

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

July 9, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Mark Mellor and Sarah Kelch to allow moderate consumption of alcohol at their November 7, 2013 wedding reception to be held at Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton.

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 Mark Mellor and Sarah Kelch to allow moderate consumption of alcohol at their November 7, 2013 wedding reception to be held at Miller Park Pavilion be laid over until the Commission's August 13, 2013 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:01 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Erik Nuesken and Becky Stolzenbach to allow moderate consumption of alcohol at their November 9, 2013 wedding reception to be held at Lake Bloomington's Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton.

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 Erik Nuesken and Becky Stolzenbach to allow moderate consumption of alcohol at their November 9, 2013 wedding reception to be held at Lake Bloomington's Davis Lodge be laid over until the Commission's August 13, 2013 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:02 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Brian Smith and Ashley McKay to allow moderate consumption of alcohol at their June 28, 2014, wedding reception to be held at Lake Bloomington's Davis Lodge. 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 Ashley McKay & Brian Smith, bride and groom and request representatives.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Ashley McKay, bride, addressed the Commission. The wedding was scheduled for June 28, 2014 at the Lake Bloomington Davis Lodge. There were 150 people on the guest list. 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 reception was scheduled for 1:00 to 4:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Ashley McKay and Brian Smith to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their June 28, 2014 wedding be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's August 12, 2013 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:06 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Bloomington Normal (BN) Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called "Bruegala", a charitable fundraiser to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. 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 Seth Carter and Jeremy Keller, BN Jaycees and Applicant representatives.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application. He noted that Bruegala was an annual event. This year marked Bruegala's fourteenth (14<sup>th</sup>) year. Samples will be available in the BCPA Ballroom and sales by the glass would be available at Lincoln Festival Park in conjunction with concerts by Red Wanting Blue and David Mayfield Parade. Bruegala was a charity event.

Seth Carter and Jeremy Keller, BN Jaycees and Applicant representatives, addressed the Commission. They served as the event co-chairpersons. This year, the plan was to serve beer in glass pints for a VIP Section. Last year, the beer was served in twelve ounce (12 oz.) plastic cups.

Commissioner Tompkins noted that this was an annual event which was well run. He informed the Commission that he had attended same in the past. Bruegala was professionally operated. He informed Mr. Carter and Mr. Keller that Liquor Commissioners have the right to enter and inspect the event. He stated his intention to attend Bruegala this year.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by BN Jaycees, requesting a Limited Liquor License, (LB), which would allow the sale of beer and wine only by the glass for consumption at the event called "Bruegala", a charitable fundraiser to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday and Saturday, August 23 and 24, 2013 from 5:00 p.m. to 11:00 p.m. be approved.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Carter and Mr. Keller that this item would appear on the July 22, 2013 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:09 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Station Two Twenty Inc., d/b/a Station Two Twenty, located at 220 E. Front St., requesting an RAPS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises and 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 and Tracey Covert, City Clerk; and Ken Myszke, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicants address this application. He noted that this application involved a change of ownership.

Ken Myszke, owner/operator and Applicant representative, addressed the Commission. Station 220 was currently held by CS Bloom, Inc. Chad Ellington was the building owner. Epiphany Farms had been responsible for the kitchen operations for the past two and a half (2½) years. A new corporation was formed. The corporate stockholders were Stu Hummel, Na Nam Myszke and himself. Their new corporation would enter into a twenty (20) year lease with Mr. Ellington. The lease was contingent upon approval of the liquor license.

Commissioner Tompkins described Station Two Twenty as a good player/partner. There had not been any issues with this restaurant.

Commissioner Jordan questioned Mr. Ellington's continued ownership. Mr. Myszke stated that Mr. Ellington would be the landlord. He restated that the new corporation consisted of himself, his wife and Mr. Hummel.

George Boyle, Asst. Corporation Counsel, addressed the Applicant. He questioned the business plan and if any changes were planned. Mr. Myszke noted that there had been a number of changes during the past two and a half (2½) years. The Loft would reopen in the fall 2013 with a new concept and new name.

Mr. Boyle questioned the request for the "P", Packaged liquor license. He specifically questioned the conditions for a packaged sale. Mr. Myszke cited wine dinners. Guests have requested the ability to purchase the wines served at these dinners.

Commissioner Tompkins questioned hard liquor to go. Mr. Myszke noted that there might be an occasional beer and/or liquor tasting. There was no plan to offer packaged spirits for sale. Commissioner Tompkins recommended that a dinner order must accompany a liquor order. Mr. Myszke noted that Station Two Twenty was focused on the dining experience. The focus was not on liquor sales.

Commissioner Jordan stated that patrons would have the ability to purchase sealed bottles. Mr. Myszke noted that patrons currently have the ability to take their bottled wine home. An opened bottle of wine is corked, placed in a sealed bag with the receipt enclosed. The intention was to host special wine dinners and offer these wines for packaged sale.

Mr. Boyle noted that the wine baggie was allowed under state law. He needed to research City Code. Commissioner Jordan stated that the wine must be in the original container. Mr. Boyle added that it must be bottled wine. Mr. Myszke added that the wine baggy is sealed.

Commissioner Tompkins suggested that the "P" liquor license be amended to only allow the sale of package wine. Mr. Myszke reminded the Commission of the occasional spirit tasting. Commissioner Tompkins stated that he had no problem with the concept. Mr. Myszke acknowledged the risk. Wine dinners were scheduled events. Attendees would complete an order sheet. The wine would be picked up at a later date.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Station Two Twenty, Inc., d/b/a Station Two Twenty, located at 220 E. Front St. requesting an RAPS liquor license, which allows the sale of all types of alcohol by the glass and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be approved.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Myszke that this item would appear on the August 12, 2013 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Ma Veharai, Inc., d/b/a Buddy's Liquor, located at 806 S. Eldorado Rd., requesting an TAPS liquor license, which would allow the sale of all types of alcohol by the glass for consumption on the premises and 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 and Tracey Covert, City Clerk; and Dilip Patel, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. He noted that this application involved a change of classification. Commissioner Renner stated that two (2) letters in opposition had been received, (a letter and an email).

Dilip Patel, owner/operator and Applicant representative, addressed the Commission. He planned to turn the back of the building into a rental hall. He cited birthday parties and dances as examples. It would only be used on Thursday through Sunday evenings.

Commissioner Renner questioned the square footage. Mr. Patel stated 3,000 sq. ft. Commissioner Renner questioned restrooms. Mr. Patel responded affirmatively.

Commissioner Jordan questioned hours of operation. Mr. Patel stated 6:00 p.m. until 2:00 a.m.

Commissioner Tompkins questioned the application, financial statement, and the appearance that this application was from a corporation. Mr. Patel stated that there were no corporate liabilities. The business was held by his wife. Commissioner Tompkins described the financial statement as lean and incomplete.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The financial statement addressed financial viability.

Commissioner Tompkins noted Buddy's violations and sanctions. Mr. Patel acknowledged that there had been three (3) violations.

Commissioner Tompkins questioned access to the banquet area. Mr. Patel stated that there would be two (2) entrances. There would not be an access from the store to the banquet area.

Commissioner Tompkins questioned attendance/occupancy. Mr. Patel noted that the City had not set occupancy for this area.

Commissioner Tompkins questioned parking. Mr. Patel informed the Commission that he had secured an additional sixty (60) parking spaces.

Commissioner Jordan questioned the maximum number of attendees. Mr. Patel estimated the number between 150 – 200 people.

Commissioner Renner stated that the City's PACE, (Planning and Code Enforcement), Department would set occupancy.

Mr. Boyle questioned if the Applicant had contacted PACE staff regarding his plans and requesting approval of same.

Commissioner Renner stated that Mr. Patel needed PACE's approval prior to the Commission taking action on his application.

Commissioner Jordan questioned liquor liability insurance. Tracey Covert, City Clerk, explained the application process. The Applicant should have provided a letter from an insurance agent.

Commissioner Renner stated that the Applicant needed to provide a letter from an insurance agent and to work with PACE regarding plan approval.

Commissioner Tompkins questioned liquor service. Mr. Patel stated that attendees would bring their own liquor would be sold to the attendees. Staff would be hired and identification checked.

Commissioner Tompkins questioned BASSET, (Beverage Alcohol Sellers & Servers Education & Training), certification.

Commissioner Renner noted that the Applicant needed to provide a letter from an insurance agent, file an application with PACE regarding his plans for the building and hire staff who would be BASSET certified.

Mr. Boyle addressed the Liquor Questionnaire and item 2H. Mr. Patel noted that the main source of income would be from building rentals. Rental income would be driven by the market. He planned to charge \$80 per hour. This would be a new business and he had no experience.

Commissioner Tompkins questioned item 4. Responsibility, d. number of violations.

Commissioner Renner addressed the need for a letter from an insurance agent, PACE's approval, issues with enforcement, and complete the application properly.

Commissioner Renner read the letter from Michael Kahwaji, Barakat Family Partners, LP, 808 S. Eldorado Rd. He noted the concerns raised regarding parking.

Mr. Patel noted that two (2) years ago there was a request to rent the parking lot.

Commissioner Renner read the email from Darin Wright, Kidder Music, 802 S. Eldorado Rd. Mr. Patel had no response. He added that this business used his dumpster.

Commissioner Jordan believed that the site needed to be looked at. A number of items needed to be addressed.

Commissioner Tompkins did not believe that there was ample parking.

Larry Hundman, 802 Eldorado Rd., addressed the Commission. His Caldwell Banker office was located next door. He shared an exit easement with Buddy's. He had agreed to allow Mr. Patel's customers to use his parking lot Monday through Friday from 6:00 p.m. until 8:00 a.m. and all day on Saturday and Sunday. This agreement would allow Buddy's to provide adequate parking. There had not been issues with Buddy's, (no vandalism, no litter, etc.) Mr. Patel had done a nice job.

Commissioner Jordan noted that Mr. Patel would have use of Mr. Hundman's parking lot. He questioned if this transaction would impact anyone else. Mr. Hundman responded negatively. There was a paved driveway. In addition, on street parking was available.

Mr. Boyle addressed a number of issues. The application contained incomplete and false information. The Liquor Questionnaire needed to be revised in order for the information to be accurate. There were a number of issues involving rooms for hire/rent. This application would expand the existing premise. Buddy's had had two (2) violations in two (2) years. The time span without a violation had been a year. At a minimum this application should be laid over to allow PACE staff with the time to review the space and the Applicant's plans for same and to set occupancy. In addition, there had been no input from the Police Department.

Commissioner Renner noted the following outstanding issues: 1.) PACE plan approval; 2.) insurance information; 3.) BASSET trained staff; 4.) Liquor Questionnaire corrected; and 5.) one (1) year with no violations.

Commissioner Tompkins reviewed this application in totality. He cited the Commission's past experience with the Applicant. He was not prepared to support this application.

Commissioner Jordan stressed that the Applicant must be in compliance regarding underage sales.

Commissioner Renner stressed the following with Mr. Patel: 1.) the Liquor Questionnaire must be revised; 2.) there must be insurance commitment; 3.) PACE staff must perform a plan review; 4.) staff must be BASSET trained; and 5.) no violations.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application by Ma Veharai, Inc., d/b/a Buddy's Liquor, located at 806 S. Eldorado Rd., requesting 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 alcohol for consumption off the premises seven (7) days a week be denied.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:45 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., requesting an RAS 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. 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 Keyur Patel, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Keyur Patel, owner/operator and Applicant representative, addressed the Commission. Taste of India would be located at the restaurant formerly known as Chevy's. He planned to renovate the building.

Commissioner Renner noted feedback received from the McLean County Health Department, (MCHD). Mr. Patel informed the Commission that he had met with the MCHD staff this morning. Commissioner Renner informed Mr. Patel that the MCHD's approval was required.

Commissioner Tompkins questioned if Mr. Patel held other liquor licenses. Mr. Patel responded affirmatively. He had held a liquor license in the recent past and currently held a liquor license for Namaste Plaza BLM, located at 704½ S. Eldorado Rd. He described Namaste as a convenient store.

Commissioner Tompkins questioned if Taste of India's servers would be BASSET (Beverage Alcohol Sellers & Servers Education & Training), trained. Mr. Patel responded affirmatively.

Commissioner Jordan questioned the required insurance. He also questioned if Mr. Patel had any previous violations.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the application by Taste of India BLM, Inc., d/b/a Taste of India, located at 704 S. Eldorado Rd., requesting 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 be approved.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Patel that this item would appear on the August 12, 2013 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:49 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Penalty Box Restaurants, LLC, d/b/a Baxters, located at 3212 E. Empire St., currently holding an RAPS 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 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 and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of corporate ownership and 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, addressed the Commission. She informed them that members had been added to the LLC: Michael VanDyke would hold a five percent (5%) interest and Kathleen M. Cox would hold a six percent (6%) interest.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of corporate ownership and membership for Penalty Box Restaurants, LLC, d/b/a Baxters, located at 3212 E. Empire St., currently holding an RAPS liquor license; said license remains in force.

Motion carried.

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 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Bloomington Country Club, d/b/a Bloomington Country Club, located at 605 Towanda 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 and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of Board 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, addressed the Commission. She informed them that at the Club's Annual Meeting there had been a change of officers. Outgoing officers were Michael Wieting, President, Marc Tucci, Vice-President, Thomas A. Jacob, Secretary and Ann Baugham, Ex-Officio. The incoming officers are: Marc Tucci, President, Thomas A. Jacob, Vice-President, Dennis Myers, Secretary, and Michael Wieting, Ex-Officio.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to accept the change of Board officers for Bloomington Country Club, d/b/a Bloomington Country Club, located at 605 Towanda 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 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Loyal Order of Moose Bloomington Lodge 745, d/b/a Bloomington Moose #745, located at 614 IAA 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. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of Lodge 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, addressed the Commission. She informed them that there was an annual change in officers. The current officers were Joel R. Simpson, Administrator, Michael Bachman, Governor, Thomas H. Merrit, Jr. Past Governor, Dan Wehmeyer, Junior Governor, Daniel Sepesy, Prelate, Henry Anderson, Trustee, Fred Myers, Trustee, Albert Furst, Trustee, and Bruce Delashmit, Treasurer.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of Lodge officers for Loyal Order of Moose Bloomington Lodge 745, d/b/a Bloomington Moose #745, located at 614 IAA 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 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by John H Kraus VFW Post #454, d/b/a John H Kraus VFW Post #454, located at 1006 E. Lincoln, 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 and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of Board members. 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 William Read, Officer, had left the Board. Robert Clark, Commander, has replaced Mr. Read.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to accept the change of Board members for John H. Kraus VFW Post #454, d/b/a John H Kraus VFW Post #454, located at 1006 E Lincoln, 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 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., currently holding a Limited Liquor license, (LB) which allows 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, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of University President. 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 Dr. Alvin C. Bowman, University President, had retired. The University has named Sheri Everts as an Interim President.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of University President for Board of Trustees of Illinois State University, d/b/a Shakespeare Festival, located at 48 Sunset Rd., currently holding an LB 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 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by AMIR 83, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton 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 and Tracey Covert, City Clerk; and Fouad Samhan, owner/operator and Applicant representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. He added that this was the third time this application had appeared before the Commission.

Fouad Samhan, owner/operator and Applicant representative, addressed the Commission. He informed them that he did not have a release from the state.

Commissioner Renner informed Mr. Samhan that he could reapply for a liquor license when he had the state's approval. He recommended that Mr. Samhan withdraw his application and reapply at a later date.

Tracey Covert, City Clerk, requested that Mr. Samhan submit his withdrawal in writing.

There being no further business before the Commission, the meeting recessed at 4:51 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding a sanctions review for Tjolo's Corp., d/b/a Main St. Grill, located at 517 N. Main St., 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, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Brian Novotny, owner/operator and License holder representative, and Sam Zabek, License holder's attorney.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reviewed the liquor license's history. He noted that this hearing would address sanctions. There were a number of conditions involved. Mr. Boyle reviewed same. There had been two (2) hearings before the Commission. The Commission had stressed the importance of the "R", Restaurant, liquor

license classification. He noted that the sanctions/conditions had been continued for two (2) additional months.

A key question was Main St.'s operations prior to the sanctions and did Main St. operate as a restaurant. Data was provided back to January 2012. In June 2012, Mr. Novotny provided information too late. The hearing was continued until the Commission's July 9, 2013 meeting date. Sanction were continued and would be reviewed this date. He noted that a police patrol officer was present to testify that the kitchen was closed. City police officers visited Main St. on two (2) occasions. On one (1) occasion the kitchen was open and on the other it was closed.

Commissioner Renner stated that at today's hearing the data would be reviewed. He stated that liquor receipts equaled sixty-five to seventy percent (65 – 70%). Under the sanctions, liquor sales should not have succeeded fifty percent (50%). He expressed his belief that Main St. was not a restaurant. He would not consider lifting the sanctions.

Sam Zabek, License holder's attorney, addressed the Commission. He reminded the Commission that the liquor violation involved underage drinking. Mr. Novotny had complied with the sanctions. There were no allegations regarding noncompliance.

Commissioner Renner restated that Main St. held an "R" liquor license. Sales receipts were relevant as were the percentage of liquor sales. He restated his belief that Main St. was not a restaurant.

Mr. Zabek noted that the penalty could have been revocation. There were no additional allegations.

Mr. Boyle noted that Mr. Zabek had offered information dating back to January 2012. The violation had been stipulated to. There were a number of violations. The Commission could not move towards revocation without proper notice and a hearing. The information had been offered. There were no allegations. The license holder was given the choice: revocation or sanctions. Mr. Novotny had chosen sanctions.

Commissioner Jordan expressed his interest in a comparison of invoices for food and alcohol. He hoped that the license holder would have submitted same. The past violations had given the Commission pause. This was a difficult situation. Main St. was surrounded by taverns. The question was one of compliance. He questioned the impact if the sanctions were lifted.

Mr. Zabek believed that the Commission had recommended additional data which would clear the record. Mr. Novotny had complied with the sanctions. Main St. would operate as a restaurant with full hours.

Commissioner Tompkins questioned if there would be any future violations. Mr. Novotny responded negatively.

Commissioner Tompkins questioned food sales percentages. Mr. Novotny stated over fifty percent (50%).

Commissioner Renner cited the data which showed percentages of fifty-one/fifty-two percent (51/52%). He noted the impact of the sanctions. He recommended that the sanctions be continued. He cautioned any future violations might result in license revocation.

Commissioner Tompkins questioned if there were any other food establishments in the area. Mr. Novotny responded negatively.

Commissioner Tompkins believed that Main St. would fill the void created by the closing of Flingers which had been located at 608 N. Main St. He questioned if Main St. anticipated additional food sales. Mr. Novotny responded affirmatively.

Mr. Boyle noted that Main St. could remain open after midnight. Alcohol sales would not be permitted after this hour.

Mr. Novotny stated his intention to serve food as long as Main St. was open. He believed that there would be increased demands for food sales.

Mr. Boyle requested the Commission's permission to question Detective Jared Bierbaum.

Detective Jared Bierbaum addressed the Commission. He had visited Main St. on April 25, 2013 at 10:35 p.m. Steve Brown, Police Patrol Officer, had accompanied him. Both were dressed in plain clothes. No one had requested identification. He ordered a cheeseburger with a beer. He could see into the kitchen. He noted that the kitchen was already clean. The female waitstaff informed him that the grill was closed. They were the only patrons in the bar. The waitstaff informed him of the sanctions. He estimated the time at 10:40 p.m.

Commissioner Renner expressed his interest in a motion to continue the sanctions.

Mr. Zabek requested permission to question Mr. Novotny. There had been problems with the kitchen staff in April 2013.

Mr. Novotny cited issues with a cook who had closed the kitchen early on more than one occasion. The bartender had informed him of this and the cook was terminated. Staff had been informed to keep the kitchen open until midnight. There had not been any issues since April 2013. Closing the kitchen early was grounds for termination. He believed that he could document same. Food was offered until midnight.

Commissioner Renner noted that Mr. Novotny was responsible for his staff's actions. He questioned if Mr. Novotny was unaware of this violation.

Mr. Novotny had worked hard. He worked seven (7) days a week. He also cited the improvements to the property.

Commissioner Renner expressed his appreciation to Mr. Novotny for his efforts. He stressed that Main St. held a restaurant liquor license. He questioned relinquishing the sanctions. He questioned if Main St. sales would be able to achieve a 50/50 split if it were allowed to remain

open until 2:00 a.m. He noted the importance of food sales. He questioned if there would be food receipts without sanctions. He restated his appreciation for Mr. Novotny's efforts.

Mr. Zabek requested that Main St. be allowed to remain open until 2:00 a.m.

Commissioner Renner believed that the information was clear. He requested a motion to continue the sanctions.

Commissioner Tompkins noted his efforts to be involved as a Liquor Commissioner.

Mr. Boyle noted that evidence is presented at the public hearing. The sanctions had been violated. The Commission had not been provided with advanced notice.

Alderman Jordan expressed his understanding that this was an evidentiary hearing. He acknowledged Mr. Novotny's investment. He cited the sanctions. Mr. Novotny knew that the City would be watching. He should have been vigilant. Sanction removal was not in the City's best interest. A violation had occurred and this cast a shadow on Main St.

Mr. Novotny believed that the Commission had made a decision. He was a business owner. Main St. was open from 11:00 a.m. until close. He served the community. He noted that the Castle Theater located at 209 E. Washington St., did not serve food.

Commissioner Jordan restated that Main St. was open from 11:00 a.m. until close. He noted Main St.'s past history. He believed that he as owner would have been there.

Mr. Novotny believed that he had a good staff. He cited past compliance checks. Other Downtown restaurants had failed same.

Commissioner Jordan noted that if all obeyed the laws there would be no need for police enforcement. Main St.'s staff was not responsible for the liquor license.

Mr. Novotny stated that Main St. had gone two (2) years without a violation. Main St. was a restaurant in area saturated with taverns. He questioned who was being punished.

Commissioner Tompkins requested to call former Commissioner Richard Buchanan.

Commissioner Renner noted that Mr. Novotny believed that he had earned the right to continue operations. The key question was would Main St. be a restaurant or a tavern.

Mr. Zabek noted that Mr. Novotny was in compliance with the sanctions. He questioned when the sanctions would be lifted. Commissioner Renner stated when Mr. Novotny could convince him that Main St. was a restaurant.

Commissioner Tompkins expressed his opinion that the sanctions should be revoked.

Commissioner Jordan noted that a City police officer had testified that Main St. had violated its sanctions.

Commissioner Tompkins noted that there had not been a hearing on same.

Commissioner Jordan stated that the City had presented evidence. A police officer testified to fact. The sanctions had been violated. Main St.'s staff knew that there were sanctions.

Mr. Boyle noted that Commissioner Jordan had made a different point. The Commission needed to look at sales figures prior to November 2012. Liquor sales have exceeded food sales. The Commission needed to question the accuracy of this statement. He pointed to the evidence.

Mr. Novotny did not believe that the financial reports were complete. Amusement should be added to the food sales category. Main St. had started as a franchise (Show Me's). He had never operated a restaurant. The business had been known as Show Me's, Main St. and Main St. Bar & Grill. He described his business as a sports bar.

Mr. Boyle questioned if Main St. had functioned as a restaurant in any month prior to November 2012.

Commissioner Renner did not believe that Main St. had functioned as a restaurant prior to the sanctions.

Mr. Novotny stated that former Mayor Stephen Stockton had told him that the City would be lenient.

Commissioner Renner informed Mr. Novotny that as of May 1, 2013, there was a new Mayor/Liquor Commissioner.

Commissioner Tompkins expressed his concern regarding recent trends. The goal was for Main St. to become a restaurant. The requirement for food sales to be above fifty percent (50%) had been met.

Commissioner Renner addressed the sanctions role. Lifting the sanctions would send the wrong signal. Main St. could remain open until 2:00 a.m. Liquor sales would not be allowed after midnight.

Commissioner Jordan noted total sales for liquor and food. He cited the percentages under the sanctions and questioned how to insure compliance. He noted the police officer's testimony. Main St.'s past was an indication of business practices. Sanctions were having an impact upon the balance of food/liquor sales. Mr. Novotny had relied upon his employees. This action was not in the best interest of his business.

Motion by Commissioner Jordan, seconded by Commissioner Renner to continue the sanctions for Tjolo's Corp., d/b/a Main St. Grill, located at 517 N. Main St., 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, for an additional six (6) months.

Ayes: Commissioners Renner and Jordan.

Nays: Commissioner Tompkins.

There being no further business before the Commission, the meeting recessed at 5:36 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding notification of Food and Beverage Tax Violation for Canambo, LLC, d/b/a Blue Line Night Club, located at 602 N. Main St., 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 and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing.

Rena Foster, Seasonal Accountant, addressed the Liquor Commission. She informed them that the Food & Beverage Tax for Blue Line Night Club had not been paid as of this date.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He questioned the address on file with the City for this business.

Commissioner Renner noted that no one had appeared before the Commission on behalf of the license holder.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the TAS liquor license held by Canambo, LLC, d/b/a Blue Line Night Club, located at 602 N. Main St., be suspended until the Food & Beverage Taxes are paid in full.

Motion carried, (viva voce).

Mr. Boyle requested that the Commission allow twenty-four (24) hours notice to the license holder. He added that if the taxes remained unpaid then the license holder would appear before the Commission at their August 13, 2013 meeting.

There being no further business before the Commission, the meeting adjourned at 5:39 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding a proposed Text Amendment to Chapter 6. Alcoholic Beverages, Section 3. Number of Licenses Limited - Applications. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing. He noted that City staff had requested that the application fee be increased from \$300 to \$400. A formal presentation would be made to the Commission at their August 13, 2013 meeting.

There being no further business before the Commission, the meeting recessed at 5:40 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the initial violation hearing for Eurpore, Inc., d/b/a Chasers, located at 110 W. Washington St., 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 and Tracey Covert, City Clerk, and Ron Nurceski, owner/operator and License holder's representative.

Commissioners absent: Stephen Stockton.

Commissioner Renner opened the liquor hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had provided them with a copy of the Complaint. He noted that Ron Nurceski, owner/operator and License holder's representative, was present. Mr. Nurceski had also been provided with a copy of the Complaint. There was agreement regarding the factual basis. Mr. Nurceski was not contesting. There would be a sanctions hearing where aggravating and mitigating information would be presented.

Ron Nurceski, owner/operator and License holder's representative, addressed the Commission. He admitted to the facts.

Mr. Boyle informed Mr. Nurceski that his business faced sanctions which might include a fine, suspension and/or revocation.

Mr. Nurceski stated that he was present at this hearing without legal representation. He had admitted to the facts. The Commission would determine the proper punishment at a future date. It was not his business practice to allow under age persons to be present. He planned to address changes made since the violation. He also would address his record as a license holder.

Mr. Boyle stated the Mr. Nurceski and the Commission had received a copy of the Complaint and Citation. He read from the Complaint and noted that there were four (4) Counts. This was the only documentation that had been presented to the Commission.

Commissioner Renner noted that Mr. Nurceski had stipulated to the facts.

Mr. Boyle was prepared to issue an Order and recommended that the Commission schedule a sanctions hearing at its August 13, 2013 meeting.

Mr. Nurceski questioned if the City would prepare a settlement offer.

Commissioner Renner noted that there would be violation hearing.

Mr. Boyle added that mitigating and aggravating factors would be presented. The Commission would determine the sanction(s). He added that the hearing would be held on August 13, 2013. Mr. Nurceski would also receive a formal notice.

There being no further business before the Commission, the meeting adjourned at 5:50 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk