



MINUTES
REGULAR SESSION LIQUOR COMMISSION
TUESDAY, JUNE 8, 2021, 4:00 P.M.

This meeting was conducted under Governor Pritzker’s Executive Order 2020-11 §6, which was reissued and extended by Executive Order 2021-09. The Order, implemented in response to COVID-19, which suspended in-person attendance under the Open Meeting Act, 5 ILCS 120.

The Liquor Commission convened in regular session virtually via Zoom conferencing with George Boyle, Assistant Corporation Counsel, and Amanda Mohan, Deputy City Clerk, in-person in City Hall’s Council Chambers and virtually via Zoom conferencing at 4:00 p.m., on Tuesday, June 8, 2021. The meeting was called to order by Commissioner Mboka Mwilambwe.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Commissioner	Remote	
Jim Jordan	Commissioner	Remote	
Lindsey Meister	Commissioner	Remote	

Staff Advisors

Staff Present	Title	Status	Arrived
Amanda Mohan	Deputy City Clerk	Present	
George Boyle	Asst. Corporation Counsel	Present	
Timothy McCoy	Assistant Police Chief	Remote	
Catherine Dunlap	Downtown Development Specialist	Remote	

Public Comment

Commissioner Mwilambwe opened the meeting to receive public comment. Amanda Mohan, Deputy City Clerk, informed the Commission that no individuals had registered speak live and no emailed public comment was received.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by the Commission from the Consent Agenda for discussion are listed and voted on separately.

Commissioner Meister motioned, seconded by Commissioner Jordan, to approve the Consent Agenda as presented.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

Agenda Item 4A. Consideration and action to approve Minutes from the May 11, 2021 Regular Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved as presented.)

Agenda Item 4B. Consideration and action to approve Minutes from the May 21, 2021 Special Liquor Commission Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved as presented.)

Regular Agenda

The following item was presented:

Agenda Item 5A. Public Hearing and action on the request from Bloomington Normal Sunrise Rotary for a Class LB (Limited/Beer and Wine) liquor license for their annual fundraiser event that will be held on Jefferson St., between Main St. and Center Ave., and on Main St., between Washington St. and Jefferson St., on August 6, 2021, as requested by the City Clerk Department.

Commissioner Mwilambwe introduced the item and provided an overview of the order of proceedings.

Commissioner Meister recused herself at 4:01 p.m. as she was a member of the Bloomington Normal Sunrise Rotary.

George Boyle, Assistant Corporation Counsel, recommended that both the public hearings for Agenda Items 5A and 5B be taken together with motions separately. Commissioner Mwilambwe agreed.

Commissioner Mwilambwe discussed the order of the hearing. He then opened the public hearing at 4:03 p.m.

Kristen Kubsch, Representative on behalf of Bloomington Normal Sunrise Rotary (“the Rotary”), after being sworn, addressed the Commission.

Commissioner Mwilambwe asked Ms. Kubsch state the purpose of the application.

Ms. Kubsch confirmed the date of the event was Saturday, August 6, 2021. She explained the Rotary would hold their annual Brats and Bags fundraiser in Downtown Bloomington. The brat lunch would be from 11:00 a.m. to 1:00 p.m. with live entertainment and the bags tournament, where liquor would be served, would begin at 5:00 p.m. She explained that this was the 12th year the Rotary would host the event and proceeds would go to Midwest Food Bank, Camp Timber Pointe, Heartland Community College scholarships, among other local Rotary initiatives.

Commissioner Jordan asked the hours of operation. Ms. Kubsch explained the event would be held from 10:00 a.m. until 10:00 p.m. with alcohol to be served between the hours of 5:00 p.m. and 10:00 p.m.

Commissioner Jordan then asked how the Rotary would hand identification of individuals aged 21 years or older. Ms. Kubsch explained that there would be BASSET trained individuals who would check IDs and issue wristbands to those aged 21 years or older. Attendees would have to present their wristband to purchase tickets for alcohol and to order alcohol.

George Boyle, Asst. Corporation Counsel, noted that the Legal Department had not had any prior issues with this event. He then asked if there were any changes to the event from

the 2019 event. Ms. Kubsch confirmed there were no changes and that the Rotary had received their Special Event and Food permits.

Mr. Boyle stated that the Legal Department had no issues.

Tim McCoy, Assistant Police Chief, requested that the area where alcohol would be served was cordoned off with only one access point. Ms. Kubsch agreed to the request.

Mr. Boyle advised that, in the past, when the ordinance was suspended, it was limited to the event area only with alcohol dispensed in paper or plastic cups to individuals with wristbands. He asked if the conditions were an issue from the Applicant. Ms. Kubsch stated they would not.

Mr. Boyle recommended those conditions be placed on the license.

Commissioner Mwilambwe asked if there were additional individuals to speak for or against of the application. Ms. Mohan confirmed that no one had registered to speak for or against the application. Staff had not received emailed public comment.

Commissioner Mwilambwe closed the public hearing at 4:09 p.m.

Commissioner Jordan asked Mr. Boyle how to proceed with the motions for Items 5A and 5B. Mr. Boyle recommended that the motions for Items 5A and 5B be separate.

Commissioner Jordan motioned, seconded by Commissioner Mwilambwe, that the Class LB liquor license be sent to the City Council with a positive recommendation.

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

AYES: Jordan, Mwilambwe

Motion carried.

The following item was presented:

Agenda Item 5B. Consideration and action on an Ordinance suspending portions of Chapter 6 of the Bloomington City Code to allow possession of open alcohol on public property in specified portions of Downtown Bloomington on Friday, August 6, 2021, during Bloomington Normal Sunrise Rotary's annual Brats and Bags fundraising event, as requested by the City Clerk Department.

Ms. Boyle suggested conditions that persons in the festival must be wearing wristbands, using paper or plastic cups for liquor, and purchasing alcohol from the event vendor.

Commissioner Mwilambwe asked if the conditions were different from past events. Mr. Boyle confirmed they were not.

Ms. Kubsch stated that one of the beer vendors would be supplying beer in aluminum cans and asked if the Rotary could permit aluminum cans.

Commissioner Mwilambwe asked Mr. Boyle if the intent was to ensure the receptacle could not break. Mr. Boyle confirmed and stated that historically, alcohol was to be served in plastic or paper cups.

Ms. Kubsch responded that typically, vendors have only served draft beer, and this was the first year a vendor chose to use cans. She confirmed that alcohol would be served in plastic or paper cups.

Commissioner Jordan motioned, seconded by Commissioner Mwilambwe, to positively recommend the approval of the suspension of the Ordinance with the following conditions: (1) the suspension of the Ordinance only be permitted for the specified event area; (2) all alcohol must be served in a paper or plastic cup and purchased from the event vendor; (3) all attendees 21+ must have a wristband in order to purchase or consume alcohol; and (4) alcohol be purchased from the approved vendor.

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

AYES: Jordan, Mwilambwe

Motion carried.

Commissioner Meister returned to the meeting at 4:14 p.m.

The following item was presented:

Agenda Item 5C. Consideration and action on an Ordinance suspending portions of Chapter 6 of the Bloomington City Code to allow possession of open alcohol on public property in specified portions of Downtown Bloomington on Saturday, June 26, 2021, during The Momma Inc., d/b/a The Bistro, annual Pride Fest event, as requested by the City Clerk Department.

Jan Lancaster, Owner of The Bistro, after being sworn, addressed the Commission. She explained that 2021 was the third event and there would be no changes from previous years' set up. She explained the event area and that she had worked with Catherine Dunlap, Downtown Development Specialist with the Economic and Community Development Department, on the Special Event Permit. She went on to explain that all individuals who would be working with alcohol would be BASSET trained, that they would use paper or plastic cups, and have wristbands for the attendees. There would be live entertainment as well. The event would start at 4:00 p.m. and end at 10:00 p.m. where, after cleaning up, attendees would move inside The Bistro for another live show.

Commissioner Mwilambwe and Ms. Lancaster discussed the event times. Ms. Lancaster confirmed the event would start at 4:00 p.m. and that last call would likely be at 9:30 p.m. so they could clean up and have the streets reopened by 11:00 p.m.

Commissioner Jordan asked George Boyle, Asst. Corporation Counsel, if there were any issues in the past. Mr. Boyle confirmed that the Legal Department was unaware of any issues. He then asked Ms. Lancaster to confirm the types of alcohol to be offered. Ms. Lancaster stated that she requested all types of alcohol but would offer what the Commission permitted. She noted that it was a well-run event.

Commissioner Meister and Ms. Lancaster discussed the event start time. The application listed 12:00 p.m. (noon) as the start time with 11:00 p.m. for the end time; however, that time frame was for the entire Special Event Permit, which accounted for set up and tear down. Ms. Lancaster confirmed that last call would likely be at 9:30 p.m. so they could clean up and have the streets reopened by 11:00 p.m. Commissioner Meister expressed that she believed it was a great event.

Commissioner Jordan asked Mr. Boyle if the Ordinance needed to stipulate the hours of the event. Mr. Boyle confirmed that the suspension of the Ordinance would only apply for the hours that alcohol would be served.

Commissioner Mwilambwe stated that with no staff concerns, he did not oppose the approval of all types of alcohol.

Tim McCoy, Asst. Police Chief, had no objections.

Commissioner Meister motioned, seconded by Commissioner Jordan, to positively recommend the approval of the suspension of the Ordinance with the following conditions: (1) the suspension of the Ordinance only be permitted for the specified event area; (2) all alcohol must be served in a paper or plastic cup and purchased from the event vendor; and (3) all attendees 21+ must have a wristband in order to purchase or consume alcohol.

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

AYES: Jordan, Meister, Mwilambwe

Motion carried.

Agenda Item 5D.Sanctions Review Hearing on Violation #2021-003 issued to Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main St., as requested by the Legal Department.

Commissioner Mwilambwe asked George Boyle, Asst. Corporation Counsel, for an update on the item.

Mr. Boyle explained the citation was for non-payment of taxes. He went on to provide details from the previous hearing and the determination and explained the three part Agreed Order (“sanctions”). Mr. Boyle reported that the first portion of the sanctions had been complied with. This portion included the following: (1) payment of \$2,500 fine due by April 30,2021; (2) payment of the liquor license renewal fee in the amount of \$2,950; (3) payment of a \$295 late renewal penalty; (4) submission of supporting documentation of the license renewal. Mr. Boyle reported that the second portion of the sanctions had not been complied with. This portion included full repayment of the approximately \$19,000 outstanding delinquent food and beverage taxes, fees, penalties, and interest owed by May 31, 2021. He explained that he had been contacted by interested parties who were willing to arrange a settlement that would involve repayment of all remaining fines and taxes.

Rich Marvel, Attorney on behalf of Drifters, after being sworn, addressed the Commission. Mr. Marvel explained his communication with the current owners of Hurley Consolidated Enterprises LLC, Tayah Minniefield and John Follick, on non-payments per the agreement and he was advised that non-payment was a result of the hardship imposed on them by COVID-19. He briefly explained the arrangement between the current owners and Nick Hurley, the original owner of Hurley Consolidated Enterprises LLC, and expressed the disinterest in the continuation of ownership of the establishment by Ms. Minniefield and Mr. Follick. The current owners received a proposed agreement for a transfer of ownership from Mr. Hurley where he would then immediately pay all outstanding fines and taxes. Mr. Hurley’s intent was to reopen Drifters before the start of local schools’ fall semester in August. Mr. Marvel reported that Mr. Hurley previously successfully managed Drifters for about 10 years with no incidents and that he continues to operate another liquor license in Bloomington known as the Spotted Dog.

Mr. Boyle confirmed Mr. Hurley’s ownership of Drifters for approximately 10 years with no enforcement issues and one COVID-19 enforcement issue at the Spotted Dog which was settled. Mr. Boyle stated that a 100% transfer of ownership application must follow the standard licensing application procedure, but that staff would assist with expediting the application where possible. He then explained the standard licensing procedure.

Commissioner Jordan supported following the standard licensing procedure for a license transfer.

Commissioner Meister had no questions or concerns.

Commissioner Mwilambwe explained that he looked for consistency in process and procedure and supported staff expediting where possible.

Mr. Boyle and Mr. Marvel discussed potential timeline and the impacts to the Mr. Hurley's plan for Drifters.

Mr. Marvel asked if the taxes should be paid prior to the Liquor Commission on July 13, 2021. Mr. Boyle suggested the taxes were paid prior to the meeting.

Mr. Boyle asked Ms. Minniefield if Drifters was open at any point in 2021. Ms. Minniefield responded that the establishment was open for some time in May. Mr. Boyle reminded Ms. Minniefield that tax returns were required for the months in 2021.

Mr. Marvel stated that the taxes would be paid.

The following item was presented:

Agenda Item 5E. Mickey's Kitchen, Inc., d/b/a Mickey's Kitchen: Presentation of Agreed Order, as requested by the Legal Department.

Commissioner Mwilambwe asked George Boyle, Asst. Corporation Counsel, for an update on the item.

Mr. Boyle provided background on the item noting the issues of multiple businesses occupying the same premises and non-payment of taxes. There were allegations of Mickey's Kitchen operating with a non-licensed individual. The licensee relinquished their license and ceased operations upon receipt of the compliant. The business owner agreed and paid a fine of \$1,000, allowing various credits and payments to be attributed to that fine.

Commissioner Mwilambwe asked if the fine had been paid. Mr. Boyle confirmed payment was received.

Commissioner Meister had no additional questions.

Commissioner Jordan asked for confirmation that the establishment was no longer in operation. Mr. Boyle confirmed, and no further action was required.

New Business

No new business was discussed.

Adjournment

Commissioner Jordan motioned, seconded by Commissioner Meister, to adjourn the meeting.

Motion carried (viva voce).

The meeting adjourned at 4:38 p.m.



Amanda Stutsman, Deputy City Clerk