

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

March 12, 2013

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the request of the Melissa Creech and Ronnie Brady to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 13, 2013. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steven Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk; and Melissa Creech and Ronnie Brady, bride and groom.

Commissioners absent: Stephen Stockton and Mark Gibson.

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

Commissioner Clapp opened the liquor hearing and requested that Melissa Creech and Ronnie Brady, bride and groom, address the Commission regarding their request. Ms. Creech addressed the Commission. She informed them that the wedding reception was scheduled for Saturday, April 13, 2013. Alcohol service would be provided to the approximate 120 wedding guests. Alcohol service would be limited to beer. Famous Liquors located at 1404 E. Empire would provide alcohol service. Nelson Catering, Springfield, IL, had been retained to provide the food. The reception was scheduled from 3:00 until 10:00 p.m.

Commissioner Clapp noted that the City Clerk's Office would verify acceptable licensure.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Melissa Creech and Ronnie Brady to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on April 13, 2013 be approved.

Motion carried, (viva voce).

Commissioner Stockton informed Ms. Creech and Mr. Brady that this item would appear on the April 8, 2013 City Council Consent Agenda. She encouraged them to attend this meeting.

There being no further business before the Commission, the meeting adjourned at 4:08 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to hear the notification by Hooters of Bloomington, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., 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, regarding a change of corporate officers. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steve Petersen,

Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Interim Police Chief, and Tracey Covert, City Clerk.

Commissioner Clapp opened the liquor hearing and noted that this request involved a change of corporate 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.

Commissioner Clapp added that the City Code also required a License holder to inform the City of a change in corporate officers.

A letter had been sent to the City from Hooters of America, LLC requesting the addition of Terrance M. Marks, President and CEO of Hooters of Bloomington, LLC and Hooters of America, LLC. Matthew Wickesberg, Executive Vice President/Chief Financial Officers, remains in his current position with Hooters of Bloomington, LLC and Hooters of America, LLC.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen to accept the change of corporate officers for Hooters of Bloomington, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., currently holding an RAS liquor license; said license remains in force.

Motion carried.

Tracey Covert, City Clerk, informed the Commission that a letter will be provided to the Liquor Control Commission.

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

The Bloomington Liquor Commissioner Marabeth called the Liquor Hearing to order to hear the application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., requesting an LB liquor license 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 Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Interim Police Chief, and Tracey Covert; City Clerk, and Dick Folse, Managing Director and Applicant representative.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor hearing and requested that the Applicant address the Commission. Dick Folse, Managing Director and Applicant representative, addressed the Commission. Illinois State University Foundation's Ewing Cultural Center hosted the Shakespeare Festival in the 438 seat theater located on the grounds. Patrons are allowed to picnic on the grounds. Bottled beer and wine would be offered for sale. Annual attendance at the Festival was 9,000 - 10,000. The property was fenced and gated. The gates were manned by Festival employees/volunteers. The Festival is held from June through August. Illinois State has held a liquor license for the Festival since 2008.

Commissioner Clapp questioned the Festival's experience. Mr. Folse informed the Commission that identification was checked, notices were posted, employees were trained and Festival employees/volunteers watched the patrons as they exited.

Commissioner Clapp questioned the alcohol servers. Mr. Folse noted that they would be Festival employees who were twenty-one (21) years of age or older. The beer and wine would be sold by the bottle.

Commissioner Petersen questioned if alcohol must be purchased. Mr. Folse noted that patrons were allowed to bring their own alcohol. There was a thirty-six (36) year history of allowing same.

Commissioner Tompkins commended Mr. Folse as the Festival was well operated. He questioned the parking situation. Mr. Folse noted the agreement between the Festival and St. John's Lutheran Church located at 1617 E. Emerson St. Festival employees assist patrons with parking and crossing Emerson St. The residents of Sunset Rd. do not want Festival patrons walking on their street.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the application of Illinois State University Board of Trustees, for the Shakespeare Festival, located at 48 Sunset Rd., requesting an LB 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, (viva voce).

Commissioner Stockton stated that this application would appear on the Council's April 8, 2013 Consent Agenda. She encouraged Mr. Folse to attend the meeting.

There being no further business before the Commission, the meeting adjourned at 4:16 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Violation Hearing to order regarding Ozark, Inc., d/b/a Ozark House, located at 704 S. McGregor 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. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

There being no further business before the Commission, the meeting adjourned at 4:17 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Violation Hearing to order regarding Shreeji 12, Inc., d/b/a Bloomington Citgo Quick Mart, located at 1901 W. Market St., currently holding 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 Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

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

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Violation Hearing to order regarding East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioners absent: Stephen Stockton and Mark Gibson.

Commissioner Clapp opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

There being no further business before the Commission, the meeting adjourned at 4:19 p.m.

The Bloomington Liquor Commissioner Marabeth Clapp called the Liquor Hearing to order to review the sanctions imposed upon Tjolo's Corp., d/b/a Main Street 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. Present at the hearing were Liquor Commissioners Marabeth Clapp, Steve Petersen, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk, and Brian Novotny, owner/operator and License holder, and Sam Zabak, License holder's attorney.

Commissioners absent: Stephen Stockton and Mark Gibson.

Sam Zabak, License holder's attorney, was allowed to participate via telephone.

Commissioner Clapp opened the liquor hearing to review the sanctions. This hearing was being held in preparation for next month. An issue had been noise. Brian Novotny, owner/operator and License holder, addressed the Commission. He believed that the noise complaints addressed music from the patio. There had been a misunderstanding between himself and City regarding the effective date. The outdoor speakers had been disconnected.

Sam Zabak, License holder's attorney, addressed the Commission. He questioned the timing. George Boyle, Asst. Corporation Counsel, addressed the Commission. He stated that there had not been any recent complaints. He believed that the noise complaints dated back to October 2012. Mr. Boyle believed that the City and License holder were on the same page.

Commissioner Clapp addressed the accountant's review of Main St. Grill's food and alcohol sales. She questioned the process used. Mr. Novotny stated that Main St.'s monthly reports were provided to Ty Gansmann, Gateway Business Services, Inc., accountant. He added that for the first three (3) months Main St.'s point of sale system had been used. He noted that the accountant had supplied two (2) letters.

Mr. Zabak addressed the point of sale system. This system was used to prepare monthly reports. Mr. Gansmann, the accountant, had prepared the letters utilizing the numbers from the point of sale system.

Commissioner Petersen questioned if Main St. Grill prepared daily sales reports. He noted the documents that the City had received.

Mr. Zabak stated that the accountant had verified the numbers.

Commissioner Tompkins expressed his opinion that the accountant's letters were acceptable. There had appeared to be a positive trend in the right direction, (food versus alcohol sales).

Commissioner Clapp addressed the status of BASSET, (Beverage Alcohol Sellers and Server Education and Training), training. Mr. Novotny stated that records had been submitted. Commissioner Clapp cited acceptable training. The City may be providing additional information regarding same. Mr. Novotny addressed scheduling issues. Fat Jack's located at 507 - 511 N. Main St., had informed him that on line courses were available. Mr. Zabak questioned if BASSET certified courses were taken. Mr. Novotny responded affirmatively. Commissioner Clapp noted that the state Liquor Control Commission did not recognize on line training courses. If the City adopts a server training requirement, all license holders would be required to participate. Mr. Novotny informed the Commission that he had recently hire two (2) new employees. They were given two (2) weeks to complete a BASSET course.

Commissioner Petersen addressed the financial reports which were monthly reports from Main St.'s point of sale system. He noted the disparity between September and October 2012. He

noted the change in sales percentages. He questioned how the change had been achieved. Mr. Zabak noted that detailed reporting was not required.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted the earlier closing hour, midnight.

Commissioner Clapp cautioned Mr. Novotny and Mr. Zabak to be prepared to address the Commission.

Commissioner Tompkins questioned if there were any new issues since the last violation. Mr. Novotny was not aware of any violations. Commissioner Tompkins expressed his opinion that Main St. Grill was in compliance.

Mr. Zabak thanked the Commission for allowing him to participate this date via telephone.

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

Commissioner Petersen addressed the next hearing regarding Main St. Grill located at 517 N. Main St.

Commissioner Clapp reviewed the sanctions. The Commission would verify compliance.

Commissioner Petersen questioned if similar action had been taken with other liquor license holders. Commissioner Clapp believed that the Commission's actions had been productive. She noted the discussion with Main St. Grill would address what was required.

Commissioner Petersen stated that the point of sale system was detailed. He had anticipated a summary from the accountant. Commissioner Clapp believed that the Commission could request both.

Commissioner Jordan recommended that the Commission look at Main St. Grill's invoicing. Alcohol should be purchased through a distributor. Beer may involve cash sales. The Commission needed to look for disparity. A license holder must retain its invoices for the state's Liquor Control Commission. There should not be any retail purchases. The City can check with the state regarding any violations. The City can obtain copies of any reports.

Commissioner Clapp cited general discussions regarding the Police Department's spot checks. Commissioner Jordan noted that this was allowed by statute.

Commissioner Clapp stated that the Commission needed to schedule an additional meeting prior to the April 9, 2013 regular monthly meeting. The Commission needed to develop a draft ordinance regarding server training. The Commission needed to set a date and time for this meeting and address the agenda. She added that the BNCCC, (Bloomington Normal Community Campus Committee), had been working with the Town of Normal. She expressed her willingness to contact the Town and BNCCC.

Commissioner Clapp hoped that City staff would provide information regarding other communities. The Commission needed to determine who would be required to complete the training. This was an important issue to address.

Commissioner Tompkins had been given the impression that there was a preliminary draft ordinance.

Commissioner Clapp cited a draft written by Commissioner Stockton.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had spoken with Commissioner Stockton. He planned to reach out to the Town's Corporation Counsel office. He noted that the Town Council had defeated a proposed ordinance. He planned to prepare a draft ordinance for the additional meeting. The management staff would be required to complete the training. The new draft ordinance also addressed the establishment's size, etc.

Commissioner Clapp requested that City staff provide a copy of Commissioner Stockton's first draft ordinance and provide same to the Commission. In addition, the draft ordinances needed to be provided to the stakeholders.

Mr. Boyle stated his intention to revise the draft ordinance prior to the additional meeting.

Commissioner Clapp restated that the meeting needed to be held prior to the Commission's April 9, 2013 regular monthly meeting. The Commission selected Tuesday, March 26, 2013 at 4:00 p.m.

Commissioner Petersen addressed on line BASSET training. He also questioned the course length and scheduling. Tracey Covert, City Clerk, noted that the class length was four (4) hours. Commissioner Tompkins cited the information provided to the City from the City of Champaign. Commissioner Jordan questioned verification of on line training.

There being no further business the meeting adjourned. Time: 4:49 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk