

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

December 14, 2010

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of OSF St. Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LB, which will allow the selling and serving of beer and wine by the glass for consumption on the premise. Present at the hearing were Liquor Commissioners Steven Stockton, Marabeth Clapp, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Patricia O'Dell, Foundation Executive Director and Applicant representative.

Commissioner Stockton questioned the purpose of this application. Patricia O'Dell, Foundation Executive Director and Applicant representative, began by informing the Commission that this application was for a fund raiser for the OSF St. Joseph Medical Center Foundation to be held at the Eastland Medical Plaza I Atrium on Friday, February 18, 2010 from 6:00 to 8:30 p.m. This request was for a Limited License for a nonprofit corporation.

She reminded the Commission that this was an annual event. She believed that this would be the events fifteenth year and the third time to host it in February. World Tour, A Sampling of International Beer, Wine and Food, involved tasting cups to serve the beer and wine. Commissioner Stockton noted that he had attended this event. It was a nice and well run event.

Commissioner Gibson arrived at 4:10 p.m.

Commission Clapp questioned who would act as servers. Mrs. O'Dell noted that OSF was working Specialty Imports, Peoria (beer service). She was still in the process of securing a local vendor to handle the wine. George Boyle, Asst. Corporation Counsel, cautioned that Specialty Imports cannot accept orders at the event. Acceptance of same would be the point of sale. Specialty Imports may act as the event's caterers/distributors. Mrs. O'Dell expressed her understanding of same and would share this information with Specialty Imports.

Mrs. O'Dell noted that this year would mark this event's fifteenth or sixteenth anniversary. The event was originally held at Central Station. This will be the twelfth year for it to be held on the OSF campus. There also were corporate sponsors for this event.

Mrs. O'Dell estimated the event attendance at 200. The event recognized OSF/St. Joseph's donor base. Dollars raised from this year's event will be used to meet the Foundation's pledge to the hospital. These dollars will be directed towards a new birthing center. Commissioner Stockton informed the Applicant that the license fee would be waived as in the past.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to recommend to the City Council that an LB liquor license be created for OSF St. Joseph Medical Center Foundation for a fund raiser to be held on February 18, 2011 from 6:00 - 8:30 p.m. at Eastland Medical Plaza I, Atrium, 2200 E. Washington St.

Commissioner Stockton informed the Applicant that this item would appear on the January 10, 2011 City Council Consent Agenda. He encouraged Mrs. O'Dell to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:12 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Jerome and Tammie Bossingham to allow moderate consumption of alcohol at their daughter's wedding reception on May 27, 2011 to be held at Davis Lodge at Lake Bloomington from 5:30 until 12:00 a.m., (midnight). Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Jerome Bossingham, requester.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Jerome Bossingham, requester, addressed the Commission. They had hired CJ's Restaurant located at 2901 E. Empire St., to cater their daughter's wedding reception. They hoped to offer beer and wine to the estimated 100 guests.

Commissioner Gibson questioned if there was another way to address these requests. He recommended that a form be created and the City grant the Mayor as Liquor Commissioner the authority to approve these requests. Commissioner Stockton reminded the Commission of the goal to allow six to twelve, (6 - 12), of these requests and evaluate same. At that point, a policy would be developed.

Commissioner Clapp questioned the caterer's responsibilities. Commissioner Stockton stated that the license holder was the responsible party. CJ's was licensed, bonded and insured. This fact provided the Commission with the authority to address any violations.

Commissioner Clapp questioned outdoor consumption. Commissioner Stockton noted that no one from the Water Department was present at these events. The McLean County Sheriff's Department has authority as the Lodge is located in rural McLean County. The City conducts Lake Bloomington patrols.

Mr. Bossingham informed the Commission that McLean County also required a liquor license, (Special Event).

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to recommend the suspension of City ordinance for a wedding reception being held at Davis Lodge on May 27, 2011.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the January 10, 2010 City Council Consent Agenda. He encouraged Mr. Bossingham 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 Heartland Apple Bloomington, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, requesting 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, (currently the license holder is T.S.S.O. North, Inc.). Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, 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. He noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that a new corporation had been formed with the same corporate officers.

Motion by Commissioner Clapp, seconded by Commissioner Tompkins to recommend the change of corporation from T.S.S.O. North, Inc. to Heartland Apple Bloomington, LLC, d/b/a Applebee's Neighborhood Grill & Bar, located at 502 N. Veterans Parkway, requesting 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 be approved.

Motion carried.

Commissioner Stockton requested that this item appear on the January 10, 2011 City Council Consent Agenda.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Orient Cuisine, Inc., d/b/a Orient Gourmet, located at 2103 N. Veterans Parkway #312, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Xiang Zhong Li, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. He noted that this application was for an existing restaurant which would have new

ownership. Ming Lin, interpreter, addressed the Commission on behalf of Xiang Zhong Li, owner/operator and Applicant representative. Mr. Li was purchasing the restaurant.

Mike Wilson, 235 E. Front St., attorney, addressed the Commission. He represented the current owner who was selling the business.

Commissioner Stockton questioned the Applicant's liquor sales experience. Mr. Lin responded none at this time. Commissioner Stockton questioned the purchase of the business and Mr. Li's plans for same. Mr. Lin noted that Mr. Li had resided in the City for the past six (6) years. He decided to purchase the business after learning that it was for sale. Mr. Li has experience in the restaurant business. He is employed as a chef at Ming's Restaurant. He currently supervised the kitchen staff. Commissioner Stockton stated that kitchen management was an important role in the restaurant business. In addition, the corporation needed a business advisor with restaurant experience. Mr. Lin noted that an experienced restaurant manager had been hired. An assistant manager had also been hired. Commissioner Stockton restated that a variety of skills and various tasks were necessary to successfully operate a restaurant. Mr. Lin restated that the restaurant manager had experience.

Commissioner Stockton questioned who would assist Mr. Li. He also questioned if there were additional stock holders.

Commissioner Petersen arrived at 4:28 p.m.

Mr. Lin noted that all of the corporation's stock holders were currently employed at Ming's. Commissioner Stockton noted that the stock holders currently worked together. This would be Mr. Li's first time to be an owner.

Commissioner Tompkins questioned if Mr. Li was a legal resident. Mr. Lin responded affirmatively. Commissioner Tompkins questioned if Mr. Li had the ability to understand the responsibility of holding a liquor license. Mr. Lin responded affirmatively. An accounting firm had also been retained. Commissioner Stockton noted that an accounting firm would assist with payment of taxes and compliance with local and state laws.

Commissioner Gibson noted that there was legal counsel present for the seller. He questioned if the buyer, (the Applicant), also had legal representation. The Applicant needed to demonstrate knowledge of the law, the ability to train staff, etc. He believed that the Applicant needed assistance. Mr. Wilson readdressed the Commission. The Applicant's legal counsel was located in New York. He introduced Chui Chen, who had restaurant and bar experience. Mr. Chen addressed the Commission. He had years of experience in the restaurant business. He had spent the last seven (7) years in Vermont. He had relocated to Bloomington.

Commissioner Stockton questioned Mr. Chen's liquor sales experience. He specifically addressed violations. Mr. Chen responded negatively.

Commissioner Tompkins questioned the Applicant's response to question 1(n) on the Liquor License Questionnaire. Commissioner Stockton noted that the answer should be amended. Mr. Wilson concurred with same.

Commissioner Tompkins informed the Commission that he had visited this establishment. The sale of the business was not completed. Mr. Wilson informed the Commission that the closing was scheduled for Thursday, December 16, 2010. The sale of the business was not contingent upon having a liquor license.

Commissioner Tompkins questioned the percentage of sales from liquor. Mr. Chen responded one percent (1%). Commissioner Tompkins noted that ninety-nine percent (99%) of sales came from food items. Mr. Lin estimated liquor sales at five percent (5%).

Commissioner Gibson noted that this application involved an established restaurant which had had no issues. The bulk of the receipts came from food sales. A large percentage of the business was from take out orders. He wanted to see the Applicant succeed. He did not believe that the Applicant was prepared at this time to hold a liquor license. He recommended that this item be laid over until the Commission's January 11, 2011 meeting. This would allow the Applicant to be better prepared. The Applicant needed to have a better grasp of the responsibility to hold a liquor license.

Commissioner Stockton noted the limited revenue derived from liquor sales, (estimated between one and five percent). Commissioner Gibson restated that he wanted the Applicant to be successful. Liquor was offered to accommodate customers' requests for same. He believed that the Applicant needed additional preparation time.

Commissioner Stockton acknowledged that laying this item over until January 11, 2011 would give the Applicant the opportunity to become familiar with the laws. The Applicant could solidify the business plan. There would be time to determine answers to the Commission's questions. He added that a motion to lay over would delay a decision by the Commission for an additional month. The Applicant needed to be ready to address the following issues: 1.) staff training; 2.) familiarity with the City Code (Chapter 6. Alcoholic Beverages); 3.) operational changes to the business; and 4.) presentation to the Commission. Mr. Lin expressed the Applicant's willingness to accept the Commission's recommendation.

Commissioner Stockton stated that it was important to be familiar with the law in order to avoid violations.

Commissioner Gibson recommended that the Applicant find local representation. He cited Mr. Wilson, seller's attorney, as an example. An investment in legal counsel would be a good decision. Mr. Wilson offered to contact the Applicant's current legal counsel.

Motion by Commissioner Gibson, seconded by Commissioner Tompkins that this item be laid over until the Commission's January 11, 2011 meeting.

Motion carried.

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

The Bloomington Liquor Commissioner Stephen Stockton opened the discussion regarding the Text Amendment to Chapter 6, Section 1. Tastings. Present at the hearing were Liquor Commissioners Stephen Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Stockton introduced this item which had appeared before the Commission at their September 14, 2010.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the tasting text amendment would allow "spirits". Currently, the code only allowed tastings of beer and wine. He had reviewed the Town of Normal's ordinance. He had added "and spirits" to the current code. The Commission had the option to 1.) limit the amount for spirits; 2.) make no change to the existing code; and/or 3.) limit the number of servings and/or duration of tastings. The Town's ordinance addressed all of these options. He read from the Town's ordinance. The Town also has a tastings license which has a \$50 fee.

Commissioner Stockton expressed his opinion that this would be a simple change.

Commissioner Clapp noted that one ounce (1 oz.) represented a serving of spirits. Commissioner Tompkins noted that an American serving was one and a half ounces, (1½ oz.). Commissioner Gibson also expressed his concern regarding the volume of alcohol. Mr. Boyle suggested that the code state "not more than an ounce". Commissioner Clapp expressed her preference for a half ounce (½ oz.) limit.

Matt Dunn, Manager at Friar Tuck located at 2401 Maloney, currently holding a PAS liquor license addressed the Commission. He planned to limit spirits tastings to just a taste, (i.e. less than a half ounce). He believed that placing limitations on spirit tastings would be beneficial.

Commissioner Gibson questioned if any liquor license holder would be allowed to host tastings. Tracey Covert, City Clerk, noted that tastings were generally hosted by larger retailers. She cited Friar Tuck and large grocery stores. She added that A. Renee has also hosted tastings. Mr. Boyle added that Normal had seen tastings in some of its smaller retailers.

Commissioner Stockton did not want to see tastings hosted by establishments holding a "G", Gasoline, license classification.

Commissioner Petersen read from the current Alcoholic Beverage code. He cited Section 1. Definitions, Wine and Beer Tasting (E). He questioned the term "licensed registered tasting representative". Mr. Dunn noted this would be someone employed by the license holder, a winery representative, etc. He added that there were states that had required training. The training generally addressed the process to insure that there would not be any over serving.

Commissioner Gibson questioned if there would be tastings of high end spirits. Mr. Dunn responded affirmatively. In addition, ready to consume cocktails would be offered.

Mr. Boyle questioned tasting hours. Mr. Dunn noted that tastings were generally held on Saturday from 1:00 to 4:00 p.m. Mr. Boyle questioned if Friar Tuck had employees and guest distributors host the tastings. Mr. Dunn responded affirmatively.

Commissioner Stockton recommended the following changes to the draft ordinance: 1.) Section 1. Definitions, Wine and Beer and Spirits Tasting (A) spirit tastings would be limited to one half ounce, (½oz.) or less; and 2.) add (F) tastings would not be allowed by class “G” Gasoline license holders.

Commissioner Tompkins questioned if the City was interested in a tastings license. Commissioner Stockton noted that liquor license fees had not been raised in twenty-eight (28) years. The Commission would be discussing this issue. He added that a tasting license would be practical and should be included in the license fee discussion.

Mr. Dunn expressed his opinion that license holders who were interested in hosting tastings would be willing to pay the fee.

Motion by Commissioner Tompkins, seconding by Commissioner Petersen that the amended text amendment regarding tastings be approved and recommended for adoption by the City Council.

Motion carried.

Commissioner Stockton stated that this item would appear on the Council’s January 10, 2011 Consent Agenda. He encouraged Mr. Dunn to attend this meeting.

Commissioner Stockton opened the discussion regarding license fees. Commissioner Tompkins had presented a proposal which would double the current license fees. This proposal would address all license classifications at once. The City needed to review license fees at regular intervals. The City could implement license fee increases in increments. The City may want to place a surcharge on Downtown liquor license holders. He noted the cost to the Police Department for the Downtown hire back details. A fee increase or surcharge would allow the City to recover some of these costs.

Bob Wall, Asst. Police Chief, addressed the Commission. At this time, the Police Department had Downtown details on Friday and Saturday nights. Four (4) officers were on the detail each night. If justified, a Thursday night detail was added. The officers have averaged \$11,000 per month in OV (Ordinance Violation) tickets.

Commissioner Petersen questioned Thursday nights. Asst. Chief Wall noted that there were less students out on Thursday nights. Command staff reviewed calls for service. Public urination has been an issue, (OV). Downtown bar owners/operators have noted the competition for business and the impact on Thursday nights.

Commissioner Petersen cited \$1 drink specials. He recommended that Asst. Chief Wall address the topic of minimum drink fees at the Downtown Bar Association's next meeting. Asst. Chief Wall informed the Commission that he attended their monthly meetings. He questioned profitability at these minimum prices.

Commissioner Stockton addressed the City's ability to recover these costs. All license holders do not contribute to the policing issues. He requested that the Police Department assist in the process of identifying which establishment contribute to the need for Downtown details. Asst. Chief Wall suggested that the Commission consider occupancy. He also recommended that fees could be based upon the volume of alcohol sales.

Commissioner Stockton noted that there were other issues. He cited prevention, adjustments to occupancy, staggered closing hours, and over serving. Asst. Chief Wall added that BASSET, (Beverage Alcohol Sellers and Servers Education and Training, "Training Servers to Serve Responsibly") training has been cited and used by some Downtown establishments.

Mr. Boyle recommended that if the City considered a surcharge it must be clear and simple. He noted the differences between "R", Restaurant versus "T", Tavern licenses. Commissioner Stockton noted the City's experience with Main St. Grill, f/k/a Show Me's, located at 517 N. Main St. This establishment held an "R" liquor license. Asst. Chief Wall noted that this establishment had passed all police audits since July 2010. He noted that there had been calls for service. He offered to provide a calls for service report to the Commission.

Commissioner Petersen questioned the process of clearing out the Downtown at closing time. Asst. Chief Wall expressed his opinion that this was a separate issue. Currently, there were thirty-two (32) licensed vehicles. This has created congestion at closing time. The City Code addressing taxicabs and vehicles for hire would be amended.

Commissioner Stockton noted that in the past college students attempted to drive home at closing time. Commissioner Petersen believed that the combination of taxicabs and vehicles for hire were a positive for the Downtown. Asst. Chief Wall noted that there were few DUI (Driving Under the Influence) arrests.

Commissioner Gibson stated that college students were a Downtown issue. Asst. Chief Wall described the issue as college student related. Both Illinois State and Illinois Wesleyan Universities (ISU/IWU) were notified of any police incidents. ISU/IWU may also evoke internal sanctions.

Commissioner Stockton noted that there were approximately 28,000 college students in the community.

Commissioner Gibson questioned if the issues were growing. Asst. Chief Wall believed that the situation had remained stable/level. The college crowd chased away middle age clientele.

Commissioner Petersen questioned if establishments could be identified and assessed a fee to pay back any/all costs. Asst. Chief Wall restated his opinion that the Commission consider occupancy.

Commissioner Tompkins believed his proposal addressed a number of issues. It would double current revenue from liquor licenses. It did not include a special assessment for the Downtown.

Commissioner Stockton noted that the Commission should invite the Downtown bar owners to participate in the discussion. He did not anticipate their support. He acknowledged that liquor licenses required additional enforcement.

Asst. Chief Wall informed the Commission that the Police Department had entered into a partnership with Chestnut Health System regarding funding for police audits. Last month, there were ten (10) audit checks with no violations.

Commissioner Stockton stated that additional liquor license fees could be channeled to the Police Department. He was interested in a proposal for the Downtown.

Commissioner Stockton addressed the press coverage regarding the Council's action on Tailwind. The facility was open. The Council denied the license on a seven to one (7 to1) vote. He cited his personal experience at CIRA (Central Illinois Regional Airport). He believed the Council had been lobbied heavily by the Hanger. The Commission considered the need. CIRA was the fourth largest airport in the state. There was no liquor service on the air side. He was dismayed by the Council's action. The Council disregarded the Commission's recommendation. He was also concerned about the Council's treatment of the BNAA (Bloomington Normal Airport Authority) which was another local governmental entity.

Commissioner Gibson made a point of clarification. The Commission's vote on Tailwind was not unanimous. He believed that the applicant's business plan was poor. He was not pleased with the architectural drawings. In his opinion, the applicant did not demonstrate need.

Commissioner Clapp expressed her opinion that the BNAA had determined the need through its RFP (Request for Proposal) process. The decision was made to bring in an outside entity. The Council's decision to deny the liquor license was discouraging.

Commissioner Stockton informed the Commission that the Peoria airport's plan included air side liquor.

Commissioner Petersen noted the community input on behalf of the Hanger. He believed that Tailwind presumed it would receive a liquor license. He was not impressed with Tailwind's presentation.

Commissioner Stockton cited the City's experience with Super Pantry. The Commission has advised against this course of action.

Commissioner Clapp did not believe that this fact should have influenced the Commission's decision.

Commissioner Gibson believed that the Commission had separated the issues. The BNAA's RFP process was separate from the liquor license application.

Commissioner Stockton was waiting for the BNAA's reaction. Part of the Council's Strategic Plan included intergovernmental cooperation. He requested that the Commission mark January 11, 2011 on their calendars.

He also addressed the application for Eleven located at 105 W. Front St. He had to cast the tie breaking vote. He expressed his surprise. He would have predicted that the Tailwind would have been approved and Eleven denied. There was a gulf in understanding between Commission and Council. He hoped to schedule a joint meeting between the two (2) groups on January 11, 2011 at 5:00 p.m. In addition, he hoped to limit the Commission's meeting to one (1) hour. The joint meeting would be scheduled for a couple of hours. He acknowledged that the Council had not been polled regarding this meeting. He hoped the Commission would view this request as reasonable.

Commissioner Gibson informed the Commission that he would be out of town on business. He acknowledged that there was a gap between the two (2) groups. He hoped the agenda would address a number of topics such as 1.) fee issues; 2.) fine structure; 3.) questions regarding single serve; 4.) license classification; and 5.) general philosophy. He believed that additional meetings would be needed.

Commissioner Stockton added that eventually the discussion would involve the liquor license holders, the BNCCC, (Bloomington Normal Community Campus Committee), and the Downtown Business Association (DBA). He cited Farr Associates' Downtown Strategy study which noted that an entertainment district was needed. The City was not alone. He cited various other college towns. He questioned where an entertainment district could be isolated. The Downtown contained the US Cellular Coliseum (USCC) and the Bloomington Center for the Performing Arts. The study recommended that the entertainment district shift towards Front St. He noted that the USCC was located nearby and there were fewer residential units in this area.

Commissioner Petersen noted that there was plan. Eleven's plan would save a building. There had been a liquor license at this location. It changed from an "R", Restaurant to a "T" Tavern. Commissioner Stockton recommended that the Commission monitor the food to alcohol sales ratio. The Commission may need to reduce Eleven's operating hours. The Commission would need to work with the Police Department.

Commissioner Tompkins informed the Commission that he had visited the Downtown with Commissioner Buchanan. He expressed his willingness to participate in a joint meeting with the Council. He addressed the civility threshold.

Commissioner Stockton informed the Commission that the issues at Main St. Grill, f/k/a Show Me's located at 517 N. Main St. appeared to be corrected.

Commissioner Gibson questioned the status of Famous Liquors located at 1404 E. Empire St. Mr. Boyle informed the Commission that the taxes and fine would be paid. This issue was resolved.

Commissioner Gibson questioned the status of the Miller Park Pavilion. Commissioner Stockton noted that there had been no issues.

Asst. Chief Wall informed the Commission that he would be attending their meetings. He requested that the Commission contact him with any questions so that he could be prepared.

Commissioner Stockton encouraged the Commission to participate in Police Department ride-alongs. He suggested that the Commission pair up. He believed that they would find the experience interesting. Asst. Chief Wall noted that Commissioners Buchanan and Tompkins had participated in same. Commissioners should contact Asst. Chief Wall to schedule same.

There being no further business before the Commission, the meeting adjourned at 5:47 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk