

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

July 8, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of James Brosher and Barbara Harrington to allow moderate consumption of alcohol at their May 30, 2015, 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, and Tracey Covert, City Clerk, and Susan Harrington, mother of the bride and requestor's representative.

Commissioner Renner opened the Public Comment section of the meeting. No one came forward to address the Commission.

Commissioner Renner opened the liquor hearing and requested that the requestor's representatives address this request. Susan Harrington, mother of the bride, addressed the Commission. The wedding ceremony and reception would commence at 4:00 p.m. The wedding ceremony and reception would be held at the Lake Bloomington Davis Lodge on May 30, 2015. She anticipated 125 guests. A Renee located at 306 N. Center St., Suite 102, would provide beverage services. She noted that liquor service would be limited to beer and wine only. Liquor service will end at 10:00 p.m. Quite hours at the Davis Lodge commence at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of James Brosher and Barbara Harrington to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their May 15, 2015 reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 28, 2014 Consent Agenda. He encouraged Ms. Harrington to attend same.

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 Tyler Piper and Sabrina Zrekat to allow moderate consumption of alcohol at their March 21, 2015, wedding reception to be held at the 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, and Tyler Piper, groom and requestor's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representatives address this request. Tyler Piper, groom, addressed the Commission. The wedding ceremony and reception would commence at 5:00 p.m. The wedding ceremony and

reception would be held at the Miller Park Pavilion on March 21, 2015. He anticipated 130 - 150 guests. A Renee located at 306 N. Center St., Suite 102, would provide beverage services. He noted that liquor service would be limited to beer and wine only. Liquor service will end at 10:00 p.m. The Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the request of Tyler Piper and Sabrina Zrekat to allow moderate consumption of alcohol at the Miller Park Pavilion for their March 21, 2015 reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 28, 2014 Consent Agenda. He encouraged Mr. Piper to attend same.

There being no further business before the Commission, the meeting recessed at 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Tobias Ivory and Christine Geren to allow moderate consumption of alcohol at their March 28, 2015, wedding reception to be held at the Miller Park Pavilion. 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.

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 Tobias Ivory and Christine Geren to allow moderate consumption of alcohol at the Miller Park Pavilion for their March 28, 2015 wedding reception be laid over until the Commission's August 12, 2014 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:05 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Lucas Deal and Barbara Earnest to allow moderate consumption of alcohol at their May 23, 2015, 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.

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 Lucas Deal and Barbara Earnest to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their May 23, 2015 wedding reception be laid over until the Commission's August 12, 2014 meeting.

Motion carried, (viva voce).

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, August 22, 2014 from 6:00 p.m. until 11:00 p.m. and Saturday, August 23, 2014 from 2:00 p.m. until 11:00 p.m. 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 Seth Carter, BN Jaycees and Applicant representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. He noted that Bruegala was an annual event. This year marked Bruegala's fifteenth (15th) 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 Robert Brown Band, Bottle Rocket Cabaret, Righteous Hillbillies and Modern Echo on Friday, and Toucan, Robin Crowe, Jury's Out, Knucklehead, Sean Costanzo, Highway J, and Switchback on Saturday. Bruegala was a charity event.

Seth Carter, BN Jaycees and Applicant representative, addressed the Commission. This year, the BN Jaycees and the Bloomington Cycle Racing Team would be holding the Jaycee Criterium Bike Race on Saturday, August 23, 2014. He noted that the live music would start at 2:00 p.m. In turn, beer would be available starting at 2:00 p.m. Beer would not be available until 5:00 p.m. inside the BCPA.

He added that the VIP Section would be offered again this year. Beer would be served in glass pints in this section.

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 that he planned to visit Bruegala in his role as Liquor Commissioner. He recommended that the Jaycees be diligent and aware of over serving.

Mr. Carter encouraged Commissioner Tompkins to contact him with any issues.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that an LB liquor license be created for BN Jaycees for a fundraiser called "Bruegala" to be held at the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., on Friday,

August 22, 2014 from 6:00 p.m. until 11:00 p.m., and Saturday, August 23, 2014 from 2:00 p.m. until 11:00 p.m.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Carter that this item would appear on the July 28, 2014 City Council Consent Agenda. He encouraged Mr. Carter to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:07 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of MKM Oil, Inc., d/b/a Colonial Shell Fast N Fresh, located at 1504 E. Empire St., requesting a GPBS liquor license which allows 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, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Jim Franks, Territory Supervisor and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representative addressed the Commission. He noted that this application involved a change of ownership. Gajri Corp., lessee, had left the premises.

Commissioner Tompkins cited Chapter 6. Alcoholic Beverages, Section 1. Definitions, Retail Grocery Convenience Store which limited the area devoted to alcohol products to fifteen percent (15%) of the total public selling space. He noted that Famous Liquors was located at 1404 E. Empire St. In addition, there were residential areas nearby. Finally, he questioned if cold, single serve items would be available for sale.

Commissioner Jordan questioned if business operations would be status quo. He noted that it appeared that Gajri's lease had expired, (*June 30, 2014*), and that this license holder had held a liquor license for ten (10) years.

Jim Franks, Territory Supervisor and Applicant's representative, addressed the Commission. He informed the Commission that Gajri had leased the facility for ten (10) years. There had been no issues. MKM Oil, Inc. would hire an on-site manager. He noted his role as Territory Supervisor.

Commissioner Jordan questioned BASSET, (Beverage Alcohol Sellers and Servers Education and Training), certification. Mr. Franks informed the Commission that he had contacted Heartland Community College regarding same.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to the City Council that a GPBS liquor license for MKM Oil, Inc., d/b/a Colonial Shell Fast N Fresh, located at 1504 E. Empire St., be created contingent upon compliance with all health safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 28, 2014 Consent Agenda. He encouraged Mr. Franks to attend same.

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

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Blue Note Enterprises, LLC, d/b/a Six Strings Club, located at 525 N. Center St., requesting 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. Police Chief, and Tracey Covert, City Clerk, and Brian Dixon, Six Strings' Manager and Richard Marvel, attorney and Applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant's representative address the Commission. He noted that this application involved a change of ownership. Brian Dixon, Six Strings' Manager, addressed the Commission. Six Strings planned to retain the existing staff and himself as Manager. There was a new corporate owner. The plan was to improve Six Strings into an upscale business. Six Strings would continue to offer live entertainment.

Commissioner Jordan noted that the City would have to approve creation of a new liquor license. Mr. Dixon noted that KTPS, Inc., the current owner, planned to sell the business to Blue Note Enterprises, LLC.

George Boyle, Asst. Corporation Counsel, noted that the current management staff would be retained.

Commissioner Jordan questioned if there had been any issues at this location.

Commissioner Renner stated that there would not be a net increase in the number of Downtown liquor licenses.

Commissioner Jordan questioned occupancy. Mr. Dixon stated that the limit was 349.

Commissioner Jordan questioned if how closely Six Strings' staff watched occupancy. He also questioned staffing when Six Strings hosted live entertainment. Mr. Dixon stated that there would be two (2) security staff at the door. Identification was checked. Door staff tracked occupancy by checking movement into and out of the facility.

Commissioner Tompkins noted that under the previous management Six Strings had automated equipment to check identification. Mr. Dixon stated that the assets of the current owner would be sold to Blue Note Enterprises, LLC. He added that he took pride in the efforts made by Six Strings. There were no plan changes in this area.

Commissioner Tompkins questioned the type of liquor license applied for by the new owner. Mr. Dixon believed that Six Strings would have ticket sale/door charge revenues of fifty percent (50%).

Mr. Boyle noted that the City's PACE (Planning and Code Enforcement) Department's inspection report noted two (2) minor issues. He questioned if these issues had been addressed. Mr. Dixon noted that Six Strings' maintenance staff would correct them the next day. One issue was a burnt out "Exit" light.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that a TAS liquor license for Blue Note Enterprises, LLC d/b/a Six Strings Club, located at 525 N. Center St., be created contingent upon compliance with all health safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 28, 2014 Consent Agenda. He encouraged them to attend same.

There being no further business before the Commission, the meeting recessed at 4:15 p.m.

Commissioner Renner noted that two (2) discussion items were listed on the Commission's meeting agenda: liquor license fees and video gaming.

Commissioner Tompkins stated that liquor license fees had not been increased since 1982. He compared the value of the dollar today to 1982: \$2.31. He recommended that the City double the base and send this recommendation to the Council.

Commissioner Renner noted that there was sentiment on the Council to increase the liquor license fees in the Downtown. He expressed his interest in directing a liquor license fee increase to power washing the Downtown. There were other Downtown business that were also creating litter. He believed that there would be issues if the City attempted to double the cost of a liquor license in a single year. Others had suggested that any liquor license fee increase be earmarked for the Police Department's Downtown detail. They cited increased costs to the City.

Commissioner Tompkins expressed his support for the Police Department's hire back program. It was also important to keep the Downtown clean.

Commissioner Renner cited political reality: any Council action would be taken in small steps.

Commissioner Jordan addressed a level playing field. He requested liquor license fees in comparable communities. If the City was interested in revenue enhancement any increase to the cost of a liquor license should be applied to all liquor license holders. He acknowledged that the City needed to consider various cost factors such as police overtime. The increase should be phased in over a two to three (2 – 3) year period. He expressed his concern regarding the burden placed upon the liquor license holder. He questioned how to address the cost of the Police Department's Downtown detail.

Commissioner Renner suggested that the City be compared to the City of Champaign.

Commissioner Jordan noted that each community was different. There was some parity between Champaign-Urbana and Bloomington-Normal as both communities had a public university. The City could be compared to and/or be in line with similar communities. He readdressed the level playing field issue. He also restated his support for a phased in approach. In the end, the decision would be made by the Council.

Commissioner Tompkins did not believe that the City needed to be in line with other comparable communities. There were other cities located outside of Illinois that had large universities. The City had given liquor license holders a free ride in his opinion. The City needed to be proactive. The Council needed to review the Commission's minutes regarding this issue.

Jan Lancaster, owner/operator of the Bistro located at 316 N. Main St. and Lancaster's located at 513 N. Main St. addressed the Commission. She expressed her support for the comments made by Commissioner Jordan. The City had had one of the highest fees for liquor licenses. The Town of Normal charged \$3,000. The Downtown Entertainment Task Force researched comparable cities. A fee increase should be done in increments. The City had addressed some Downtown issues. However, she cited concerns regarding after hours parties which are held in Downtown apartments. She cited the loft series located at 214 W. Jefferson which charged \$15 as an example. There were BYOB (Bring Your Own Booze) events in the Downtown.

The Downtown bar owners were under attack. In her opinion, there was not a level playing field. She questioned why anyone would hold a liquor license. There was a belief that the Downtown was at capacity. No one was coming to the Downtown bars until after 11:00 p.m. When the college students leave town for the summer, there was no business. She requested a Work Session to discuss liquor license fees and other Downtown issues. As an example, she cited the WGLT summer concert. Individuals left the event area with liquor. The Downtown Bar Owners Association, (DBOA), had requested that the City provide verbal judo training for their staff, (i.e. doormen, bouncer, etc.). Downtown taverns had changed ownership without filing an application for a liquor license.

Commissioner Renner questioned change of ownership issues.

George Boyle, Asst. Corporation Counsel, addressed the Commission. If there is a change of ownership, then a liquor license application is required. A liquor license is holder and address specific.

Ms. Lancaster had contacted Commissioner Renner via email. She described herself as the liaison between the DBOA and the City. She cited the Downtown Business Association's First Friday's events. Businesses were offering wine samplings at same. She cited Specs Around Town located at 317 N. Center St. as an example. She questioned if these businesses were required to complete BASSET (Beverage Alcohol Sellers and Servers Education & Training), training. Individuals were exiting the businesses with tasting cups.

Commissioner Tompkins noted that businesses were not charging a fee to enter same. He compared First Fridays to private party in someone's home.

Ms. Lancaster cited events posted on Facebook. She described some of these events as underground.

Commissioner Jordan addressed illegal parties. The Illinois Liquor Control Commission, (ILCC), has an investigation unit. He offered to provide City staff with contact information. These events were subject to the state's jurisdiction. Consistency was important. He questioned the City's enforcement policy. The age restriction (twenty-one/21 years of age) also applied to private parties. He cited the liability factor.

Commissioner Renner questioned how Ms. Lancaster heard of these afterhours parties. Ms. Lancaster had spoken with an individual regarding the loft series. She learned that there was a cover charge, music and it was BYOB.

Commissioner Renner directed the Commission back to the topic: liquor license fees. He stated his willingness to reach out to the Council regarding same.

Commissioner Tompkins noted Ms. Lancaster's request for a Work Session. A number of meetings had been held regarding this issue. He agreed that enforcement needed to be consistent. The City also should address issues locally.

Commissioner Renner redirected the Commission the focus of the discussion should be liquor license fees. Any change to same should be part of the City's budget process. He would report back to the Commission at their August 12, 2014 meeting. This conversation needed to be part of a broader discussion.

Commissioner Renner opened the discussion regarding video gaming. He noted that under state law, a liquor license holder (Restaurant and/or Tavern) whose license allowed sale by the glass was eligible for a state video gaming license.

Mr. Boyle responded affirmatively.

Commissioner Renner added that City approval was not part of the process.

Mr. Boyle responded affirmatively. The state regulated the inspection, licensing, and number of machines, (maximum number was five/5). The City as a home rule municipality could charge a fee per machine. Currently, there was a range of fees from zero to \$1,000 per machine. The City did not charge fee. The Town of Normal had a fee of \$200 per machine.

Commissioner Renner noted the issue of capturing costs has been raised. Another issue has been raised: controlling video gaming to an acceptable level.

Mr. Boyle cited questions regarding the City's ability to cap the number of video gaming terminals. Other questions have addressed the City's ability to limit the number of

establishments with video gaming. One avenue for the City was the creation of a liquor license which allow sale by the glass. He offered to research this issue and present the Commission with his findings. He cited the Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License – Findings (14). This subsection addressed video gaming and provided the Commission with parameters of control.

Commissioner Renner noted that an option was to deny the liquor license application.

Mr. Boyle noted that denial must be in accordance with the City Code. At this time, there was limited/no case law regarding video gaming, (i.e. home rule municipality ability to pre-empt/limit/cap). The type of liquor license applied for provided some assistance to the City.

Commissioner Renner cited Council concerns regarding video gaming.

Commissioner Tompkins noted that the state limited the number of video gaming terminals to a maximum of five (5). The business must hold a liquor license which allowed the sale of alcohol by the glass. In addition, there was language in the City's Alcoholic Beverages code.

Commissioner Jordan cited the recent approval of MCTH, Inc., d/b/a Lucky Seven located at 1804 S. Hershey Rd., Unit 9 for a tavern liquor license. The business' sq. footage would be 1,250 and was approved by the Commission and Council in April 2014. In May 2014, SOILL Restaurant Systems, LLC, d/b/a Dotty's located at 1116 S. Veterans Pkwy., Suite 103 applied for a restaurant liquor license. This business would have had 1,500 sq. ft. Dotty's would have served food. The building had not been built. The applicant withdrew its appearance from the Council's meeting agenda due to controversy. He expressed his understanding of state law: home rule units of government were precluded from intervention.

Commissioner Renner stated that Mr. Boyle had offered to research same.

Commissioner Jordan added that video gaming went beyond restaurants and taverns with liquor licenses. Truck stops were covered by the law. There was a lottery system for the area. The vendor determined the number of video gaming terminals. The entrance for the majority of businesses was a liquor license.

Commissioner Renner restated that Mr. Boyle would research available resources and options available to the City. The City may choose to attach a fee to each video gaming terminal similar to action taken by Normal.

Mr. Boyle described the license fee as low hanging fruit. He added that the fee must be reasonable. This was a new law. He readdressed Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License – Findings (14). This item addressed video gaming. The Commission should be familiar with this section as it set standards and listed factors. It was the Commission and the Council's responsibility to apply same. The discussion regarding video gaming might become part of a broader fee discussion.

Commissioner Tompkins believed that there should be a difference between granting and liquor license and allowing video gaming.

Commissioner Jordan expressed his opinion that a liquor license was a primary reason to obtain video gaming. The licensee received thirty-five percent (35%) after payment. The vendor determine the number of video gaming terminals. Gaming was an age old problem. It represented easy money. The taxes must be paid. He noted that Normal was charging \$200 per machine. The City should level the playing field. This was the first issue regarding video gaming that should be addressed.

Commissioner Jordan restated the investigative services provided by the ILLC. He offered to contact same. The state provides this service at no cost. The ILLC staff worked with the local Police Department. Issues can be addressed efficiently.

There being no further business the meeting adjourned. Time 4:55 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk