



MINUTES
LIQUOR COMMISSION - REGULAR SESSION
TUESDAY, OCTOBER 11, 2022, 4:00 P.M.

The Liquor Commission convened in regular session in the Government Center Chambers at 4:00 p.m., Tuesday, October 11, 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.

No Consent Agenda items were considered.

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 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. (Recommended Motion: That the Public Hearing proceed to determine whether the Application meets liquor licensure requirements.)

Commissioner Mwilambwe opened the public hearing at 4:06 p.m.

Mahesh Patel, Owner of MGN Foods, Inc., after being sworn, addressed the Commission. Mr. Patel explained he has been in business at the location since 2012 and stated that with the approval of changes to other liquor licenses in the City, his sales were suffering.

He stated that he wished to increase the liquor license to all types of alcohol to bring business back to his establishment. Mr. Patel explained that he used to own Franzetti's Pantry Plus and had applied a number of times for an all types of alcohol license and was denied by the Liquor Commission and Council each time. He noted that he owned the property still and knew that the new owners received an all types of alcohol liquor license. He stated that he owns Fast Stop in Normal, IL, which currently held a liquor license and previously ran another Franzetti's Pantry Plus near Waterson Towers by Illinois State University for seven years until the Town claimed immanent domain.

Commissioner Mwilambwe asked if he had any issues or violations at the current location. Mr. Patel stated there was one violation about eight years prior but none since then.

Assistant Police Chief Ken Bays stated that he had no concerns regarding significant calls for service but expressed concern with the impact to the surrounding area which was a mix of residential and commercial.

George Boyle, Asst. Corporation Counsel, stated that Mr. Patel presented those changes to other business licenses affected his business. Mr. Patel stated that was correct.

Mr. Boyle then asked Mr. Patel to name some of the establishments whose licenses had changed and the effect on the business. Mr. Patel stated that Pub II, just down the street from them, was able to serve all types of alcohol. He stated Pub II was 200 yards from his store. He stated that the City approved an all types of alcohol liquor license to Franzetti's Pantry Plus, which he had owned for 21 years. He stated that all their customers were going to Franzetti's Pantry Plus. He stated that customers asked why West Market Groceries did not have hard alcohol.

Mr. Boyle asked what the hours of operation were for West Market Groceries. Mr. Patel stated they were open from 7:00 a.m. to 10:00 p.m. seven days a week.

Mr. Boyle stated he had no additional questions. He stated that, for background, the standard for review for the application was outlined in Chapter 6, Section 109, of the City Code and read the following statement from the Code: "The City Council shall not allow a change in license classification unless it finds that the change in classification is necessary for the public convenience of residents of the City of Bloomington and is in the best interests of the City of Bloomington. In deciding whether the change of license classification should be granted, the City Council shall consider the factors set forth in § 6-106 of this chapter and may impose such conditions upon the reclassification license as provided in § 6-107 of this chapter. No change of license may be allowed if, on the basis of said criteria, the Council determines that the change would be detrimental to the City."

Mr. Boyle asked Mr. Patel if there had been a reduction in sales. Mr. Patel said yes.

Mr. Boyle asked Mr. Patel the period in which the establishment saw a reduction in sales or if he had proof the sales had decreased. Mr. Patel stated he saw a 20% reduction in sales. Mr. Patel explained that customers chose to buy hard liquor from other establishments instead of his business because they only offered beer and wine. He spoke about how they built this business up over a two-and-a-half-year period. Mr. Patel stated that, over the last two years, they have seen a decrease in sales. He gave Franzetti's as an example.

Commissioner Mwilambwe asked if there was anyone to speak for or against this item. Luke Hermes spoke against on behalf of Starcrest Dry Cleaners and on behalf of the landlords

in the area. He stated that because of his self-service laundry facility being right up against the business in question, he has concerns about people bringing alcohol into the facility.

Commissioner Mwilambwe asked for additional information about Mr. Hermes concern. Mr. Hermes stated he was worried customers would bring in hard liquor and drink it in front of his store. He expressed that Starcrest already have issues with people trying to drink beer or wine in front of his business.

Commissioner Mwilambwe asked if customers consumed alcohol in his establishment. Mr. Hermes said no because they regulate it to avoid issues with alcohol inside their building, but that staff could not control people from loitering outside.

Mr. Boyle asked if there were police calls about Mr. Hermes' business. AC Bays stated the realm of calls in normal, but they usually do not receive calls for people drinking outside of another business.

Commissioner Meister expressed the difficulty of a decision because she understood the competition in the area made it harder to complete when only selling beer and wine but that she also understood how loitering would be an issue.

Commissioner Mwilambwe asked Mr. Hermes if he could attribute customers buying alcohol and immediately consuming it outside the store to West Market Groceries. Mr. Hermes stated he believed the store was operating correctly, but the location of the establishment made the situation difficult.

Mr. Hermes asked if there was a possibility of putting the Item on pause so he could discuss with the owner and attempt to come to a mutual understanding, which may result in his rescinding his opposition. Commissioner Mwilambwe explained how the Commission always hoped for businesses to come to a mutual understanding.

Commissioner Mwilambwe asked Mr. Patel if he wanted to respond to the comments.

Mr. Patel stated he did not see the businesses concluding amicably because the facts wouldn't change. He explained how staff controlled the front of their store but expressed that they could not control people. He then stated that customers can easily go down the block and get liquor from somewhere else if they wanted.

Commissioner Mwilambwe stated that it did not seem like the businesses would be able to work together to come to a conclusion that wouldn't negatively impact each other.

Mr. Boyle advised the Commission on two options for the Item. He stated the Item could be tabled for a month to allow an opportunity for an agreement to be made between the businesses that would withdraw the opposition or the Commission could decide today for or against the request.

Commissioner Meister asked if the Item would still go to City Council if it passed today. Mr. Boyle confirmed it would.

Commissioner Mwilambwe suggested a possible Special Liquor Commission meeting to discuss if they were worried about timing. Mr. Boyle recommended the Item be placed on a regular meeting. Leslie Yocum, City Clerk, and Mr. Boyle discussed publication notice procedures if an Item was tabled and Mr. Boyle advised a publication notice was not required if a specified date and time was announced.

Commissioner Meister made a motion, seconded by Commissioner Mwilambwe, to table the item until the November 8, 2022, Liquor Commission Meeting at 4:00 p.m.

Commissioner Mwilambwe directed the Clerk to call roll:

AYES: Meister, Mwilambwe

Motion carried.

Commissioner Mwilambwe closed the public hearing at 4:33 p.m.

The following item was presented:

Item 5.B. Public Hearing and action on an Application from Sport & Bait Lounge Tavern, Inc., d/b/a Sport & Bait Lounge Tavern, located at 304 N. Morris Ave., requesting an approval of a change of ownership 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 4:34 p.m.

James Sample, potential new owner for Sport & Bait Lounge Tavern, after being sworn, addressed the Commission. He stated he hopes to be approved for the liquor license to carry on the establishment as it's been run. He shared that since 2016 he has been in management and had ownership since 2018 of Daddio's, Elroy's, and Reality Bites in Downtown Bloomington.

Zelda Hinchee, Secretary, and current Owner of Sport & Bait Lounge Tavern, after being sworn, addressed the Commission. She stated they have been in business for 42 years and since losing their gaming license, they have been losing business. She explained that once they had the chance to sell, they wanted to do so.

Assistant Police Chief Ken Bays stated that he had no concerns.

George Boyle, Asst. Corporation Counsel stated he had no concerns or comments.

Commissioner Mwilambwe asked if there was anyone present to speak for or against the application. No individuals stepped forward.

Commissioner Mwilambwe closed the public hearing at 4:38 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.C. Consideration and action to approve an Application from Toastman Group II, LLC, d/b/a Egg Republic, to be located at 511 Chancellor Dr., requesting a 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 4:39 p.m.

Yiber "John" Pinjolli, Owner of Toastman Group II, LLC, and Mirie Pinjolli, Owner of Toastman Group II, LLC, after being sworn in, addressed the Commission. Mr. Pinjolli stated they were excited to open in Bloomington and explained he and his family have operated a restaurant in LeRoy (Jack's Café) since 2008 that was family-orientated and community-

orientated which served breakfast, lunch, and dinner. He explained that they remodeled a room in the restaurant to add a small bar 2016. Mr. Pinjolli stated that they wished to open an establishment (Egg Republic) with a similar environment in Bloomington, where they would also add a bar to create a good atmosphere.

Commissioner Mwilambwe asked what the hours of operation would be. Mr. Pinjolli stated Egg Republic would be open from 7:00 a.m. to 3:00 p.m.

Commissioner Mwilambwe noted dinner would not be served and asked when alcohol will be served. Mr. Pinjolli stated alcohol would be served from 7:00 a.m. to 3:00 p.m. for breakfast and lunch. He stated Egg Republic would be family-orientated and they would promote brunch, bloody marys, mimosas, and champagne.

Commissioner Meister asked if the staff would be BASSET trained. Mr. Pinjolli stated that all staff, including himself, would be BASSET trained as well as certified food handlers.

Commissioner Meister asked the 7:00 a.m. to 3:00 p.m. hours of operation were seven days a week. Mr. Pinjolli stated that was correct.

Commissioner Mwilambwe asked the number of employees. Mr. Pinjolli stated that his current restaurant (Jack's Cafe) was 25-30 and that, with shortened hours at Egg Republic, he anticipated 20-25 employees.

Commissioner Mwilambwe asked what the capacity was for Egg Republic. Mr. Pinjolli estimated seating for 120-130.

Commissioner Mwilambwe asked if there would be a resident in management. Mr. Pinjolli stated he hired a consultant that would be the bar manager who would craft cocktails and train staff.

Staff had no additional questions for the applicant.

Commissioner Mwilambwe asked if there was anyone present to speak for or against the application. No individuals stepped forward.

Commissioner Mwilambwe closed the Public Hearing at 4:45 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.D. 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, as requested by the Legal Department.

Commissioner Mwilambwe introduced the item. Mr. Boyle stated this was the first appearance on this citation and that on three different occasions a total of 10 minors were found in the establishment. He stated the hearing has been continued to the November 8, 2022, Liquor Commission Meeting at Legal's request.

The following item was presented:

Item 5.E. 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.

Commissioner Mwilambwe introduced the item. Mr. Boyle stated this was the first appearance on this citation. He stated the hearing has been continued to the November 8, 2022, Liquor Commission Meeting at Legal's request.

Old Business

No Old Business was discussed.

New Business

No New Business was discussed.

Executive Session

No Executive Session was discussed.

Adjournment

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

Motion carried (viva voce).

The Meeting Adjourned at 4:48 p.m.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Liquor Commissioner

ATTEST

Amanda Stutsman, Deputy City Clerk