

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

March 10, 2009

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the application of Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13, 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 Rich Buchanan, Steve Petersen, and Mark Gibson; Tracey Covert, City Clerk; and Tracy Smith, owner/share holder and Applicant representative.

Commissioner Buchanan opened the hearing by informing those present that Steve Stockton, Liquor Commissioner, would be unable to attend. He was in Washington DC participating in the One Voice program.

He addressed the second item on the Agenda. A request by Richard's Services, Inc., d/b/a Redbird Catering, located at 1507 N. Main St., currently holding a class "W", catering, liquor license. The license holder wanted the Commission to consider a text amendment which would allow those with "W" liquor licenses to offer cash bars. It was noted that no one was present from Redbird Catering to address this item. The Commission recommended that this item be laid over until their April 14, 2009 meeting. It was noted that currently a cash bar was not allowed with a class "W" liquor license.

He also noted that the Commission had been provided with a copy of the Town of Normal's keg ordinance. This item was scheduled to appear before the Town's Liquor Commission/Council on Monday, April 7, 2009. It was anticipated that the City's keg ordinance would appear on the Council's April 13, 2009 meeting agenda.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. Tracy Smith, owner/share holder and Applicant representative, addressed the Commission. He informed them that Chimis had subleased the former Puran Pizza restaurant from Sarabjit Jattu and Talwinder Kaur Gill. Chimis opened at the end of January or the beginning of February 2009. Chimis specialized in Mexican and Caribbean food.

The application was for an RAS liquor license. At this time, Sundays were pretty slow. A determination to remain open on Sundays or not has not been made. Tracey Covert, City Clerk, recommended that the Applicant go forward with the RAS liquor license. The Applicant would have the option to not take out the "S" Sunday liquor license.

Mr. Smith noted that the restaurant had seating for forty-eight, (48). Chimis planned to stock bottled beer and bottled or boxed wine. He compared Chimis to Taqueria El Porton, located at

901 N. Main St. There would not be a true bar area. Chimis planned to offer Margaritas and Pina Coladas.

Commissioner Buchanan questioned the Applicant's intention to be an RA, (Restaurant, All type of Alcohol). Mr. Smith responded affirmatively. He believed that a liquor license would allow the business to improve and be responsive to customers' requests. He restated that there would not be sit down bar area. There simply is not the space. He anticipated that more than fifty percent, (50%), of the revenues would come from food sales.

Commissioner Petersen questioned the floor plan which showed a bar area. Mr. Smith acknowledged that Chimis could install a wet bar. The current plan calls for a cooler to be placed in this area.

Commissioner Petersen noted that Chimis was already open. Mr. Smith responded affirmatively. He described the food business as steady and decent. There was a good lunch trade. He was interested in building up the dinner trade.

Commissioner Petersen questioned if Chimis was interested in a "P", Packaged, license. Mr. Smith responded negatively. It had not been applied for and liquor would accompany the food service.

Commissioner Petersen questioned Chimis staff and if they were competent. Mr. Smith stated his assurances that the staff was well trained. Generally, he was present at closing time. He restated that there was no intention for Chimis to be a tavern.

Commissioner Buchanan noted that Chimis does not fit the pattern. He raised the question when does an "R", Restaurant, become a "T", Tavern. The kitchen would be in operation when liquor was sold. He noted Chimis business hours - 11:00 a.m. to 10:00 p.m. Mr. Smith added that Chimis generally was closed by 9:00 p.m. Commissioner Buchanan stated that liquor sales would cease one (1) hour after the kitchen closed.

Commissioner Gibson arrived at 4:30 p.m.

Mr. Smith had no opposition to Commissioner Buchanan's comments.

Commissioner Petersen stated that Chimis planned to close by 10:00 p.m.

Commissioner Buchanan questioned if there had been a Chimis in the past. Mr. Smith acknowledged that this was Chimis third attempt. He decided to try again. Commissioner Buchanan questioned parking. Mr. Smith informed the Council that there was general parking for all of the businesses in the strip mall. There had not been any problems with parking. He was not sure of the number of parking spaces.

Commissioner Petersen questioned if Chimis had retained any of its past staff. Mr. Smith informed the Commission that Julie Teague, Manager/Cook, was the only hold over. They agreed to give it one more try. There were additional staff members at Chimis.

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

Motion by Commissioner Petersen, seconded by Commissioner Gibson that the application by Chimis Caribbean Restaurant, Inc., d/b/a Chimis Caribbean Restaurant, located at 1704 Eastland Dr., Suite 13, requesting an RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their April 13, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged their attendance.

There being no further business the hearing recessed at 4:34 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Cultural District staff to expand the premise of the Bloomington Center for the Performing Arts, located at 600 N. East St., requesting an expansion of premise to the area known as Festival Park. Present at the hearing were Liquor Commissioners Rich Buchanan, Steve Petersen, and Mark Gibson; Tracey Covert, City Clerk; Bruce Marquis, Executive Director, and David Young, Facilities Manager.

Commissioner Buchanan opened the liquor hearing. He requested that City staff present their request. He stated his intention to open the discussion and lay this item over until the April 14, 2009 Liquor Commission meeting. He would consider alternatives if the request appeared to be routine.

Bruce Marquis, Cultural District's Executive Director, addressed the Commission. He had held meetings with Hannah Eisner, Deputy Corporation Counsel. He had drafted his request knowing Ms. Eisner would be unable to attend the meeting. He provided some background history. There had been requests for alcohol at the Bloomington Center for the Performing Arts, (BCPA). It was initially not allowed under the City Code. The City's Alcoholic Beverage Code was amended to allow liquor service within the BCPA, (see Section 26, (d) (2)).

Mr. Marquis read from a prepared handout. He noted that the BCPA had hosted over 100 public and/or private events without incident. The City had received support from CEFCU and the Illinois Bureau of Tourism for the outdoor stage. Alcohol would not be served at free events. There would be an admission charge when there was alcohol service. There would only be two (2) entrances to the Festival Park area. Inside the Park, there would be additional controls. The BCPA worked with a third party vendor for food and beverage service. Bracelets would be used to identify those over twenty-one, (21) years of age. There would be signage warning against under age consumption. The Park would be patrolled in search of violations. Events would be scheduled between noon and 10 p.m. He cited the adjacent residential neighborhood. Rest rooms would be located inside the BCPA.

The Memorial Day weekend was the planned opening of Festival Park. A number of summer events had been planned. He cited a beach party in June, a bluegrass barbecue in July, and a back to school party in August. He anticipated that there would be five to eight (5 - 8) City sponsored concerts. He also hoped for rentals. He cited the Nothing But the Blues Festival as an example. The BCPA was primarily an entertainment venue. It offered hospitality and convenience which should lead to generated revenue.

Commissioner Petersen questioned the area. David Young, Facilities Manager, addressed the Commission. He described the area known as Festival Park. A temporary green mesh fence with permanent anchoring posts would be installed. It would be better than the orange snow fencing.

Commissioner Gibson questioned the proximity to the street. Mr. Young noted that the fence would be installed behind the four foot, (4') sidewalk. He added that street closures may also be necessary. The stage would be placed along Douglas Street. Douglas St. would be closed at East St. Discussion followed regarding an RV (Recreational Vehicle) artist dressing room. Such a vehicle would take sponsorship.

Commissioner Gibson questioned the square footage within the area outlined in red. Mr. Young noted that no alcohol consumption would occur on the front steps of the BCPA. Commissioner Gibson questioned security within and without the Festival Park area. Mr. Young noted that patrons would bring lawn chairs for seating. Commissioner Gibson noted that there would be lawn seating. Mr. Young stated that the two (2) gates would be manned by BCPA's volunteer ushers. City staff would patrol the area. The preferred vendor, Six Strings, would control the alcohol sales.

Commissioner Gibson questioned the skill set of the BCPA ushers and City staff. Mr. Marquis restated that there had been over 100 events at the BCPA in the last thirty (30) months. There had not been a single issue. Commissioner Gibson noted that this was a different situation and a larger area. Mr. Marquis informed the Commission that the BCPA had a walkie talkie system. It was noted the impact of heat on consumption. Mr. Marquis noted that BCPA staff would observe behavior. Police Officers would be present at all events. Six Strings, the preferred food and beverage vendor, would have two (2) security personnel present to observe the crowd.

Commissioner Gibson believed that the City would be opening itself up to a lot of liability. Mr. Marquis expressed his opinion that the City had set a precedent with the McLean County Arts Center. The Arts Center hosts an annual membership appreciation night. On one (1) occasion, the Center held its annual event outdoors.

Commissioner Gibson expressed his belief that outdoor events were different. The plan called for liquor sales by coupon. Only beer and wine would be offered for sale. The Sangamon County Fair uses this type of system. Mr. Marquis added that no one would be allowed to bring in liquor. Mr. Young also stated that no coolers or large bags would be permitted.

Liquor Commission discussion followed.

Commissioner Gibson restated his concerns about the issue of crowd control.

Commissioner Petersen expressed his concern about individuals congregating. Festival Park would be a public space. Mr. Young stated that there would be Police Officers on site. Commissioner Petersen added that initially there would be issues. Mr. Marquis believed that individuals would be able to hear but not see the entertainment. The sound equipment would be used as a visibility barrier. It was suggested that Hot August Nights might consider moving to Festival Park.

Commissioner Buchanan reviewed the hand out provided. It does not state that a police presence would be required. Mr. Young acknowledged that the Cultural District's staff had not contacted the Police Department. This area would require additional investigation by City staff. Mr. Marquis added that events would be over before the prime bar hours.

Commissioner Buchanan noted that the Commission had the authority to grant extensions of premise. However, this request would require an amendment to the City Code.

Commissioner Gibson questioned if this item would be placed on the Consent Agenda. Tracey Covert, City Clerk, responded that she did not know. Commissioner Buchanan expressed his support for placing this item on the Consent Agenda

Commissioner Gibson questioned other things that needed City involvement. He restated his question about liability issues. Mr. Marquis restated that Ms. Eisner had been involved.

Ms. Covert questioned if the Cultural District staff had contacted RIMCO, (City's insurance provider for property).

Commissioner Buchanan directed Ms. Covert to share these minutes with Ms. Eisner. The persons involved were known to the Commission. He expressed his belief that events would be well planned.

Commissioner Gibson expressed his opinion that the City was setting a precedent. Mr. Young noted that Festival Park was a green space and not a true park. Rental events would generate additional income for the BCPA. Mr. Marquis added that the tenant rents the facility and brings the artist to perform. These events are run by City staff. These tenants must comply with all City policies and procedures.

Motion by Commissioner Gibson, seconded by Commissioner Peterson that the Commission recommends the request of the Bloomington Center for the Performing Arts to extend its premise to the area known as Festival Park with the following conditions: 1.) Cultural District staff must work with PACE's inspection staff and Fire Department staff to determine the location of the gates; 2.) Cultural District staff must consult with the Corporation Counsel Office to address liability issues; and 3.) Cultural District staff must meet with the Police Department to determine the appropriate security or police presence.

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear before the City Council at their April 13, 2009 meeting at 7:30 p.m. The item would appear on the consent agenda. He encouraged their attendance.

There being no further business the hearing adjourned at 5:25 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk