



MINUTES
SPECIAL MEETING LIQUOR COMMISSION MEETING
FRIDAY, OCTOBER 29, 2021, 12:00 P.M.

The Commission convened in special session in the Government Center Chambers, at 115 E. Washington Street at 12:02 p.m., Friday, October 29, 2021. The meeting was called to order by Commissioner Mboka Mwilambwe.

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
Leslie Yocum	City Clerk	Present	
George Boyle	Asst. Corporation Counsel	Present	
Timothy McCoy	Assistant Police Chief	Present	
Chris McAllister	Building Official	Present	

Public Comment

No individuals registered to provide in-person public comment. No emailed public comment was received.

Consent Agenda

No Consent Agenda Items were considered.

Regular Agenda

The following item was presented:

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 a Request from Lincoln Springs Center, LLC, d/b/a The Station Saloon, located at 1611 Morrissey Dr., Unit 1, for a redefinition of premises for their Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 12:05 p.m.

John Coontz, Owner, after being sworn, addressed the Commission. He explained that they had developed the outdoor patio over the previous 18 months and now wished to add the patio permanently to the liquor license.

Commissioner Mwilambwe asked if anyone wished to speak for or against the application. No individuals came forward.

Commissioner Meister confirmed with Mr. Coontz that the closing hours of the patio would be consistent with the establishment's current closing hours, listed as Monday to Thursday at 10:00 p.m., Friday to Saturday at 10:30 p.m., and Sunday at 11:00 p.m.

Commissioner Meister then asked if the patio was enclosed. Mr. Coontz responded that the patio had a very defined area with barriers of fencing and posts.

Commissioner Meister confirmed with Mr. Coontz that all employees were BASSET trained. She then asked if they intended to have live or amplified music. Mr. Coontz stated that they anticipated holding additional events in the parking lot with amplified music but understood that he would need to obtain additional permitting for the events. He confirmed they may have solo artists with acoustic music but that the area was mainly commercial.

Mr. Coontz noted that he did not intend to have music until midnight but asked about the specific end time of outdoor music. He and George Boyle, Assistant Corporation Counsel, discussed the noise ordinance which had a cut off time of 10:00 p.m. for specific areas.

Commissioner Mwilambwe asked if additional staff would be hired maintain supervision of the additional space. Mr. Coontz informed the Commission that the business operated out of necessity on the patio area under the COVID-19 Outdoor Dining Permit but wanted to make the area a permanent feature. He expressed that he hoped the patio would bring additional customers and intended to hire additional staff.

Mr. Boyle stated that the business operated under a similar footprint during COVID-19. He then asked Mr. Coontz if the establishment had completed a building safety inspection to address occupancy. Mr. Coontz confirmed that Katherine Gruber, Economic and Community Development Inspector, completed a fire safety inspection.

Mr. Boyle stated that staff had no issues with the item moving forward as it was contingent upon compliance with all building, health, and safety codes.

Amanda Stutsman, Deputy City Clerk, noted for the record that Mr. Coontz provided an updated site plan of the patio area which was provided to the Commission (5A-Exhibit A).

Mr. Boyle explained that the request was a redefinition of premises of the current liquor license and that the Commission was to approve or deny the new premises. He advised that the request did not necessarily need to go to Council.

Commissioner Mwilambwe closed the Public Hearing at 12:19 p.m.

Council Member Meister made a motion, seconded by Council Member Mwilambwe, to positively recommend to Council that the redefinition of premise for the liquor license be approved.

Commissioner Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mwilambwe, Meister

Motion carried.

The following item was presented:

Item 5.B. Public Hearing and action on a Request from Hacienda Leon, Inc., d/b/a Hacienda Leon, located at 407 N. Hershey Rd., for an internal change of ownership of their Class RAS Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 12:15 p.m.

Martin Leon, Owner, after being sworn, addressed the Commission. He explained that Hacienda Leon had been in business in Bloomington for about three years and that they had adjusted their ownership structure.

Commissioner Mwilambwe asked if anyone wished to speak for or against the application. No individuals came forward.

Commissioner Meister confirmed with Mr. Leon that all employees remained BASSET trained. She noted the request was clear and had no additional questions.

Commissioner Mwilambwe asked Mr. Leon if there would be any changes to the establishment except for the ownership. Mr. Leon confirmed and added that the owners had been the same for the past two years.

Commissioner Mwilambwe expressed his belief that the City had no prior issues with the establishment.

George Boyle, Assistant Corporation Counsel, and Mr. Leon discussed the change to the ownership structure. Martin Leon and Lydia Hidalgo previously owned 50% each. Mr. Leon explained that the three new owners were his partners on another restaurant in Lincoln, IL but that they lived in Kentucky.

Mr. Boyle stated that the change in ownership took place some time ago. He reminded Mr. Leon that if there was a change in ownership of more than 5% that he needed to reach out to the City before the change took place. Mr. Leon agreed to do so.

Mr. Boyle and Commissioner Mwilambwe discussed the need to send a reminder email to all liquor license holders of the change of ownership procedure. Commissioner Mwilambwe directed Amanda Stutsman, Deputy City Clerk, to do so.

Commissioner Mwilambwe closed the Public Hearing at 12:19 p.m.

Council Member Meister made a motion, seconded by Council Member Mwilambwe, to positively recommend to Council that the change of ownership be approved.

Commissioner Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mwilambwe, Meister

Motion carried.

The following item was presented:

Item 5.C. Continued consideration and action on the Request from Walking Visions Photography Inc., located at 1102 S. Main St., for a Class EB (Entertainment/Recreational Sports Venue, Beer and Wine Only) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 12:21 p.m.

LaVance Walker, Owner, after being sworn, addressed the Commission. He explained

that the business would offer various events including Paint & Sip and selfie photograph events. He went on to explain that the alcohol would be provided to compliment the events.

Commissioner Mwilambwe asked if anyone wished to speak for or against the application. No individuals came forward.

Commissioner Meister confirmed with Mr. Walker the hours of operation as 10:00 a.m. to 9:00 p.m. daily. She asked for the total number of employees. Mr. Walker confirmed that there were five contracted employees in addition to he and his wife.

Commissioner Meister asked if all employees were BASSET trained. Mr. Walker stated that he and his wife would be BASSET trained and that one employee already was certified.

Commissioner Meister asked to describe the bar set up. Mr. Walker stated that guests would purchase prepackaged alcohol only.

Commissioner Meister and Mr. Walker discussed the policy for determining those who were of age to consume alcohol. Mr. Walker explained that events were reservation only and guests would receive wristbands that distinguished the wearer allowed to consume alcohol.

Commissioner Meister confirmed with Mr. Walker that the business would only occupy the main level of the establishment. Mr. Walker noted that they intended to expand into the basement once renovations were made.

Commissioner Meister then confirmed the availability of only off-street parking. Mr. Walker confirmed.

Commissioner Mwilambwe asked the status of the status on construction. Mr. Walker stated that they had not yet finished the renovations.

George Boyle, Assistant Corporation Counsel, asked the maximum capacity of the establishment and which part of the facility that included. Mr. Walker reported that the maximum occupancy of 40 individuals was for the main floor only.

Mr. Boyle reminded Mr. Walker that the basement level could not be used at this time. Mr. Walker stated he understood.

Mr. Boyle requested confirmation of the establishment's closing hours. Mr. Walker stated that the closing hours were 9:00 p.m. most days but could stay open until 10:00 p.m. Mr. Boyle advised the Commission that the establishment was in a residential area and that it may be beneficial to set an early closing time as a condition of the license. He explained that the condition could be removed at a later date.

Commissioner Mwilambwe confirmed with Mr. Walker that the establishment has had up to 15 customers at one time. Commissioner Mwilambwe then asked when guests arrived for events. Mr. Walker explained that the time varies depending on the reservations.

Commissioner Mwilambwe confirmed with Mr. Walker that the second floor of the establishment held two private residences in the form of apartments. Mr. Walker noted that he owned the building next door which had an additional two tenants.

Mr. Boyle asked Mr. Walker if he would agree to a license condition that required the closing time to be 9:00 p.m. on weekdays and 10:00 p.m. on weekends. Mr. Walker agreed.

Commissioner Meister and Mr. Boyle discussed the hours of operation in the application and how the hours of operation could fluctuate if not a defined license

condition.

Assistant Police Chief McCoy advised Mr. Walker to be a conscientious neighbor in reference to parking. He noted that it would also retract from a new business if the Police Department had to issue citations to customers. Commissioner Mwilambwe and Mr. Walker discussed ways Mr. Walker could monitor parking.

Commissioner Mwilambwe closed the Public Hearing at 12:32 p.m.

Council Member Meister made a motion, seconded by Council Member Mwilambwe, to positively recommend to Council that the license be approved with the condition that alcohol not be served after 9:00 p.m.

Commissioner Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mwilambwe, Meister

Motion carried.

The following item was presented:

Item 5.D. Consideration and action on a Request from Airavath Royale, LLC, d/b/a Signature India Restaurant and Bakery, located at 1407 N. Veterans Parkway, Suite #26, for a Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) Liquor License, as requested by the City Clerk Department.

Commissioner Mwilambwe opened the Public Hearing at 12:34 p.m.

Adarsh Bandhela, Owner, after being sworn, addressed the Commission. He explained that the previous owner had ran the restaurant for 16 years and that he recently purchased the establishment. He stated that the establishment was an authentic Indian restaurant and wished to offer alcohol to guests. He further explained that the previous owner had held a liquor license for the previous six years. Mr. Bandhela expressed that he wished to apply for the same license they had once held

Commissioner Mwilambwe asked if anyone wished to speak for or against the application. No individuals came forward.

Commissioner Meister confirmed with Mr. Bandhela that all employees would be BASSET trained. Mr. Bandhela stated that two employees were BASSET trained.

Commissioner Mwilambwe confirmed with Mr. Bandhela that there were no significant changes to the business model. Mr. Bandhela expressed his intent to update the interior of the establishment to remain competitive with similar Indian restaurants.

Commissioner Mwilambwe asked if the application was the result of the ownership not notifying the City of the change. George Boyle, Assistant Corporation Counsel, informed the Commission that the establishment did not hold an active license at the time of the change of ownership. He explained that the previous owner held the liquor license, but it lapsed and therefore, they were not under obligation to notify the City of the change of ownership.

Commissioner Mwilambwe confirmed with Mr. Bandhela that alcohol was not served.

Mr. Boyle and Mr. Bandhela discussed the change to the ownership timeline and structure. Mr. Bandhela explained that it was a staggered change beginning in June of 2021

with the official take over date of October 1, 2021. Mr. Boyle asked if the Mr. Bandhela he purchased all assets and debts from the previous owner. Mr. Bandhela believed that all debts were cleared and that he provided the previous owner's tax statements.

Mr. Boyle provided the Commission and the applicant with a document titled *Signature India as of 10/28/21 Food & Beverage Tax Delinquency* (Exhibit A) which detailed the non-payment of food and beverage taxes for the months of June and July of 2021, an estimated delinquency of \$3,714.64. He also noted a missing payment of \$45.81 from February 2021 as well. Mr. Boyle reported that for the past three months, taxes had been paid promptly, on-time and in full. He stated that the financial information received was for the previous owner and requested that financial statements for the applicant corporation be submitted. Mr. Boyle suggested that the item be tabled until the applicant's financial information was received and the submission of a purchase agreement or the payment of past due taxes.

Mr. Bandhela explained that he met with the previous owner on a day-to-day basis and could discuss the issue with him.

Mr. Boyle and Commissioner Mwilambwe discussed potential meeting date timeline.

Mr. Bandhela proposed that he cleared the previous owner's debt that day and dealt with the previous owner separately. Commissioner Mwilambwe asked his reasoning for the course of action. Mr. Bandhela wished the application to move forward in the approval process and it was important to him that there were no outstanding debts on the business.

Commissioner Mwilambwe stated that the request could be approved with the conditions that all required documentation requested by Legal be provided and the past due taxes paid before a license could be issued. Mr. Bandhela agreed to the conditions.

Mr. Boyle believed that if all obligations of the establishment were paid and financial documentation of the corporate owner was received, there would be no issue.

Commissioner Mwilambwe closed the Public Hearing at 12:45 p.m.

Council Member Meister made a motion, seconded by Council Member Mwilambwe, to positively recommend to Council that the license be approved with the conditions that all tax obligations are paid in full, and applicant's financial documentation were received from

Commissioner Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mwilambwe, Meister

Motion carried.

Old Business

No Old Business was discussed.

New Business

No New Business was discussed.

Executive Session

No Executive Session was held.

Adjournment

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, that the meeting be adjourned.

Motion carried unanimously (Viva Voce).

The meeting adjourned at 12:46 p.m.

CITY OF BLOOMINGTON

A handwritten signature in black ink, reading "Amanda Stutsman". The signature is written in a cursive, flowing style.

Amanda Stutsman, Deputy City Clerk