

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

February 12, 2012

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on May 18, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk; and Dijais Ervin and Daniel Phillips, bride and groom.

Commissioner Stockton opened the liquor hearing and requested that Dijais Ervin, bride, address the Commission regarding this request. Dijais Ervin and Daniel Phillips, bride and groom, addressed the Commission. They informed them that the wedding and reception were scheduled for Saturday, May 18, 2013. There were 165 names on the guest list. They anticipated that 120 guests would attend. The Chateau was the wedding event hotel. Guests would be shuttled from the hotel to the Lodge. There would be guests attending who were from out of state. Reality Bites would act as the event caterer. Guests would be offered beer and wine. The wedding ceremony was scheduled for 3:30 p.m. A cocktail hour would be held from 4:00 - 5:00 p.m. The reception would end around 9:00 - 9:30 p.m. Quiet hours at the lake commenced at 10:00 p.m. The hotel shuttles would take the guests back to the Chateau.

Commissioner Stockton noted that currently only catered events were allowed at Davis Lodge.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the request of Dijais Ervin and Daniel Phillips to allow moderate consumption of alcohol at Lake Bloomington's Davis Lodge for their wedding reception on May 18, 2013 be approved.

Motion carried.

Commissioner Stockton informed Ms. Ervin and Mr. Phillips that this item would appear on the March 11, 2013 City Council Consent Agenda. He encouraged her to attend this meeting.

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

Commissioner Gibson questioned streamlining this process. He requested that City staff address same.

Commissioner Stockton believed that this issue was still a proposal. He did not believe that this issue was a top priority for City staff. City staff would have to establish the procedure.

Commissioner Gibson expressed his belief that City staff did not support alcohol service at Davis Lodge and/or Miller Park Pavilion. He restated that he would like to see action taken.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding TVEO Corp., d/b/a Eric's Mini Mart and Restaurant located at 903 W. Wood 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 Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$500 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Tompkins expressed his belief that the fine for a first offense had been increased to \$600.

Mr. Boyle stated that the fine for a first offense was recently increased to \$500.

Commissioner Tompkins restated his belief: \$600 for the first offense, \$1,200 for the second offense and \$3,000 for the third offense.

Mr. Boyle added that the state Liquor Control Commission levied a \$500 fine for first offenses.

Commissioner Stockton recalled that the Commission had held discussions regarding liquor violation fines. Nothing had been formally drafted and reduced to writing.

Commissioner Tompkins recalled these discussions. He stated his intention to review the Commission's minutes.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding Junction West, Inc., d/b/a Nooners located at 802 W. Front St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$500 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Gibson questioned if this was Nooner's first offense. Mr. Boyle reminded the Commission that City staff used a three to four (3 - 4) year time line.

Commissioner Tompkins expressed his belief that the fine for a first offense had been increased to \$600.

Mr. Boyle stated that the fine for a first offense was recently increased to \$500.

Commissioner Tompkins restated his belief: \$600 for the first offense, \$1,200 for the second offense and \$3,000 for the third offense.

Mr. Boyle added that the state Liquor Control Commission levied a \$500 fine for first offenses.

Commissioner Stockton recalled that the Commission had held discussions regarding liquor violation fines. Nothing had been formally drafted and reduced to writing.

Commissioner Tompkins recalled these discussions. He stated his intention to review the Commission's minutes.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to discuss a proposed Text Amendment regarding video gaming parlors. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Council had requested same. He questioned what a video gaming parlor was. He cited Jackpot Joe's application for a liquor license which was for the purpose of opening a video gaming parlor. He cited the state's video gaming law which required a sale by the glass liquor license, (i.e. restaurant and/or tavern). The Council wanted to send a signal that video gaming parlors would be a disqualifying factor.

He read the proposed Text Amendment. He noted that no ratios had been established. There was no exact percentage. It appeared that City staff had taken a common sense approach.

Commissioner Clapp questioned if the City had the authority to limit the number of video gaming machines. George Boyle, Asst. Corporation Counsel, addressed the Commission. He informed them that some cities have capped the number of establishments. There had not been any legal challenges as of this date.

Commissioner Gibson questioned what establishments were eligible. Commissioner Stockton noted those with an on premise liquor license. Mr. Boyle added that truck stops were also eligible. There were size restrictions and gasoline sales volume requirements.

Commissioner Gibson questioned if the City could restrict the square footage for video gaming. Mr. Boyle cautioned the Commission against this action. State law allowed up to five (5) machines per establishment.

Commissioner Stockton presented three (3) options: 1.) limit the number of machines, 2.) address square footage; and/or 3.) limit the number of establishments. He cited the City's home rule authority. He added that there had not been a legal test. He readdressed the goal of the proposed Text Amendment - address video gaming. The Council had voted to opt in to video gaming. The Council had requested specific action which would send a message that the City would not allow video gaming parlors.

Commissioner Clapp expressed her opinion that the Text Amendment should provide a guideline.

Mr. Boyle reminded the Commission that Jackpot Joe's had used the City's current criteria. The proposed Text Amendment would provide advance notice that video gaming parlors were not allowed.

Commissioner Stockton stated that the factors were good. He questioned the impact upon current liquor license holders. He requested that under (14) No license shall be created "and allowed" for an establishment . . .

Mr. Boyle questioned if the word should be allowed or "maintained".

Commissioner Tompkins expressed his opinion that the proposed Text Amendment provided an excellent foundation. He noted the state law. He did not want the City to micromanage video gaming. Such action was not desirable. He viewed video gaming as an ancillary benefit to the liquor license holders.

Commissioner Stockton stated that existing license holders could be grandfathered.

Commissioner Tompkins noted that video gaming only needed a minimal small space. The City should use existing laws. A new law was not required to address video gaming parlors.

Commissioner Stockton proposed a scenario similar to Jackpot Joe's. Commissioner Tompkins suggested that formula which addressed percentage of revenue might be applied. He added that he did not have an answer at this time.

Commissioner Stockton restated his concern regarding existing license holders.

Commissioner Gibson cited unintended consequences. A liquor license applicant might qualify for an "R", Restaurant, liquor license.

Commissioner Stockton believed that additional language was needed. The economics of video gaming was unknown.

Commissioner Gibson questioned how to monitor video gaming. He added his belief that there was a potential issue for existing license holders.

Mr. Boyle suggested that the language be changed to “created or maintained”. In addition, the City could cap the number of establishments that could offer video gaming.

Clay Wheeler, Interim Police Chief, addressed the Commission. He believed the addition of “maintained” would address his concerns. The proposed Text Amendment also listed other factors to be considered.

Commissioner Tompkins believed that video gaming was a lucrative business.

Commissioner Stockton restated that the Text Amendment would inform people up front. Commissioner Gibson believed that there was the potential and the City needed to be watchful.

Commissioner Stockton requested that the language be amended to “created or maintained”.

Motion by Commissioner Gibson, seconded to Commissioner Tompkins that the amended proposed Text Amendment be presented to the Council.

Motion carried, (viva voce).

Commissioner Clapp expressed her opinion that this was the best that the Commission could do at this time. The City needed to wait and watch video gaming.

Commissioner Stockton added that the Text Amendment was a good start. The Council did not want video gaming parlors in the City. This item would appear on the Council’s March 11, 2013 consent agenda.

There being no further business before the Commission, the meeting recessed at 4:50 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to discuss server training. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Interim Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Council had requested same. He believed that enforcement would fall to the Police Department. It was hoped that server training would establish responsibility which in turn would assist with enforcement. This would be easier said than done. He cited the quality of fake ids. The right type of training was key. The state’s Liquor Control Commission recommended certified BASSET (Beverage Alcohol Sellers & Servers Education & Training) training. Key questions were availability and economics. He cited staff turnover in the restaurant/bar trade. Whatever the Commission

decided it had to be workable. Originally, the Commission believed that BASSET training could be taken on line. On line courses were not regulated/certified by the state. He addressed timing and Heartland Community College, (HCC).

Tracey Covert, City Clerk, provided information regarding HCC. BASSET training could be offered on campus or on site. BASSET training would be available through HCC's Continuing Education program. There were minimum enrollment figures to meet in order to offer the training.

Commissioner Stockton noted that the Town of Normal struggled with what would be reasonable. The Town cited employee tenure/turnover and what was feasible.

Clay Wheeler, Interim Police Chief, recognized the difficulties. Seasonal staffing was an issue. He cite class offerings and recommended that it be required for the manager. Employees would be allowed to take an on line course. The City would have to select which on line courses would be acceptable. HCC might have to increase the number of classes. The City needed to support the training.

Commissioner Stockton noted recent conditions which have required BASSET certification within ninety (90) days of employment. There were unanswered questions. The Commission needed input from the license holders.

Commissioner Tompkins expressed his opinion that the community needed to have a standard for alcohol service. The Commission should make BASSET training a requirement. An alcohol server was a marketable skill. If the City required BASSET training, there would be an increase in demand. HCC would need to offer additional classes. Alcohol servers should take the time and put forth the effort to achieve BASSET certification. BASSET certification could begin with the managers and move down to the servers. The Commission needed to draft an ordinance that required BASSET certification

Commissioner Gibson questioned what issue the Commission was attempting to solve. Commissioner Stockton stated over serving and/or underage service. Commissioner Gibson questioned if there was any data to support BASSET certification. He cited an increase in the number of DUI (Driving Under the Influence), OV (Ordinance Violations), etc. He questioned if the City had been burdened by OV. The Commission needed to take a step back and examine data/trends which would provide guidance.

Commissioner Stockton noted that the state Liquor Control Commission encourages BASSET training. The Downtown Entertainment Task Force had also recommended same. He noted individual's behavior in the Downtown and property damage.

Commissioner Gibson questioned if BASSET training be imposed on all license holders. It appeared that there was a localized issue within the Downtown. He recommended that the City start with the license holder and use of data. He anticipated that there would be resistance.

Commissioner Stockton questioned larger establishments and hours of operations.

Commissioner Clapp believed that there was evidence of over serving. She liked the idea of manager training. In turn, the managers would be expected to educate and train their staff. BASSET training was a four (4) hour course. This would represent a start and hopefully present strategies/techniques on how to perform their jobs. The City would be asking the managers to be professional and make BASSET certification part of their training.

Commissioner Stockton addressed the issue of balance.

Commissioner Clapp restated that the managers would become BASSET certified and in turn train their staff.

Commissioner Tompkins questioned if a manager would always be on duty.

Commissioner Clapp recommended that the Commission involve the stakeholders. The Commission should prepare a draft ordinance which would start with manager training. There should be a Public Hearing with the license holders. Afterwards, the proposed Text Amendment would be presented to the Council.

Commissioner Tompkins recalled the Council's fall retreat. The Council wanted to see proactive change in the Downtown. The Council called for additional enforcement. He supported commencing BASSET training with the managers.

Interim Chief Wheeler expressed his opinion that the Police Department would not be able to measure any impact of BASSET training until after BASSET certification. Enforcement's biggest problem was having people return home safely. He noted the number of over served people in the Downtown.

Commissioner Gibson expressed his opinion that there was a belief that in the Downtown over service was okay. He noted from personal observation that Main St. looked like Bourbon St. He cautioned the Commission about making BASSET training mandatory for all. The City was trying to deal with the Downtown.

Commissioner Clapp restated that the Commission needed to hear from the stakeholders. The key was to remain flexible and start somewhere.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He encouraged them to review the material that had been provided. The Commission needed to select an ordinance, invite input and decide what issue(s) would be resolved by BASSET training.

Commissioner Stockton noted that there was interest in BASSET training. BASSET training might also be desirable under some circumstances.

Bernie Uszcienski, 107 N. Hinshaw, addressed the Commission. He informed the Commission that he was a candidate for Ward 7 Alderman. He supported BASSET certification for on duty managers. He cited the moratorium on Downtown liquor licenses. BASSETT certification should be required for all license holders, all managers and in the Downtown all servers.

Commissioner Stockton cited taverns versus restaurants and the size of the establishment.

Mr. Uszcienski believed that the Commission needed to address the Downtown's atmosphere. The Commission should consider the type of license held. He also cited large gatherings such as the Blues Festival.

Interim Chief Wheeler noted the focus on the Downtown. Issues within the Downtown involved the taverns. College students were drinking prior to coming into the Downtown. A key Downtown issue was for the bars' staffs to recognize behaviors. The Commission should not ignore the other taverns in the community.

Commissioner Stockton offered to draft an ordinance with Mr. Boyle's assistance.

Commissioner Clapp believed for the Commission to facilitate an organized discussion there needed to be a framework. The draft ordinance needed to include major points. She believed that the City would adopt something.

Commissioner Gibson expressed support for a framed discussion. He added that there would be unintended consequences. He noted the variety of license holders. The Commission needed to invite every license holder to the public hearing.

Commissioner Tompkins supported the idea of Commissioner Stockton and Asst. Corporation Counsel Boyle drafting an ordinance. He believed that a server ordinance was wanted by the community and Council and needed for the license holders. Nationwide chains have more staff training and tighter controls.

Commissioner Stockton stated that a meeting would have to be scheduled where all of the license holders would be invited.

Commissioner Tompkins raised a point of interest. He questioned Commission expenses/resources. The Commission should have a \$1,000 budget. These funds would allow the Commission to move forward with proactive measures.

Commissioner Stockton offered to speak with David Hales, City Manager. There were Downtown cameras and an interest to expand same.

Interim Chief Wheeler believed that these cameras would assist with investigations.

Commissioner Gibson questioned Main St. Grill located at 517 N. Main St. He believed that the license holder needed to be brought before the Commission. He cited two (2) issues: 1.) noise and 2.) BASSET certification within thirty (30) days. In addition, this establishment had not met the restaurant food sale percentage for the quarter.

Mr. Boyle noted that the City had received some information regarding BASSET training/certification. There was partial/full compliance with this item. BASSET training would

need to be evaluated. He had written a follow up letter to the license holder. A compliance review was scheduled during the Commission's March 12, 2013 meeting.

Commissioner Gibson stated his comfort level with same.

Commissioner Tompkins added that the Commission should have Main St. financials for December 2012, and January & February 2013.

Mr. Boyle added that the financials were due by March 7, 2013.

There being no further business before the Commission, the meeting adjourned at 5:30 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk