

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

October 11, 2011

Commissioner Stockton opened the Public Comment section of the meeting.

Patrick Fruin, 608 N. Main, cited concerns with a liquor license moratorium. He believed code violations should be enforced.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel, and Renee Gooderham, Chief Deputy Clerk.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing and noted that the Applicant's attorney had sent a letter withdrawing the application.

Commissioner Buchanan questioned the application fee. Commissioner Stockton stated that when they reapply the \$300 application fee would be required.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., be given ninety (90) days to reapply without substantial changes to the Application and the \$300 application fee be waived.

Motion carried.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Elliot Sedgwick and Kara Armstrong to allow moderate consumption of alcohol at their wedding reception on December 10, 2011 to be held at Davis Lodge at Lake Bloomington from 6:30 p.m. until 12:00 a.m., (midnight). Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel, and Renee Gooderham, Chief Deputy Clerk, and Elliot Sedgwick and Kara Armstrong, requestors.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Elliot Sedgwick and Kara Armstrong, requestors, addressed the Commission. They had hired Times Past Inn, located at 1216 Towanda Ave., to cater their wedding. They hoped to offer beer and wine to the estimated 125 guests.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the request of Elliot Sedgwick and Kara Armstrong be allowed for moderate consumption of alcohol at Davis Lodge for their wedding reception on December 10, 2011.

Motion carried.

Commissioner Stockton informed the Applicants that this item would appear on the October 24, 2011 City Council Consent Agenda. He encouraged them to attend this meeting.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Super Parkway Liquor LLC, d/b/a Parkway Liquor, located at 2303 E. Washington, Unit #3, requesting a PAS liquor license, which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, Rakesh Patel, Applicant and Mac Arnold, Applicant's attorney.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He reminded those present that this application had appeared on the Liquor Commission's April 12, 2011 meeting agenda. The application had been denied and was scheduled to appear on the Council of May 9, 2011 meeting agenda. A letter was received by the Mercer Turner, Applicant's attorney requesting the application be withdrawn. He requested that the Applicant explain this request. Mac Arnold, Applicant's attorney, addressed the Commission.

Mr. Arnold requested to cross examine witnesses. He requested Carl Schrof, Schrof Enterprises, address the Commission. Mr. Schrof has managed the Washington Center for seven (7) years. The owner Jerry Curver was currently residing in a nursing home. Mr. Arnold presented photographs to the Commission of the former Jimmy John's, parking lot/corner of Washington St. and Veterans Parkway, and the former Buddy's Liquors front door labeled Exhibit 1, 2 and 3. Mr. Arnold questioned the number of vehicles traveling past Washington Center. Mr. Schrof believed approximately 45,000 – 50,000 vehicles. Mr. Arnold questioned historical use. Mr. Schrof stated when he first began managing the property the building was vacant. Buddy's Liquor store was the former tenants. The business had moved to another location seven (7)

months ago. No other inquiries had been made to rent this location. He believed that a package liquor store would be profitable and was needed at this location.

Mr. Arnold presented the Commission with a petition of support, labeled Exhibit 5 from residents and business owners. He acknowledged Mary Strack, owner of Jimmy John's. Mr. Arnold questioned similar businesses. Mr. Schrof responded Potbelly's, Jim's Steakhouse and Starbucks. He believed that patrons from both Jimmy John's and Jim Steakhouse would stop and purchase packaged alcohol. Other tenants located at 2303 E. Washington strip mall were: a smoke shop; a flower shop; Check Into Cash and Noonies Tailor. Coconut Louie's had closed earlier this year.

Commissioner Tompkins questioned if the rent had been reduced. Mr. Schrof responded negatively.

Commissioner Tompkins questioned the difference with Friar Tuck, located at 2401 Maloney, and Parkway Liquor. Mr. Arnold believed that Friar Tuck was a specialty liquor store.

Commissioner Petersen questioned possible usage of the space formerly occupied by Coconut Louie's. Mr. Schrof responded bar/restaurant, furniture store or office space.

Mr. Arnold requested that Mary Strack, owner of Jimmy John's address the Commission. Ms. Strack believed that a liquor store would be good for her business.

Commissioner Buchanan questioned parking lot traffic. Ms. Strack stated that parking was not an issue. Her business and the former Buddy's Liquor were usually busy in the late evening hours.

Rakesh Patel, Applicant and owner/operator, address the Commission. He provided the Commission Exhibit 4 labeled Dram Shop Resume. He provided a brief history of the businesses he owns which hold liquor licenses. He acknowledged that Mankis, Inc., d/b/a Main Street Convenience, located at 1919 S. Main St. had one (1) liquor violation.

Mr. Arnold had contacted Leslie Lebel, Fiscal Operations Manager, reference to food and beverage payments. Mr. Patel was current regarding food and beverage payments.

Mr. Arnold questioned the investment in Parkway Liquors. Mr. Patel was prepared to invest approximately \$200,000 - \$300,000.

Commissioner Buchanan questioned the number of employee's at Famous Liquors, located at 1404 E. Empire. Mr. Patel responded seven (7).

George Boyle, Asst. Corporation Counsel, questioned Famous Liquors' purchase date. Mr. Patel acknowledged the typographical error on Exhibit 4. The purchase date was June 2010.

Commissioner Petersen questioned hours of operation at the other locations. Mr. Patel stated that Main Street Convenience's business hours were 6:00 a.m. – 10:00 p.m. Monday through

Saturday and 8:00 a.m. – 9:00 p.m. Sunday; Amigo’s Express, located at 502 N. Prospect Rd. business hours were 8:30 a.m. – 8:30 p.m. Monday through Saturday and 10:00 a.m. – 6:00 p.m. on Sunday and Famous Liquors business hours were 10:00 a.m. – 10:00 p.m. Monday through Saturday and 11:00 a.m. – 8:00 p.m. Sundays. Parkway Liquors business hours would be 10:00 a.m. – 10:00 p.m. Sunday through Thursday, and 10:00 a.m. to 11:00 p.m. – 12:00 a.m. (midnight) on Friday and Saturday’s. He believed that Buddy’s Liquor had been open until 1:00 a.m.

Commissioner Buchanan stated his familiarity with Buddy’s Liquor’s operations. Commissioner Tompkins and he had visited the store. They had observed the flow of young people between the hours of 10:00 p.m. and 12:00 a.m. (midnight). Mr. Patel stated that identification would be taken. Individuals would not be allowed to “hang out” inside or outside the business.

Commissioner Tompkins requested a description of the neighborhood. Mr. Arnold stated that the neighborhood was a combination of businesses, apartments and single family homes. He represented the Arbors Apartment Complex and acknowledged that most residents were low income. Commissioner Tompkins believed that the neighborhood was in transition.

Commissioner Stockton questioned the types of spirits sold. Mr. Patel stated that vodka, gin and brandy. He planned on selling the whole line of spirits. Commissioner Stockton cited concern with single serve sizes. Smaller sizes have the possibility of being consumed on premise.

Commissioner Tompkins questioned the location of pints and half pints. Mr. Patel responded they would be stocked behind the counter. Commissioner Buchanan questioned the sale of single serve beer on ice. Mr. Patel stated that twenty-four ounce (24 oz) cold beer would be sold.

Commissioner Stockton questioned the identification policy. Mr. Patel stated that all customers would be asked for identification. He hoped to purchase a system which required entry of the individuals’ date of birth which could not be overridden.

Commissioner Buchanan questioned security. Mr. Patel stated there would be video inside and outside the building. Employees would be able to monitor same from behind the counter and he would be able to monitor from his home. Commissioner Clapp questioned lighting. Mr. Patel stated that employees would be able to see cars in the parking lot.

Commissioner Petersen questioned the manager’s experience. Mr. Patel responded that the manager had previous experience at his other locations.

Commissioner Stockton opened the hearing to public input. No one came forward.

Commissioner Tompkins expressed support for a motion which would deny the request of the Super Parkway Liquor LLC, d/b/a Parkway Liquor, located at 2303 E. Washington, Unit #3, requesting a PAS liquor license, which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.

Commissioner Buchanan questioned the number package stores selling single serve cold beer. Patrick Fruin, owner/operator of Flinger's Pizza, located at 608 Main St., addressed the Commission. He shopped at Friar Tuck. Friar Tuck sells the sizes mentioned. He believed that cold single serve beer was available in other stores.

Commissioner Tompkins stated his concern regarding an additional packaged liquor store in the neighborhood. There was a possibility of adding to existing neighborhood issues/challenges. The need for an additional package liquor store had not been established. Commissioner Stockton cited other stores in the area which sold alcohol.

Commissioner Clapp believed that problems should not be anticipated. The business should be monitored closely.

Commissioner Stockton questioned the impact upon the business if there was an indication of problems with single serve. Mr. Patel responded that it was hard to speculate. He believed it would be burdensome. Commissioner Buchanan questioned not selling items less than forty ounces (40 oz). Mr. Patel stated that was possible.

Commissioner Buchanan commended Mr. Patel for his positive business record.

Commissioner Buchanan expressed support for a motion of the Super Parkway Liquor LLC, d/b/a Parkway Liquor, located at 2303 E. Washington, Unit #3, requesting a PAS liquor license, which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following conditions 1.) hours of operation would be limited to Sunday through Thursday 10:00 a.m. – 10:00 p.m. and Friday/Saturday 10:00 a.m. – 11:00 p.m. and 2.) that the sale of refrigerated beer be no less than 40 oz.

Commissioner Petersen stated his concern regarding covered windows. Mr. Patel would follow the liquor code.

Commissioner Petersen believed there was concern about liquor throughout the City.

Commissioner Buchanan reminded the Commission that liquor licenses were renewed yearly. If the Commission determined problems with single serve and/or refrigerated beer there was the possibility of imposing limitations. Mr. Boyle responded a public hearing would be required. Commissioner Clapp questioned triggers for review. Commissioner Stockton stated that the Commission always has the opportunity to review licenses. The Commission reviews licenses on a complaint basis either by a Commissioner or by a member of the public.

Motion by Commissioner Peterson, seconded by Commissioner Clapp that the request of the Super Parkway Liquor LLC, d/b/a Parkway Liquor, located at 2303 E. Washington, Unit #3, requesting a PAS liquor license, which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week with the following condition: hours of operation would be limited to Sunday through Thursday 10:00 a.m. – 10:00 p.m. and Friday and Saturday 10:00 a.m. – 11:00 p.m.

Ayes: Commissioners Clapp, Buchanan, and Petersen.

Nays: Commissioners Tompkins and Stockton.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the November 14, 2011 City Council Consent Agenda. He encouraged Mr. Patel to attend this meeting.

There being no further business the meeting recessed at 5:20 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., requesting an RAS 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. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, Gary Pagano, Applicant and owner/operator, and Jim Finnegan, Applicant's attorney.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He noted the number of inquiries received reference operational, parking, and trash issues. The Commission was tasked to address the impact of a liquor license on the neighborhood.

Commissioner Buchanan requested clarification of the LLC. Jim Finnegan, Applicants attorney addressed the Commission. GAPJR, LLC was pending at the time of application with the Secretary of State. This LLC was taken Mr. Pagano then requested Arlandria, LCC.

Gary Pagano, Applicant and owner/operator, addressed the Commission. Mr. Pagano had been the General Manager at Daddios, located at 527 N. Main, for over ten (10) years. He had not received any violations during this time. He would take full ownership of the Reality Bites. The menu would remain the same. He believed that the business lacked direction and leadership. He would bring the business back to its full potential.

Commissioner Stockton questioned if Mr. Pagano was aware of the neighborhood concerns. Mr. Pagano responded affirmatively. He had met with Pam and Herb Eaton on Sunday, October 9, 2011. The following would be enforced: 1.) employees would not be allowed to park in the alley; 2.) folding chairs would be allowed for employee breaks and put away each night; 3.) cigarette butt containers would be used; and 4.) the alley and front sidewalk would be swept and cleaned as part of opening and closing operations.

Commissioner Stockton questioned after hour activities. Mr. Pagano stated that there would be no after hour activities. All employees would be required to leave the premises after closing.

Commissioner Buchanan acknowledged that the complaints received were for the current owners.

Commissioner Stockton opened the hearing to public comment.

Pam Eaton, Eaton Gallery owner/operator, located at 411 N. Center St., addressed the Commission. Eaton Gallery was behind Reality Bites, the alley was shared. She was not opposed to the change of ownership. She provided the Commission pictures of the current alley conditions. She cited a letter sent by Steve Adcock, Inspector I of the City PACE Department, to Stephen Saeriren, owner Reality Bites, in March 2010. Overflowing rubbish in and around the dumpster was an issue. Other concerns were lack of lighting in the alley and after hour noise. There needed to be reassurances that the current concerns did not continue. She questioned restrictions for renewal or a six (6) month trial basis.

Mrs. Eaton questioned options if the new owners continued as the current owners have. Commissioner Stockton stated that anyone of the Commissioners could take complaints. A violation hearing could be used to address issues. If violations continue, then a renewal hearing could be held. Mrs. Eaton believed there a possibility of collaboration between the two businesses.

Commissioner Petersen questioned the expectation of alley cleaning. Mrs. Eaton stated her expectations' no chairs, trash or cigarette butts. She requested Mr. Pagano be held responsible for his employees actions.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He reminded the Commission of Chapter 6 Alcoholic Beverages, Section 37(e)(4), Same – Powers and Duties Generally of Chapter 6 Alcoholic Beverages. The Commission has the authority to fine and/or suspend or revoke a license in violation of the McLean County Health Department's ordinances.

Bob Vericella, 125 S. Bellemont Rd., building owner, addressed the Commission. He acknowledged that trash was an issue. Downtown owners needed to be held responsible for cleanup of their areas.

Commissioner Stockton questioned alley lights. Mr. Vericella responded currently there were lights on the fire escape. Commissioner Stockton questioned the need to light the whole alley. Mr. Vericella stated his willingness to add lighting in the alley.

Commissioner Petersen noted the picture of boxes and cigarette butts in the alley. He believed this was a fire hazard. He questioned refuse placement. Mr. Pagano stated that he has a lease agreement Koth and Gregory, located at 420 N. Main St. for usage of their dumpster.

Mr. Vericella cited his concern about noise from the patio. He currently has upstairs tenants. He questioned changes. Mr. Pagano responded that the patio would be cleaned. It was his intent for customers to use the patio while they enjoyed their dinner.

Commissioner Stockton stated that he did not believe this was a major problem. It was a matter of keeping the business owner focused on daily cleaning.

Commissioner Tompkins questioned a cigarette butt receptacle. Mr. Pagano was looking into a variety of receptacles. Commissioner Tompkins suggested using a receptacle similar to those at Schnuck stores.

Patrick Fruin, owner/operator of Flingers Pizza Co., located at 608 N. Main St., addressed the Commission. He had owned his business for five (5) years. He believed that Daddios management was top notch. Employees power wash the sidewalks on the weekends.

Tricia Stiller, Downtown Business Association and Executive Director, 106 W. Monroe St., addressed the Commission. Reality Bites was a unique eatery. She was impressed with Mr. Pagano's proactive approach. She believed he set a high standard. He had taken upon himself to talk with the neighbors. This spoke highly of him.

Andy Weaver, 420 N. Main St., current Reality Bites employee, addressed the Commission. He was looking forward to the improvements. He believed that Mr. Pagano's would have high standards for his employees.

Tony Fabrizino, owner/operator Killarney's Pub, located at 523 N. Main St., addressed the Commission. He had known Mr. Pagano for ten (10) years. He concurred with what had previously been stated. He was impressed with how Mr. Pagano managed Daddios.

Commissioner Stockton believed that the applicant understood the issues with the neighborhood. Conditions were not required for the issues stated.

Commissioner Clapp questioned the menu and restaurant operations. She questioned the restaurant turning into a tavern. Mr. Inchol Chong, 1407 W. Elm St., addressed the Commission. He was hired to be the General Manager. He had previous experience with Central Station Café, located at 220 E. Front St. as partner. He would bring food and restaurant knowledge. Mr. Pagano did not want the restaurant to turn into a tavern. There would be some fine tuning of the food menu. He would establish a unique wine and drink menu. The kitchen would remain full service until 10:00 p.m. There would be a late night menu after that time. The atmosphere would that of wine, appetizers and good conversation. The goal would be to attract patrons attending or leaving the performances from the Bloomington Center for Performing Arts and/or the US Cellular Coliseum.

Commissioner Stockton requested a three (3) minute recess.

The Liquor Commission meeting reconvened at 6:11 p.m.

Commissioner Stockton read the amended conditions placed on the current Reality Bites from the Council meeting of October 23, 2006: 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.)



that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00 a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment. He stated his belief that the food ratio to alcohol changes as it becomes later in the evening. There also was concern from the Council at that time of having another Downtown tavern. He questioned if Mr. Pagano could agree to these conditions. Mr. Pagano stated affirmatively.

Commissioner Stockton added that under Chapter 6 Alcoholic Beverages, Section 27, No Underage or Intoxicated Person in Licensed Premises Exceptions and Burden of Proof states that no one under the age of 21 years of age be allowed inside the establishment unless accompanied by a parent or legal guardian.

Mr. Finnegan questioned employees between the ages of 18 - 21. Commissioner Stockton stated after 12:00 a.m. (midnight) a seventeen (17) year old could not be working.

Commissioner Tompkins and Commissioner Buchanan recommend that the conditions as read be added to the license.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of the Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., requesting an RAS 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 with the following conditions : 1.) that the establishment must operate as a restaurant, if at the sole direction of the Liquor Commission, that there is an indication that the establishment is operating as a tavern, the approval of the RAS license would be revisited; 2.) that no alcohol be sold, served or consumed on the premises the earlier of one hour after the kitchen closes or 1:00 a.m. on weekdays, 2:00 a.m. on Friday and Saturday nights; 3.) that amplified music be allowed, but limited to one amplifier per instrument and vocalist; and 4.) that after 12:00 a.m. (midnight) tavern rules apply, in that no one under the age of 21 years of age be allowed inside the establishment be approved.

Motion carried.

Commissioner Stockton informed Mr. Pagano that this item would appear on the November 14, 2011 Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business the meeting recessed at 6:15 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market, currently holding a PBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750mil of wine; 2.) that there be no sale of alcohol before 10:00 a.m. Monday through Saturday; and 3.) that the dedicated sales space for stocking/displaying of alcohol be limited to ten percent

(10%) of the available floor space not to exceed 100 square feet (reference Applicant lease); for a change the classification to a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen and Geoffrey Tompkins; Lt. Tim Stanesa; George Boyle, Asst. Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, and Venu Danda, owner/operator and License holder.

Absent: Commissioner Mark Gibson and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. Venu Danda, owner/operator and License holder, addressed the Commission. He expressed his appreciation for the opportunity to address the Commission. The store had been opened since 2006. Customers have been requesting spirits for the last (6) months. The store is open at 7:00 a.m. to 10:00 p.m. weekdays and 11:00 p.m. on weekends. A meeting was held on September 30, 2011 with Dennis Arnold, President of Gridley Allen Prickets (GAP) Neighborhood Association, explaining his request. At that time he requested feedback from the neighborhood. He had asked Mr. Arnold to send a notice about this hearing. He provided the Commission with a signed petition from customers signed in the last ten – fifteen days (10 – 15).

Commissioner Buchanan questioned the demographics of the customers. Mr. Danda believed that most were at least forty (40) years of age and lived within walking distance. Neither the store or employees had received ordinance violation. It is posted in the store that alcohol sales would require identification. Commissioner Buchanan questioned the number of customers shopping for products other than alcohol and tobacco. Mr. Danda noted that grocery sales were declining. His original plan was to be more like a grocery store than to be another liquor store. Grocery sales equated of thirty to forty percent (30% - 40%) of sales and tobacco forty to fifty percent (40% - 50%). His typical customer purchased candy (more from children), frozen food and milk.

Commissioner Tompkins questioned the size of spirits to be sold. Mr. Danda responded half pints would be stocked behind the counter on two (2) shelves. The layout of the store would not change. There would be no single serve beer items. He requested time to prove himself. He wanted to provide a service to the neighborhood.

Commissioner Tompkins questioned the breezeway between the laundromat and store. Mr. Danda responded that the door remains locked, closed and was not accessible. His employees were able to see into the laundromat and vice versus. This was for safety concerns.

Commissioner Tompkins questioned the ability to see the cash register from the parking lot. Commissioner Petersen questioned signage. It was difficult to see into the store. Mr. Danda stated that all customers were seen very clearly.

Commissioner Petersen questioned condition 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750mil of wine. Mr. Danda stated that those conditions would remain. He would not sell airplane size spirits.

Commissioner Stockton opened the hearing to public comment.

Dennis Arnold, President GAP Neighborhood Association, 504 N. Lee, addressed the Commission. He had contacted the neighbors. He had also encouraged the petition. The grocery store was needed. He believed that selling spirits harmed quality of life. He cited the homeless population in the area. He believes that Mr. Danda does not understand the neighborhood's issues. He was against this request. He provided the Commission emails from neighbors who could not attend the meeting opposed to the request.

Commissioner Stockton questioned specifics. Mr. Arnold cited the old Red Fox store, now Pop's Grocery, located at 918 W. Market. Mr. Danda does not have the option to limit the customer base like a tavern. Convenience stores seem to have a fair amount of loitering associated with them.

Commissioner Buchanan questioned the retail sales of spirits deteriorating the neighborhood. Mr. Arnold believed that the items proposed were single serve items. It increases loitering and drinking by pedestrians and litter.

Commissioner Tompkins questioned the demographics of the neighborhood. Mr. Arnold noted the varied demographics. There were a lot of low income transient residents. It was a high turnover rental neighborhood.

Connie Jones, 305 W. Mulberry, addressed the Commission. She had resided across the street from the store. She also resided at 410 N. Roosevelt. She had lived in the neighborhood for four (4) years. She was not aware of the GAP Association. She was a frequent shopper. She was not opposed to this change.

Commissioner Buchanan questioned concern with adding spirits and loitering. Ms. Jones stated she did not have a concern with loitering. She had seen people walk and drive to the store. From her experience most customers purchased beer.

Richard Heiser, 810 W. Jefferson, addressed the Commission. He was a member of the Olde Town Association and on the board of the West Bloomington Revitalization Project (WBRP). He was here speaking of his own behalf and as a resident of the neighborhood for twenty-six (26) years. He was opposed to the change. He cited Habitat for Humanity home construction, community gardens and bike giveaway as examples of positive improvements. Projects with the Fuller Center had assisted homeowners to revitalize homes. The expansion would be a burden on the neighborhood. The change would not enhance the quality of life. Spirits could be purchased elsewhere.

Commissioner Buchanan questioned the neighborhood improvements in the last four to six (4 – 6) years. Mr. Heiser believed that with the hard work of the neighbors young families were moving back into the neighborhood.

Commissioner Stockton questioned other places to purchase spirits. Mr. Heiser cited Pub 1 located at 505 W. Market; CVS Pharmacy, located at 210 N. Center; West Side Liquor located at 906 S. Morris and Kroger located at 1502 N. Main.

Cindy Arnold, GAP Neighborhood Association member, and WBRP member, 504 N. Lee, addressed the Commission. She was opposed to the change. She stated her belief that the store windows were not in compliance. There were litter problems. The afternoon school bus drops off students in front of the shopping complex. She believed that when Mr. Danda worked at Pop's Grocery there were similar problems, especially litter. All neighborhoods were not the same and should not be treated as such. The neighborhood supports the following: the Salvation Army, group homes for disabled individuals and Community Health Service clients. She had seen people in the neighborhood panhandle, purchase beer, and sit on the wall and drink.

Mr. Danda acknowledged that sometimes homeless people sit in the laundromat.

John Rokos, owner/operator and License holder, of Pub 1 located at 505 W. Market, addressed the Commission. He believed the neighborhood had opportunities to purchase spirits.

Commissioner Buchanan questioned the types of package alcohol sold at his establishment. Mr. Rokos replied twenty-four to forty ounce (24 – 40 oz) beer, six (6) packs of beer, and pints and half pints of spirits.

Commissioner Stockton stated that there has been concern with a liquor license at this location due to the proximity of the Downtown.

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the request of the Anjana, Inc., d/b/a W. Market Groceries, located at 301 W. Market, currently holding a PBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week with the following conditions: 1.) the sale of packaged beer and wine would be limited to nothing smaller than a six (6) pack of beer and 750mil of wine; 2.) that there be no sale of alcohol before 10:00 a.m. Monday through Saturday; and 3.) that the dedicated sales space for stocking/displaying of alcohol be limited to ten percent (10%) of the available floor space not to exceed 100 square feet (reference Applicant lease) for a change of classification to a PAS liquor license which would allow the sale of all types packaged alcohol for consumption off the premises seven (7) days a week be denied.

Motion carried.

Commissioner Stockton informed Mr. Danda that this item would appear on the November 14, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business the meeting adjourned at 7:25 p.m.

Commissioner Stockton stated that the initial violation appearances of CFMI, Inc., d/b/a Convenient Food Mart, located at 1102 N. Hershey Rd, currently holding a GPAS liquor license which allows the sale of all types packaged alcohol for consumption off the premises seven (7)

days a week and GMRI, Inc., d/b/a Olive Garden Italian Restaurant #1414, located at 1701 E. Empire, currently holding an RAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types packaged alcohol for consumption off seven (7) days a week, had been settled.

George Boyle, Asst. Corporation Counsel, addressed the Commission. The Police Department had conducted compliance checks in July 2011. There were three (3) violations. He stated that the background and circumstances of the allegations and violation history were provided to Commissioner Stockton. Based on the information Commissioner Stockton recommends a course of action.

Ma Verhari, Inc., d/b/a Buddy's Liquor, located at 806 Eldorado Rd., was given a violation and the employee who was one and the same. Mr. Boyle had spoken first with Mr. Patel, owner/operator and License holder, explaining his options.

Mr. Patel addressed the Commission. He questioned the actual violation. At the time the Police Officers came into the store he was watching three (3) individuals who had broken a window. He had called the police. He stated his confusion regarding the sale of alcohol to a minor.

Commissioner Stockton inquired who was working the evening of July 21, 2011. Mr. Patel stated he was working.

Mr. Boyle offered to speak to Mr. Patel and/or his representative to obtain clarification. Should the meeting result in concession he would notify the Commission.

Commissioner Stockton stated that a violation hearing of Ma Verhari, Inc., d/b/a Buddy's Liquor, located at 806 Eldorado Rd., currently holding a PAS liquor license which allows the sale of all types packaged alcohol for consumption off the premises seven (7) days a week would be held after the regularly scheduled Liquor Commission of November 8, 2011.

There being no further business the meeting adjourned at 7:40 p.m.

Commissioner Clapp as a member of the Downtown Entertainment Task Force requested a Work Session to present the Liquor Issue Study Group's recommendations.

Commissioner Stockton stated that a Work Session would be held on Tuesday, October 25, 2011 at 4:00 p.m.

There being no further business the meeting adjourned at 7:45 p.m.

Motion carried.

Respectfully,

Renee Gooderham

Chief Deputy Clerk