

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

September 9, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Philip Wayne and Emmalee Baker to allow moderate consumption of alcohol at their October 11, 2014, wedding reception to be held at the Lake Bloomington Davis Lodge. 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 Philip Wayne, groom and Emmalee Baker, bride and requestors' representatives.

Commissioner Renner opened the Public Comment section of the meeting.

Bruce Meeks, 1402 Wright, addressed the Commission. He addressed the Commission's agenda and requested that the form be changed. He cited consistency. He also requested that information be made available regarding the liquor license applications. He cited openness and transparency.

Commissioner Renner opened the liquor hearing and requested that the requestor's representatives address this request. Philip Wayne and Emmalee Baker, groom and bride, addressed the Commission. The wedding ceremony and reception would be held at the Lake Bloomington Davis Lodge on October 11, 2014. It would start around 5:00 p.m. and end at 11:00 p.m. They anticipated 100 guests. Famous Dave's, located at 1603 B Morrissey Dr., would provide the food and beverage service. Liquor service would be limited to beer and wine only. Quite hours at Davis Lodge commence at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Philip Wayne and Emmalee Baker to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their October 11, 2014 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's September 22, 2014 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:10 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Pilot Travel Centers LLC, d/b/a Pilot Travel Center #299, located at 1522 W. Market St., requesting a GPBS liquor license which would allow the sale of packaged beer and wine 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, and Tracey Covert, City Clerk; and Will Sanders, General Manager and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. Will Sanders, General Manager and Applicant's representative, addressed the Commission. He noted that Pilot had held a liquor license at this location in the past. Pilot currently offered video gaming. The application was for packaged beer and wine only.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License – Findings, (14), which addressed video gaming. He noted that Pilot was a truck stop. A truck stop qualified under state law for a video gaming license. He noted that Pilot had held a liquor license, (packaged beer and wine only), in the past.

Commissioner Tompkins expressed his belief that a business needed a liquor license to qualified for a video gaming license under state law. Tracey Covert, City Clerk, added that truck stops were cited in state law as being eligible for video gaming.

Commissioner Jordan recalled that Pilot had held a liquor license.

Mr. Sanders believed that there was a point in time when a business could not have both, (video gaming and liquor license).

Commissioner Tompkins noted that the Emergency Contact Sheet should list someone who resided within McLean County. Mr. Sanders stated that Pilot would provide same.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the Council that a GPBS liquor license for Pilot Travel Centers LLC, d/b/a Pilot Travel Center #299, located at 1522 W. Market St., be approved contingent upon compliance with all health safety codes with the following condition: 1.) the Emergency Contact Sheet be amended to include an individual who resides in McLean County.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's October 13, 2014 Consent Agenda. He encouraged him to attend same.

There being no further business before the Commission, the meeting recessed at 4:15 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 requested that the Applicant's representative address this request. Brian Haskins, owner/operator and Applicant's representative, addressed the Commission. He informed the Commission that he planned to operate a packaged liquor/tobacco store.

Commissioner Tompkins described Smoke Rings as a smoke shop with a packaged liquor store.

Commissioner Jordan questioned Mr. Haskins' liquor license experience. Mr. Haskins informed the Commission that he had been employed with Qik N Ez for eleven (11) years. Smoke Rings was a family business. At this time, he and his wife were the store's employees. The store had been open for a couple of months. He added that completion of BASSET (Beverage Alcohol Sellers and Servers Education & Training), training would impact his insurance rates.

Commissioner Renner noted that Smoke Rings was located near residential areas. He questioned single serve sale items. Mr. Haskins noted that Smoke Rings was a small business. Single serve sizes sold quickly.

Commissioner Renner cited his concern regarding single serve sales near residential areas. The Commission could recommend that conditions be placed upon the license. He also cited concerns regarding loitering.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited Chapter 6. Alcoholic Beverages, Section 4C. Conditions of Creation, which addressed conditions being placed on a liquor license. He cited past conditions placed on liquor license holders regarding single serve sales, (i.e. sale hours for same).

Pastor Joseph Brown, Integrity Deliverance Ministries Integrity Church, located at 1409 S. Main St., addressed the Commission. His church was located across the street from Smoke Rings. He cited his experience with Carniceria de La Mexicana, located at 1416 S. Main St. He believed that signage and space restrictions regarding alcohol had been placed upon Carneceria. Smoke Rings planned to sell all types of packaged alcohol, seven (7) days a week. He added his concern regarding sale hours. He cited church services and Bible study.

Commissioner Renner questioned Pastor Brown's response regarding a prohibition regarding single serve sale items.

Pastor Brown cited his opposition to this application for a liquor license. He believed that alcohol sales were in conflict with church services. He noted that Sunday church services commenced at 9:00 a.m. and ended around 12 noon. In addition, Bible study was held on Wednesday nights.

Commissioner Tompkins noted that the church was across the street. He believed that there was a separation requirement, (i.e. 100'). He questioned the distance between the church and Smoke Rings.

Commissioner Jordan believed that the distance was measured from property line to property line.

Sue Feldkamp, 1401 Wright St., addressed the Commission. She resided in the neighborhood. She had visited Smoke Rings. The staff was friendly. She cited her concerns regarding single serve sale items. She noted pedestrian traffic. She cited concerns raised in the Downtown regarding single serve sales.

Bruce Meeks, 1402 Wright St., addressed the Commission. He expressed his concern regarding the separation between the church and Smoke Rings. The Commission should use GIS, (Geographic Information System), mapping to determine the distance. He believed that there was another church located at 1409 S. East St., (*Pilgrim Holiness Church*).

He also addressed his concerns regarding single serve sales. In addition, there was no loading dock at this location. He cited traffic. He also addressed other liquor licenses in the area: Carniceria located at 1416 S. Main St.; Bonkers located at 1507 S. Main St., and the New Lafayette Club located at 1602 S. Main St. There were panhandlers at Hucks located at 102 W. Oakland Ave. The Walgreens store located at 909 S. Main St. did not have a liquor license. He cited the City's moratorium regarding taverns on Main St. The City had been too free when handing out liquor licenses. The City needed to limit the total number of liquor licenses. Liquor was available for sale in the City seven (7) days a week.

Commissioner Renner wanted to clarify that the Council did not have a moratorium regarding the Downtown taverns. The Council made a decision to limit the number of Downtown taverns.

Commissioner Jordan questioned the location of Pastor Brown's church.

Bernetta DeMay Jones, 9 Berenz Pl., addressed the Commission. She expressed her concern regarding traffic. Carneceria, the Mexican grocery store, was doing well. Delivery truck made deliveries behind the store. The cross streets for this block of Main St. were Stewart and Baker. Commissioner Renner questioned the 100' prohibition. He questioned if the Applicant would be required to show proof. Mr. Boyle stated that the City needed a measurement.

Commissioner Jordan questioned if the measurement should be from property line to property line. He believed the requirement was contained in state law. The measurement must be proper and accurate.

Mr. Haskins informed the Commission that he had taken a measurement from the store's front door to the corner of the building, (i.e. church). The distance was 144'.

Mr. Boyle offered to review state law.

Commissioner Renner noted that if the distance was less than 100', the Commission could not approve this application. At this time, it would not be appropriate to address single serve sales nor liquor sale hours. He recommended that this application be held over until the Commission's October 14, 2014 meeting. The City Clerk's Office needed to be provided with information which addressed the 100' distance. He recommended that the Commission give consideration to the following conditions: 1.) no single serve sales and 2.) no liquor sales on Sunday until 12 noon. This application would be reconsidered next month.

Commissioner Tompkins recommended that an independent party be retained to measure the distance.

Commissioner Renner added that there must be documentation.

Mr. Haskins noted that the City Code did not state "from property line to property line".

Commissioner Renner stated that the City must comply with state law.

Mr. Boyle noted that there was dual control. A liquor license holder must be in compliance with both, (City and state laws). He would review state statute. He requested that Mr. Haskins provide documentation to the City Clerk's Office seven to ten, (7 – 10), days prior to the Commission's hearing date.

Mr. Haskins questioned the acceptable documentation.

Mr. Boyle offered to provide suggestions after his review of state statute.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to that the application by 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 alcohol for consumption off the premises seven (7) days a week be laid over until the Commission's October 14, 2014 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:40 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of A-1 Liquor Mart, Inc., d/b/a Pub I, located at 505 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 Sukhwinder Kaur, owner/operator and Applicant's representative; and Mac Arnold, Applicant's attorney.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representatives address this request. Mac Arnold, Applicant's attorney, addressed the

Commission. He stated that the plan was to renovate the property. A professional plan would be provided by an engineering firm after the City's approval of this application. This plan would include the HVAC, (Heating, Ventilating and Air Conditioning), systems, etc. He noted that there was no grandfathering. He added that any action by the Commission would be contingent upon approvals by the City's PACE, (Planning and Code Enforcement), Department. His client was willing to invest in this property. She currently resided in Morton, IL but planned to relocate to the City. The current liquor license at this location was a TAPS, (Tavern, All types of alcohol, Packaged, Sunday sales). At the current Pub I, the liquor store was on the left and the tavern was on the right. Pub I would become a convenience store. It would fill a niche.

He hoped that the Commission would consider this request prior to the building improvements. His client was not interested in single serve sales. Pub I was located in the former Boylan's candy building. The building would be brought up to code. His client had experience. She had been a prime operator who had recently sold a store located in Creve Coeur, IL. She was a successful business woman who had financial backers. She also had liquor sales experience.

Commissioner Jordan restated that there would be no single serve sales.

Mr. Arnold believed that his client should address this question. He restated that Pub I currently offered single serve sales. Pub I had been in business for forty-two (42) years. He raised the issue of fairness. He noted that the Commission had not expressed any concerns regarding the existing tavern.

Commissioner Tompkins questioned the applicant's liquor sales history/experience.

Sukhwinder Kaur, owner/operator and Applicant's representative, addressed the Council. She planned to offer fresh food, (i.e. produce), to the neighborhood.

Commissioner Jordan questioned the West Market St. Grocery located at 301 W. Market St., Unit B. Tracey Covert, City Clerk, addressed the Commission. West Market St. Grocery could not offer single serve items for sale. This condition was established by the property owner.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He questioned the applicant's liquor sales history.

Ms. Kaur did not have any violations. She had held a liquor license since the early 2000 at three (3) different establishments. She had been the manager/owner of these businesses. She added that she had financial partners.

Commissioner Tompkins questioned if Ms. Kaur was familiar with the City's liquor code. Ms. Kaur responded affirmatively.

Dennis Arnold, 504 N. Lee St., addressed the Commission. He currently served at the Gridley, Allin, & Prickett's, (GAP), Neighborhood Association's President. His home was contiguous with the Pub I. He noted Pub I's continuous ownership. He described a tavern as a control

premise, only those twenty-one (21) and older were allowed. He expressed his concern regarding a packaged liquor license. He cited single serve sales, loitering by pedestrians, etc.

Commissioner Renner noted Mr. Arnold's preference for a tavern over a convenience store.

Mr. D. Arnold stated that no single serve sales were allowed in the area. He cited a level playing field. The Bloomington Normal Economic Development Council had labeled the neighborhood as an under served area. He requested that the Commission and Council's actions be consistent to benefit the neighborhood. He noted the claim that single serve items had been offered for sale during the last forty-two (42) years. He believed that single serve sales had ceased approximately seven (7) years ago. He restated his concern regarding single serve sales.

Commissioner Jordan questioned if the GAP's Neighborhood Association planned to present the City with a petition.

Mr. D. Arnold noted the history of liquor license applications/proposals. He had lived in the neighborhood for thirty-two (32) years. The GAP Neighborhood Association would meet on Thursday, September 11, 2014.

Commissioner Tompkins noted that there was a tavern located next door to Mr. Arnold.

Commissioner Jordan expressed his interest in the neighborhood's thoughts regarding this application. Mr. D. Arnold recalled the past history.

Commissioner Jordan noted that the Applicant had agreed that there would not be any single serve sales. Mr. M. Arnold responded affirmatively.

Mr. D. Arnold restated that the tavern owner had control over the premises. Convenient stores were different. He believed that the neighborhood would welcome a retail outlet that offered fresh produce. The neighborhood had welcomed. West Market St. Grocery located at 301 W. Market St., Unit B.

Cindy Arnold, 504 N. Lee St., addressed the Commission. She stated that John Rokos, owner/operator and License holder for Pub I, had been a good neighbor. A convenient store would offer a variety of items for sale. This would draw a mixture of people. There would be loitering in the parking lot. The area was not underserved in the area of liquor sales. The area did not need single serve sales. There were a number of community social service organizations in the neighborhood. There also was a school bus stop. She welcomed the sale of fresh produce. She requested that the Commission verify the conditions placed on West Market St. Grocery. *(Existing conditions: 1.) sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750ml bottle of wine and 2.) no alcohol sales permitted before 9:00 a.m. on Monday through Friday.)*

Bruce Meeks, 1402 Wright St., addressed the Commission. He believed that the Commission lacked information regarding the Applicant. He noted John Rokos', current license holder, dedication to the neighborhood. He supported Ms. Kaur's efforts to address the neighborhood's

food desert status. Single serve sales were an issue. These items provided the best profit margins. This application did not include a floor plan. He expressed his appreciation for the Applicant's interest in the neighborhood. He was not opposed to this application.

Commissioner Tompkins noted that all single serve sales were not equal, (i.e. cold single serve). He cited the neighborhood's concerns.

Commissioner Renner cited the investment needed in this property. The Commission could place conditions upon this application.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the Council that a PAS liquor license for A-1 Liquor Mart, Inc., d/b/a Pub I, located at 505 W. Market St., be approved contingent upon compliance with all health safety codes with the following conditions: 1.) no single serve sales which were defined as forty ounces (40 oz.) of beer and/or sixteen ounces (16 oz.) of spirits or less, wine would be excluded; 2.) video surveillance cameras be installed on the building's exterior; and 3.) the building renovation plans be approved by the City.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's October 13, 2014 Consent Agenda. He encouraged them to attend same.

Commissioner Renner welcomed feedback from the GAP Neighborhood Association.

There being no further business before the Commission, the meeting recessed at 5:15 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Ruth Roley regarding the ownership of Ruth & Wayne Roley, d/b/a A & P Tap, located at 721 W. Chestnut St., currently holding a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor 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. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of ownership. 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.

George Boyle, Asst. Corporation Counsel, informed the Commission that Wayne Roley had died. Ruth Roley would continue to operate the business as a sole proprietor.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of ownership for Ruth Roley, d/b/a A & P Tap, located at 721 W. Chestnut St., currently holding an TAPS 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 5:16 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Lakeside Country Club, Inc., d/b/a Lakeside Country Club, located at 1201 E. Croxton Ave., 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. 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 Covert, City Clerk, informed the Commission that the new Board of Directors were: Sean Craig, Officer - President; Brett Krause, Officer – Vice President; Mike Craig, Officer – Treasurer; Tanya Rose, Other, Don Teichman, Other; Carol Parker, Other; Alan Bardwell, Other, and Jeff Holtz, Other.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of board membership for Lakeside Country Club, Inc., d/b/a Lakeside Country Club, located at 1201 E. Croxton Ave., 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 5:17 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to address the liquor violation by Europe, Inc., d/b/a Chasers, located at 110 W. Washington St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass 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. Corporation Counsel, and Tracey Covert, City Clerk,.

Commissioner Renner opened the liquor violation hearing and informed the Commission that a Ron Nurceski, owner/operator of Chasers, had requested a credit for the second camera system.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited the Order. He noted the fine. Mr. Nurceski was required to install a camera system approved by the City's Police Department. The Order included a \$2,500 credit for the camera system, (i.e. subtracted from the fine). The Police Department recommended a different system than the one installed by Mr. Nurceski. An invoice had been provided to the City, (i.e. invoice dated November 1, 2013 in the amount of \$2,584). The Police Department found this system insufficient. Mr. Nurceski purchased a second camera system. Mr. Nurceski had requested an additional \$2,155 credit for same. He offered to convey this request to the Commission.

Mr. Boyle summarized that Mr. Nurceski had purchased two (2) camera systems and presented the City with two (2) invoices. He noted that Sgt. Dan Donath was not available to address the Commission.

Commissioner Renner questioned the second system. Mr. Boyle noted that the second system captured the individual and the identification presented.

Commissioner Renner noted that the Commission's action regarding this violation had gotten everyone's attention. The Commission had made a statement.

Commissioner Jordan questioned if the Police Department was satisfied.

Clay Wheeler, Asst. Police Chief, addressed the Commission. He expressed his understanding and responded affirmatively. The Police Department's goal would be for all Downtown taverns to install similar systems in every licensed establishment. Individuals would be captured with the identification presented. This type of systems would assist with investigations. In addition, these systems would compliment the Downtown cameras. He had just received copies of the invoices cited by Mr. Boyle and had not had time to review same.

Commissioner Tompkins believed that Mr. Nurceski had purchased the first system without consulting the Police Department.

Commissioner Renner noted Mr. Nurceski has purchased the same system as the one installed at Elroy's located at 102 W. Washington St.

Mr. Boyle stated that the Commission had been provided with copies of the invoices for review. The Commission had the authority to determine a credit, if any, would be given. The first system did not meet the Police Department standards.

Commissioner Renner expressed his comfort level to grant the credit requested.

Commissioner Jordan noted the credit value, (i.e. \$4,600). He noted that the Police Department was satisfied with the system installed and believed that it should be one used in other licensed

establishments. Mr. Nurceski had tried to satisfy the City. He was not opposed to the credit requested.

Commissioner Tompkins questioned an additional \$2,100 credit. He noted the percentage of credit based upon the total fine.

Commissioner Renner noted that fines were meant to correct situations.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to approve a \$4,600 credit for the two (2) camera systems.

Motion carried, (viva voce).

Commissioner Tompkins expressed his concern regarding payment dates and timely payments.

Commissioner Renner noted that the Commission's October 14, 2014 meeting agenda would include liquor license fees and video gaming fees.

Tracey Covert, City Clerk, questioned if the Commission would hold a public hearing on that date and reaching out to all licensed establishments.

Commissioner Renner responded negatively. The Commission would have a separate discussion first. The public hearing would be held at the Commission's November 4, 2014 meeting. The Commission needed to address the principal reason for any fee increase. He believed that the Council was interested in a video gaming fee. He did not want there to be a disconnect between the Commission and Council.

Tracey Covert, City Clerk, informed the Commission that six (6) licensed establishments had closed since June 2014.

There being no further business before the Commission, the meeting adjourned at 5:34 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk