MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

October 14, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Brandon Raper and Erin Fitzgerald to allow moderate consumption of alcohol at their December 13, 2014, 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.

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 noted that no one was present to address this request.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Bradon Raper and Erin Fitzgerald to allow moderate consumption of alcohol at the Miller Park Pavilion for their December 13, 2014 wedding reception be laid over until the Commission's November 4, 2014 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:03 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Bloomington Fraternal Order of Eagles, d/b/a Eagles #527 located at 311 – 313 S. Main St., currently holding a 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 regarding the election of new Board members. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of Board membership. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Tracey Cover, City Clerk, informed the Commission that the former Board members were Ron Fowler, President, Phil Smith, Vice President and Theresa Fitchorn, Treasurer. The current Board members were Robert Fisher, President, Allan Brayfield, Secretary, and Fred Fleming and JR Quinn, Trustees.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of Board members for Bloomington Fraternal Order of Eagles, d/b/a Eagles #527, located at 311 – 313 S. Main St., currently holding a CA liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Bloomington Columbian Homes Association, Inc., d/b/a Knights of Columbus located at 1706 RT Dunn Dr., currently holding a 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 regarding the election of new Board members. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of association officers. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Tracey Covert, City Clerk, informed the Commission that the association had selected Steve Scudder, Dennis Fries, Charles Morton and Bob Wefer, as officers.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of Board members for Bloomington Columbian Homes Association, Inc., d/b/a Knights of Columbus, located at 1706 RT Dunn Dr., currently holding a CA liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Clarabel, Ltd.., d/b/a Rosie's Pub located at 106 E. Front St., currently holding a 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 regarding the name change of a corporate officer. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a name change for a corporate officer. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Tracey Covert, City Clerk, informed the Commission that Molly Charleston had changed her name to Molly Bradle.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the corporate officer name change for Clarabel, Ltd., d/b/a Rosie's Pub, located at 106 E. Front St., currently holding an RAS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter would be provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of BNN Enterprises LLC, d/b/a Smoke Rings etc., located at 1414 S Main St., requesting a PAS liquor license which would allow the sale of all types of packaged 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 Brian Haskins, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and stated that this Application had been laid over by the Commission at their September 9, 2014 meeting to allow City staff to address the separation distance between Smoke Rings and two (2) nearby churches, (Integrity Deliverance Ministries Integrity Church located at 1409 S. Main St. and Pilgrim Holiness Church located at 1409 S. East St.). It was noted that the City Code stated that the distance must be more than 100'.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reference state statute which also contained the 100' provision. He stated his understanding of this statute which addressed nearest part of the building not the property line boundaries.

Commissioner Tompkins questioned Mr. Boyle's interpretation. Mr. Boyle restated that there was no prohibition.

Commissioner Renner reminded the Commission that the Applicant had agreed to no single serve sale items.

Commissioner Jordan expressed his concerns. He cited the location of the two (2) churches and the impact of Pastor Brown's testimony at the Commission's September 9, 2014 meeting. He

also cited neighborhood opposition. He recalled concerns raised regarding truck loading and unloading at this business. He questioned if the applicant planned to request a "T", Tavern, license after obtaining a "P", Packaged liquor license.

Commissioner Renner also stated that liquor sales would not be allowed until after 12 noon on Sundays.

Commissioner Renner questioned if there was anyone present who which to address this application either in support of or in opposition to.

Brian Haskins, owner/operator and Applicant representative, addressed the Commission. He thanked City staff for their efforts regarding the distances between his business and the two (2) churches. He had also taken measurements.

Commissioner Renner acknowledged that the distances were over 100', (i.e. Integrity Deliverance Ministries Integrity Church located at 1409 S. Main St. – 132' and Pilgrim Holiness Church located at 1409 S. East St. - 108').

Mr. Haskins addressed delivery concerns. Deliveries would be made in the morning. He agreed to the two (2) conditions, (no single serve sales and no Sunday sales until after 12 noon).

Commissioner Jordan questioned video gaming. Mr. Haskins stated that his business was not eligible. He would need a license to sell by the glass to be eligible.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the Council that a PAS liquor license for BNN Enterprises LLC, d/b/a Smoke Rings etc., located at 1414 S. Main St., be approved contingent upon compliance with all health safety codes with the following conditions: 1.) no single serve sales and 2.) no liquor sales on Sunday until 12 noon.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Haskins that this item would appear on the Council's November 10, 2014 meeting agenda. He encouraged him to attend.

