

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

August 13, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Sarah Kelch and Mark Mellor to allow moderate consumption of alcohol at their November 9, 2013, wedding reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Sarah Kelch, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Sarah Kelch, bride, addressed the Commission. Her wedding was scheduled for November 9, 2013 at the Miller Park Pavilion. She planned to invite 100 guests. Famous Liquors, located at 1404 E. Empire St., would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 5:15 p.m. at the Miller Park Pavilion. The reception would start at 6:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Sarah Kelch and Mark Mellor to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 9, 2013 wedding be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's September 9, 2013 Consent Agenda. He encouraged Ms. Kelch 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 request of Becky Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at their November 9, 2013, wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Becky Stolzenbach, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Becky Stolzenbach, bride, addressed the Commission. Her wedding reception was scheduled for November 9, 2013 at the Lake Bloomington Davis Lodge. She planned to invite 150 guests. A decision on a City licensed caterer had not been made at this time. She believed that Baxter's American Grille, located at 3212 E. Empire St., would be the caterer. She understood that liquor service, which would be limited to beer and wine only. The

wedding would be held in Gatlinburg, TN on October 19, 2013. The reception would start at 2:00 p.m. and end by 10:00 p.m. The Lake Bloomington's Davis Lodge must be vacated by midnight, 12:00 a.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Becky Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their November 9, 2013 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's September 9, 2013 Consent Agenda. He encouraged Ms. Stolzenbach to attend same.

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 request of Jessica Schiek and Jonathan Frederick to allow moderate consumption of alcohol at their October 6, 2013, wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that no one was present to address this request.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the request of Jessica Schiek and Jonathan Frederick to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their October 6, 2013 wedding be laid over until the Commission's September 10, 2013 meeting with the option for Commissioner Renner to schedule a Liquor Hearing in the interim and approve this request if necessary.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:13 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Michelle Julian and Jody Ravary to allow moderate consumption of alcohol at their November 8, 2014, wedding reception to be held at the Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk, and Michelle Julian & Jody Ravary, bride & groom and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Jody Ravary, groom, addressed the Commission. His wedding was scheduled for November 8, 2014 at the Miller Park Pavilion. He planned to invite 150 guests. Famous Liquors, located at 1404 E. Empire St., would be retained to provide liquor

service, which would be limited to beer and wine only. The wedding was scheduled for 3:00 p.m. at the Miller Park Pavilion. The reception would start at 4:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the request of Michelle Julian and Jody Ravary to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 8, 2014 wedding be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's September 9, 2013 Consent Agenda. He encouraged Mr. Ravary to attend same.

There being no further business before the Commission, the meeting recessed at 4:14 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd., requesting an RBS liquor license, which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk; and Ravi Patel, owner/operator and Applicant representative.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application.

Commissioner Tompkins questioned the Applicant's Emergency Contact Sheet. He requested that additional persons be listed. Ravi Patel, owner/operator and Applicant representative, addressed the Commission. He acknowledged same.

Commissioner Tompkins questioned the Liquor License Questionnaire. He specifically cited 1. Legal Requirements, items (l) and (n). He questioned Mr. Patel's familiarity with state and local liquor laws. He also questioned Mr. Patel's liquor sales experience. Mr. Patel informed the Commission that this would be his first liquor license.

Commissioner Tompkins questioned if Mr. Patel was familiar with the City's BASSET training requirements. Mr. Patel responded negatively.

Commissioner Tompkins encouraged Mr. Patel to review the City's BASSET ordinance. BASSET training was available and there were a variety of options. Mr. Patel restated that he had no liquor sales experience. Commissioner Tompkins noted that there were responsibilities to holding a liquor license. Mr. Patel needed to familiarize himself with both state and local liquor laws.

Commissioner Stockton questioned if Mr. Patel had a copy of the City's Alcoholic Beverage Code, (Chapter 6). Mr. Patel responded affirmatively.

Commissioner Stockton stated that a liquor license holder must have a full understanding of the liquor laws. Mr. Patel needed to spend time and review same. He needed to gain an understanding of the laws. He encouraged Mr. Patel to reach out to the Liquor Commission, the City Clerk's Office and/or George Boyle, Asst. Corporation Counsel. The Commission would not accept an "I did not know" as an acceptable excuse in the event of a liquor violation.

George Boyle, Asst. Corporation Counsel, addressed the Applicant. He restated that Chapter 6. Alcoholic Beverages was available on the City's web site. He also encouraged Mr. Patel to call the Corporation Counsel Office with any questions. He also questioned if Mr. Patel had a copy of Chapter 6. Alcoholic Beverages.

Commissioner Renner encouraged the Commission to take action on this application.

Commissioner Stockton questioned when the restaurant had opened. Mr. Patel stated on March 30, 2013. There were food sales but alcoholic beverages were not available. Commissioner Stockton questioned Mr. Patel's application. Mr. Patel informed the Commission that he had established the restaurant first. Customers have requested alcoholic beverages.

Commissioner Stockton questioned the anticipated percentage of alcohol sales. He expressed his opinion that alcohol sales would be limited. Mr. Patel responded liquor sales might equal \$50,000 annually which would be thirty to forty percent, (30 – 40%) of total sales. He informed the Commission that the facility had a banquet hall.

Commissioner Stockton noted that Mr. Patel's application stated no entertainment. He acknowledged that the banquet hall could be used for receptions and/or parties. He believed that the percentage of alcohol sales cited was high for a restaurant. Mr. Patel noted that the banquet hall could be used for birthday parties.

Commissioner Stockton questioned if the banquet hall would be in use when the restaurant was closed. Mr. Patel believed that such use would be unlikely. Commissioner Stockton questioned if parties would be held when the kitchen was closed. Mr. Patel responded negatively. He added that staff would have to be scheduled for such events.

Commissioner Stockton questioned if Mr. Patel had a business partner with liquor sales experience. Mr. Patel informed the Commission that he had a silent partner who had operated a restaurant in India.

Commissioner Tompkins did not believe that this restaurant would create additional traffic. He also questioned the percentage of alcohol sales. He questioned the restaurant's commercial neighbors. Mr. Patel noted Monical's Pizza located at 718 S. Eldorado Rd. and Legends Sports Bar and Grill located at 712 Eldorado Rd. Commissioner Tompkins noted that both of these businesses held liquor licenses. He noted Mr. Patel's Liquor License Questionnaire, 3. Impact of Establishment (i).

Commissioner Stockton noted that this restaurant was surrounded by establishments which held liquor licenses. He noted that the Commission had all of the required documents.

Commissioner Tompkins cited his concern regarding Mr. Patel's grasp of state and local liquor laws. Mr. Patel needed to understand the responsibility of holding a liquor license.

George Boyle, Asst. Corporation Counsel, noted the availability of BASSET training in the community.

Tracey Covert, City Clerk, addressed the Commission. Heartland Community College offered its first BASSET class on August 12, 2013. The Illinois Liquor Control Commission (ILCC) has approved on line classes. ILCC staff recommended that on line courses be used as a refresher.

Commissioner Stockton expressed his trust in Mr. Patel that he would complete BASSET training within sixty (60) days of liquor license approval.

Commissioner Renner noted that all liquor license holders would be held to the same standard.

Mr. Boyle encouraged Mr. Patel to contact Heartland Community College as soon as possible.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the application by Saraswati Group, LLC, d/b/a Rangoli Indian Cuisine, located at 716 S. Eldorado Rd. requesting an RBS liquor license, which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Patel that this item would appear on the September 9, 2013 City Council Consent Agenda. He encouraged him to attend this meeting.

Commissioner Stockton encouraged Mr. Patel to contact the City Clerk's Office or Corporation Counsel Office with any questions. He also encouraged Mr. Patel to sign up for a BASSET training course.

There being no further business before the Commission, the meeting recessed at 4:32 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Illinois Brewing Company, Inc., d/b/a Illinois Brewing Company, located at 102 N. Center St., Unit 111, currently holding a TAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week and the sale of package alcohol for consumption off the premises. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of corporate shareholder. 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, addressed the Commission. She informed them that a shareholder had been added to the corporation: Ken Gaske would hold a 4.54% interest.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton to accept the change of corporate shareholder for Illinois Brewing Company, Inc., d/b/a Illinois Brewing Company, located at 102 N. Center St., Unit 111, currently holding a TAPS 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 4:33 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Biaggi's Ristorante Italiano, LLC d/b/a Biaggi's Ristorante, located at 1501 N. Veterans Pkwy., currently holding an 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. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this item involved notification of violation payment.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for Biaggi's. The violation occurred as part of a Police Department audit. It involved underage sales. The license holder paid a \$600 fine.

There being no further business before the Commission, the meeting recessed at 4:33 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Casey's Retail Company d/b/a Casey's General Store #2554, located at 2017 Fox Creek Rd., currently holding a GPBS liquor license which allows 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, Steve Stockton, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this item involved notification of violation payment.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for the Casey's located at 2017 Fox Creek Rd. The violation occurred as part of a Police Department audit. It involved underage sales. The license holder paid a \$600 fine.

There being no further business before the Commission, the meeting recessed at 4:33 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Ireland Grove, LLC d/b/a The Links at Ireland Grove, located at 3807 Ballybunion Rd., currently holding a RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this item involved notification of violation payment.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for the Links at Ireland Grove. The violation occurred as part of a Police Department audit. It involved underage sales. The license holder paid a \$600 fine.

There being no further business before the Commission, the meeting recessed at 4:33 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the proposed Text Amendment to Section 3. Number of Licenses Limited - Applications. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that City staff address this item. George Boyle, Asst. Corporation Counsel, addressed the Commission. He added that this item had been introduced to the Commission at their July 9, 2013 meeting. The application fee would be increased from \$300 to \$400.

Commissioner Stockton questioned the last time this fee had been increased. Tracey Covert, City Clerk, informed the Commission that this fee was last increased in September 1998. She noted that the cost to place a legal notice had increased over time. The fee also addressed mailing costs and City inspections.

Motion by Commissioner Stockton, seconded by Commissioner Tompkins that the proposed Text Amendment be approved and recommended to the Council for adoption.

Motion carried, (viva voce).

Commissioner Renner informed the Commission that this item would appear on the September 9, 2013 City Council Consent Agenda.

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 Violation Hearing to order regarding 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 for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner,

Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that September 17, 2013 appeared to be the potential date for the formal violation hearing.

Commissioner Stockton informed the Commission that he would be unavailable until after September 20, 2013.

Commissioner Tompkins stated his preference that the hearing be scheduled on a day that Commissioner Stockton would be available. He suggested alternative hearing dates, (October 1, 2 and/or 3, 2013). He encouraged City staff to contact Bob Lenz, license holder's attorney.

George Boyle, Asst. Corporation Counsel, would be responsible for the meeting arrangements. A potential default date would be October 8, 2013, the Commission's regular monthly meeting date.

Commissioner Tompkins questioned the license holder's decision to retain legal counsel.

Mr. Boyle addressed the Commission. He reminded them that the license holder had stipulated to the facts. The license holder had recently retained an attorney. He had met with Mr. Lenz to discuss the liquor violation hearing process. Mr. Lenz requested additional time to become familiar with the case.

Commissioner Tompkins noted that David Hales, City Manager, was instructed by the Council to prepare a Downtown Nightlife Report. The maximum fine per count was \$3,500. He noted that twenty-six (26) violations had been grouped into four (4) counts. He questioned if the maximum fine per count would be \$3,500.

Mr. Boyle stated it was dependent upon how the Commission viewed same. Violations were grouped into counts. This was not meant to place limitations upon the Commission.

Commissioner Stockton noted that these were serious violations. He added that the license holder had stipulated to the facts. There was an agreement.

Mr. Boyle restated that the license holder had verbally stipulated to the facts at the Commission's July 9, 2013 meeting. This information was contained in the Commission's meeting minutes.

Commissioner Stockton noted that the violation hearing would be limited to aggravating and mitigating factors. The Commission would determine the penalty.

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

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk