

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

June 11, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application of Smashburger Acquisition Peoria, LLC d/b/a Smashburger, located at 1401 N. Veterans Pkwy., requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Joseph Zappala, District Manager and Applicant holder 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 Applicant holder representative address this request. Joseph Zappala, District Manager and Applicant holder representative, addressed the Commission. He was present to represent the corporate office. The corporate office was purchasing the restaurant from the franchisee. The application was for the same liquor license classification as the existing one.

Commissioner Renner questioned the responsible party. Mr. Zappala noted that the corporate office was located in Denver, CO. As District Manager, Mr. Zappala would be here in the City at least one (1) time every one to two (1 – 2) weeks. He currently oversaw eleven (11) stores. He added that beer sales were limited to two to three percent (2 – 3%) of total sales.

Commissioner Jordan questioned the onsite manager. Mr. Zappala noted that the existing staff would be retained. Smashburger offered five to six (5 – 6) varieties of bottled beer. The management staff, (General Manager, Asst. Manager, or Shift Manager), handled all beer sales and service.

George Boyle, Asst. Corporation Counsel, addressed the applicant. He questioned the current operations. Mr. Zappala informed the Commission that the current franchisee held three (3) stores. The corporate office was purchasing all three (3) stores. Mr. Boyle described this application as a change of ownership.

Mr. Boyle questioned when the business sale would be completed. Mr. Zappala believed that the sale of the business was scheduled for June 17, 2013. Mr. Zappala was directed to provide proof of sale to the City Clerk's Office.

Motion by Commissioner Jordan, seconded by Commissioner Renner that application of Smashburger Acquisition Peoria, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy.,

for an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Renner stated that this item would appear on the Council's June 24, 2013 Consent Agenda. He encouraged Mr. Zappala to attend same.

Mr. Boyle questioned if Smashburger Acquisition Peoria, LLC had any interest in operating under the existing license. He encouraged Mr. Zappala to contact either the City Clerk and/or Corporation Counsel Offices.

There being no further business before the Commission, the meeting recessed at 4:12 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of AMIR 83, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton, 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, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Foad Samhan, owner/operator and Applicant representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant representative address this request. He requested that Mr. Samhan update the Commission from last month's hearing. He questioned if Mr. Samhan had resolved any of the McLean County Health Department's (MCHD) concerns.

Foad Samhan, owner/operator and Applicant representative, addressed the Commission. He hoped that his father would obtain a release from the state in a couple of weeks. He planned to contact the MCHD afterwards.

Commissioner Jordan questioned the Illinois Department of Revenue. Mr. Samhan restated that his father was working on this issue. The state had refused his father's last offer. The goal was to establish a payment plan with the state.

Commissioner Renner questioned if Mr. Samhan planned to request a month layover of his application.

Commissioner Tompkins questioned if there was a time line to address these issues.

Mr. Samhan restated his plan to focus on the issue with the state first and obtain the release. He believed that this issue would be resolved in the next thirty (30) days.

Commissioner Renner instructed Mr. Samhan to bring the release to the City Clerk's Office.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that application of AMIR 83, Inc., d/b/a Price Rite, located at 706 N. Clinton., for a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises be laid over until the Commission's July 9, 2013 meeting.

Motion carried.

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

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Dr. Jamie Kear and Vince Scott to allow moderate consumption of alcohol at their October 19, 2013 wedding reception to be held at Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Gail Kear, mother of the bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Gail Kear, mother of the bride, addressed the Commission. Her daughter was planning a small private wedding and reception at Lake Bloomington's Davis Lodge on October 19, 2013. Attendance was estimated at 100 people. The wedding would be a family event. The food would be self catered as Davis Lodge had a full kitchen. Famous Liquors, located at 1404 E. Empire St., would be retained to provide beer and wine service including champagne. Guest transportation would be provided via shuttle. The goal was no one who attended the wedding would drive under the influence. Ms. Kear requested permission to allow liquor service at Davis Lodge for her daughter's wedding. The wedding was scheduled for 2:00 p.m. and reception would start at 4:00 p.m. The Davis Lodge must be vacated by midnight.

Commissioner Jordan questioned if draft beer would be served. Ms. Kear responded affirmatively plus wine including champagne. Famous Liquors would provide two (2) bartenders. The kitchen window which opened out on to the porch would be used for liquor service.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Dr. Jamie Kear and Vince Scott to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their October 19, 2013 wedding be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 8, 2013 Consent Agenda. He encouraged Ms. Kear to attend same.

There being no further business before the Commission, the meeting recessed at 4:19 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 Davis Lodge. Present at the hearing were Liquor

Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that no one was present to represent Brian Smith and Ashley McKay, groom and bride.

