AMENDED MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION
August 9, 2016, 4:00 PM

1. **Call to order**

   The regular meeting of the Liquor Commission was called to order by Commissioner Renner at 4:00 p.m. on August 9, 2016.

2. **Roll Call**

   Tari Renner, Jim Jordan and Sue Feldkamp, Commissioners; George Boyle, Asst. Corporation Counsel; Asst. Police Chief Clay Wheeler; and Cherry Lawson, City Clerk.

3. **Public Comment**

   Commissioner Renner opened the meeting to receive Public Comment. No individuals provided comments during the meeting.

   The following was presented:

4. **Consideration of approving the Commission minutes of July 12, 2016.**

   Motion by Commissioner Jordan, seconded by Commissioner Feldkamp, to approve the Meeting minutes as presented of July 12, 2016.

   Motion carried, (viva voce).

   The following was presented:

5. **Consideration of the application of 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week.**

   Ketan Contractor, manager/applicant representative addressed the Commission. George Boyle, Corporation Counsel questioned if Mr. Contractor would be the Fast Stop's local manager. Mr. Contractor responded affirmatively. Mr. Boyle questioned if Sachin Patel, owner, was in attendance. Mr. Contractor responded negatively.

   Commissioner Renner questioned if Mr. Patel was purchasing the business. Mr. Contractor responded affirmatively. Mr. Boyle corrected that the property was sub leased. Mr. Contractor responded affirmatively. Mr. Boyle noted that the sub lease, submitted at the time of application, has Mr. Patel signing as the lessor who is leasing to someone else. He stated that the other individual, who signed as the lessee, was the person who obtained the lease.

Mr. Boyle questioned other leases signed. Mr. Contractor responded negatively. Commissioner Renner believed there were signatures in incorrect places. Mr. Boyle acknowledged same noting that the sub lease was not valid. Commissioner Renner informed Mr. Contractor that a valid lease would be required for a liquor license to be issued. Mr. Contractor acknowledged same. Mr. Boyle stated that as this was a sub-lease all leases associated would be required. He further explained that this would include the original lease and any/all sub lease to the sub lease submitted. Mr. Boyle noted that in order to obtain a liquor license the property was either bought or there was a valid lease.

Commissioner Renner questioned BASSETT (BASSET (Beverage Alcohol Sellers and Servers Education) certification. Mr. Contractor stated that he and Mr. Patel had BASSETT training.

Commissioner Renner questioned liquor violations. Mr. Contractor responded negatively.

Mr. Boyle questioned when Mr. Contractor was employed by Mr. Patel. Mr. Contractor stated that he was recently hired. Mr. Boyle questioned if Mr. Contractor had worked in Decatur, IL. Mr. Contractor responded affirmatively. The business name was Casey, LLC.

Commissioner Jordan questioned Mr. Patel listed as member of 6 Points, LLC.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan that the application 6 Points LLC, d/b/a Fast Stop, located at 1001 Six Points Rd., requesting a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week be approved contingent upon: 1.) submittal of a valid lease within fourteen (14) day, validated by Corporation Counsel; 2.) verification that Mr. Contractor is authorized to be the agent for Mr. Patel and 3.) compliance with all health and safety codes.

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

Ayes: Commissioners Jordan, Feldkamp and Renner.

Nays: None.

Motion carried.

Commissioner Renner noted that Commissioner Jordan would chair the remainder of the meeting; he left the dais at 4:10 p.m.

The following was presented:

6. **Consideration of the request from Ryan Tauscher & Katherine O'Shea to allow moderate consumption of alcohol at their September 11, 2016 wedding reception to be held at Davis Lodge.**

Katherine O'Shea addressed the Commission. She stated that Destihl Brewery would cater the reception. Beer and champagne only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the August 22, 2016 City Council meeting, approval of the request from Ryan Tauscher & Katherine O'Shea to allow moderate consumption of alcohol at their September 11, 2016 wedding reception to be held at Davis Lodge.

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

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

The following was presented:

7. **Consideration of the request from Neil Whitlock and Jaclyn Bennett to allow moderate consumption of alcohol at their October 8, 2016 wedding reception to be held at Davis Lodge.**

John Bennett, the bride's father, addressed the Commission. Mr. Bennett stated that HyVee would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the September 12, 2016 City Council meeting, approval of the request from Neil Whitlock and Jaclyn Bennett to allow moderate consumption of alcohol at their October 8, 2016 wedding reception to be held at Davis Lodge.

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

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

The following was presented:

8. **Consideration of the request from Kaleb Fornero and Christy Moore to allow moderate consumption of alcohol at their October 2, 2016 wedding reception to be held at Davis Lodge.**

Christy Moore, bride addressed the Commission. Ms. Moore stated that Times Past Inn would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the September 12, 2016 City Council meeting, approval of the request from Kaleb Fornero and Christy Moore to allow moderate consumption of alcohol at their October 2, 2016 wedding reception to be held at Davis Lodge.

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

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

The following was presented:

9. **Consideration of the request from James McCallum and Megan Lindenfelser to allow moderate consumption of alcohol at their October 9, 2016 wedding reception to be held at Davis Lodge.**

Megan Lindenfelser, bride addressed the Commission. Ms. Lindenfelser stated that Lake Road Inn would cater the reception. Beer and wine only would be served.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan to recommend at the September 12, 2016 City Council meeting, approval of the request from James McCallum and Megan Lindenfelser to allow moderate consumption of alcohol at their October 9, 2016 wedding reception to be held at Davis Lodge.

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

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

The following was presented:

10. **Reappearance of the application of Extravaganza Ballroom, Inc., d/b/a Extravaganza Ballroom, located at 113 E Monroe, requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

Rich Marvel, attorney for the applicant, and Cesar Castaneda, applicant representative, addressed the Commission. Mr. Marvel summarized concerns raised at the Liquor Commission meeting held on July 12, 2016. The goal was to obtain clarification. He noted that a meeting was held with Bob Combs, Building Official and George Boyle, Assistant Corporation Coun-

sel, to address the concerns. It was determined at that time that the purpose of the business was a banquet hall. He noted that without sprinklers the occupancy was 100 or less. Discussions with the building owner and applicant had occurred. The building owner has decided to add sprinklers to the space. Once the sprinkler system is completed, the space would allow occupancy over 100. He was not aware of the maximum capacity. George Boyle stated that until construction was complete maximum occupancy could not be established. Mr. Marvel noted that the applicant's intent was to begin the sprinkler project immediately, pending approval.

He stated that the facility would be available for rental for private events but would not be open to the public for public events or general admission. He believed the facility was needed in the community. Banquet halls had been researched in the Bloomington-Normal area. Same was very limited, approximately five or six (5-6) were found. Two (2) of which allow for the renter to bring their own food, those being Bloomington Center for the Performing Arts and the Miller Park Pavilion. The facilities found were for large gatherings. This facility was for smaller events. The applicant was ready to begin renting the space for birthdays and weddings.

Mr. Marvel addressed parking and traffic pattern concerns. The facility was surrounded by many one-way streets. It is located one to one and a half (1-1 ½) blocks south of the main bar area. They believed the majority of traffic would head west to the Market St. Garage on Monroe St.; south to the Lincoln Parking Garage on Front St. or east to find parking in the neighborhood. They believed that the City of Bloomington parking garages would be useful to address parking. Valet parking was not necessary, it would be an option if allowed.

Commissioner Jordan questioned staying open until 2:00 a.m. Mr. Marvel responded that the applicant would like to have the ability to remain open until 1:00 a.m. There could be a handful of events that would continue until 1:00 a.m. This would not be consistent with the type of events expected. Mr. Boyle stated his understanding, from previous discussion, that alcohol sales would cease at 12:00 a.m. (Midnight) and the facility would remain open until 1:00 a.m. Mr. Marvel stated that if that was the Commission's desire, the applicant was agreeable.

Commissioner Jordan questioned submittal of the outlined proposal for evaluation. He believed the application should be laid over so as to afford Commissioner Renner an opportunity to evaluate the proposal prior to consideration before the City Council.

Mr. Marvel responded that the applicant had already invested in construction improvements. There was a commitment to begin sprinkler work. They were open to conditions and capacity restrictions. The goal was to move forward. Mr. Marvel requested that the applicant be allowed, with appropriate restrictions, to begin operation.

Commissioner Feldkamp questioned sprinkler installation prior to opening. Mr. Marvel responded affirmatively. Commissioner Feldkamp questioned timeframe.

Cesar Castaneda addressed the Commission. He stated that they were waiting for the liquor application approval.

Commissioner Jordan questioned city inspections and recommendations. Mr. Boyle stated that liquor licenses were approved contingent upon compliance with all health and safety codes. He noted health and safety and occupancy compliance could not be determined as construction was not complete. The application approval lasts for six (6) months. The applicant could request a six (6) month extension with good cause. It was not unusual to have an application before the Commission in which construction was ongoing. Commissioner Jordan believed the Commission was being asked to approve applications when there were unknowns. Mr. Marvel echoed Mr. Boyle's comments.

Commissioner Jordan stated concern that the space could be rented for a party every Friday/Saturday night consistently as opposed to a banquet or wedding reception. Mr. Marvel acknowledged that the space was a banquet/party space. The applicant's intent was to rent the space for private events, not open to the general public. The facility would be rented in advance. This was the same as someone renting the Country Club.

Commissioner Jordan stated that there was an occupancy concern due to the impact on the Downtown. Council had concerns with the 400 – 600 block of north Main St. The Police Department had indicated concern with an event ending at the same time as taverns closing creating an additional 100 – 200 people in the area. He questioned creating a new issue.

Commissioner Jordan opened the meeting for public support of this application. No one came forward.

Commissioner Jordan opened the meeting for public opposition to this application.

Frank Hoffman, 401 N. Main St., addressed the Commission. He owns a business across the street from the proposed facility. He had experienced problems with vandalism and sick patrons from the Downtown taverns. He believed patrons from the facility, if the closing time was different than those of the taverns, would go to the open taverns. He noted that there were eight (8) parking spots on Monroe St. The sidewalk was narrow, East St. had a lot of traffic and north Main St. was congested. He wanted people to come Downtown because it was a family place, not a place to drink alcohol. He questioned food being served. His impression was this was a place to drink.

Surena Fish, 909 W. Wood St., addressed the Commission. She stated that she had experienced when an establishment was given a liquor license that should not have been. She noted that the Castle Theater, located at 209 E. Washington St., had a wedding. The parking spaces on the street, PNC Bank, located at 202 E. Washington St., parking lot and City lot were full. The parking spaces on Monroe included handicap, the parking lots were either private or attached to a business such as Lucca Grill, located at 116 E. Market St. She believed patrons would not walk from the city parking decks to the event facility. The area was congested without the facility.

Commissioner Feldkamp noted that this was the applicant's third attempt to obtain a liquor license. She believed they were complying and addressing concerns. She believed the applicant would have day events. Those would assist the Downtown businesses. The applicant had agreed to stop serving alcohol at 12:00 a.m. (Midnight) and close at 1:00 a.m. They could not control patrons who left the events and chose to go to another establishment in the Downtown area. She believed that as long as the facility was utilized as presented then it should be allowed to continue.

Clay Wheeler, Asst. Chief of Police addressed the Commission. He noted his previous request to see a valet parking plan (given that at a previous hearing, the applicant had stated that valet parking may be provided to patrons of the establishment). He believed that same should not prevent the Commission from considering the application. He acknowledged on-street parking as competitive. The parking garages were underutilized. He believed the multi-use of the Downtown upset the other living due to limited street parking; residents want peace and comfort knowing there would not be more intoxicated people and criminal damage. The Police Department (PD) wanted to decrease the number of people in the Downtown whenever possible. He believed 175 – 200 people was not a huge number. PD has concerns with anyone who presents to the Commission that their authority would be given up. He suggested the applicant establish polices to check that the purpose the facility was rented for remains the same through the whole event.

Commissioner Jordan questioned operation hours. Mr. Castaneda stated that the renters would be allowed to come in prior to the event to set up. The earliest time an event could begin was 1:00 p.m. Commissioner Jordan questioned renter guidelines. Mr. Castaneda responded there would be a contract. Same would have a clause to stop an event. There would be at least one (1) person employed by the facility to maintain control. There would be bouncers and security. Mr. Castaneda clarified that the event end time would depend upon the event and the time started. An example provided was a children's birthday party. They do not usually continue until 1:00 a.m.

Commissioner Jordan requested that an example contract be provided to Corporation Counsel.

Motion by Commissioner Jordan that the application of Extravaganza Ballroom, Inc., d/b/a Extravaganza Ballroom, located at 113 E. Monroe, requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week: 1.) submit all paperwork associated with opening/closing; 2.) building capacity and 3.) sprinkler recommendations from the Community Development Department to Corporation Counsel.

Mr. Marvel stated that the applicant anticipated sprinklers for the building as there could be over 100 people at an event. Commissioner Jordan questioned the building capacity. Mr. Marvel responded that after sprinklers are installed the Fire Inspector would establish same. Mr. Castaneda stated that he had spoken with the Inspectors. They had indicated that capacity could not be set until all construction was completed. Inspections would be conducted after same.

Mr. Boyle noted that the applicant had agreed to a condition on the license ceasing alcohol sales on the premises at 12:00 a.m. and providing for a closing of the premises at 1:00 p.m. The capacity cannot be fixed until construction was completed. He recommended setting the maximum number of persons that could be in the establishment to wither 175-200 persons, or the occupancy load established by the Fire Department, whichever is less. Mr. Boyle stated a willingness to review the contract but not to be overly involved in same.

Mr. Marvel stated a willingness to work with PD to establish appropriate traffic patterns and possible valet. The contract would be provided Corporation Counsel to review in regards to what the clients can/cannot do at any given time. He believed that it was his client's desire to be a good community member and good neighbor Downtown, similar to the Bistro's and Realty Bite establishments. He questioned the distinction between a good place and a bad place. He believed his client wanted to offer a good place with a good service in a respectable and legal way. The client did not want 400 – 500 people in an event. They wanted to comply with City Code relative to health and safety. He noted the desire to add a sprinkler system. He noted that the Downtown was a twenty four (24) hour living event. The goal was to add to and accent same.

Commissioner Jordan questioned entertainment. Mr. Castaneda stated that the renters would provide their own entertainment. He did not anticipate big bands. Same would be addressed in the contract.

Motion by Commissioner Feldkamp, seconded by Commissioner Jordan that the application of Extravaganza Ballroom, Inc., d/b/a Extravaganza Ballroom, located at 113 E. Monroe, requesting an EAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be recommended to Council for approval contingent upon compliance with all health and safety codes, with the following conditions: 1. that alcohol sales cease at 12:00 a.m. (Midnight); 2. that the establishment shall close at 1:00 a.m.; 3. that the establishment will be open only Friday through Sunday; 4. that the maximum occupancy allowed in the establishment shall be the lesser of 200 persons or the occupancy load determined by the Fire Chief; and 5. that all information to be provided be submitted to the City Legal Department within one (1) week of the hearing.

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

Ayes: Commissioners Jordan and Feldkamp.

Nays: None.

Motion carried.

The following was presented.

11. Notification of Violation Payment from West Side Liquors, Inc., d/b/a West Side Food & Beverage, located at 906 S Morris Ave, currently holding a PAS liquor license which

allows the sale of all types packaged alcohol for consumption off the premises seven (7) days a week.

Mr. Boyle noted that the violation occurred during the Police Departments' monthly compliance check. An employee sold alcohol to an underage person. This was a first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

The following was presented.

12. **Notification of Violation Payment from 602604 LLC, d/b/a Pub America, located at 419 N Main 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.**

Mr. Boyle noted that the violation occurred during the Police Departments' monthly compliance check. An employee sold alcohol to an underage person. This was a first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

13. **Notification of Violation Payment from Casey's General Stores, Inc., d/b/a Casey's General Store #1721, located at 3007 Gill St, 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.**

Mr. Boyle noted that the violation occurred during the Police Departments' monthly compliance check. An employee sold alcohol to an underage person. This was a first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

14. **Notification of Violation Payment from MCO QSR, Inc., d/b/a Legend's Sports Bar & Grill, located at 712 S Eldorado Rd, 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.**

Mr. Boyle noted that the violation occurred during the Police Departments' monthly compliance check. An employee sold alcohol to an underage person. This was the first (1st) offense for the establishment. Settlement was agreed upon in the amount of $600.

15. **Adjournment**

Motion by Commissioner Jordan, seconded by Commissioner Feldkamp, to adjourn. Time: 5:30 p.m.

Motion carried, (viva voce).

Respectfully submitted for consideration,

Cherry L. Lawson, City Clerk