

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

December 9, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Jim Marshall and Cori Bloodworth to allow moderate consumption of alcohol at their March 28, 2015, wedding reception to be held at the Miller Park Pavilion. 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 Jim Marshall, groom and Cori Bloodworth, bride and requestors' representatives.

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's representatives address this request. Jim Marshall and Cori Bloodworth, groom and bride, addressed the Commission. The wedding ceremony and reception would be held at the Miller Park Pavilion on March 28, 2015. It would start around 4:00 p.m. and end at 11:00 p.m. They anticipated 150 - 200 guests. Redbird Catering, located at 1507 N. Main 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 Jim Marshall and Cori Bloodworth to allow moderate consumption of alcohol at the Miller Park Pavilion for their March 28, 2015 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's January 12, 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 Richard Jones II and Aimee Wheeler to allow moderate consumption of alcohol at their February 14, 2015, wedding reception to be held at the Miller Park Pavilion. 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 Aimee Wheeler, bride and requestor's representatives.

Commissioner Renner opened the liquor hearing and requested that the requestor's representatives address this request. Aimee Wheeler, bride, addressed the Commission. The wedding ceremony and reception would be held at the Miller Park Pavilion on February 14, 2015. It would start around 5:00 p.m. and end at 11:00 p.m. They anticipated 100 guests.

Western Tap, located at 1301 N. Western Ave., 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 Richard Jones II and Aimee Wheeler to allow moderate consumption of alcohol at the Miller Park Pavilion for their February 14, 2015 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's January 12, 2015 Consent Agenda. He encouraged her to attend same.

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 order to address the application of ASIL 1, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton, 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, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Anhad Samhan, owner/operator, and John Hoblit, applicant's attorney, applicant's representatives.

Commissioner Renner opened the liquor hearing and noted that this was the fourth hearing for this applicant. The State of Illinois had lifted the hold. There was a payment plan with the Dept. of Revenue.

Mohammad Samhan, father of the applicant, addressed the Commission. He owned the property.

Commissioner Tompkins questioned if the back taxes had been paid. Mr. M. Samhan informed the Commission that monthly payments were being made, (i.e. \$5,000 per month). In January 2014, a \$100,000 payment was made.

Commissioner Tompkins questioned the outstanding balance. Mr. Samhan noted that negotiations continued with the state and a final amount had yet to be determined.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had verified Commissioner Renner's comments. There was a signed agreement between the state and Mr. M. Samhan.

Commissioner Tompkins questioned changes made at this establishment. Anhad Samhan, owner/operator and applicant's representative, addressed the Commission. He informed them that there was new signage, (i.e. "No Loitering"). A camera system had been installed. He was actively managing the store.

Mr. M. Samhan added that the family had been at this location for fifteen (15) years.

Commissioner Renner recalled the last liquor hearing, (*April 8, 2014*). The Commission's recommendation to the Council included a condition regarding no single serve sale items. The Council voted unanimously to deny the liquor license, (5 – 0), (*April 14, 2014*). The Commission made a recommendation to the Council. There had been limited neighborhood input at the liquor hearing.

Mr. A. Samhan had reached out to the neighborhood businesses. He had their support. He believed that the store would see increased sales volume if there was a liquor license.

Commissioner Tompkins recalled in the past that Mr. A. Samhan had a petition with customer signatures to support his application. He questioned if Mr. A. Samhan had submitted same with his most recent application.

Commissioner Renner informed the Commission that Council members received telephone call and emails that addressed various neighborhood concerns, (i.e. crime, etc.). The Police Department had prepared a calls for service report at his request.

Mr. A. Samhan noted that the report showed an average of thirty-nine (39) calls for service in 2011 and an average of thirty-five (35) calls for service in 2012. There was only a slight difference.

Commissioner Renner addressed the call area.

Commissioner Jordan noted the letter from Mr. Samhan's attorney. He cited the reliance on beer and wine sales. The application cited other sale items.

Mr. A. Samhan addressed one stop shopping. The majority of convenience/gasoline stores/stations have GPBS liquor licenses. Liquor sales impacted total sales.

Commissioner Jordan expressed his concern regarding the amount of money owed to the state. If Mr. A. Samhan was not related to the property owner, the scenario would be different.

Mr. A. Samhan informed the Commission that his family had been unable to sell the property. He readdressed total sales volume.

Commissioner Renner noted that Mr. A. Samhan believed that the ability to sell beer and wine would make the business more profitable.

Commissioner Jordan acknowledged that this was a new application filed by a new owner. The original debt was MFT (Motor Fuel Taxes). He believed that the amount owed the state was \$750,000.

Mr. M. Samhan stated that the figure cited included interest charges. The original debt was \$300,000. He had retained an individual to assist him with negotiations with the state. The debt dated back to 2006.

Commissioner Jordan expressed his opinion that a business owner was responsible for paying the taxes owed. In this case there were also penalties. The Council had denied this application in April 2014. This store was located in a residential area. Citizens had complained. The Council may not grant this request. Mr. M. Samhan did not have the final number approved by the state. Commissioner Jordan wanted to know what Mr. M. Samhan owed the state.

Commissioner Renner stated that Mr. A. Samhan needed to grow the business in order to assist his father with payments to the state.

Mr. A. Samhan stated that his father was responsible for this debt and was addressing same with the state.

Commissioner Jordan noted that the debt was Mr. M. Samhan (father) not Mr. A. Samhan (son).

Mr. A. Samhan hoped to be able to assist his father with same.

Mr. M. Samhan informed the Commission that he owned other businesses. He continued to negotiate with the state to reach a settlement regarding this debt.

Commissioner Renner restated that the state had removed the hold.

Mr. Boyle addressed the Commission. There were two (2) separate businesses. He acknowledged the familial relationship between the parties. The state had freed the location as an agreement was pending. The City had the ability to grant a liquor license.

Commissioner Renner noted that in the past the City had to take the hold into account.

Mr. Boyle restated that there were two (2) separate entities. There were various opinions regarding the degree to which they could be tied.

Commissioner Tompkins noted that at \$5,000 per month it would take 130 months to repay this debt. The City had heard from individuals who were in support of and in opposition to this application. He expressed his concern regarding a vacant building.

Commissioner Renner added that the Commission must also consider the impact on the neighborhood and surrounding residential area. The City had received a few emails. The Commission would make a recommendation to the Council. He did not believe that the Council would approve a liquor license at this location. He encouraged Mr. A. Samhan to reach out to his residential neighbors. He agreed that there had been little change in the number of calls for service. A compromise position would include no single serve sale items. Mr. A. Samhan had installed a camera system and posted/enforced a no loitering policy. He restated the Council's 5 – 0 vote. Mr. A. Samhan needed to address the political realities.

Commissioner Tompkins encouraged Mr. A. Samhan to reach out beyond the current Ward 4 Alderman and also reach out to the Ward 4 candidates.

Mr. Boyle cited Commission procedure which included requested input for those in support of or in opposition to this application to address the Commission. The applicant would be given the opportunity for rebuttal.

Mr. M. Samhan readdressed the Commission. His family had owned the property for fifteen (15) years with no liquor violations.

Mr. Boyle informed the Commission that there had been a liquor violation in 2003 which was eleven (11) years ago.

John Hobalt, applicant's attorney, addressed the Commission. He shared an office with Mac Arnold located at 709 Douglas St. He resided in Normal. Mr. A. Samhan was seeking a liquor license. There were two (2) separate businesses. It was common in the City for gas stations to sell beer. Price Rite was located at the intersection of Clinton and Locust. This was a commercial corner. The Samhan family had operated this store for the past fifteen (15) years. The previous businesses had not had a liquor violation.

Mr. A. Samhan had operated the store for the past year. The loss of business had been a challenge. The application was for packaged beer and wine sales for off premise consumption. No single serve items would be sold. A video surveillance system had been installed. The area had been refurbished. There were new fixtures. The store would operate at a profit with the addition of beer sales. In turn, the City would receive additional tax revenue. He encouraged the Commission to use common sense. Revenue would increase, profits would rise and the City would receive increased revenue.

Julie Pal, ADDRESS, addressed the Commission. She had lived in the neighborhood for twelve (12) years. She described herself as a regular customer. Price Rite was convenient for her. Mr. A. Samhan had done everything that the City had asked of him. She lived on E. Douglas St. Mr. Samhan had made deliveries to her home. Her brother was deceased and Mr. A. Samhan had provided assistance and care.

Mr. Boyle noted that Ms. Pal was wheelchair bound.

Julie Prandi, 905 N. Evans, addressed the Commission. She lived nearby. She had lived in the neighborhood since 1990. She did not want Price Rite to have a liquor license. She cited children and school bus stops. She described herself as a concern resident.

Marty Seigel, 615 E. Chestnut, addressed the Commission. She did not understand. There appeared to be an assumption that a liquor license was a right. It was a privilege. It appeared that Mr. A. Samhan believed that if he made improvements at the store, then he would be granted a liquor license. She expressed her concern. She was a long time neighborhood resident. She cited the S & S Liquors murders. She believed that this was the beginning of the neighborhood's problems. She did not believe that neighborhood residents shopped at Price Rite. It was neither inviting nor a grocery store. Businesses should keep updating. She noted that Bloomington

Junior High School and Bloomington High School were located nearby. She questioned liquor sales at this intersection. The neighborhood had been quiet without liquor sales. She noted that the former S & S Liquors building has struggled under a variety of businesses, (i.e. daycare, church, etc.) She believed that the church left due to Price Rite. There were neighborhood issues. She expected that calls for service would increase if a liquor license was granted.

Commissioner Renner restated that there was no real difference in calls for service with or without a liquor license.

Ms. Seigel restated that there were neighborhood issues/struggles. There was the perception that liquor contributed to same. She did not understand why liquor sales were needed for a business to be successful.

Commissioner Renner noted that single serve sales would not be allowed.

Ms. Seigel stated that this store had been in a long decline. She recalled when it had been a Huck's. She had been a frequent customer in the past. She did not know anyone who shopped there now and would not go there.

Commissioner Jordan noted that a liquor license was a privilege.

Commissioner Renner addressed issues of fairness and comparability. He restated that the Council had denied the liquor license application in April 2014. He believed the Council would treat this application similarly. The Council's concern would be for the residents and the impact upon the neighborhood.

Mr. M. Samhan believed that the comments regarding S & S Liquors were inappropriate. Mr. A. Samhan echoed his father's comments. Commissioner Renner noted that this incident was a party of the City's history.

Mr. A. Samhan informed the Commission that high school students purchased snacks. He encouraged those present to visit the store.

Commissioner Renner encouraged Mr. A. Samhan to have a conversation with the neighborhood's residents. He needed to earn their trust. The neighborhood needed to build a community of trust.

Mr. A. Samhan had neighborhood supporters.

Commissioner Renner noted that two (2) individuals spoke in support of and two (2) others spoke in opposition to the application. A compromise of no sales of single serve items was offered. The applicant was a different legal entity. There was an approved payment plan and the state had lifted the hold.

Commissioner Tompkins made a motion that a GPBS liquor license be approved for Asil 1, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton St., contingent upon compliance with all

health safety codes with the following condition: 1.) no single serve sale items. Said motion died due to the lack of a second.

Commissioner Renner encouraged Mr. A. Samhan to reach out to his neighbors and build trust/support. Without this (residential support) the Council would not support an application for a liquor license at this location.

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 Violation Hearing to order regarding 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 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 Eric Trujillo, owner/operator, and David Erwin, license holder's accountant, license holder's representatives.

Commissioner Renner opened the liquor violation hearing

George Boyle, Asst. Corporation Counsel, addressed the Commission. This would be a first appearance regarding Violation No. 2014 – 017. The Complaint and Citation addressed a request for financial information that had not been provided by November 30, 2014. The license holder was served with a letter which stated that the financial reports were due by November 30, 2014. A report documenting food and alcohol sales for the months of April through October 2014 was requested. As of this date, no information had been received. Today's hearing would be a discussion of the facts. Two (2) items would be addressed: 1.) the information not being provided within the timeframe specified and 2.) schedule a hearing regarding discussion of the violation and sanctions. Mr. Boyle restated that no information had been provided by the license holder.

David Erwin, accountant, addressed the Commission. He had brought information to the hearing. The information was not provided by November 30, 2014. Mr. Erwin was out of town attending tax school. He had reached out to CPA, (Certified Public Accountant), as he did not have this designation. He expressed his opinion that Eric Trujillo, owner/operator & license holder, could not afford a CPA. Mr. Erwin had the restaurant's daily tapes. Sales had been calculated separately. He provided five (5) months of data.

Commissioner Renner stated that it was clear that the information requested had not been provided by November 30, 2014.

Mr. Erwin noted that his worksheets complied with tax forms.

Mr. Boyle noted that the City would accept the documentation. There would be a separate review. One issue would be reliability/dependability of the records. He requested that Mr. Trujillo bring Video Gaming Terminal revenue to the sanctions hearing.

Commissioner Renner instructed Tracey Covert, City Clerk, to copy the documentation provided at this date's hearing and provide same to the Commissioners.

Commissioner Tompkins questioned if Mr. Trujillo could stipulate to the Complaint and avoid a liquor violation hearing.

Mr. Boyle noted that there would still be a sanctions hearing. The Commission needed to review/refer to the documents provided at today's hearing. He recommended that a Liquor Violation hearing be scheduled for December 16, 2014 at 4:00 p.m.

Commissioner Renner supported Mr. Boyle's recommendation. He questioned the Commissioners' availability on December 16, 2014 at 4:00 p.m.

Mr. Boyle restated that the information received this date was due by November 30, 2014. Mr. Erwin described the reports as a compilation. Mr. Boyle added that the information had not been certified by a CPA as Mr. Trujillo could not afford same.

Commissioner Renner believed that the reports should show food sales and liquor sales which would equal total sales.

Mr. Boyle noted that the Commission needed to review the information provided this date.

Commissioner Tompkins stated that the request stated that the information must be certified. The information provided was not certified. This fact should be the basis for any sanctions.

Commissioner Renner noted that the Commission would accept the information as "not certified". Mr. Boyle added that the City would take possession of the documents for review. The fact that the information was not certified would be taken into account.

Commissioner Tompkins restated that the main reason for same was the issue of affordability.

Commissioner Renner addressed the delay. Mr. Erwin restated his attempts to locate a CPA as he was out of town attending training.

Commissioner Renner addressed license holder's responsibility.

Commissioner Jordan noted that the documentation had not been provided. The license holder failed to provide same. He believed that the Commission needed an admission from the license holder.

Commissioner Renner stated that a sanctions hearing would be held on December 16, 2014.

Mr. Erwin restated that he had all of the data tapes that were used to compile the documentation provided.

There being no further business before the Commission, the meeting recessed at 5:03 p.m.

The Bloomington Liquor Commissioner Tari Renner opened the discussion regarding liquor license fees and per terminal video gaming fee. He informed the Commission that there had been some discussion regarding these fees at the Council's November 17, 2014 Committee of the Whole Meeting. The Council understood that there were administration costs and policing costs. There was some Council interest. There was a difference of opinions regarding the video gaming terminal fee. He noted that this was a multimillion dollar industry. Taxpayers were bearing the cost. The Council was distracted. He cited a narrow focus, (i.e. police calls regarding video gaming). He believed the issue was the combination of liquor and gambling. There was a cost to address these issues.

Commissioner Tompkins cited an AP, (Associated Press), article. He was in favor of a video gaming terminal fee. There were cities that have issued a moratorium regarding video gaming. He cited Peoria as an example, (i.e. temporary moratorium). He cited statistics for 2012, (\$3 billion wagered, \$228 million in revenue and \$42.2 million to local government). He believed that the City had reached the saturation point. A fee should be associated with the privilege.

Commissioner Renner cited conversations with Commissioner Jordan. \$10 million had been taken out of the local economy.

Commissioner Jordan addressed video gaming. He cited his experience with illegal and legal terminals. He had spoken with the license holders. The investment was made by the machine owners. The license holder provided the electricity to operate the terminals. It was a privilege to have these machines. They were a source of revenue. The net revenue was divided amongst a number of entities. Local governments were given five percent (5%) of the state's thirty percent (30%). The Illinois Gaming Board placed monthly reports on line.

He added that it would be the Council's decision to assess a fee for video gaming and/or increase liquor license fees. Any fee increase should be phased in over time so not to be a burden. The revenue should offset expenses.

Commissioner Renner would readdress this issue with the Council. He hoped to make a recommendation to the Council in January/February 2015. He did not have any specific numbers or a schedule at this time.

There being no further business before the Commission, the meeting adjourned at 5:14 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk