

REVISED MINUTES
PUBLISHED BY THE AUTHORITY OF
THE LIQUOR COMMISSION OF THE CITY OF BLOOMINGTON, ILLINOIS
TUESDAY, JUNE 11, 2019, 4:00 P.M.
REVISED ON JULY 11, 2019

The Liquor Commission convened in Regular Session in the Council Chambers, City Hall Building at 4:00 p.m., Tuesday, June 11, 2019.

Commissioner Renner directed the City Clerk to call the roll and the following answered present:

Commissioners: Tari Renner, Lindsey Powell, and Jim Jordan.

Staff present: George Boyle, Asst. Corporation Counsel; Dan Donath, Asst. Police Chief; and Amanda Mohan, Deputy City Clerk.

Public Comment

Commissioner Renner opened the meeting to receive public comment. No public comments were received.

The following was presented:

Item 4. Consideration of approving the Liquor Commission minutes of May 14, 2019.

Commissioner Renner pulled the Liquor Commission minutes of May 14, 2019 to allow more time for review by the Legal Department.

The following was presented:

Item 5. Consideration of the Request from Robert Avery and Donavon Hobbs to allow moderate consumption of alcohol at their June 29, 2019, wedding reception to be held at Davis Lodge at Lake Bloomington.

A representative was not able to attend the Liquor Commission meeting for this item. Commissioner Renner stated there are still options available to review and approve before their event. No action was not taken on this item.

The following was presented:

Item 6. Consideration of the Request from Josh Fry and Shannon Hancock to allow moderate consumption of alcohol at their July 13, 2019, wedding reception to be held at Davis Lodge at Lake Bloomington.

The Clerk stated the Request from Josh Fry and Shannon Hancock was withdrawn as they decided not to have liquor at their July 13, 2019, wedding reception to be held at Davis Lodge at Lake Bloomington. No action was taken on this item.

The following was presented:

Item 7. Consideration of the Request from Bradley Baer to allow moderate consumption of alcohol on August 23, 2019, for a wedding rehearsal to be held at Davis Lodge at Lake Bloomington.

Bradley Baer, groom's father, addressed the Commission. He told the Commission that approximately 60-65 guests are anticipated to attend the event which would be catered by

Lake Road Inn. He confirmed that only beer and wine would be served and that the event would be held from 6:30 p.m. to 10:00 p.m.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to recommend the City Council approve the request made by Bradley Baer including suspension of the appropriate ordinances to allow moderate consumption of alcohol on August 23, 2019, for his son's rehearsal dinner to be held at Davis Lodge.

Commissioner Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell, Jordan, and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 8. Public Hearing on the request by McLean County Fair Association, d/b/a McLean County Fair, requesting a Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) 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.

Mr. Mike Swartz, representative of McLean County Fair Association, d/b/a McLean County Fair also known as the Interstate Center, addressed the Commission. Mr. Swartz is the manager of the McLean County Fair Association (MCFA) which hosts the McLean County Fair and the non-fair events that are held throughout the year. He provided background and explained that within the last 12 months, they have hosted 120 different events represented by 77 different contracts. Fifteen of those events requested liquor which was fulfilled by local liquor license holders. Mr. Swartz continued stating the McLean County Fair Association have requested a Class EAS to be able to provide liquor for these events internally as well as use it to attract more use of the facility. He also informed the Commission that currently, 50% of MCFA's revenue is Fair- related while the other 50% of revenue is from rentals and miscellaneous.

Commissioner Renner asked what type(s) of alcohol would be served and how would it be controlled. Mr. Swartz stated that draft beer, canned beer, glasses of wine, bottles of champagne for weddings, and hard liquor by the glass in bar situations would be offered. He also stated that all guests will be carded, and staff will be BASSET trained.

Commissioner Jordan asked for more details on how carding will be managed. Mr. Swartz stated at the Fair events, guests must show their ID and will receive a wristband if drinking at a separate station than the bar. IDs will be checked at non-fair events by the bartenders. Commissioner Jordan inquired about security at large events. Mr. Swartz explained that additional security would be hired for large events based on need.

Commissioner Renner asked if the Police Department had any comments. Asst. Police Chief Donath addressed the Commission. He stated a concern with large crowds and the potential for underage drinking. He agreed that a station where IDs would be checked as well as wristbands given to drinking participants would be acceptable for crowd control.

Mr. Boyle, Assistant Corporation Counsel, asked for clarification on if the Commission would like to put conditions on the license as well as gave information on similar licenses issued.

Commissioner Renner stated he did not think conditions on the liquor license were necessary at this time; however, should issues arise conditions would be addressed at that time. Commissioner Powell agreed.

Commissioner Jordan asked if the MCFA Board had interest in video gaming. Mr. Swartz stated that the Board had no interest.

Commissioner Powell made a motion, seconded by Commissioner Jordan, to recommend approval of the item.

Commissioner Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Powell, Jordan, and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 9. Public Hearing on the request by Puma Enterprise, Inc., d/b/a Park Pantry, requesting a Class PAS (Package Sales, All Types of Alcohol, and Sunday Sales) liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.

Richard Marvel, Attorney for Puma Enterprise, Inc., d/b/a Park Pantry, addressed the Commission. Amanda Mohan, Deputy Clerk, swore in Mr. Marvel.

Mr. Marvel described the liquor store to the Commission. He provided a brief history of the location and shared a photo of the current state of the building via a tablet. The photo was provided to the Commission as Exhibit A.

Mr. Marvel provided information to the Commission on how the owner, Adjeet Singh, who previously owned and operated Hot Spot, planned to invest and refurbish the building as well as add full convenience items to the store's offerings. Mr. Singh's experience managing Hot Spot will be used in the design and operations of Park Pantry and will be used as a model to update Park Pantry's building. Mr. Marvel provided the Commission with multiple photos of Hot Spot as a visual example. The photos were provided to the Commission as Exhibit B. The implementation of an ID scanner for liquor purchases, new fridges, better lighting, and cameras in addition to the BASSET trained staff will further improve the business. Hard liquor will be stored behind the counter.

Commissioner Jordan asked if the owners plan to include a drive-up option to purchase liquor. Mr. Marvel confirmed the owners had no intention of having a drive-up window and stated they estimate only 20-30% of sales to be from alcohol.

Asst. Police Chief Donath did not have any concerns.

Mr. Boyle, Assistant Corporation Counsel, inquired about the ownership of the building. Mr. Marvel responded that the building is owned by a third party who entered into a lease with Puma Enterprise, Inc. with the option to buy. Mr. Boyle had additional questions for the manager, Sanjeer Singh, including if he resided in Bloomington, how long he has been a resident, length of employment at Hot Spot and if there were any violations to his knowledge. Mr. Singh has been a resident of Bloomington for 15 years and worked at Hot Spot for seven (7) and there were no violations while he worked there.

Commissioner Renner opened the public hearing to receive comments.

James Bays, of 1210 W. Elm, after being sworn in, stated concerns regarding the heavy foot traffic, speeding cars, loud music, yelling, and fighting. He also expressed concern regarding extended hours of operation, the amount of potential liquor sales, and the safety of the neighborhood. Mr. Bays also stated that since the previous business, (which had been a liquor store), closed, there has not been any issues. He did not believe the business would be a benefit to the community.

Karen Bays, of 1210 W. Elm, after being sworn in, stated she had a lot of the same concerns as Mr. Bays. She stated the residents are attempting to rebuild and improve the westside and she did not believe adding liquor would do so. She continued by stating there are plenty of businesses near the neighborhood where liquor could be purchased. Mrs. Bays also had concerns with hours of operation and with liquor being sold at the establishment as the neighborhood has been very quiet since West Side Food and Beverage closed. She suggested instead of a liquor store at the location, that a positive thing be placed there such as a youth center.

Daniel Taylor, of 1215 W. Elm, after being sworn in, stated concerns about the number of intoxicated persons in the area, litter that resulted from purchases, the amount of advertisements for alcohol, the type of people a prominent liquor store attracts and the lawnmower races to the liquor store in the summer. He also stated has not missed those activities since the previous store closed.

Mike Sap, of 827 W. Elm which is a dead-end street near the establishment, after being sworn in, stated he had some of the same concerns as the other neighbors. He had concerns with the cars that flew up and down his street, the type of people a liquor store attracts, and the amount of drug deals in the establishment's parking lot and on the street near his residence. He also mentioned concerns with frequent public urination, loud music, heavy foot traffic and trespassing on his property and his commercial property located across the street. Mr. Sap also stated concerns with trash and littering. He stated the dumpster for the establishment would overflow and the trash would blow into his yard. Mr. Sap stated these actions happened at all times of the day. He was not opposed to a convenience store but requested that liquor not be sold as it has been very nice since the previous establishment closed.

Commissioner Renner asked Asst. Police Chief Donath if there were substantial calls for service to the address while the previous owner occupied it. Asst. Police Chief Donath stated in 2016 there were 14, in 2017 there were three calls, and in 2018 there were 13 calls for service. Commissioner Renner asked if there were concerns with the number of calls to the address or conditions that could be implemented to mitigate any problems for the neighborhood. Asst. Police Chief Donath stated cameras and outdoor lighting are good ways to address any lingering issues. He stated that the calls for service at, or near, the address were not more problematic for police calls for service.

Commissioner Renner asked if there was anyone else to speak for or against the application.

Robert Fazzini came forward and was sworn in. ~~He and h~~His wife grew up living live three blocks from the location. ~~They~~ She appreciated having a convenience store near ~~her~~ their home to purchase food items. He supported the new owners implementing outside lights and cameras and believed that the store would benefit the City more than having an empty building.

Commissioner Renner asked Mr. Marvel to return to the podium. Mr. Marvel stated he could not speak to how the previous owner ran his business; however, he stated Ajeet Singh will update the building.

Commissioner Jordan inquired about the hours. There was discussion regarding hours for Puma Enterprise, Inc. and the percentage of alcohol sales versus dry good sales.

Commissioner Powell stated it is unfair to hold the applicant responsible for actions and events of the previous owner. She also stated the business Mr. Singh previously managed was clean and the building was taken great care of. Commissioner Powell also mentioned she would like to take the testimony from the neighborhood into consideration and work with the applicant, especially in reference to the hours of operation. She did not want to hinder the operations of a business that would like to invest their money into updating the establishment and revitalizing the westside.

Ajeet Singh, owner, addressed the Commission. Mr. Singh was sworn in. Commissioner Renner asked Mr. Singh if he was willing to modify hours, if he planned on implementing outdoor cameras and lighting, and if he was as concerned for cleanliness and loitering as when he owned Hot Spot. Mr. Singh confirmed he was.

The Commission was concerned about the impact on the neighborhood and had discussion regarding potential conditions, including cameras, outdoor lighting, loitering, and proposed hours for Park Pantry. The Commission imposed the following conditions:

1. Store closing hours at 11:00 p.m. After a six-month period, the owners can request a change in this condition.
2. Install outdoor cameras and outdoor lighting.
3. Liquor sales must be less than 50% of total revenue. Invoice documentation to show compliance may be requested by the Commission.

Mr. Marvel, on behalf of Puma Enterprise, LLC, agreed to the conditions.

Commissioner Jordan made a motion, seconded by Commissioner Powell, to approve the license with the conditions presented above.

Commissioner Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Jordan, Powell, and Renner.

Nays: None.

Motion carried.

The following was presented:

Item 10. Public Hearing on the Change of Ownership Application of Hurley Consolidated Enterprises, LLC d/b/a Drifters, located at 612 N. Main Street, currently holding a Class TAS (Tavern, All Types of Alcohol, and Sunday Sales) liquor license, which allows the sale of liquor by the glass for consumption on the premises seven (7) days a week.

Richard Marvel, Attorney for the new owners of Hurley Consolidated Enterprises, LLC d/b/a Drifters, was sworn in and addressed the Commission.

He explained that Tayah Minniefield would be the owner and her fiancé, John Follick, will be the manager of the establishment. The establishment is currently closed for renovation which includes updating the décor and flooring, the addition of TV screens, and creating a

sports bar environment. The new owners aim to have a synergistic relationship with the food vendor that will be next door and are currently reaching out to other local businesses. Mr. Follick has had experience managing a variety of locations, in a variety of positions including bar manager and is also BASSET certified. All employees will continue to be employed and all will be BASSET trained.

Mr. Marvel stated that he believes this item is exciting because young people want to invest their time, talent and resources into downtown development. They intend to have night security training to learn how to best remove an unruly person from a situation. They have also reached out to the McLean County Health Department to ensure their practices are correct. In addition, they contacted the Bloomington Police Department to mitigate concerns for downtown near Drifters specifically and ways the owners can work with the Police Department to have a more efficient operation.

Commissioner Renner reminded Mr. Marvel that video gaming is currently under a moratorium. Mr. Marvel stated the new owners of Drifters are not seeking video gaming at this time.

Commissioner Jordan made a motion, seconded by Commissioner Renner, to recommend approval the application.

Commissioner Renner directed the Clerk to call the roll, which resulted in the following:

Ayes: Commissioners Jordan, Powell and Renner.

Nays: None.

Motion carried.

Old Business

New Business

The following was presented:

Item 12A. Off Premise Delivery Ordinance.

Mr. Boyle explained the increase of popularity for online delivery of alcohol to residences, mentioned State of Illinois regulations and described different options the City has to address this subject. Mr. Boyle also mentioned that it would be beneficial for the Liquor Commission to discuss the potential to create a new license for home delivery of alcohol and the regulations to be enforced. Commissioner Renner stated the Ordinance for Off Premise Delivery will be placed on Old Business for the July Liquor Commission.

The following was presented:

Item 12B. Commission Jordan requested for the Legal Department review the criteria of a liquor store license versus a convenience store license. He also requested the Legal Department draft an ordinance strictly defining liquor stores and convenience stores not related to motor fuel.

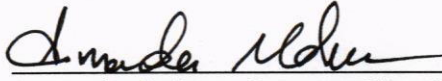
Adjournment

Commissioner Powell made a motion, seconded by Commissioner Jordan, to adjourn.

Motion carried unanimously (viva voce).

The meeting adjourned at 6:12 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amanda Mohan", written over a horizontal line.

Amanda Mohan, Deputy City Clerk