Tracey Covert, City Clerk, offered to contact Mr. Smith and Ms. McKay to try to schedule their request for a future Liquor Commission Meeting.

There being no further business before the Commission, the meeting recessed at 4:20 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Ashley Wilburn and Brandon Daugherty to allow moderate consumption of alcohol at their March 15, 2014, 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, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Ashley Wilburn, bride and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Ashley Wilburn, bride, addressed the Commission. Her wedding was scheduled for March 15, 2014 at the Miller Park Pavilion. She planned to invite 150 guests. A Renee, located at 306 N. Center St., Suite 102, would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 6:00 p.m. The reception would start at 7:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Commissioner Jordan questioned who would dispense the alcohol. Ms. Wilburn stated A Renee's staff would be responsible for the liquor service.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Ashley Wilburn and Brandon Daugherty to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 30, 2013 wedding be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 8, 2013 Consent Agenda. He encouraged Ms. Wilburn to attend same.

There being no further business before the Commission, the meeting recessed at 4:22 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hold a compliance review for Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera, located at 2103 N. Veterans Pkwy., Ste. 212, 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, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and James Walker, attorney and License holder's representative.

Commissioner Renner opened the liquor hearing and noted that the purpose of this hearing was to review a liquor violation's sanctions. The sanctions included a fine, suspension and required BASSET, (Beverage Alcohol Sellers and Servers Education and Training), training. James Walker, attorney and License holder's representative, addressed the Commission. He noted that the fine had been paid, the suspension served, and BASSET training information had been provided to the City Clerk's Office. In addition, Fiesta has passed two (2) police audits. There had not been any additional violations.

Commissioner Tompkins questioned the proof of instruction. Tracey Covert, City Clerk, responded affirmatively.

Commissioner Renner noted that there was Commission consensus that Fiesta Ranchera was in compliance.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera, located at 2103 N. Veterans Pkwy., Ste. 212, 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, has complied with all sanctions and returned to normal business operations.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:25 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Janelle Dodge and Amanda Stenger to allow moderate consumption of alcohol at their November 30, 2013, civil union 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, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Janelle Dodge, partner and request representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Janelle Dodge, partner, addressed the Commission. Her civil union was scheduled for November 30, 2013 at the Miller Park Pavilion. She planned to invite 125 guests. Famous Dave's, located at 1603 B Morrissey Dr., would be retained to provide food and beverage service, which would be limited to beer and wine only. The civil union was scheduled for 5:00 p.m. The reception would start at 6:00 p.m. The Miller Park Pavilion must be vacated by 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Janelle Dodge and Amanda Stenger to allow moderate consumption of alcohol at the Miller Park Pavilion for their November 30, 2013 civil union be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 8, 2013 Consent Agenda. He encouraged Ms. Dodge to attend same.

Tracey Covert, City Clerk, reminded Ms. Dodge that no hard liquor was allowed at the Miller Park Pavilion.

There being no further business before the Commission, the meeting recessed at 4:28 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hold a sanctions review for Tjolo's Corp., d/b/a Main Street 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, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that the documentation had been filed late. The Commission had been concerned about the percentage of food and alcohol sales. The sanctions would be continued until the Commission's July 9, 2013 meeting. The License holder was informed that all of the requested information must be filed by July 1, 2013.

George Boyle, Asst. Corporation Counsel, informed the Commission that an Order would be drafted. This Order would extend the sanctions and include the July 1, 2013 documentation deadline.

Commissioner Renner expressed his surprise regarding the percentage of alcohol sales.

Commissioner Tompkins noted that the license holder was not present at the hearing. He was surprised that the documentation had been filed so late.

Commissioner Renner noted that the Commission needed time to evaluate the information.

Mr. Boyle informed the Commission that Brian Novotny, License holder, had provided information late yesterday afternoon. Too much information had been filed too late for review. He noted that Mr. Novotny's legal counsel was in Peoria. They were informed of the City's intent to continue the sanctions. No objections had been raised and they were in agreement with the City's actions.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that an Order to continue the sanctions until the Commission's July 9, 2013 meeting and sets a filing deadline of July 1, 2013 regarding same 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, be approved.

Motion carried, (viva voce).

Commissioner Renner noted that the Commission would need time to digest and review the documentation submitted. He expressed an interest in any change to the percentage of alcohol sales. He also questioned if there was a link to the earlier closing hours.

Commissioner Jordan expressed his interest in a comparison of invoices to inventory which can be difficult. The Commission did not have any information regarding inventory.

There being no further business before the Commission, the meeting adjourned at 4:37 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk