

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

July 14, 2009

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Inchiban Chinese/Japanese Restaurant, Inc., d/b/a Lucky Garden, located at 706 Eldorado Rd., 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. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Jing Lin, owner and Applicant, and Jimmy Mapugay, real estate agent and Applicant representative.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan.

Commissioner Stockton arrived at 4:10 p.m.

Jimmy Mapugay, real estate agent and Applicant representative, addressed the Commission. Jing Lin, owner and Applicant, planned to purchase the former China Buffet. He described the Lucky Garden as a combination of the Orient Gourmet and Hayashi. Mr. Lin had obtained the necessary permits. The sale of the property was contingent upon Mr. Lin obtaining a liquor license. Liquor service would compliment the food.

Commissioner Buchanan questioned the restaurant operations. Mr. Mapugay noted that the City needed to approve the plans. He stated that there would be a bar area and rooms for private parties. Mr. Lin hoped to add an outdoor patio in the future. Mr. Lin needed to hire the restaurant's staff.

Commissioner Buchanan noted that a Liquor Hearing addressed important issues. He questioned Mr. Mapugay's role at this hearing. Mr. Mapugay would relay information to Mr. Lin. Mr. Lin has requested that Mr. Mapugay speak for him at the hearing. Commissioner Stockton informed the Applicant that if approved, Mr. Lin would have six (6) months to pick up the liquor license. An Applicant may request an additional six (6) months if needed. He encouraged the Applicant to acquire a copy of Chapter 6. Alcoholic Beverages.

Mr. Mapugay informed the Commission that Mr. Lin would not start remodeling the building nor hiring staff, until after the liquor license is approved. Mr. Lin was the co-owner of the Orient Gourmet. This restaurant holds a liquor license.

Commissioner Clapp questioned if Mr. Lin planned to also operate Lucky Garden. Mr. Mapugay stated that Mr. Lin planned to be a hands on manager. He added that Mr. Lin also

owned and operated Hot Wok. Commissioner Clapp questioned if there had been any issues at the Orient Gourmet. Mr. Mapugay responded negatively.

Commissioner Clapp questioned the business hours. Mr. Mapugay noted the following business hours: 11:00 a.m. to 10:00 p.m., seven (7) days a week.

Commissioner Clapp questioned the bar area. She noted that there was small waiting area. Mr. Mapugay responded affirmatively. The bar would offer eight to ten, (8 - 10), seats.

Commissioner Petersen stated that he had no questions at this time. He noted that Applicant's past experience.

Commissioner Buchanan questioned if City staff had any comments and/or questions. George, Boyle, Asst. Corporation Counsel, responded negatively.

Commissioner Stockton described this Application as routine. The Lucky Garden would be located at an established location. The Applicant also had a good record.

Commissioner Buchanan questioned the kitchen's hours. Mr. Mapugay noted that the kitchen would be open until closing. Commissioner Buchanan stated that a restaurant may become a tavern late at night. The Liquor Commission may apply "T", Tavern rules. The full menu should be available when alcohol is being served.

Commissioner Petersen questioned if the Lucky Garden would offer an outdoor patio. Mr. Mapugay noted that the existing one needed work. The Applicant believed that outdoor dining would enhance the restaurant's appearance. He questioned if the patio needed to be considered now.

Commissioner Buchanan questioned if the Applicant was ready to request the outdoor patio at this time. The premise would need to be defined, (size, materials, management, etc.). The Applicant could request a hearing before the Commission at a future date. Mr. Magupay noted that the Applicant was not ready today. The patio was put in place when the establishment was known as the Smiling Moose.

Commissioner Buchanan recommended that the Commission hold a separate hearing on the issue of the outdoor patio at a future date. Commissioner Stockton noted that other issues would need to be address: 1.) access and 2.) surveillance.

Commissioner Buchanan opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the application of Inchiban Chinese/Japanese Restaurant, Inc., d/b/a Lucky Garden located at 706 Eldorado Rd., 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 Buchanan informed the Applicant that this item would appear on the Council's August 10, 2009 meeting. The item would appear on the Consent Agenda. He encouraged their attendance.

There being no further business the hearing recessed at 4:30 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Highland Park CVS, LLC, d/b/a CVS Pharmacy #7017, located at 1130 Veterans Pkwy., 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. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Kevin Frost, Store Manager, and Jim Malone, District Manager, and Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Kevin Frost, Store Manager and Applicant representative, addressed the Commission. He was employed at the CVS store located at 210 N. Center St. Jim Malone, CVS District Manager and Applicant representative, addressed the Commission. CVS had requested a "P", Packaged, liquor license for a retail pharmacy. He brought a weekly circular which included liquor sale items. Liquor is offered for sale as a customer convenience. The planned opening date for the Veterans Pkwy. store was September 13, 2009.

Commissioner Buchanan noted that the CVS store would be located on a lot within a commercial development. Mr. Malone noted that CVS would lease the property.

Commissioner Stockton questioned the impact of the Veterans Pkwy. store upon the Downtown store. Mr. Malone believed that the new store would impact the prescription count. He noted that CVS handles prescriptions for State Farm. The Downtown store would probably maintain its previous numbers. Commissioner Stockton stated that the City appreciated having a Downtown pharmacy. He questioned the typical CVS store. Mr. Malone noted that a CVS store has 13,000 square feet. The Veterans Pkwy. store is CVS's prototype. CVS had also acquired stores. He cited the Downtown store as an example. The largest acquired store has 20,000 square feet.

CVS's will stock packaged liquor in one (1) aisle and four (4) cooler doors. He estimated that there would be fifty-six (56) linear feet of liquor stock. Commissioner Buchanan questioned the percentage of sales from alcohol. Mr. Malone noted six percent (6%).

Commissioner Clapp noted her familiarity with CVS. She did not recall the east coast stores offering alcohol for sale. Mr. Malone noted that alcohol statutes vary by state.

Commissioner Buchanan opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application of Highland Park CVS, LLC d/b/a CVS Pharmacy #7017 located at 1130 S. Veterans Pkwy.,

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 approved.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear on the Council's August 10, 2009 meeting. The item would appear on the Consent Agenda. He encouraged their attendance.

Mr. Malone invited Commissioner Stockton to attend the ribbon cutting ceremony for this store.

There being no further business the hearing recessed at 4:39 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Big Cheese, Inc., d/b/a Flingers Pizza Co., located at 608 N. Main St., 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, with the following conditions: 1.) that the Commission advised Mr. Fruin that it reserved the right to vary the sale hours for liquor and/or impose "T", Tavern rules if Flingers appeared to be operating as a bar; and 2.) that liquor sales cease at 1:00 a.m. on Saturdays and Sundays with no consumption after 2:00 a.m. on the same days of the week; for a review of Condition 2. and allow liquor sales until 1:45 a.m. on Saturdays and Sundays. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Patrick Fruin, owner/operator and License holder.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present his request. Patrick Fruin, owner/operator and License holder, addressed the Commission. He had held a liquor license for over ten (10) months and requested that the Commission revisit Condition 2 which did not allow the sale of alcohol after 1:00 a.m. on Saturdays and Sundays. He noted that this condition impacted business on these nights. Patrons come in to dine on pizza after midnight. He added that there would not be any liquor service after 1:30 p.m.

Commissioner Stockton recalled that the basis for this condition was the number of Downtown bars located along the 500 and 600 blocks of N. Main St. There were concerns that Flingers was a restaurant that might turn into a tavern. He questioned if there would be more people eating than drinking during these late hours. Mr. Fruin noted that alcohol sales equaled two to three percent, (2 - 3%) of total sales. Commissioner Stockton noted that Flingers was a restaurant and questioned closing hours. Mr. Fruin provided the following information: Mondays through Thursdays - 1:15 a.m.; and Fridays and Saturdays - 3:15 p.m. On the weekends, Flingers sold pizza by the slice. He noted the high sales volume during these hours.

Commissioner Buchanan stated that conditions were meant to enlighten and/or caution a new license holder. He often visited the Downtown to observe the activities of the bar patrons. He had visited Flingers a number of times. He did not believe that Condition 2 was applicable to the license. He also noted the fact that the cost of beer was higher at Flingers.

Mr. Fruin informed that Commission that after a band played at Six Strings, they dined at Flingers, (lower level). He noted that it would have been nice to be able to offer beer to accompany the pizza. Commissioner Buchanan restated that he had no concerns with Flingers' operations.

Mr. Fruin noted that currently liquor sales stop at 12:45 a.m. Commissioner Stockton stated that the license holder determines last call. If Condition 2 is removed, then Flingers would have to comply with the City Code. Flingers had been open and liquor sales were limited. The percentage of liquor sales was minimal. Mr. Fruin had stated that he has no intention of turning Flingers into a tavern.

Commissioner Buchanan opened the hearing to public comment.

Daniel Rolph, owner/operator and License holder for Six Strings, located at 525 N. Center St., addressed the Commission. He expressed his opinion that Mr. Fruin had demonstrated responsible management. At Six Strings, last call was regulated based upon the number of customers in the establishment.

Motion by Commissioner Clapp, seconded by Commissioner Peterson to remove Condition 2.

Motion carried.

Commissioner Buchanan informed the License holder that this item would appear on the Council's August 10, 2009 meeting. The item would appear on the Consent Agenda. He encouraged his attendance.

There being no further business the hearing recessed at 4:50 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of GK Wings, Inc., d/b/a Wings, Etc., located at 511 Chancellor, currently holding 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 with the following conditions: 1.) that music not be allowed on the outdoor patio; and 2.) that the Applicant be put on notice that if the Commission determines that Wings, Etc. Appears to be operating with a tavern atmosphere, then the establishment would be required to operate under "T", (tavern), rules after certain hours, to allow music indoors from 7:00 to 10:00 p.m. and remain a restaurant. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Karen Wilson, owner/operator and License holder representative.

Commissioner Buchanan opened the liquor hearing. He requested that the License holder present the request. Karen Wilson, owner/operator and License holder representative, addressed the Commission. The request was to only allow indoor music from 7:00 to 10:00 p.m. Wings, Etc. was a family establishment. Acoustic music would be offered on slower days in an effort to bring in additional business. Wings, Etc. was a restaurant with a bar. Wings, Etc. does not want to become a tavern with a restaurant.

Commissioner Buchanan questioned if the music would go past 10:00 p.m. Ms. Wilson responded negatively. Music would be offered during the week, (Monday, Wednesday, and/or Thursday). Kids eat free on Tuesday nights.

Commissioner Buchanan noted that there were no nearby residential neighbors. The closest neighbors were the airport and a fire station. He did not foresee any issues with music outdoors. Ms. Wilson informed the Commission that Wings, Etc. offered a small outdoor dining area. A speaker was not posted at the restaurant's front door.

Commissioner Stockton cautioned Ms. Wilson that if Wings, Etc. became a tavern then tavern rules would be imposed.

Commissioner Buchanan opened the hearing to public comment. No one came forward to address the Commission.

Motion by Commissioner Petersen, seconded by Commissioner Clapp to allow music indoors from 7:00 to 10:00 p.m. and remain a restaurant.

Motion carried.

There being no further business the hearing recessed at 4:58 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of a citizen to discuss noise in the Downtown area regarding KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St., currently holding a TAS 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, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Daniel Rolph, owner/operator and License holder representative.

Commissioner Buchanan opened the liquor hearing. Karen Schmidt, Alderman Ward #, addressed the Commission. She informed them that Mr. Hill had left the meeting. He did not believe that this item was in response to his letter. She added that Mr. Hill sends a letter every six (6) weeks or so. She believed that there were a number of places where noise could be coming from. Mr. Hill was the only one who lived in Phoenix Towers who was complaining to the City.

Commissioner Stockton read from Mr. Hill's letter dated June 14, 2009.

Commissioner Buchanan noted that Daniel Rolph, owner/operator and License holder representative, was present at the hearing. Mr. Rolph was given the opportunity to address the Commission. Mr. Rolph believed that Mr. Hill hears sound from his apartment in Phoenix Towers. However, Mr. Rolph did not believe that the noise was coming from Six Strings. He noted that the Center St. Doors were kept closed. A dress code was being enforced. Curtains have been installed along the Center St. windows. There was no amplified outdoor music. He had provided Mr. Hill with his telephone number. He had never received a call from Mr. Hill.

Dollars had been spent to address noise. Cubicle walls had also been installed over the windows. Rock wool has also been attached to the ceiling to dissipate noise. The decibel level inside Six Strings was 104 - 108. The decibel level on the outside of the building was 70. He noted that the decibel numbers outside of other Downtown bars were higher. He was unsure what else could be done. He was unsure what the real issue was.

Commissioner Buchanan questioned when these items had been installed. Mr. Rolph noted approximately eight (8) months ago. He also informed the Commission that Six Strings had not hosted a band on June 13, 2009.

Commissioner Buchanan informed the Commission that he had visited Six Strings on Friday, July 10, 2009. He parked on Center St. by Six String's door. He could not hear the music yet inside the place was rocking. The decibel level inside was 104 - 108. He also measured the level outside by the Towers which was 71 - 72 decibels. He suggested that Mr. Hill might be sensitive to bass. Mr. Rolph added that if he knew the sound range, he would attempt to eliminate it. He presented the Commission with a list of ratings.

Commissioner Petersen questioned if Mr. Rolph had spoken to Mr. Hill. Mr. Rolph has attempted to contact Mr. Hill. Mr. Hill preferred to communicate with the City. He noted that Mr. Hill had a hearing issue. There was noise in the Downtown.

Commissioner Stockton informed the Commission that he had also visited the Downtown. Six Strings was not a big issue. He expected it to be louder. Six Strings had presented evidence of its efforts. All parties were being reasonable. It may not be possible to resolve this issue for one (1) person.

Commissioner Buchanan thanked Mr. Rolph for attending the hearing. Six Strings had been proactive. He encouraged Mr. Rolph to continue to work with the City and share his observations.

There being no further business the hearing recessed at 5:15 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to address a proposed Text Amendment to Chapter 6. Alcoholic Beverages, Section 21 Closing Hours - Sunday Sales. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk.

Commissioner Buchanan opened the liquor hearing. Commissioner Stockton provided the background behind the proposed Text Amendment. He noted that the City and the Town of Normal have similar liquor sale hours. He reviewed the history of Sunday Sales in the City, (from none to limited hours). Recently, the Town changed its Sunday sale hours to commence at 7:00 a.m. He noted the recent request from Jewel/Osco based upon customer requests and the fact that one of their stores close proximity to the Town, (Meijer). In addition, the City had been approached by the Airport Authority. Sunday is viewed as a travel day, the same as any other day. In addition, there were restaurants which offered Sunday buffet brunches. They have also

received requests from patrons. A Sunday morning alcoholic beverage was seen as a public convenience.

Commissioner Buchanan noted that the proposed Text Amendment would treat Sunday as any other day of the week which allows liquor sales to commence at 6:00 a.m. Commissioner Buchanan opened the hearing to public comment.

Loreta Jent, 14297 Twin Grove Rd., addressed the Commission. She noted an article which appeared in the June 5th Pantagraph. She stated that the current code allowed liquor sales to commence at 12 noon on Sunday. She described alcohol consumption as a physical assault. Grocery stores looked like liquor stores. She questioned the number of police calls related to alcohol. She cited the economic cost of alcohol abuse. She questioned the public benefit. She cited various statistics and costs associated to alcohol abuse. She questioned drinking during the early morning hours. The Commission needed to consider convenience versus safety. She cited state statutes. Sunday was different from the other days of the week. She noted the national economy and questioned why the City wanted to encourage an increase in liquor sales. The City should protect the quality of life in the community. She encouraged the Commission to have the strength to say no.

Commissioner Stockton acknowledged the statistics presented were interesting. Alcohol does have a cost. A number of police calls were linked to alcohol. There were general warnings regarding alcohol. He noted that some individuals believe that additional sale hours might make the situation worse. He questioned if there was a difference between individuals drinking in a tavern versus a Sunday brunch versus a package sale.

Ms. Jent believed that individuals needed to plan ahead. The Commission needed to take a positive stand against. Commissioner Stockton believed that Ms. Jent's presentation was focused on tavern sales. The Commission might recommend allowing package and restaurant sales but not tavern sales. The Commission was looking for guidance.

Commissioner Buchanan thanked Ms. Jent for her presentation and research.

Tom Hubbard, owner/operator and License holder at the Hanger located at 3201 CIRA Dr., Suite 110, addressed the Commission. The Hanger had not operated at a profit since 2003. The numbers were down. He had brought this information to the attention of Commissioner Stockton. He cited the early morning Sunday flight and the ability to offer Bloody Marys and Screwdrivers. He expressed his belief that the City's tavern owners/operators were not anxious to open at 6:00 a.m. on Sundays. He recommended that taverns be allowed to commence liquor sales at 10:30 to 11:00 a.m. He cited football season as a reason.

Commissioner Petersen acknowledged that retail stores were at a disadvantage. Mr. Hubbard noted that the retail stores should be on a level playing field with the Town of Normal. He added that restaurants offered Sunday brunches and taverns might open early during football season.

Commissioner Petersen questioned NASCAR. Mr. Hubbard acknowledged that there were a few early races. Commissioner Petersen stated his concern and opposition to the whole City starting

liquor sales at 6:00 a.m. on Sundays. He acknowledged that the City might lose consistency and the ease of enforcement. Mr. Hubbard restated that Sunday was a leisure travel day.

Commissioner Stockton questioned the potential revenue from Sunday sales. Mr. Hubbard believed that Sunday sales would make the Hanger a little more viable. He estimated an additional \$250 - \$300 in sales per Sunday. He cited the tough economy. He restated that the numbers at the airport were down.

Matt Dunn, Friar Tuck's Store Manager, located at 2401 Maloney Dr., addressed the Commission. He stated that good points had been made. The issue involved competition and a level playing field.

Ken Graham, 2516 Timber View Dr., addressed the Commission. He stated his agreement with Commissioner Stockton's comments. He was a nondrinker and personally was opposed to the proposed Text Amendment. The issue was presented as purchase versus consumption. Individuals who visit taverns just consume alcohol. Patrons leave intoxicated. He believed that Sundays were different. He questioned how this proposal would impact the community. Families were on the road. He cited the risk of someone driving under the influence and causing injury. The Commission should minimize the opportunity for DUI.

Thomas Yount, Qik N Ez's Store Manager, located at 1607 Morrissey Dr., addressed the Commission in support of the proposed Text Amendment. Qik N Ez was open twenty-four (24) hours a day. He cited that there were a variety of overnight workers in the community. He would not address the morale argument. Changing the Sunday sale hours would be a convenience to the community.

Connie Zaio, Jewel Osco's Asst. Secretary, located at 150 Pierce Rd., Suite 200, Itasca, IL, addressed the Commission. She had sent the City a letter addressing Sunday sales. A list was included which cited various communities' Sunday sales hours. She noted that there had been changes. The company had seen a change in shopping trends. There had been increase in the number of customers who do their weekly shopping on Sundays. She added that everyone did not work nine to five.

Dave Ezell, Schnucks' Store Manager, located at 1701 E. Empire St., addressed the Commission. He welcomed the proposed Text Amendment. Sundays were the second busiest day of the week. Customers were doing their weekly shopping on Sundays. He supported the 6:00 a.m. start time for Sunday sales.

Commissioner Stockton stated that based upon what he had heard and citing Normal's experience, he would support the proposed change. There was not a lot of support for changing Sunday sale hours for taverns. There was not a lot of interest expressed in packaged and/or restaurant sales. He would support allowing the change to Sunday sale hours for these two (2) license classifications. He described it as a compromise position.

Commissioner Petersen expressed support for the idea. Initially, he had issues with the proposed Text Amendment. He wanted the City be responsible. It was a statement about the community.

Mr. Hubbard readdressed the Commission. He also operated Cheeks, located at 1206 Towanda Ave. He requested that taverns be allowed to commence liquor sales at 11:00 a.m. Commissioner Stockton expressed his concern regarding the start time. He would not support a change any greater than one hour. Taverns would be treated differently.

Commissioner Petersen expressed his concern that the City would be inconsistent, (setting Tavern sale hours at 11:00 a.m.). Commissioner Stockton stated that the Council would be presented with options.

Commissioner Buchanan closed the Public Hearing.

Commissioner Buchanan expressed his support for the amendment for packaged licenses. He added his support for restaurant sales to commence at 11:00 a.m. He cited Sunday brunch. Sunday sales have been allowed since 1977. He questioned any change to tavern sale hours. He noted that liquor was everywhere. He did not believe that the change to packaged sale hours would lead to an increase in consumption. He also believed that there would be little increase to liquor sales.

Commissioner Buchanan questioned the liquor license at the Hanger. The Commission had received a request which specifically requested earlier sale hours at the airport. Commissioner Stockton noted that the Airport Authority has specific powers. At this time, the Airport Authority complies with City Code.

Commissioner Clapp questioned the distinction without difference. She believed that there was no economic interest by the tavern license holders to open on Sundays at 6:00 a.m. She believed that there was interest in being open and having the ability to sell liquor during certain sporting events. This would give taverns the ability to compete with restaurants. She believed that it would be easier for the City to have the same sale hours for all Sunday license holders. The Commission could review the impact of this Text Amendment within the year and look at its impact. She believed that the results would be the same. The Text Amendment was about convenience and fairness. She added that the Commission considered this request based upon the market.

Commissioner Stockton expressed his concern that some taverns might open at 6:00 a.m. He added that Sunday mornings are viewed differently. He expressed his preference for the City to take one step at a time. The Council would be allowed to consider granting taverns an earlier sale hour. He preferred to leave taverns out of the proposed Text Amendment. He stated his opposition to allowing taverns to open at 6:00 a.m. on Sundays.

Commissioner Buchanan acknowledged that by including taverns the City might lose positive impact. He added his belief that there would be no impact upon consumption. He planned to support the proposed Text Amendment.

Motion by Commissioner Stockton, seconded by Commissioner Petersen to recommend a Text Amendment regarding Sunday sale hours, packaged and restaurant license classifications commence at 6:00 a.m.; with the following option 1.) that the Council may consider granting the

tavern license classification an earlier Sunday sale hour, (i.e. commence at 11:00 a.m. or an earlier hour or remain at 12 noon).

Motion carried.

Commissioner Buchanan stated that this item would appear on the Council's August 10, 2009 meeting. The item would appear on the Regular Agenda.

There being no further business the hearing recessed at 6:07 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to discuss the proposed Keg Ordinance. Present at the hearing were Liquor Commissioners Steve Stockton, Rich Buchanan, Marabeth Clapp, and Steve Petersen; George Boyle, Asst. Corporation Counsel; and Tracey Covert, City Clerk.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that there were two (2) differences between the City's proposed ordinance and the one adopted by the Town of Normal. The Town has had language in its Code which bans the sale of kegs after 10:00 p.m. The City's proposed ordinance addressed notification, (see Section 23(g). Sale and Possession of Kegs). The Adult Responsibility Form, (ARF), would be sent to the Police Department.

Commissioner Stockton noted that the format of the ARF would be prescribed by the Commission. Mr. Boyle referred the Commission to Section 23(b). There was some flexibility in the Code. Commissioner Stockton stated that the Commission wanted the ability to amend the ARF without going back to the Council for approval.

Commissioner Buchanan requested that the rebuttal presumption be clarified. Mr. Boyle noted that the language was non conclusive. A party may wish to rebut.

Commissioner Buchanan questioned Section 23(g), (notification). He expressed his opinion that notification needed to be timely and immediate. Commissioner Stockton stated that notification would be presented to the Council as an option. Commissioner Buchanan expressed his support for this section. Commissioner Stockton questioned if there was support for notification within the Police Department. He also questioned the value of the information to the Police Department.

Commissioner Buchanan questioned if Commissioner Stockton was in favor of notification. Commissioner Stockton stated that the Commission should not micro manage the Police Department.

Commissioner Buchanan expressed his support for the proposed Text Amendment. It was a step in the right direction. He described the language as good and positive. He would have supported additional language.

Commissioner Buchanan opened the hearing to public input.

Bobbie Lewis Sibley, BNCCC's Community Liaison, addressed the Commission. She noted that notification language was not contained in the Town's ordinance. The Town's Police Department has a party patrol. The BNCCC would prefer that both ordinances be the same.

Commissioner Stockton noted that there was no magic to the number of kegs. The Commission needed input from the Police Department. He wanted the Commission to present the Council with options.

Matt Dunn, Friar Tuck's Store Manager, located at 2401 Maloney Dr., addressed the Commission. He informed them that his first sale of the day was for five (5) kegs for a wedding. He cited the deposit cost, (\$350), and the paper work involved. A five percent (5%) discount applied due to the sale's volume. Profits from the sale of kegs was limited. He was not comfortable with the notification portion of the proposed ordinance. Famous Liquors had closed. His store was the only location in the City where kegs were available. This portion of Friar Tuck's business had grown significantly. He recommended that notification begin with purchases over five (5) kegs.

Commissioner Stockton suggested that Mr. Dunn provide his comments to the Council. He should include at what level notification was burdensome and what number would be viewed as reasonable.

Motion by Commissioner Stockton, seconded by Commissioner Petersen that the Commission recommended to the Council the adoption of the proposed Text Amendment to Chapter 6. Alcoholic Beverages regarding kegs Section 23(a) through (f), and that the Council give consideration to Section 23(b)(7) and 23(g).

Motion carried.

Commissioner Buchanan stated that the proposed Text Amendment would appear on the Council's July 27, 2009 meeting. The item would appear on the Regular Agenda. He encouraged their attendance.

There being no further business the hearing recessed at 6:43 p.m.

Tracey Covert, City Clerk, informed the Commission that the Bloomington Normal Jaycees had submitted an Application for an LB Liquor License. Their event was scheduled for September 11 and 12, 2009. This item would appear before the City Council's August 10, 2009 meeting agenda. Consensus reached that Commissioner Stockton would hold the hearing for this Application.

Ms. Covert informed the Commission that Jack Snyder had retired. Mr. Snyder was the sole stockholder for the following liquor licenses: Eastland Suites, Inc., d/b/a Eastland Suites Lodge located at 1801 Eastland Dr., and Snyder Brickyard Hotel, LLC DoubleTree Hotel & Conference Center, 10 Brickyard Dr. Ownership for both businesses had been transfer to Snyder Properties Trust. The corporation and LLC still existed with the Trust holding the stock. Consensus

reached that the City Clerk would contact Snyder Properties and request an updated application form.

There being no further business the hearing adjourned at 6:45 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk

