he also understood that the additional space would allow for higher capacity and understood Council's concerns with more people coming Downtown.

George Boyle, Asst. Corporation Counsel, asked Asst. Chief Wheeler about any thoughts the Department had regarding the window sales onto the sidewalk.

Clay Wheeler, Asst. Police Chief addressed the Commission. He cited concerns with the request. He confirmed other food vendors and their locations. He believed food sales from a window would cause congestion, littering and possible theft. Same were problems for the established food vendors. The Downtown had a loitering problem in that block. He believed that expansion would eliminate the loitering issue.

Commissioner Renner questioned marketing. He mentioned Drifter's drink specials. Mr. Hurley stated that same were focused at young adults, not necessarily college level individuals. He noted the photography coverage in the restaurant with the increase of family dining experience. He cited special events like Guns and Hoses held at same. He believed that food made the environment comfortable for families visiting Downtown. He stated that staff swept the sidewalk and emptied the trash can daily.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He stated that Drifter's did not have any liquor violations. He questioned unpaid food and beverage taxes. Mr. Hurley believed there were no outstanding beverage taxes, he would have to check food taxes.

Richard Buchanan, former Mayor, 1206 E. Jefferson St., addressed the Commission. He noted that the Downtown always had issues in this block. He noted that he had served on the Liquor Commission. It was important to review the management's and business past history. He spoke in favor of this request. He had seen the large groups of people flooding sidewalks and not being patrons of businesses. He believed that Drifter's was managed well. The expansion would assist in solving the loitering issue. The request was not equivalent to adding a new license or tavern.

Commissioner Tompkins questioned expansion approval. Mr. Boyle replied that this change was a premises expansion and not a new license creation. He recommended that permanent expansion be recommended to the Council. That short term expansions (i.e. into the parking lot) could be approved by the Mayor as Liquor Commissioner.

Commissioner Renner questioned next steps. Mr. Boyle stated that the Commission would make a recommendation to Council.

Commissioner Tompkins noted Drifter's impeccable service record. He believed same deserved a shot. He believed Council would have reservations.

Commissioner Jordan believed additional seating would add to existing Downtown issues. He clarified the ideas of expansion within Drifter's. He addressed the idea of allowing expansion and the difference during the season changes. He believed approval would bring more requests.

Commissioner Renner thanked Mr. Hurley for the positive business climate. He wanted the businesses to succeed. He echoed Commissioner Jordan's belief that approval of same would bring more requests. He addressed how history had improved with business owners Downtown.

Commissioner Renner clarified that if there is a gray area, he wanted to make sure that everyone was being trustworthy and open, and that was the Commission's purpose. He stated that he would like to move forward to address the matter with Council and get Council's thoughts.

Mr. Hurley asked for permission to revise or amend his plan. Commissioner Renner responded affirmatively.

Mr. Hurley stated this was not a new business, only an expansion. Commissioner Renner believed same was equivalent to 200 – 300 additional patrons. Mr. Hurley stated that the majority of the space was booth seating.

Motion by Commissioner Tompkins that the request of Hurley Consolidated Enterprises, LLC. d/b/a Drifters Pub located at 612 N. Main 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, requesting expansion to 608 N. Main St. be approved.

Commissioner Renner noted that the motion failed for lack of a second.

There being no further business before the Commission, the meeting recessed at 4:45 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order for the reappearance of Bloomington Mobil, Inc., d/b/a Bloomington Mobil, located at 1513 Morrissey Dr., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only 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 and Renee Gooderham, Chief Deputy Clerk and ViJay Musunuru Bloomington Mobil owner/operator.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that an update be provided. ViJay Musunuru, Bloomington Mobil owner/operator, addressed the Commission. He stated that the bond BASSETT (Beverage Alcohol Sellers and Servers Education) certifications and floor plan was provided.

Mr. Musunuru stated that he and two (2) employees had completed BASSETT training.

Commissioner Jordan questioned employee numbers in relationship to BASSETT. Mr. Musunuru replied that all three (3) employees would obtain certification

Renee Gooderham, Chief Deputy Clerk addressed the Commission. She verified the submittal of bond, liquor liability, BASSETT certification, floor plan and articles of incorporation.

Motion by Commissioner Jordan, seconded by Commissioner Renner that the request Bloomington Mobil, Inc., d/b/a Bloomington Mobil, located at 1513 Morrissey Dr., requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week.

Ayes: Jordan and Renner

Present: Tompkins

Motion carried.

Commissioner Renner stated that this item would appear on the Council's March 9, 2015 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:48 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the violation of LSF5 Cowboy Holdings, LLC, d/b/a Lone Star Restaurant, located at 903 IAA Dr., 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 and Renee Gooderham, Chief Deputy Clerk.

Staff Absent: Tracey Covert, City Clerk.

George Boyle, Corporation Counsel, addressed the Commission. He provided the Commission an update. He stated that the Police Department conducts twelve to fifteen (12 – 15) inspections a month on businesses holding liquor licenses. This violation was the result of same from November 2014. He mentioned it was Lone Star's first (1st) violation. Lone Star plead guilty and had paid the \$600 settlement fee.

There being no further business before the Commission, the meeting recessed at 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear notification of Corporation Officer Changes from American Hungarian Club, d/b/a American Hungarian Club, located at 1520 N Calhoun St., currently holding an CA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Changes are as follows: President - Porter J Stephens being replaced by Tim McCubbins; addition Secretary - Hana McCubbins; removal of Eugene Dwyer. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk.

Staff Absent: Tracey Covert, City Clerk.

Commissioner Renner stated there was no discussion. The matter was notification of change.

There being no further business before the Commission, the meeting recessed at 4:51 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the Sentence Review of December 16, 2014 Case #2014-017 for TVEO Corporation, d/b/a Eric's Mini Mart and Restaurant, located at 903 W. Wood St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Renee Gooderham, Chief Deputy Clerk, Paulette Hurd, Chief Accountant and Eric Trujillo, Eric's Mini Mart and Restaurant owner/operator, and Hal Jennings, license holder's attorney.

Staff Absent: Tracey Covert, City Clerk.

George Boyle, Corporation Counsel, addressed the Commission. He cited Chapter 6. Alcoholic Beverages. Section 37. Same – Powers and Duties Generally. He provided copies of same and Case #2014-017. He noted that the Commission previously allowed additional time to provide verified accounting documentation. The information was provided timely by Paul Jefferson, Certified Public Accountant (CPA).

Hal Jennings, attorney for Eric Trujillo, addressed the Commission. He recapped the Liquor Commission January 13, 2015 hearing.

Paulette Hurd, City Chief Accountant, addressed the Commission. She had reviewed the accounting documentation and food and beverage tax information. She believed the figures were accurate.

Commissioner Renner questioned food to beverage ratios. Mrs. Hurd stated that the overall figures changed. Food sales appeared to exceed liquor sales. She clarified discrepancies and noted that additional taxes were paid. She stated that the figures mathematically worked.

Commissioner Renner thanked Mr. Trujillo for his compliance and stated he was thankful to be moving forward.

There being no further business before the Commission, the meeting recessed at 4:57 p.m.

Commissioner Tompkins made the Commission aware of a new product arriving on the market. The trade name was Alcohol. It was a powder form of alcohol. It could be poured into any beverage making it an alcoholic beverage. The Illinois State Senate had a bill banning the sale of same. He believed the Commission should be proactive. He believed the product would be attractive to underage drinkers.

Commissioner Renner stated that the Commission would have staff look into the matter and a discussion will be held in the future.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the meeting be adjourned.

There being no further business before the Commission, the meeting recessed at 4:59 p.m.

Respectfully,

Renee Gooderham
Chief Deputy Clerk