

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

July 12, 2011

The Bloomington Liquor Commissioner Stephen Stockton called the meeting to order at 4:04 p.m.. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the Public Comments portion of the meeting. No one came forward to address the Commission.

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, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing and noted that the Applicant's attorney requested that this item be laid over until the Commission's August 9, 2011 meeting.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application 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 allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be laid over until the Commission's August 9, 2011 meeting.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:07 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the City of Bloomington d/b/a Bloomington Center for the Performing Arts, located at 600 N, East St., requesting an RBS 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. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Joel Aalberts, Performing Arts Manager and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Joel Aalberts, Performing Arts Manager and Applicant representative, addressed the Commission. He noted that alcohol sales have been a part of the concessions at the Bloomington Center for the Performing Arts, (BCPA), since 2006. The BCPA has worked with an outside vendor. For the 2011 Performance Season, BCPA staff believed that it was time to bring liquor sales in house. A City liquor license would not cover rentals for weddings, etc. Rentals generally involved a larger selection of alcoholic beverages. Only beer and wine would be sold by the glass prior to and during intermission of adult events.

Commissioner Stockton questioned alcohol sales during the Illinois Symphony. Mr. Aalberts noted that these events would be handled by BCPA staff. He described the Symphony as a standard performance event. He restated that alcohol sales by the glass have been offered in the past. The City license would allow the BCPA to recoup all profits. This revenue would offset performance costs.

Mr. Aalberts added that BCPA staff would research BASSETT (Beverage Alcohol Sellers & Servers Education and Training)/STEPS (Safety Training to Encourage Profitable Services) training. Twenty-two (22) volunteers and four (4) full time staff would be trained. The full time staff members would act as supervisors.

Commissioner Stockton noted that the City had selected an outside vendor in the past who was issued a season performance liquor license. Mr. Aalberts responded affirmatively. KPTS, Inc. , d/b/a Six Strings located at 525 N. Center St., currently holding a TAS (Tavern, All types of alcohol, Sunday sales), was the current provider. Six Strings would handle an outdoor event at the BCPA in September 2011.

Commissioner Petersen questioned if the City would eventually handle the BCPA's outdoor events. Mr. Aalberts noted that outdoor events were larger and there was a higher demand for alcohol sales. The BCPA staff and its volunteers would grow with experience to accommodate customers' wishes.

Commissioner Stockton expressed his concern about any violations. George Boyle, Asst. Corporation Counsel, addressed the Commission. He recommended that the City retain special counsel for any enforcement issues. This special counsel should be external to the City. He had not spoken with another municipality but cited the Town of Normal as an example.

Commissioner Stockton acknowledged the need for hardy internal policing. This would include sanctioning employees and volunteers. Mr. Aalberts noted that the City's golf courses, (Highland, Prairie Vista and the Den at Fox Creek), held RBS liquor licenses. The opportunity for liquor sales would be limited to prior to a programmed performance and during intermission. He added that a Park Police Officer would be present at outdoor events. He believed that the BCPA's outdoor events provided a safe environment. There had been no issues to date.

Commissioner Gibson requested that the City define the premise (indoor and outdoor events). (See Chapter 6. Alcoholic Beverages, Section 26 (d) (2) (i - vii)). Mr. Aalberts noted that the

outdoor event space was fenced off. He noted the limited number of access points and added that BCPA staff was assigned to police same.

Commissioner Petersen questioned the number of stations. Mr. Aalberts noted that the BCPA was dependent upon event set up. There would only be one (1) alcohol sale station for outdoor events. He reviewed the various layouts submitted with the application (indoor and outdoor events). He reviewed the process for entering outdoor events, (gates were located on US 51 and East St.).

Commissioner Buchanan requested that City staff enhance the drawings with the use of color to clarify and define the premise.

Commissioner Stockton noted that premise be controlled. Mr. Aalberts stated that there would be no change to the event set up.

Commissioner Gibson noted that more than fifty-one percent (51%) of sales must come from items other than alcohol. He noted ticket sales as an example. He questioned why City staff wanted to change the current system and have the City assume the risk. Mr. Aalberts noted that the primary reason was revenue. Alcohol sales would provide another revenue stream to cover performance costs. He noted that the Castle Theater and the US Cellular Coliseum also held liquor licenses. The BCPA's system was simple and could be executed safely. There was a small opportunity for alcohol sales. Concessions added to the event and were a service to patrons. The product would be provided at an affordable price while removing the middle man.

Commissioner Petersen questioned the number of outdoor events. Mr. Aalberts responded that there were five (5) outdoor events. BCPA would evaluate the Jaycees Bruegala after the event.

Commissioner Petersen believed that a careful approach was needed for outdoor events. There appeared to be no issues with indoor events. Mr. Aalberts noted that BCPA staff would be cautious to maintain the City's image. It would be reasonable to have a police presence at outdoor events. He believed that events could be held safely.

Commissioner Stockton believed that the Council would be concerned about this application. He noted that no beverages would be allowed in the auditorium. Mr. Aalberts noted that City policy did not allow beverages inside the auditorium. There would be no change to this policy. Commissioner Stockton stated that this policy could be attached as a condition upon the license.

Commissioner Gibson did not see any issues with the sale of beer and wine. There may be issues which the Council may request clarification. He believed that from the Commission's view point, Mr. Aalberts had answered the Commission's questions and concerns. He questioned if the City needed to establish a violation protocol prior to issuing a liquor license. Commissioner Stockton believed that the City would request assistance from the Town of Normal. He added that there had not been any issues with liquor sales at this facility. Commissioner Gibson wanted to understand the issue. Commissioner Petersen believed that the City set a precedent when it licensed its golf courses. Commissioner Buchanan noted that the location was not problematic and there was responsible management.

Commissioner Gibson questioned if the Applicant's file contain liquor liability and a license bond. Tracey Covert, City Clerk, responded affirmatively.

Commissioner Stockton noted that there had been liquor service at the BCPA. He compared this application to a change of ownership. He requested that a condition be placed on this application to not allow alcoholic beverages in the auditorium.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of the City of Bloomington, d/b/a Bloomington Center for the Performing Arts located at 600 N. East St., requesting an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week be approved with the following condition: 1.) alcoholic beverages will not be allowed in the auditorium.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the July 25, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:40 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Stuart Boyd and Rebecca Meiron to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 2, 2011. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Stuart Boyd.

Commissioner Stockton opened the liquor hearing and requested that Mr. Boyd address the Commission regarding this request. Stuart Boyd addressed the Commission. He informed them that the wedding reception was scheduled for Friday, September 2, 2011. Alcohol service would be provided for the wedding guests. It would be a small wedding, (approximately eighty guests would be attending). The majority of the wedding guests would be over the age of twenty-one (21). The food would be catered by Wiegand Catering, Danvers, IL.

Commissioner Stockton noted that it appeared that Mr. Boyd and Ms. Meiron had not selected a caterer for alcohol service. Mr. Boyd presented the Commission with two (2) options: JT Walker's Restaurant and Sports Bar located at 401 E. Main St., Mahomet or Deana Tracy, employed as a bartender at Jack's Lakeside Inn, Hudson. Commissioner Stockton noted that the City Clerk's Office would have to verify acceptable licensure of the caterer. Mr. Boyd added that Ms. Tracy had attended bartending school. Commissioner Buchanan noted that Ms. Tracy was employed in a licensed premise. Commissioner Tompkins believed that Ms. Tracy would be a certified bartender. Commissioner Stockton restated that the caterer must hold the appropriate catering liquor license.

Commissioner Petersen questioned the process to identify a licensed caterer. Commissioner Stockton believed that the process was simple.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Stuart Boyd and Rebecca Meiron to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 2, 2011 be approved with the following condition: 1.) pending confirmation of a licensed caterer with the ability to serve at Davis Lodge.

Motion carried.

Commissioner Stockton informed the request that this item would appear on the August 8, 2011 City Council Consent Agenda. He encouraged them to attend this meeting.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Luther Senior Living of Illinois, Inc., d/b/a Luther Oaks located at 601 Lutz Rd., currently holding an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, for a change of classification to 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, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Tim Kmetz, Business Operations Manager, and Kenneth Jenzen, Director of Dining Services, and License holder representatives.

Commissioner Stockton opened the liquor hearing and requested that License holder address this request. Tim Kmetz, Manager, addressed the Commission. This change of classification was made to allow the service of all types of alcohol at special events only. Service of hard liquor would not occur every day. Luther Oaks does not have a lounge. Alcohol service was limited to the dining area.

Commissioner Stockton questioned if beer and wine was listed on the dining room menu. Mr. Kmetz responded affirmatively. Spirits would only be available for purchase at special events. Commissioner Stockton noted that there had not been any issues with this license holder.

Commissioner Tompkins questioned if Luther Oaks' residents were allowed to have alcohol in their apartments. Mr. Kmetz responded affirmatively.

Motion by Commissioner Petersen, seconded by Commissioner Tompkins that the request of Lutheran Senior Living of Illinois, Inc., d/b/a Luther Oaks, located at 601 Lutz Rd., currently holding an RBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week, for a change of classification to 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 be approved.

Motion carried.

Commissioner Buchanan informed the Commission that he had visited Luther Oaks this date. He described the facility as outstanding. He toured the facility and saw the physical location where the alcohol was stored, (a single cabinet).

There being no further business before the Commission, the meeting recessed at 4:55 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order for Fiesta Ranchera of IL, d/b/a Fiesta Ranchera #3 located at 1500 E. Empire St., Suite A, 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, Richard Buchanan, Steven Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Nicholas Canchola, Treasurer and License holder representative and Mark Johnson, License holder's attorney.

Commissioner Stockton opened the liquor violation hearing. He noted that George Boyle, Asst. Corporation Counsel, held the role of the prosecuting attorney.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He presented the Commission with four (4) Exhibits prepared by City staff: 1.) Exhibit 1. Stipulation & Findings of Fact Liquor Violation No. 2011 - 008; 2.) Exhibit 2. Findings of Fact & Order Liquor Violation No. 2010 - 007 for Fiesta Ranchera located at 2103 N. Veterans Pkwy.; 3.) Exhibit 3. Findings of Fact & Order Liquor Violation No. 2010 - 004 for Fiesta Ranchera located at 2103 N. Veterans Pkwy.; and 4.) Exhibit 4. Ordinance Violations T - 52763, T - 52764, T - 52765, T - 52766, T - 52767, and T - 52768 for an incident that occurred at Fiesta Ranchera located at 2103 N. Veterans Pkwy. These exhibits had been stipulated to by Mark Johnson, License holder's attorney. There were three (3) Fiesta Ranchera restaurants within the City.

Mr. Boyle presented the Commission with items available to issue a proper sentence: fine, (\$300 - \$3,000); license suspension; license revocations; and/or license conditions. He noted Chapter 6. Alcoholic Beverages, Section 36. Local Liquor Control Commissioner - Designated; Enforcement of State Law, Ordinance, Etc.; and Section 37. Same - Powers and Duties Generally. The last violation at this location occurred in 2001. He restated that Exhibits 2 - 4 were for the Fiesta Ranchera located at 2103 Veterans Pkwy. He added that there had not been a single violation at the Fiesta Ranchera located at 1041 JC Pkwy. He restated that the license holder had stipulated to the facts. He encouraged the Commission to review the exhibits. Four (4) citations had been issued by the Police Department. He offered as an aggravating factor that two (2) Fiesta Rancheras (1500 E. Empire St., Suite A and 2103 N. Veterans Pkwy.) were held by the same corporation, Fiesta Ranchera of IL, Inc. Mr. Boyle informed the Commission that the license holder had agreed to the recommended sanction developed by the Corporation Counsel Office and the Police Department.

Commissioner Buchanan noted that the hearing would address fact finding. This hearing only involved the establishment located at Colonial Plaza, 1500 E. Empire St. The license holder agreed that the facts occurred. He added that there were two (2) different licensed establishments. Today's hearing addressed the event that occurred on May 12, 2011 at the Fiesta

Ranchera located at 1500 E. Empire St., Suite A. Exhibits 2 - 4 were presented at aggravating factors. Mr. Boyle restated that today's hearing would address sanctions for the Fiesta Ranchera located at 1500 E. Empire St., Suite A.

Commissioner Buchanan questioned how the Commission should view Exhibits 2 - 4. He noted that they were aggravating factors. He questioned if a penalty had been issued. Mr. Boyle restated that Exhibits 2 - 4 were for a separate liquor license: Fiesta Ranchera located at 2103 N. Veterans Pkwy. City staff provided same as both establishments were held by the same corporation, Fiesta Ranchera of IL, Inc. He believed that these exhibits were relevant to today's hearing as aggravating evidence. Their relevance should impact the sanction given by the Commission.

Commissioner Stockton restated that there were three (3) liquor licenses issued to Fiesta Ranchera within the City. He acknowledged that even the best run establishment may have a violation. The Commission looked for trends. For Fiesta Ranchera, the opportunity for a violation was greater. He added that there was common management between the three (3) restaurants. As a general rule, the Commission examined the three (3) prior years when a violation occurred as a matter of procedure.

Mr. Boyle restated that City staff had developed a recommended sanction. This information had been provided to Mr. Canchola and Mr. Johnson. They have agreed to this sanction.

Commissioner Tompkins expressed his belief that it was known that purchase of alcohol by underage persons was easy at Fiesta Ranchera. Mark Johnson, License holder's attorney, addressed the Commission. He acknowledged his client's awareness of this rumor. He also acknowledged the earlier infractions at the Fiesta Ranchera located at 2103 N. Veterans Pkwy. Fiesta Ranchera opened its doors in 1998. It has been an establish City business for fourteen (14) years. There had been a long period with no infractions. Mr. Canchola believed that City staff were making weekly visits to his establishment. Mr. Johnson added that sixty (60) days had passed since the May 12, 2011 incident and there were no further violations.

Commissioner Tompkins questioned the number of individual counts for Fiesta Ranchera from 2010 - 2011. Mr. Boyle noted that all violations for 2010 - 2011 were contained in Exhibits 2 - 4. There were a total three (3) Counts for Exhibits 2 and 3. Exhibit 4 had been brought before the Commission in aggravation. There had not been prosecution.

Mr. Johnson described Fiesta Ranchera as three (3) separate entities with a combination of owners. In addition, Fiesta Ranchera held three (3) liquor licenses.

Commissioner Stockton restated that there was only one (1) violation for the Fiesta Ranchera located at 1500 E. Empire St., Suite A. The reason for this hearing went beyond a rumor. He noted the aggravating factors.

Commissioner Petersen questioned the circumstances. Mr. Johnson stated that the incident involved a new employee who was still being trained. Mr. Boyle restated that the facts had been stipulated to. No witnesses were present at the hearing. Commissioner Stockton added that the

violation occurred during a police audit. He described the admission as standard. Bob Wall, Asst. Police Chief, addressed the Commission. Police audits were being conducted on a monthly basis. A sale was made to an underage person who was accompanied by a plain clothes police officer. Mr. Boyle added that this was the substance of the complaint. Asst. Chief Wall added that a police audit was conducted at Fiesta Ranchera located at 2103 N. Veterans Pkwy. in April 2011 without incident.

Commissioner Buchanan questioned visits by the Commission and/or City staff. Mr. Johnson believed these would be mitigating factors. There had not been any subsequent violations. He restated that his client had advised him that the Police Department had made weekly identification checks. Commissioner Stockton cautioned that the Commission would need documentation of same.

Commissioner Tompkins questioned if it was Fiesta Ranchera's policy to check the identification of all customers. He added his observations at this restaurant. He did not observe a single request for identification. Commissioner Stockton requested that the Commission not cite personal experience.

Commissioner Buchanan questioned Fiesta Ranchera's Thursday night special. Mr. Canchola noted that Margaritas were on special all day, (from open to close of business). Commissioner Buchanan noted rumors and Facebook communications regarding Fiesta's Veterans Pkwy. location regarding same. He cited his thirty (30) years of experience on the Commission. The Commission should check Fiesta Ranchera's policies as the administration of these establishments were the same. Mr. Canchola noted that the Thursday night special was the same at all three (3) Fiesta Rancheras. He also believed that rumors could be started by angry patrons who had been denied service.

Commissioner Buchanan cited his personal experience at the Veterans Pkwy. location. He observed liquor service and noted when/if identification had been requested. Commissioner Stockton restated that the Stipulation & Findings of Fact had been acknowledged. This hearing's focus should address aggravating and mitigating factors. There would be no testimony. The link between the exhibits was the establishment's management. Previous violations at another location were relevant as aggravating factors.

Commissioner Tompkins questioned the recommended penalty. Mr. Boyle stated the following: 1.) fine - \$2,500; 2.) suspension - one (1) day (either a Friday and/or Saturday); 3.) BASSET (Beverage Alcohol Sellers and Server Education & Training) and/or STEPS (Safety Training to Encourage Profitable Service) training for all employees at the Empire St. establishment (completed within four months). Mr. Boyle restated the recommendation that all staff be trained. He noted the concern regarding the availability of training. Mr. Johnson and Tracey Covert, City Clerk, were addressing same.

Mr. Johnson acknowledged that his client understood the sanction and accepted same. He supported the required training and requested the Commission's concurrence. He cited Fiesta Ranchera's other restaurants as mitigating factors. He presented a letter from the Lenawee

County Sheriff's Office congratulating Fiesta Ranchera's performance for the Adrian, MI location. There had not been a single violation at four (4) other Fiesta Ranchera locations.

Mr. Boyle also recommended that there be a sanction review four to six (4 - 6) months from now. He described it as a compliance check. He noted that similar action was taken with Tjolo's, Inc., d/b/a Main St. Grill and f/k/a Show Me's located at 517 N. Main St. Commissioner Stockton recommended that certification of training be submitted by a date certain or the license holder would appear before the Commission.

Commissioner Tompkins expressed his opposition to the fine. He expressed his interest in a different set of penalties. Commissioner Stockton noted that the Commission had the right to deliberate in closed session to address the penalty.

Commissioner Petersen believed that Fiesta needed to tighten up its management layer. Identification needed to be checked.

The Commission entered into closed session to deliberate regarding the appropriate penalty. Time: 5:47 p.m.

The Commission returned to open session. Time: 6:05 p.m.

Commissioner Stockton noted the Stipulation & Findings of Fact for Liquor Violation No. 2011 - 008. The violation occurred and there were aggravating circumstances. He noted the commonality of ownership/brand. He noted the recent violations at Fiesta's Veterans Pkwy. location. It was acknowledged that this restaurant had recently passed a police audit conducted in April 2011. The Commission imposed the following sanction: 1.) fine - \$2,000 paid by August 12, 2011; 2.) suspension of liquor license - four (4) consecutive Thursdays, (August 18 & 25 and September 1 & 8, 2011; and 3.) BASSETT and/or STEPS or similar training for all staff involved in alcohol sales and/or service within six (6) months. The fine was payable at the City Clerk's Office. Certificates of said training with a certified list of employees must be placed on file with the City Clerk's Office by January 12, 2012. He informed the parties of their right to appeal.

Commissioner Stockton cautioned Mr. Canchola and Mr. Johnson that if this violation trend continued Fiesta Ranchera could be faced with license revocation. He expressed his belief that such action was avoidable. He noted Fiesta's reputation. He questioned Fiesta's business plan. There needed to be intervention by management. Identification needed to be checked. Liquor violations were a serious matter. He encouraged the license holder to be aggressive. He hoped not to see Fiesta Ranchera before the Commission for a violation hearing. The City would be closely watching Fiesta Ranchera's establishments.

Commissioner Tompkins recommended that Mr. Canchola and Mr. Johnson review Chapter 6. Alcoholic Beverages, Section 37. Same - Powers and Duties Generally, subsections (b) Right of Entry, (c) Exercise Powers, and (d) Liquor Commission.

Mr. Johnson thanked the Commission for their time. His client respected the Commission and its decision.

There being no further business before the Commission, the meeting recessed at 6:13 p.m.

Commissioner Stockton addressed issues regarding the issuance of new liquor licenses. The Commission needed to develop a list and have a plan. He noted that the application of Dazlou, LLC, d/b/a Sidetracked located at 907 E. Oakland Ave., had been laid over until the Council's August 8, 2011 meeting. He cited the complete list of conditions regarding this application which had been developed in agreement with the neighbors. The Council had concerns which addressed enforcement of same.

He had prepared a list of issues: 1.) violation penalties; 2.) license fees; 3.) limitation on the number of liquor licenses; 4.) more public notice; 5.) number and enforcement of conditions; 6.) restaurant accounting; 7.) DETF (Downtown Entertainment Task Force) - party buses; 8.) Davis Lodge/Miller Park Pavilion special licenses; and 9.) number of Liquor Commissioners and roles.

Commissioner Stockton addressed Violation Penalties. He cited deterrent factors; other cities' practices; and risk. He informed the Commission that he had a memorandum from an alderman addressing fees from other comparable communities. He also addressed license categories and readdressed other cities' fees.

Commissioner Stockton addressed a limitation on the number of licenses. He believed that there were license holders who thought that there was too much competition. The Commission believed that competition should govern.

Commissioner Stockton addressed the City's current notification policy which included placing a legal notice in the newspaper, courtesy notices mailed within a certain distance which is contained in City Code, Commission's meeting agendas are placed on the City's web site, and list serve feature.

Commissioner Stockton addressed condition enforcement. He noted that conditions have been applied by the Commission with the approval of the Council due to the fact that one size does not fit all. He added that the impact upon the surrounding area can vary from neighborhood to neighborhood. He believed that there were three (3) types of conditions: 1.) pre license; 2.) operational; and 3.) display/sale packaged licenses.

Commissioner Petersen left the meeting at 6:20 p.m.

He noted the Commission's efforts regarding the sale of cold single serve items. The Commission studied this issue and recommended a Text Amendment which would have been put in place for the entire City. The Council rejected same.

The Council expressed its opinion that twelve (12) conditions were too many. These conditions were set in an effort to reach a neighborhood compromise. A number of these conditions set pre license. He acknowledged that operational conditions can be difficult to enforce. He added that

operational conditions vary based upon the neighborhood. He stated that enforcement was driven by complaints. The City does not have the manpower to address every condition placed upon each license. He cited the need for a police patrol. License holders with conditions may need to be required to post their conditions.

He acknowledged the Commission's efforts to make annual visits to "G", Gasoline license establishments. He cited the City Code's requirements regarding limitations on liquor stock, (amount/storage).

Commissioner Stockton addressed auditing "R", Restaurant license holders. At this time, there was not a reporting mechanism. He noted the City's prepared food and beverage tax and/or an establishment's annual report and/or tax return. This would require a qualified individual to review each establishment's revenue accounts. This action might require a full time staff position. He questioned cost versus benefit. He added that an "R" license meant that fifty-one percent (51%) of revenue must come from items other than liquor. He also acknowledged that there were restaurants which converted into taverns late at night. This created a burden upon the Police Department at 2 a.m., (closing hour).

He had reviewed six (6) of the categories for Commission discussion. He questioned the Commission's top priority.

Commissioner Buchanan noted that a peripheral issue was the impact of the vehicle for hire/shuttle buses upon the Downtown. These buses did a good job of clearing the Downtown at closing time. He presumed the majority of the riders were college students. He noted that alcohol consumption was allowed on same. He believed that this service contributed to Downtown liquor issues.

Commissioner Stockton noted that there were some who believed that the number of Downtown licenses was the issue. He recognized that the City should give consideration to not allowing alcohol consumption of these buses. He added that this was listed as item 7.

Commissioner Tompkins expressed his opinion that violation penalties should be given priority consideration. He believed that penalties needed to be raised even for first time offenders. He believed that a penalty should serve as a deterrent.

Commissioner Gibson expressed his belief that Downtown issues were the priority. He also requested that the Commission address Davis Lodge and the Miller Park Pavilion. The process needed to be streamlined. He believed that the Town of Normal had addressed this issue and licenses were administered by the City Clerk.

Commissioner Stockton noted that the Council was interested in standard conditions. At Miller Park, he noted the limitation regarding time of year. He added that the City's golf courses each hold a liquor license.

Commissioner Stockton stressed that condition enforcement was important to the Council. This issue was complex. Enforcement information could be provided to the Police Department.

Commissioner Gibson noted that conditions have been placed upon some licenses in an attempt to accommodate the applicant and to address neighborhood issues. He suggested that City staff compile a list of conditions for each licensed establishment. The Commission could then make a determination of the rationale for same. The Commission may be able to determine when conditions were appropriate and enforcement of same.

Commissioner Stockton suggested that the Commission consider those conditions place upon Downtown establishments first. Commissioner Buchanan recommended that the Commission do its analysis prior to a joint meeting with the Council. Commissioner Tompkins volunteered to review the conditions.

Commissioner Stockton informed the Commission that he had reviewed the minutes from the January 11, 2011 Joint Meeting and found few specific requests from the Council. The Commission would have difficulty responding to general complaints. The Commission needed specific issues which the Council wanted the Commission to address. The Council was responsible for quality of life. The Council needed to trust the Commission.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He addressed the format and venue for a future Joint Meeting. He believed that a different location should be selected which would foster a dialogue between the Commission and Council.

Commissioner Gibson also believed that another location should be selected. There needed to be a dialogue between the two (2) groups and a partnership needed to be developed. There was a lack of understanding between the parties which had created a disconnect between the two (2) entities. He believed that through communication these issues could be addressed.

Commissioner Stockton addressed the belief that the Commission needed to increase its size. He noted that additional resources might be needed. He questioned the value of increasing the Commission's size. The Commission had grown from three (3) to six (6) members.

Commissioner Gibson believed that the Commission was aware of the Council's concerns. He noted the varying levels of involvement by the various Commissioners. He questioned the Council's expectations of the Commission.

He addressed another issue - keg ordinance. He recommended that the Commission compare the City's Alcoholic Beverage Code to the Town of Normal's code. The goal should be consistency. Commissioner Stockton acknowledged that the Town and City had worked together on various liquor issues. He cited closing time as an example.

Mr. Boyle added that the Town and City's Corporation Counsel Offices confer frequently. He noted the recent efforts to address the proposed Fool's Fest.

Commissioner Stockton had requested Council input. He recommended that the Commission schedule another Special Meeting to discuss violation penalties and conditions. This meeting should be held prior to the Council's August 8, 2011 meeting.

Consensus reached that a Special Meeting be held on August 2, 2011 at 4:00 p.m. Commissioner Buchanan requested that an ending time be set for this meeting. He recommended 7:00 p.m.

Mr. Boyle requested clarification regarding the Special Meeting Agenda, (limited to two topics or all nine). Commissioner Stockton instructed Tracey Covert, City Clerk, to list all nine (9) topics. He also requested that the application Dazlou LCC, d/b/a Sidetracked located at 907 E. Oakland Ave. also be listed on the agenda. Commissioner Gibson restated that all nine (9) topics plus the Sidetracked application would be listed on the Special Meeting Agenda.

Commissioner Stockton informed the Commission that he planned to meet with the Council members regarding this application.

There being no further business before the Commission, the meeting adjourned at 6:50 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk