



MINUTES
LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, NOVEMBER 8, 2022, 4:00 P.M.

The Liquor Commission convened in regular session in the Government Center Chambers at 4:00 p.m., Tuesday, November 8, 2022. Commissioner Mboka Mwilambwe called the meeting to order.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Commissioner	Present	
Lindsey Meister	Commissioner	Present	
Jim Jordan	Commissioner	Absent	

Staff Advisors

Attendee Name	Title	Status	Arrived
Amanda Stutsman	Deputy City Clerk	Present	
George Boyle	Asst. Corporation Counsel	Present	
Ken Bays	Assistant Police Chief	Present	
Chris McAllister	Building Official	Present	
Catherine Dunlap	Downtown Development Specialist	Absent	

Public Comment

No public comment was received.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to approve the Consent Agenda as presented.

Item 4.A. Consideration and action to approve the Minutes of the August 31, 2022, Special Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 4.B. Consideration and action to approve the Minutes of the September 28, 2022, Special Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 4.C. Consideration and action to approve the Minutes of the October 11, 2022, Regular Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

Regular Agenda

All license creations, amendments or transfers are contingent upon compliance with all building, health, and safety codes.

The following item was presented:

Item 5.A. Public Hearing and action on an Application from Grand Cafe, LLC, d/b/a Grand Cafe, located at 2205 E. Oakland Ave., Suites A1 & A2, requesting approval of an increase in classification from a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) to a Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License and a redefinition of premises, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:05 p.m.

Jimmy Mapugay, Owner of Grand Café LLC, after being sworn in, addressed the Commission. He explained Grand Cafe was in the process to expand their current location to increase seating by 100 seats. He also requested to increase to all types of alcohol to expand the alcohol offered. Mr. Mapugay explained the expansion would include banquet area and an additional 10 seat bar. He stressed the increase in liquor license would be beneficial to the establishment.

Commissioner Mwilambwe asked if Mr. Mapugay anticipated the establishment would sell more alcohol with the increase in classification. Mr. Mapugay said yes.

Commissioner Mwilambwe asked if additional staff would be hired Mr. Mapugay said yes. Commissioner Mwilambwe asked if staff would be BASSET trained. Mr. Mapugay said yes and that all current staff were trained.

Commissioner Mwilambwe asked the number of additional staff Mr. Mapugay anticipated hiring. Mr. Mapugay stated he anticipated hiring six additional staff per shift.

Commissioner Meister asked for confirmation of hours of operation of the current space and the expansion. Mr. Mapugay confirmed the hours of operation. He then informed the commission that the current restaurant would be utilized for quick service including lunch where the expansion would focus on more of a sit-down dinner and banquet atmosphere.

Commissioner Meister asked Asst. Police Chief Ken Bays (“AC Bays”) if the Bloomington Police Department (“BPD”) had any concerns with this location. AC Bays reported BPD did not have any concerns.

Chris McAllister, Bloomington Building Official, stated he had no issue with the interior space. He noted that the outdoor dining area was not vetted for zoning and recommended that it be vetted through the City Clerk Department’s Outdoor Dining Permit program.

Mr. Mapugay stated that the proposed outdoor dining area was on private property and asked if the City had the authority to enforce the outdoor dining rules. He did not believe he needed permission from the City for outdoor dining.

George Boyle, Asst. Corporation Counsel, stated the establishment must have permission to serve alcohol for the space and location. He explained the area requested for outdoor dining was within a strip mall where there may be other vested interest in the requested space. Mr. Mapugay asked who would need to sign off. Mr. Boyle stated that the building landlord would need to approve if leased.

Mr. Mapugay asked about the service of food outdoor and compared it to the Outdoor Dining Service in Downtown Bloomington.

Mr. Boyle stated the Liquor Commission only had the authority over the service of alcohol. Mr. Mapugay confirmed the requested liquor license was for the interior of the building only. Mr. McAlister stated he did not have any objection to the interior but had concerns with outdoor food service. He stated that he could speak with Mr. Mapugay after the meeting about zoning.

Mr. Boyle asked Mr. Mapugay to confirm the capacity. Mr. Mapugay stated 150 to 180.

Staff had not additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:18 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe to positively recommend the Item to Council.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.B. Public Hearing and action on an Application from Yogine, Inc., d/b/a Hawthorn Suites Bloomington, located at 1 Lyon Ct., requesting an approval of a change of ownership for their Class RAS (Restaurant, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:20 p.m.

Manoj Mahapatra, Buyer and Applicant, after being sworn, addressed the Commission. He explained he was new to Bloomington and original came from Chicago. He stated that on October 14, 2022, he acquired Hawthorn Suites which has a video gaming license and liquor license. Mr. Mahapatra explained that he wanted to utilize the banquet space for weddings.

Commissioner Meister asked if there was a hotel bar. Mr. Mahapatra stated there was.

Commissioner Meister asked if the staff would be BASSET trained. Mr. Mahapatra stated that all staff would be BASSET trained.

Commissioner Mwilambwe asked the number of staff members employed. Mr. Mahapatra stated they currently had 16 staff members and planned to hire an additional three bar service employees and six banquet staff.

Commissioner Mwilambwe asked what the capacity of banquet hall was. Mr. Mahapatra stated it had a capacity of 200-300.

George Boyle, Asst. Corporation Counsel, stated that the request was for a restaurant license. He asked if the hotel had a restaurant. Mr. Mahapatra stated no, only finger foods.

Mr. Boyle asked, when there were banquets, where would the food come from. Mr. Mahapatra stated that all food would be catered from outside businesses.

Mr. Boyle stated that the establishment's business model may benefit from an entertainment liquor license classification instead.

Mr. Mahapatra stated that he was requesting the same liquor license classification as the previous owner. Mr. Boyle stated that, while that may be, if the business model does not

align with the classification requirements, it could work against the establishment as a restaurant classification had additional requirements, including the requirement of the majority of sales to be derived from food sales.

Mr. Boyle then briefly explained an entertainment license classification.

Commissioner Mwilambwe asked the fee for a full entertainment liquor license. Amanda Stutsman, Deputy City Clerk, informed the commission that both the full entertainment and full restaurant annual liquor license fee was \$3,300.

Mr. Boyle and Commissioner Mwilambwe discussed procedure and options to move forward with the application.

Commissioner Mwilambwe agreed that the applicant would need a different classification. Mr. Mahapatra reiterated that he was requesting the same liquor license type the previous owner had.

Commissioner Meister clarified that the establishment's business model does not fit with a restaurant classification.

Mr. Boyle stated that there was a provision in the City Code which allowed the Liquor Commissioner to permit the buyer to operate on the seller's liquor license for a period not to exceed 45 days.

Commissioner Mwilambwe approved business to operate for 45 days under the current liquor license.

Staff had no additional questions.

No public testimony was received.

Commissioner Mwilambwe closed the Public Hearing at 4:33 p.m.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council with the condition that the applicant worked with the Legal Department to change the Class EAS Liquor License.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.C. Continued Public Hearing and action on an Application from MGN Foods, Inc., d/b/a West Market Groceries, located at 301 W. Market St., requesting approval of an increase in classification from a Class PBS (Packaged, Beer and Wine Only, and Sunday Sales) to a Class PAS (Packaged, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 4:34 p.m.

Mahesh Patel, Owner of MGN Foods Inc., after being sworn, addressed the Commission. He explained that at the previous meeting, he requested an all types of alcohol. He explained that another business owner who previously objected the classification increase, recently texted him and retracted his objection. Mr. Patel explained that they were working with their neighbors.

No public testimony was received.

Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council.

George Boyle, Asst. Corporation Counsel, asked the Commission if the conditions which were originally placed on the license, would continue to apply.

Mr. Patel requested the condition on the hours of operation be adjusted to allow sales beginning at 7:00 a.m.

Commissioner Mwilambwe did not support alcohol sales beginning at 7:00 a.m.

Mr. Patel asked when he could return to the Commission to request removal of the conditions.

Commissioner Mwilambwe stated the Mr. Patel should wait at least six months to provide a sample of time to see if the conditions continued to be in the best interest of the City. Mr. Boyle reiterated his question to the Commission if the previous license conditions would be applied to the increased liquor license.

Commissioner Mwilambwe believed they would be and asked Amanda Stutsman, Deputy City Clerk, to read the conditions out loud.

Mrs. Stutsman read the following license conditions placed on the original liquor license: 1) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; and 2) no alcohol sales were permitted before 9:00 a.m. on Monday through Friday.

Commissioner Mwilambwe amended the motion to remove the first condition which limited the sale of beer and wine size but continue the second condition which limited the hours of operation.

Commissioner Meister stated her agreement.

Staff had no additional questions.

Commissioner Mwilambwe closed the Public Hearing at 4:41 p.m.

Mrs. Stutsman restated the amended motion: **Commissioner Mwilambwe made a motion, seconded by Commissioner Meister, to positively recommend the Item to Council with the following condition removed from the license: the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml of wine; and the following condition remaining on the license: 2) no alcohol sales were permitted before 9:00 a.m. on Monday through Friday.**

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.D. Continuation of the Public Hearing on a Request from Ralben, Inc. d/b/a Cadillac Jack's, located at 1507 S. Main Street, for a redefinition of premises for their Class TAPS (Tavern, All Types of Alcohol, Packaged and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the public hearing at 4:43 p.m.

Bill Bentley, Owner of Ralben Inc., after being sworn, addressed the Commission. Mr. Bentley stated that he was applying for an extension of an enclosed premises. He stressed that the based on the previous discussions and complaints, he wanted the noise to be considered separate from the request to redefine the premises. Mr. Bentley then submitted the following Exhibits and explained each: Applicant Exhibit 1 - A letter sent to the neighbors which stated he was aware of the complaints, provided his personal phone number, and discussed the burnout event and that it would not happen again. He reported he hand delivered the letter to each of the surrounding neighbors.; Applicant Exhibit 2 - A letter for an upcoming event and provided the number for the person operating the sound board.; Applicant Exhibit 3 - A picture of the front of the establishment.; Applicant Exhibit 4 - A picture of the enclosed outdoor dining area with a sound deadening curtain in place.; Applicant Exhibit 5 - A picture of the enclosed outdoor dining area and where the sound deadening curtain connected to the proposed additional building.; Applicant Exhibit 6 - A picture of the sound deadening curtains from the parking lot where they connect to the proposed additional building.; Applicant Exhibit 7 and Applicant Exhibit 8 - Pictures of the parking lot.; Applicant Exhibit 9 - A picture of the space between the two structures where a sound deadening curtain was installed.; Applicant Exhibit 10 - A picture of a 12-foot high, 8 inch thick, block wall filled with concrete between the two buildings, which he installed in an attempt to create a noise barrier.; and Applicant Exhibit A - A Call to Service Report dated 9/1/2022. He explained that a resident made a call at 9:26 p.m. for a parking lot noise complaint one day before the letter from Exhibit 1 was sent to the neighbors. He read through the report noting 3 minute and 15 second dispatch time. He highlighted that 'No Noise' was reported when arrived. Mr. Bentley stated that no one contacted him for this complaint. He then hypothesized what he believed took place; a customer or group of customers arrived in the parking lot and parked near the van depicted in Exhibit 8 and had their music turned up.

Mr. Bentley stated that in 5 years, the establishment had only 90 Calls for Service and he believed it was within a reasonable amount. He reported that 91,550 people visit Cadillac Jacks annually. He stated that he enforced rules and would continue to utilize the BPD, who was supposed to serve and protect, instead of his security staff called when patrons were out of control. He believed that denying the application would send a bad message to business owners when he worked to improve the establishment and control the environment.

Mr. Bentley referenced a previous complaint in regard to a burn out competition at an event. He explained that he was unaware that burn outs were not permitted within City limits but now that he knew, they would no longer take place at Cadillac Jacks. Mr. Bentley then discussed an event on September 30, 2022, where they had placed the band with live music to the front area of the business with the hope it would reduce the noise level for the neighbors. He referenced Exhibit 3 to show the placement. Mr. Bentley stated he was notified by Asst. Police Chief ("AC") Ken Bays that Cadillac Jacks did not have an Extension of Premises permit to have such an event. He stated that he misinterpreted the Outdoor dining rules and, since he was out of town, he immediately called the establishment to say no alcohol was to be consumed outside except in the currently enclosed outdoor area. He was confident that no alcohol was consumed, and the event did not result in any violations.

Mr. Bentley then stated that music was played until 11:00 p.m. and closely monitored to ensure it did not continue after 11:00 p.m. He stated that there was one instance where a group of customers brought a karaoke machine to the establishment and sang until midnight. When a complaint was filed and BPD arrived on scene, the customers were told to

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turn the machine off. He went on to explain that on two separate occasions, BPD officers were called for noise complaints and when they arrived, Mr. Bentley asked the officers if the music needed to be turned down to which the officers replied the music was at an acceptable level. He believed it was unfair to say that any music which could be heard on Center St. from Cadillac Jacks was too loud. He believed that an establishment located in a B-1 Zoned District with an outdoor dining area would have a higher level of noise than if it was located in a residentially zoned area. He discussed his personal experiences from when he lived on Center St., a U.S. Highway, and the level of noise.

Mr. Bentley asked what the noise level expectation was for residents who live near a U.S. Highway. He introduced Applicant Exhibit B, a graph which lists noise levels in decibels, and highlighted that, according to the graph, decibels above 85 were harmful. He stated that he purchased a decibel reader and believed BPD also had one. He reported that he captured data on Center St. of 79 decibels, which increased to 85 when trucks passed by. Mr. Bentley requested a decibel number which he could use to accurately mitigate the noise. He reported he frequently walked the alley behind Cadillac Jacks with the decibel reader to mitigate the noise. He reported most areas were between 65-69 decibels but that he had captured data of 72 behind Kent Walker's house and, as a result, directed staff to reduce the noise level.

Mr. Bentley stated that he had received text messages from neighbors that he did not submit them for public record. He then read a text message exchange from September 16-17, 2022, regarding a complaint of loud noise. He then pleaded his case that the redefinition of premises for an additional enclosed area should be considered separate from the noise.

Commissioner Mwilambwe stated the last time the Commission discussed the Item, the intent was for all parties to come together to find an agreeable solution.

Commissioner Meister stated she understood the distinction between the redefinition of premises and the noise level complaints. She said it was the Liquor Commission's job to find a common ground, however, the Item would still need to go to Council for approval and there was no guarantee that if the Liquor Commission approved the Item, that Council would approve it. Mr. Bentley stated that he understood.

Commissioner Meister went on to state that some complaints reported music playing until midnight. She asked Mr. Bentley if he would consider agreeing to end all music at 10:00 p.m. in an effort to find a middle ground with neighbors.

Commissioner Mwilambwe stated that Liquor Commission was considering both Items together because the redefinition would increase the number of people which, as a result, has the potential to also increase the noise level.

Mr. Bentley stated he was not comfortable with limiting live music to 10:00 p.m. as he did not believe it was a solution or guarantee that all levels of music would be acceptable by residents until 10:00 p.m.

Commissioner Meister stated she went to the establishment and personally believed the music was very loud. She expressed that she did not believe the Liquor Commission could include a decibel level in license condition. She reiterated that the Liquor Commission sought a middle ground for all parties.

Mr. Bentley further stressed that he did not believe limiting to 10:00 p.m. would solve the issue. He encouraged BPD to cite the establishment when live music was too loud.

Commissioner Meister agreed that the condition may not solve the issue and noise complaints may continue, however it was not a good use of resources to continuously send BPD to the establishment when there was an opportunity for compromise. She noted that other bars had similar conditions on their license.

Mr. Bentley expressed appreciation that Commissioner Meister visited the establishment to better understand the noise level, asked why the Council Member had not. He reiterated that if noise level was such an issue, BPD needed to issue noise violations.

Amanda Stutsman, Deputy City Clerk, notified the Commission that staff had received two emailed public comments that had been shared with the Commission. She then provided copies to Mr. Bentley.

AC Bays confirmed the Calls for Service to Cadillac Jacks had dropped. He noted in October, BPD was called to the establishment four times for trespassing which resulted in one arrest. He reported that BPD additionally initiated seven additional visits to monitor noise level, which did not result in violations. He additionally reported that BPD found the establishment in compliance for the event on September 30, 2022. AC Bays then discussed that BPD had one decibel reader to be shared by all of BPD. It explained that it was not used solely for enforcement purposes as it was affected by numerous variables including pressure, reverberations, and echoes. He then asked George Boyle, Asst. Corporation Counsel, if he could read the noise ordinance into the record.

Mr. Boyle agreed and noted that he sent a copy of the noise ordinance to Mr. Bentley. He then stated that a decibel level of 70 was listed in the ordinance but agreed with AC Bays that decibel levels were not sufficient for enforcement by themselves.

AC Bays then read the following portions of the noise ordinance according to Chapter 28, Section 194, aloud:

- A. *This section is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the residents of the City through the reduction, control, and prevention of loud and raucous sounds, or any noise that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. Nothing in this section shall be construed as preventing the lawful exercise of the right to free speech protected by the Constitutions of the United States and the State of Illinois.*
- B. *Definitions: LOUD AND RAUCOUS NOISE - Any sound which because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of the City. The term includes, but is not limited to, the kinds of loud and raucous noise generated by the activities enumerated in Subsection D, but not including activities enumerated in Subsection F of this section.*

D(1) Sound reproducing devices, loudspeakers, amplifiers. The using, operating or permitting to be played, used or operated any musical instrument, machine or electronic device, radio receiving set, phonograph, loudspeaker, sound amplifier or other objects for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, chamber, vehicle or outdoor area in which such machine or device is operated and who are voluntary listeners thereto.

AC Bays noted that BPD has a similar enforcement issue with loud vehicles and that state statute denotes that if a vehicle can be heard from a distance of 75 feet, it was too loud. He stated a decibel reader's accuracy was the main issue when it came to enforcement. He compared it to confirming the accuracy of a radar gun and explained there was no way to obtain that data from a decibel reader. He explained how a violation could be issued at a call for service. He then thanked Mr. Bentley for his proactive approach.

Kathy Spawn, Resident, after being sworn, addressed the Commission. She stated that the noise was extremely loud and reported that she called the police numerous times. She agreed with the 10:00 p.m. cut off time for music.

Commissioner Mwilambwe asked how long Ms. Spawn lived at her residence. She stated she lived there since 1956.

Commissioner Mwilambwe asked if the noise level had always been an issue. Ms. Spawn stated there had not been any issues until the Owner began expanding. She stated that the interior music was also extremely loud and would continue until late.

Commissioner Mwilambwe asked Mr. Bentley how long he owned the establishment. Mr. Bentley said he assumed management five years ago, but it had been in his family since 1964.

Commissioner Mwilambwe asked Ms. Spawn when noise first became an issue. Ms. Spawn said since the establishment began expanding and hosting bands. She stated she tried to get neighbors involved but believed they were afraid to but that they felt the same as she did. She stated that over the past few weeks, the sound has lessened and that neighbors prayed for rain during the summer and loved the winter because there would be no events. Commissioner Mwilambwe asked her to define a few weeks. Ms. Spawn replied since October.

Commissioner Mwilambwe asked if her main concern was outdoor music. Ms. Spawn stated that while the outdoor music was the worst, neighbors could also hear the indoor music as well.

Commissioner Mwilambwe asked Mr. Bentley to expand on the karaoke noise complaint. Mr. Bentley stated that guests had a karaoke machine where a complaint was called after 11:00 p.m. and that he told the customers to stop immediately.

Mr. Bentley addressed the noise from inside the building, noting that he had not heard it before but that it could be the bands or jukebox. He stated that he was in the process of raising the roof of the building to install sound barriers to assist in mitigating sound. He reported that all construction has stopped while his request was under review.

Commissioner Mwilambwe asked the frequency of which live music was present. Mr. Bentley stated occasionally on weekends, weather permitting. If there was bad weather, bands would move inside.

Commissioner Mwilambwe asked if Mr. Bentley would consider only acoustic music outdoors. Mr. Bentley stated it was unrealistic as most of the bands they had were not acoustic. He expressed that neither he nor the neighbors will be satisfied with a solution. He stated that 70 decibels in the Code was helpful on noise. He reiterated his plans to renovate the roof to add sound proofing. He again requested a decibel level to aid him to determine when sound was too loud.

Mr. Boyle stated that while the 70 decibels was a good benchmark, he reiterated that BPD only had one decibel meter to be shared throughout BPD. Mr. Bentley responded that he would donate five decibel meters to BPD.

Commissioner Mwilambwe entertained the idea that the Liquor Commission consider a license condition of a specified decibel level on a trial basis. Mr. Bentley offered to provide decibel readers to each of the neighbors directly behind his establishment so they personally could gauge the sound.

AC Bays stated while a decibel meter was helpful, other regulations were considered when a noise violation was issued. He noted anyone who provided testimony on electronic measurements must use procedures for the measurement of sound that conform to the standards and recommended practices established by the American National Standards Institute.

Mr. Boyle agreed there were drawbacks to the use of a decibel meter as the only criteria when issuing a violation and cautioned the use of it.

No other individuals were present to speak.

Mr. Boyle informed the Liquor Commission of their options including recommending forward, recommending forward with conditions, or forward with negative recommendation.

Commissioner Mwilambwe reiterated his interest in a decibel level condition but understood staff's caution against it. AC Bays reiterated that staff did not use decibel levels as enforcement and stated that there were standards and regulations similar to radar guns.

Commissioner Mwilambwe reiterated interest in a compromise.

Commissioner Meister stated that a few months ago, the Item was tabled to see if neighbor complaints increased. She was uncomfortable recommending approval without a condition on the outdoor music. She then asked Ms. Spawn if 10:00 p.m. cut off for outdoor music was acceptable. Ms. Spawn said yes, but neighbors want the music turned down.

Commissioner Meister asked Mr. Bentley if he was agreeable. Mr. Bentley said he would entertain the 10:00 p.m. but stated that one resident should not speak for residents not present. He discussed a conversation he had with Kent Walker, another neighbor.

Mr. Boyle confirmed that the Liquor Commission did not consider one neighbor's voice for all. Commissioner Mwilambwe agreed.

Mr. Bentley referenced one of the emailed public comments and expressed astonishment at the term "bully of the neighborhood." He said he did not want the request to pit the neighborhood against the establishment and wanted it to be known that he sought a compromise.

Mr. Boyle reiterated Commissioner Meister's suggestion that the Liquor Commission recommends approval of the redefinition of premises on the condition that all live music ceases at 10:00 p.m.

Commissioner Meister agreed and reminded Mr. Bentley that he was requesting additional capacity and the neighbors are requesting noise control.

Mr. Bentley agreed to the stipulation that no live music after 10:00 p.m. if it was approved by Council, but if it was not approved by Council, he would continue to allow music

would go until 11:00 p.m. Commissioner Meister reiterated the Liquor Commission could not guarantee approval by Council.

Commissioner Mwilambwe opened the public hearing at 5:45 p.m.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to positively recommend the Item to Council with the condition that there would be no live music outside after 10:00 p.m.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

The following item was presented:

Item 5.E. Continued Sanctions Review Hearing on Violation #2022-020 issued to Barmania, LLC d/b/a Euphoria Nightclub at 610 N. Main Street, for violating Section 27(b)(2) of Chapter 6 of the Bloomington City Code relating to a minor in a tavern, as requested by the Legal Department.

Mr. Boyle provided a brief overview of the allegations and requested that the matter to be set for hearing on December 13th, 2022, at 4:00 p.m.

The following item was presented:

Item 5.F. Sanctions Review Hearing on Violation #2022-019 issued to Jayst, Inc. d/b/a Mulligan's, located at 531 N. Main Street, for violating Section 27(b)(2) of Chapter 6 of the Bloomington City Code relating to a minor in a tavern and other violations of the Bloomington Liquor Code, as requested by the Legal Department.

Mr. Boyle provided a brief overview of the allegations noting ten counts of allegations of minors in a tavern, two counts of allegations of consumption on the premises after 2:00 a.m., and one count of an allegation of not allowing access to law enforcement officials. He reported that there had been a settlement of a payment of a fine in the amount of \$6,000 for the minors in tavern counts, and three weekends, Thursday through Sunday morning, of suspension of operations. He noted that each weekend was in relation to consumption after hours or failure to allow access.

Old Business

No Old Business was discussed.

New Business

No New Business was discussed.

Executive Session

No Executive Session was had.

Adjournment

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to adjourn.

Motion carried (viva voce).

The Meeting Adjourned at 5:56 p.m.

CITY OF BLOOMINGTON

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Mboka Mwilambwe, Commissioner

ATTEST

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Amanda Mohan, Deputy City Clerk