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

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., 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 Ed Van Etten, District Manager and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. Ed Van Etten, District Manager and Applicant's

representative, addressed the Commission. Mac's Convenience Stores, LLC was acquiring the two (2) Super Pantries located in the City. This store was located at 2412 S. Main St. This application was filed due to the change of ownership.

Commissioner Renner questioned Mr. Van Etten's liquor sales experience. Mr. Van Etten cited his fourteen (14) years of experience in the convenience store industry.

Commissioner Tompkins questioned the Emergency Contact sheet that had been filed as part of the application. Mr. Van Etten noted the Mac's corporate office had established a security call center. Local contacts would be either the Store Manager or himself.

Commissioner Tompkins cited the violation summary which had been included with the application. These violations involved sales to minors.

Mr. Van Etten informed the Commission that Mac's had adopted CBT, (Computer Based Training), for the stores' staffs. Store staff was instructed to check identification for anyone who appeared to be under the age of forty (40). Stores received evening telephone reminders to check identification. There was a sales log for restricted sales items, (alcohol and tobacco products). If store staff was found to have not checked identification, it was grounds for termination.

Commissioner Tompkins noted the total dollar value of the fines paid in the last three (3) years. He added that the City required BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training for store managers.

Mr. Van Etten informed the Commission that all store staff would be BASSET certified.

Commissioner Renner questioned if Mac's application was a leap of faith.

Commissioner Jordan questioned employee longevity. Mr. Van Etten noted that in the past employee tenure had been two to three (2 – 3) years. Due to company restraints regarding full/part time employees, employee tenure had been reduced to twelve to eighteen (12 - 18) months.

Commissioner Jordan questioned management presence at the store. Mr. Van Etten noted that the store manager generally worked first shift and the assistant store manager worked either second or third shift. Mac's currently held four (4) liquor licenses in the City.

George Boyle, Asst. Corporation Counsel, noted that Mac's application did not list any violations that occurred in the City.

Mr. Van Etten informed the Commission that he had been promoted to District Manager in October 2012. There had not been a violation at the stores in his district during his tenure as District Manager.

Mr. Boyle referred to the listing that had been included in Mac's application. There were five (5) violations listed in Normal. He acknowledged that there had not been a violation for Mac's since October 2012.

Commissioner Renner stated that there had been some issues with Mac's but there had not been a single violation since Mr. Van Etten became District Manager.

Commissioner Jordan added that this application involved a change of ownership.

Commissioner Renner restated that all store staff would be BASSET certified. He recommended that this occur within sixty (60) days after the liquor license is issued. Mr. Van Etten stated that he would contact Heartland Community College regarding the next class.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to the Council that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S. Main St., be approved contingent upon compliance with all health safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Van Etten that this item would appear on the Council's November 10, 2014 meeting agenda. He encouraged him to attend.

There being no further business before the Commission, the meeting recessed at 4:19 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., 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 Ed Van Etten, District Manager and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that requested that the Applicant's representatives address this request. Ed Van Etten, District Manager and Applicant's representative, addressed the Commission. Mac's Convenience Stores, LLC was acquiring the two (2) Super Pantries located in the City. This store was located at 1206 N. Towanda Barnes Rd. This application was filed due to the change of ownership.

Commissioner Renner questioned Mr. Van Etten's liquor sales experience. Mr. Van Etten cited his fourteen (14) years of experience in the convenience store industry.

Commissioner Tompkins questioned the Emergency Contact sheet that had been filed as part of the application. Mr. Van Etten noted the Mac's corporate office had established a security call center. Local contacts would be either the Store Manager or himself.

Commissioner Tompkins cited the violation summary which had been included with the application. These violations involved sales to minors.

Mr. Van Etten informed the Commission that Mac's had adopted CBT, (Computer Based Training), for the stores' staffs. Store staff was instructed to check identification for anyone who appeared to be under the age of forty (40). Stores received evening telephone reminders to check identification. There was a sales log for restricted sales items, (alcohol and tobacco products). If store staff was found to have not checked identification, it was grounds for termination.

Commissioner Tompkins noted the total dollar value of the fines paid in the last three (3) years. He added that the City required BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training for store managers.

Mr. Van Etten informed the Commission that all store staff would be BASSET certified.

Commissioner Renner questioned if Mac's application was a leap of faith.

Commissioner Jordan questioned employee longevity. Mr. Van Etten noted that in the past employee tenure had been two to three (2 – 3) years. Due to company restraints regarding full/part time employees, employee tenure had been reduced to twelve to eighteen (12 - 18) months.

Commissioner Jordan questioned management presence at the store. Mr. Van Etten noted that the store manager generally worked first shift and the assistant store manager worked either second or third shift. Mac's currently held four (4) liquor licenses in the City.

George Boyle, Asst. Corporation Counsel, noted that Mac's application did not list any violations that occurred in the City.

Mr. Van Etten informed the Commission that he had been promoted to District Manager in October 2012. There had not been a violation at the stores in his district during his tenure as District Manager.

Mr. Boyle referred to the listing that had been included in Mac's application. There were five (5) violations listed in Normal. He acknowledged that there had not been a violation for Mac's since October 2012.

Commissioner Renner stated that there had been some issues with Mac's but there had not been a single violation since Mr. Van Etten became District Manager. He encouraged Mr. Van Etten to continue his efforts to kept Mac's record clean.

Commissioner Jordan added that this application involved a change of ownership. He questioned the lot size at this location. Mr. Van Etten responded that he did not know. Commissioner Jordan questioned if diesel fuel was available for sale at this location. Mr. Van Etten responded affirmatively.

Commissioner Renner restated that all store staff would be BASSET certified. He recommended that this occur within sixty (60) days after the liquor license is issued. Mr. Van Etten stated that he would contact Heartland Community College regarding the next class.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to recommend to the Council that a GPBS liquor license for Mac's Convenience Stores, LLC, d/b/a Circle K #1421, located at 1206 N. Towanda Barnes Rd., be approved contingent upon compliance with all health safety codes with the following condition: 1.) all store staff be BASSET certified within sixty (60) days of liquor license creation.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Van Etten that this item would appear on the Council's November 10, 2014 meeting agenda. He encouraged him to attend.

There being no further business before the Commission, the meeting recessed at 4:25 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., requesting an RAS liquor license which would allow 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 Mike Liu, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that requested that the Applicant's representatives address this request. Mike Liu, owner/operator and Applicant's representative, addressed the Commission. The business plan was to open a restaurant and serve alcohol with dinner.

Commissioner Renner questioned Mr. Liu's liquor sales experience. Mr. Liu responded that he had none. He was not BASSET, (Beverage Alcohol Sellers and Servers Education and Training), certified. He planned to hire experienced staff.

Commissioner Renner recommended that the restaurant's staff would be BASSET certified.

Commissioner Tompkins stated that he had several concerns. He read from the liquor license application. Answers appeared to be incomplete/incorrect.

Commissioner Renner summarized that the liquor license application was incomplete.

Commissioner Tompkins questioned if Mr. Liu had read and was familiar with Chapter 6. Alcoholic Beverages of the City Code. Mr. Liu responded affirmatively.

Commissioner Tompkins addressed the floor plan which he described as an incomplete line drawing. Mr. Liu noted that this location was the former Ming's Restaurant. No changes had been made to the building's interior.

Commissioner Jordan questioned the restaurant's staffing. Mr. Liu stated that Asia would employ twelve (12) people. Commissioner Jordan questioned if the restaurant would be staffed by family. Mr. Liu noted a combination of family and outside individuals.

Commissioner Jordan questioned video gaming. Mr. Liu responded negatively.

Commissioner Jordan recommended that Mr. Liu consult with an attorney. Mr. Liu informed the Commission that he had retained an attorney.

Commissioner Tompkins addressed the financial statement. Mr. Liu noted that the financial documents were his personal information.

Commissioner Renner noted that Sarbjit Jhattu, was listed as the co-owner. Mr. Jhattu also owned/operated Puran Indian Restaurant located at 1704 Eastland Dr., Suite 9.

Clay Wheeler, Asst. Police Chief, addressed the Commission. Mr. Jhattu had been issued an Ordinance Violation (OV) for underage sales on November 22, 2013. He failed to check identification.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Mr. LN was issued an OV. Puran Indian Restaurant was cited for a Liquor Violation, (LV). Each violation fine had been paid.

Commissioner Renner offered Mr. Liu advice: his application needed to be strengthened. There were concerns regarding his co-owner due to a sale to a minor LV.

Commissioner Jordan recommended that Mr. Liu consult with his attorney. The attorney should review the liquor application and make the necessary corrections/improvements. Mr. Liu needed to enhance his presentation.

Commissioner Renner restated his encouragement that Mr. Liu become BASSET certified. The Commission needed to have greater confidence in the restaurant's management.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to deny the application by Asia, LLC, d/b/a Asia, located at 407 N. Hershey Rd., requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises be denied.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:35 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of SUM, Inc., d/b/a Pop's Grocery, located at 918 W. Market St., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Prakash Patel, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. Commissioner Renner noted the neighborhood opposition to this application. Prakash Patel, owner/operator and Applicant's representative, addressed the Commission. He expressed his willingness to change his license application to a PBS, Packaged, Beer and wine only, Sunday Sales, liquor license.

Commissioner Renner noted that the location was problematic. Market St. was the western corridor into the City. This application represented a new license request and it would have to meet a high standard. He questioned the compelling reason for this application. He also questioned if it would be beneficial to the City, neighborhood and business.

Mr. Patel informed the Commission that he had purchased the store in February 2014. He stated his interest in a liquor license. There had been no problems at the store during the past eight (8) months. He added his willingness to hire security staff that would be placed inside the store.

Commissioner Renner cited the City's concerns addressed what individuals did after they left the store. He did not believe that the Commission and/or Council would support a PBS liquor license. He understood that Mr. Patel faced challenges. He restated that he did not anticipate Council support for a liquor license at this location.

Mr. Patel stated his belief that a liquor license would increase sales at Pop's Grocery.

Commissioner Renner encouraged Mr. Patel to work with the West Bloomington Revitalization Project, (WBRP). In addition, he should reach out to the neighborhood associations, (Old Towne and Gridley, Allin & Prickett's). Mr. Patel needed to gain these groups' support. He restated that the threshold to create new liquor license was high. He was not willing to take this application before the Council. He restated the impact of the store's location. He restated that Mr. Patel needed to work with and invest in the neighborhood. There was no reason to proceed at this time.

There being no further business before the Commission, the meeting recessed at 4:42 p.m.

Commissioner Renner opened the discussion of liquor license fees and video gaming terminal fees. The Commission would take input from the public regarding these two (2) fees at their November 4, 2014 meeting. The City Clerk's Office would notify all liquor license holders and businesses that had been licensed by the state to have video gaming terminals. He noted that the City had not increased liquor license fees in over thirty (30) years. He addressed video gaming terminal fees. Local governments in the state have adopted a variety of video gaming terminal

fees: application fee, business fee and terminal fee. The Town of Normal has a $200 per year per terminal fee. Normal was considering a fee increase. The typical terminal fee was $200 - $500. Today, the Commission would hold a general discussion.

Liquor license fees could be phased in. Dollars from this fee increase could be earmarked, (i.e. power washing the Downtown, Police Department's Downtown hire back program). Any increase beyond inflation would not be supported. He hoped to take a proposal to the Council in November 2014.

Commissioner Tompkins expressed his interest to address both fees. He had proposed doubling the liquor license fee. It appeared that this fee would only be increase by twenty-five percent (25%).

Commissioner Renner was open to a thirty percent (30%) increase over two (2) years.

Commissioner Tompkins expressed his support for all three (3) video gaming terminal fees: application, business and terminal. He added his opinion that the terminal fee should be $500.

Commissioner Renner expressed his interest in the terminal fee which would be easy to administer.

Commissioner Jordan expressed his support for an increase to the liquor license fee which would be prorated over time. The City was behind as this fee had not been increased in decades. The percentage of increase needed to be reasonable as did the dollar amount. He cited his past experience with video gaming terminals. This was a lucrative business for the vendors and businesses. The City received one sixth of thirty percent (30%) from the state. If an establishment held a liquor license that allowed sale by the glass, it was eligible for video gaming. He recommended that the City's fee match the Normal's fee. $200 per terminal sounded fair. Most communities charged a fee.

Commissioner Tompkins restated that in his opinion $500 per terminal was reasonable.

Commissioner Renner would report back to the Commission at their November 4, 2014 meeting. The video gaming terminal fee would be easier to address. Any increase to liquor license fees would need to be earmark. The goal was to ease the burden on the taxpayers.

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

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk