

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

August 14, 2012

The Bloomington Liquor Commissioner Stockton called the Liquor Hearing to order to hear the notification by MCO QRS, Inc., d/b/a Legends Sports Bar and Grill, located at 712 S. Eldorado Rd, 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 Stephen Stockton, Richard Buchanan and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

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

Commissioner Stockton opened the liquor hearing and noted that this request involved a change of corporate stockholder. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Commissioner Stockton added that the City Code also required a License holder to inform the City of a change in corporate stockholders.

Commissioner Stockton noted that Mike and Candy Owens, License holders and owner/operators, were present at the hearing. Candace Owens had been added as a stockholder and corporate Secretary.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to accept the change of corporate stockholders for MCO QRS, Inc., d/b/a Legends Sports Bar and Grill, located at 712 S. Eldorado Rd., currently holding an RAS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:17 p.m.

The Bloomington Liquor Commissioner Stockton called the Liquor Hearing to order to hear the notification by Carlos O'Kelly's, Inc., d/b/a Carlos O'Kelly's Mexican Cafe, located at 2105 Veterans Pkwy., 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 Stephen Stockton, Richard Buchanan 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 this request involved a change of corporate stockholder. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Commissioner Stockton added that the City Code also required a License holder to inform the City of a change in corporate stockholders.

Commissioner Stockton noted that Darrel L. Rolph had died and David K. Rolph was the sole owner. Current corporate officers were David K. Rolph, President and Paul E. Schwarz, Treasurer.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to accept the change of corporate stockholders for Carol O'Kelly's, Inc., d/b/a Carlos O'Kelly's Mexican Cafe, located at 2105 Veterans Pkwy., currently holding an RAS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:17 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Merriam and Barb Mosson, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. Merriam and Ms. Mosson, requesters, address the Commission regarding their request. Barb Mosson addressed the Commission. She reminded the Commission that they had appeared before the Commission at their July 10, 2012 meeting. At that meeting, the request was for their wedding reception at Davis Lodge on Saturday, September 29, 2012. They have decided to hold the rehearsal dinner at Davis Lodge on Friday, September 28, 2012. There would be fifty (50) people in attendance. The dinner was scheduled for 7:00 p.m. Commissioner Stockton reminded the couple that only beer and wine service was allowed.

Ms. Mosson added that Times Past Inn, located at 1216 Towanda Ave., would cater the event providing both food and beverage service.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their rehearsal dinner on September 28, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Times Past Inn will also be required to obtain a one (1) day liquor license from McLean County.

Commissioner Stockton informed Mr. Merriam and Ms. Mosson that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:21 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding Ma Verhari, Inc., d/b/a Buddy's Liquor located at 806 Eldorado Rd., currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week regarding the sale of alcohol to an underage person. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Nita Patel, owner/operator and License holder representative.

Commissioner Stockton opened the liquor hearing and requested that George Boyle, Asst. Corporation Counsel, address the Commission.

Mr. Boyle addressed the Commission. He informed them that this was a first appearance for this violation. The violation involved sale to an underage person on June 26, 2012. The Commission must first determine if the violation occurred. The second step involved determining the appropriate sanction.

Nita Patel, owner/operator and License holder representative, addressed the Commission. She stipulated that the violation occurred. She noted that a hearing would be set to address sanctions. Commissioner Stockton questioned if Ms. Patel agreed that the violation had occurred. Ms. Patel responded affirmatively. Commissioner Stockton informed Ms. Patel that this item would appear on the Commission's September 11, 2012 meeting agenda to address sanctions. Ms. Patel informed the Commission that an individual had been hired to check customers' identification. Commissioner Stockton stated that Buddy's had repeatedly violated the City's Alcohol Beverage Code. He requested that the Patels appear on September 11, 2012 at 4:00 p.m.

Commissioner Buchanan requested a point of clarification. He questioned who would represent Buddy's. Ms. Patel stated that as owner, she would appear. She had been on vacation when the violation occurred.

There being no further business before the Commission, the meeting recessed at 4:27 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Fiesta Ranchera of West Bloomington, Inc., d/b/a Fiesta Ranchera #6, located at 1041 JC Pkwy., 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, for an outdoor patio. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan 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 this request involved an outdoor patio. He noted that there was no one present from Fiesta Ranchera to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to lay the request for an outdoor patio by Fiesta Ranchera of West Bloomington, Inc., d/b/a Fiesta Ranchera #6, located at 1041 JC Pkwy., currently holding an RAS liquor license; over until the Commission's September 11, 2012 meeting.

Motion carried, (viva voce).

The Commission requested that Tracey Covert, City Clerk, informed the license holder.

There being no further business before the Commission, the meeting recessed at 4:31 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Clinton Food Mart, Inc., d/b/a Price Rite Food Mart located at 517 E. Locust, requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Surjit Singh, owner/operator and Applicant representative, and Joe Dehn, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. He noted that this item had also appeared on the Commission's July 10, 2012 meeting agenda. Mr. Singh had been requested to resubmit a complete liquor license application.

Joe Dehn, Applicant's attorney, addressed the Commission. Surjit Singh was purchasing the business. He noted the Commission's concern regarding residency. The store manager would reside in McLean County.

Commissioner Stockton stated that the store would be owner financed. Mr. Dehn noted that nothing official had been prepared. The sale involved the seller's finances. He was unsure of the information wanted/needed by the Commission. He noted that 1,000 shares of stock were issued. The down payment was \$30,000. These transactions were processed through the corporation. He noted that the building and its inventory was seller financed.

Commissioner Stockton noted that ownership would be assumed contingent upon a liquor license being created. Mr. Dehn stated that the transaction involved a contract for the sale of real estate. The term was ten (10) years.

Commissioner Buchanan expressed his belief that Mr. Singh owned the premise. Mr. Dehn stated that the corporation was established to facilitate the business purchase. The Clinton St. store would be held by a separate corporation.

Commissioner Stockton added that the sale contract would grant Mr. Singh possession of the premise.

Commissioner Buchanan noted that there was not an audited financial statement.

Mr. Boyle noted that at a minimum there needed to be a lease which would grant Mr. Singh the right to be on the premise. He added that a number of items were still missing.

Commissioner Stockton questioned the purchase agreement. Mr. Dehn informed the Commission that as of this date the document was not signed.

Commissioner Tompkins noted that there were outstanding packaged liquor taxes due from the current liquor license holder. Mr. Dehn noted that this issue would be taken care of by the current license holder.

Commissioner Tompkins noted that the corporation was formed on June 26, 2012. He questioned the corporate stockholders. Surjit Singh, owner/operator and Applicant representative, addressed the Commission. He would be the sole stockholder and corporate President. Commissioner Tompkins questioned Mr. Singh's residence. Mr. Singh stated Clinton, IL. Commissioner Tompkins noted that the corporation registered agent resided in Chicago, IL. Mr. Singh informed the Commission that Surjit Singh was his accountant.

Commissioner Tompkins noted that there were items which still needed to be corrected. He questioned who would be the store manager. Mr. Singh stated Ahmad Samhan. Commissioner Tompkins noted that Mr. Samhan was not present at the hearing. Mr. Singh noted that Mr. Samhan was currently employed and working at the store.

Commissioner Buchanan expressed his discomfort with this application. He questioned the impact of laying this application over for another month. Mr. Dehn acknowledged the Commission's concerns. He noted the following: 1.) provide a signed agreement; 2.) provide financial information; and 3.) packaged liquor taxes must be current and paid. The sellers were anxious to close. The goal for the transfer of ownership was mid September. He respectfully requested that the Commission approved this application with conditions.

Commissioner Stockton noted the concerns that the Commission had at the July 12, 2012 hearing involved an incomplete application.

Commissioner Petersen arrived at 4:48 p.m.

Commissioner Stockton noted that at this hearing there still was not a signed purchase agreement. All documentation would need to be provided prior to the Council's September 10, 2012 meeting. He added that George Boyle, Asst. Corporation Counsel, would need to have adequate time to review and approve same. He suggested that all of the missing items be provided by September 3, 2012. Mr. Dehn saw no obstacles to this request.

Mr. Boyle addressed the Commission. He acknowledged that he could review the documents and identify any issues with same. He added the following points: 1.) this application involved a new small corporation; 2.) this application involved a sole stockholder who resided in Clinton, IL; and 3.) this application involved a store manager who resided in Normal, IL. He believed that there were issues which the Commission might want to address.

Commissioner Stockton noted that the Commission had not required store managers to appear before same.

Commissioner Tompkins questioned if Mr. Dehn would be Mr. Singh's attorney going forward or was his appearance before the Commission today a single appearance on behalf of the Applicant. Mr. Dehn noted that Mr. Singh has an attorney in Decatur, IL.

Commissioner Tompkins expressed his discomfort with this application. He added his belief that Mr. Singh needed the assistance of a third party. He questioned Mr. Singh's ability to successfully operate this business. Mr. Dehn noted that this was his first appearance before the Commission. He noted the depth of the application. He had reviewed the application with his client. Mr. Singh had acknowledged the need for legal counsel.

Commissioner Stockton stated that this application could be approved contingent upon the Applicant's retention of legal counsel who would review the City Code and state law regarding alcoholic beverages. He suggested the following conditions: 1.) signed purchase agreement approved by George Boyle, Asst. Corporation Counsel; 2.) certification from an attorney that he and the Applicant had reviewed both the City Code and state law regarding alcoholic beverages; and 3.) payment of packaged liquor tax.

Commissioner Buchanan expressed his lack of confidence in the Applicant. He added that Mr. Dehn, Applicant's attorney, had not performed well. If the Commission proceeded as urged by Commissioner Stockton, he planned to vote no. He would be more comfortable when the Applicant submitted a complete application. Mr. Dehn informed the Commission that at the point Mr. Singh retained him the application had already been submitted to the City. He stated that if the Commission voted to lay this item over, the City would receive a complete application. He acknowledged that this date's hearing was not the best use of time.

Mr. Boyle addressed the Commission. He expressed his reservations. He cited the additional information that needed to be provided. The application addressed the quality of the Applicant. The Commission needed to pass judgment based upon a review of same. This task should not be deferred to staff.

Commissioner Buchanan noted that the Mayor was the Liquor Commissioner. Commissioner Stockton would review the documents and provide a recommendation to the Council to approve this Application or not.

Mr. Boyle noted that this action would address some of his concerns. Commissioner Stockton noted that the review would only involve himself. He was uncomfortable with this application appearing before the Commission for a third time.

Mayor Stockton opened the hearing to public input.

Marty Seigel, 615 E. Chestnut, addressed the Commission. She expressed her concerns regarding this application. She noted the previous owner's request. She also questioned who would manage this store. There needed to be responsible ownership who knew the laws. There were too many unknowns. She cited impact upon the neighborhood. Things in the neighborhood were improving.

Commissioner Stockton stated that the Commission could put conditions upon the license. Ms. Seigel noted that the application was for the same license classification as the existing business. Issues had not been solved. The Applicant needed to make things better. She restated her concerns.

Mr. Singh encouraged the Commission to contact the City of Clinton. He noted the Clinton, IL store's improvement. Store management was important. He would be available 24/7 (twenty-four hours a day/seven days a week).

Commissioner Stockton expressed his understanding that Mr. Singh had a good record in Clinton. Mr. Singh knew that the importance of understanding the laws.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Clinton Food Mart, Inc., d/b/a Price Rite Food Mart located at 517 E. Locust, requesting a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week be approved with the following conditions: the following documentation be submitted by September 3, 2012 to the City Clerk's Office for reviewed by Commissioner Stockton: 1.) signed purchase agreement; 2.) floor plan and insurance documentation; 3.) affidavit prepared by Applicant's attorney attesting Mr. Singh's understanding of all applicable state laws and City Code regarding alcoholic beverages; and 4.) payment of packaged liquor tax.

Ayes: Commissioner Stockton, Buchanan and Tompkins.

Nays: None.

Abstains: Commissioner Petersen.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:10 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Scott Tuggle and Glenn Corkill, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request.

Commissioner Buchanan questioned if this application was an LLC or an incorporation. Scott Tuggle, owner/operator and Applicant representative, addressed the Commission. GS Partners was a corporation. He reminded the Commission that a partner had retired and the decision was made to form a new corporation. This action allowed the books to be closed on the old corporation.

Commissioner Tompkins complimented the Applicants on their application. It was thorough and complete.

Commissioner Buchanan noted that Mr. Tuggle was a long time successful license holder.

Commissioner Stockton added that Ride the Nine did not have a single violation.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of GS Partners, Inc., d/b/a Ride the Nine/Shooters Lounge, located at 503 N. Prospect Rd., Suite 300, requesting 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 be approved.

Motion carried, (viva voce).

Commissioner Stockton informed the Applicant that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:14 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., 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 week. Present at the hearing were Liquor

Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Kacie Shultz, store manager and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Kacie Shultz, Store Manager and Applicant representative, addressed the Commission. She currently managed the Smashburger in Springfield, IL. She would manage this new facility. Doug Cekander, owner, also owned Buffalo Wild Wings located at 3220 E. Empire St. Ms. Shultz had been employed by Mr. Cekander for seven (7) years. Smashburger would open on August 29, 2012. She understood that the restaurant would open without a liquor license.

Commissioner Stockton stated that the application looked good. Smashburger would be located at the former site of Ruby Tuesdays. He hoped Smashburger would be successful.

Commissioner Buchanan questioned if there were other tenants in the building. Ms. Shultz stated that Aspen Dental would open on Thursday, August 16, 2012. There was still a vacant space in the building. Smashburger would seat 100 customers, seventy-five (75) indoors and twenty-five (25) outdoors. Smashburger would offer dine-in and carryout services. There was not a drive through window.

Commissioner Stockton questioned controls for the outdoor patio. Ms. Shultz stated that the patio was fenced and gated. The gate could be used as an entrance only. Smashburger's servers would be BASSETT, (Beverage Alcohol Sellers & Server Education & Training), certified. Alcohol consumption would be on premise only. Beer would be served open.

Commissioner Buchanan stated that the patio would become a part of the premise. Ms. Shultz stated that the cash registers would be located inside the building. Alcohol sales would occur in the restaurant.

Commissioner Buchanan noted that Smashburger would be challenged to move customers efficiently. Ms. Shultz noted that the grand opening would be from Wednesday, August 29, 2012 through Sunday, September 2, 2012. She noted that the Springfield store was busy. Servers checking identification for alcohol sales assisted the kitchen. Commissioner Buchanan questioned if the point of sale system required the entry of a date of birth to complete an alcohol sales transaction. Ms. Shultz stated that the cash register prompted the server to verify identification for beer sales. Beer sales would only be from the counter. A customer would place an order and make payment prior to food and beverage service.

Commissioner Stockton questioned how the patio would be monitored. Ms. Shultz noted that there were six (6) video cameras. In addition, the management team would monitor the patio.

Commissioner Buchanan questioned video display storage. Ms. Shultz could not address the time line. She noted that the video was fed to her laptop computer and smart phone.

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

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Smashtwo, LLC, d/b/a Smashburger, located at 1401 N. Veterans Pkwy., 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.

Motion carried, (viva voce).

Commissioner Stockton informed the Applicant that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged her to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:23 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants address this request. Bill Adams, Lodge Secretary and Jerry Leininger, Leading Knight, and Applicant representatives, addressed the Commission. Mr. Leininger informed the Commission that currently there were 140 members. The Elks had been looking for a location. Only twenty to thirty percent, (20 - 30%), of the members were active participants. The premise would be cleaned up. The Elks hoped to grow the membership. The club would be staffed by volunteers, (Elks members). The building would be closed at 10:00 - 11:00 p.m.

Mr. Adams addressed the Commission. He stated that there were approximately seventy-five (75) active members. The building might be open later for special occasions.

Commissioner Tompkins questioned the legal requirements. Mr. Leininger noted that the sale of the building was contingent upon the creation of the liquor license. The local membership had approved the purchase. The Grand Lodge, (national), had also approved the purchase.

Commissioner Petersen questioned the legal address. He noted that the application stated 608 Seminary but the Letter of Intent listed 606 Seminary.

Commissioner Buchanan noted the proximity of residential neighbors. He added that this building had a long history as a liquor establishment. He questioned if social activities would be held outside of the building. Mr. Leininger believed that everyone would be gone within thirty (30) minutes after an event ended. The Elks membership consisted of older individuals. This lodge was over 110 years old. He had served on the Board for over twenty (20) years. Commissioner Buchanan did not anticipate any concerns. Mr. Leininger added that the parking lot was fenced. The railroad was located nearby to the west. The neighbors seemed excited

about the potential sale. The Elks have discussed becoming involved in the neighborhood association. He noted the Elks' programs for veterans and educational scholarships.

Commissioner Buchanan questioned the percentage of revenue generated from non alcohol sales. Mr. Adams noted that food would be served in the evenings. Tuesdays would be chicken dinners and Saturdays would offer hamburgers. He noted the low attendance at meetings. Mr. Leininger anticipated limited liquor consumption.

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

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the application of Bloomington Lodge #281, Benevolent and Protective Order of Elks of the USA Inc., d/b/a Bloomington Elks Lodge #281, located at 608 Seminary Ave., requesting a CA 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, (viva voce).

Commissioner Stockton informed the Applicant that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:37 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of LSRE, Inc., d/b/a Laugh Comedy Club, located at 108 E. Market St., currently holding a TA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days week to allow: 1.) eighteen (18) year olds and over in the showroom and 2.) twenty-one (21) year olds and over in the bar area. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Adam Weber, owner/operator and License holder.

Commissioner Stockton opened the liquor hearing and requested that the License holder address this request. Adam Weber, owner/operator and License holder, addressed the Commission. He recalled his appearance before the Commission on February 14, 2012. He hoped that Laugh would be seen as being the same as the Castle Theater located at 209 E. Washington, Unit 1. Patrons would be divided by age. The bar area was separate from the showroom. There would be security personnel. He had learned from his experience with the late night Friday night shows.

Commissioner Stockton noted his familiarity with Laugh's layout. He cited bowling alleys which held "R", Restaurant, liquor licenses. He noted that the Commission would hold a discussion regarding a proposed "E", Entertainment liquor license classification.

Mr. Weber reminded the Commission that at this time Laugh did not have any food offerings. He believed that individuals eighteen (18) years and older needed some where to go. He hoped the Commission would grant this step forward.

Commissioner Stockton questioned how Mr. Weber planned to implement this change. Mr. Weber cited the late night Friday shows which were scheduled at 10:00 p.m. After the 8:00 p.m. show, the bar area and showroom was cleared. Individuals who were eighteen (18) years and older would be allowed in the showroom. There would not be any sale or consumption of alcohol in this room. Individuals must be twenty-one years (21) and older to gain access to the bar area. He described the perfect crowd as twenty (20) years of age and older.

Commissioner Stockton questioned the control of movement of people. Mr. Weber noted that there would be security personnel. There would not be any alcohol sales in the showroom. Soft drinks would be available.

Commissioner Stockton questioned if there would be a barrier. Mr. Weber restated that there would be two to three (2 - 3) security personnel. Identification would be checked. The crowd would be observed. There would be a doorman. There would be a staff person at each door. The major security need would be in the bar area.

Commissioner Buchanan questioned occupancy. Mr. Weber stated 197.

Commissioner Tompkins questioned the Police Department's opinion. Bob Wall, Asst. Police Chief, addressed the Commission. He questioned if the request was for only for Friday nights. Mr. Weber noted that at this time individuals under twenty-one (21) years of age were allowed on Friday nights. Asst. Chief Wall stated that there were no issues with Laugh Comedy Club. The concern addressed mixing eighteen (18) year olds with twenty-one (21) year olds. He cited the City's recent visit to Iowa City. He addressed the big picture. He added his belief that other license holders would make the same request.

Mr. Weber addressed the Commission. He would not argue with Asst. Police Chief Wall. He believed that the Downtown needed something other than bars. Laugh had an added cost - the entertainment. He cited the limited demographics. Laugh also had to close earlier.

Commissioner Buchanan described Laugh as a nice entertainment venue. It was not a bar in his opinion. Mr. Weber noted that Laugh had been operating for eighteen to twenty (18 - 20) months. Commissioner Buchanan noted Laugh's late night Friday shows and the fundraising efforts. He cited the environment when the audience was eighteen (18) years of age and older. Laugh closed at 12:45 a.m. There were not a lot of young people present. He questioned if underage individuals attempted to head towards the Downtown bars. Mr. Weber noted that Laugh closed earlier. There was no staff present at the Comedy Club. He had been known to visit Downtown bars after Laugh closed.

Commissioner Stockton stated that the "E" license classification would be aimed towards establishments like Laugh. He questioned possibilities. He recommended that this request be laid over as he believed it would be a good fit for the "E" classification. Laugh might be granted

a limited trial period with an “E” liquor license. He did not believe that Laugh would meet all of the criteria. He noted a physical barrier to segregate underage individuals. The Commission might offer an experiment for a limited time. There would be no guarantee that Laugh would qualify for an “E” license classification. If issues arose, then the Commission would adjust the “E” license classification’s criteria.

Commissioner Petersen had listened to Asst. Chief Wall. He cited his familiarity with Iowa City, IA. The Commission had attempted an experiment with Daddios located at 527 N. Main St. He noted that the college students would be returning to town. He supported laying this request over until a decision was made regarding an “E” license classification.

Mr. Weber informed the Commission that he had set January 1, 2013 as a tentative closure date. Comedy clubs were a difficult industry.

Commissioner Petersen questioned the comedy club that had been located on Veterans Pkwy. Mr. Weber noted that he was not the operator of that comedy club. He was a silent partner as he was stationed in Iraq. The comedy club was brought Downtown. He had lost the business partner who had operated the club and was moving forward.

Commissioner Buchanan informed the Commission that he had observed Laugh’s operations. He understood how this request would work. He noted the establishment’s size. Last call would be at 12:30 a.m. due to the earlier closing hour. He cited the owner/operator. He believed that the Downtown needed some good establishments. There would not be any alcohol in the showroom and no underage persons in the bar area. He did not see the City creating an “E” license classification in the near future.

Commissioner Stockton stated his intention to request additional meetings of the Commission.

Commissioner Petersen stated that he had no issue with Mr. Weber. He believed that Mr. Weber was a man of his word. He added his belief that other Downtown establishments would make similar requests.

Commissioner Buchanan cited Daddios’ teen nights. This request was not the same as Laugh’s request. He restated that he had observed Laugh’s operations. There were not a lot of young people present. Laugh was a good, quality comedy club. He hoped that this request would be approved from October 1, 2012 until January 1, 2013. Mr. Weber informed the Commission that Laugh could be ready in two (2) weeks.

George Boyle, Asst. Corporation Counsel, noted that there would not be any alcohol in the showroom at any time. This included the sale, consumption and/or possession. The Commission would need to redefine the premise, i.e. no alcohol in the showroom. Mr. Weber affirmed that those eighteen (18) years and older would be allowed in the showroom and no alcohol would be present. Mr. Boyle cited his concern regarding the “T” license classification.

Commissioner Stockton stated that he was not opposed to this request. The Commission would have a short discussion regarding the proposed “E” license classification. The Commission

would need to schedule additional meetings. He did not believe that the Commission could go ahead with this request today.

Commissioner Petersen stated that he would not support this request. He was not willing to support this request in the Downtown. He noted recent objections.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of LSRE, Inc., d/b/a Laugh Comedy Club, located at 108 E. Market St., holding a TA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises six (6) days a week to allow: 1.) eighteen (18) year olds and over in the showroom and 2.) twenty-one (21) year olds and over in the bar area, be laid over until the Commission's September 11, 2012 meeting.

Motion carried, (viva voce).

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of 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 week to allow: amplified music on the outdoor balcony. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Daniel Rolph, owner/operator and License holder.

Commissioner Stockton opened the liquor hearing and requested that the License holder address this request. Daniel Rolph, owner/operator and License holder, addressed the Commission. He noted Six Strings' opening and the number of conditions placed upon the liquor license. Six Strings had been open for five (5) years. At this time, there was no outdoor amplified music. He cited actions of other Downtown taverns. He acknowledged the pending noise ordinance. This would be ambient music that would face the building.

Commissioner Stockton addressed the proposed noise ordinance. Mr. Rolph stated that the music would be set below the decibel level. The sound level would be measured. Six String has the speakers but they were not installed. The music would not be live.

Commissioner Petersen questioned the request. Mr. Rolph stated that he had struggled with the balcony. He wanted to make it into a nice space. Currently, it was used as the smoker's area. The area would be rehabilitated. Music would be kept below fifty-five (55) decibels.

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

Commissioner Stockton described this request as an experiment. Mr. Rolph informed the Commission that he believed that they had the authority to stop the music. Commissioner Stockton stated that the City needed to have a better handle on Downtown noise. If the City

received complaints, then they must be resolved. Mr. Rolph cited actions taken by Six Strings to address issues raised by Phoenix Towers located at 202 W. Locust St. Commissioner Stockton described Mr. Rolph as a conscientious liquor license holder. If there were issues, then the Commission may have to take action.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the request of KPTS, Inc., d/b/a Six Strings, located at 525 N. Center St., 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 to allow amplified music on the outdoor balcony be approved with the following condition: 1.) the Commission reserves the right to monitor/modify the volume and time allowed for music.

Motion carried, (viva voce).

Commissioner Buchanan noted that the Commission's support was based upon the spirit and intent of Mr. Rolph's written request submitted to the Commission.

There being no further business before the Commission, the meeting recessed at 6:25 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting a TAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address this request. James Gaston, owner/operator and Applicant representative, and Jim Bass, Applicant's attorney, addressed the Commission. It was described as the same request with possible conditions upon the license. Mr. Bass noted that the Council's vote, 4 to 5. The application was turned down by one (1) vote. A list of proposed conditions had been provided to the Commission. In addition, there was a statement of intent. It was noted that the business needed to be profitable. It had been Mr. Gaston's dream to operate a Jazz Cafe.

Commissioner Stockton noted Mr. Gaston's background. He added that for a number of years concerns had been expressed regarding the number of Downtown "T", Tavern, liquor licenses. He noted recent comments from the Council regarding same. He added that there was an informal moratorium on tavern liquor licenses in the Downtown. He cited Laugh Comedy Club located at 108 E. Market St. as an example of a Downtown T liquor license with conditions. Concerns had been raised that this establishment would become another Downtown tavern. The Applicant needed to convince the Commission, Council, and citizens that safeguards were present to insure that Gat's Jazz Cafe would not become another Downtown tavern. He read the list conditions submitted by Mr. Gaston. Another issue was a sufficient operations plan.

Mr. Bass noted that the tables would not be removed at anytime. He believed that the strongest argument to support this application was the closing hours. Gat's Jazz Cafe would not be just another Downtown tavern. Gat's Jazz Cafe would not be a young person's tavern. Commissioner Stockton acknowledged the weekend closing time: midnight. He questioned what would happen at the Jazz Cafe from 11:00 a.m. until the music started. Mr. Gaston stated that the Jazz Cafe would not be just a tavern. It would be a cafe that served food, coffee and cocktails.

Commissioner Stockton noted that the Commission needed to understand his vision. Mr. Bass stated that a sample menu had been provided. Mr. Gaston planned to work towards a full kitchen.

Commissioner Petersen questioned if the Cafe would serve lunch. Mr. Gaston stated that the Cafe would serve upscale appetizers, hors d'oeuvres and tapas.

Commissioner Tompkins stated that he had never seen such onerous, burdensome conditions. This Cafe would be an outstanding venue. He believed that Mr. Gaston was a quality applicant and that he would make this business a success. He questioned what the City wanted the Downtown to be. Mr. Gaston should be given a fair chance to operate this business.

Commissioner Petersen noted that the Commission recommended this application to the Council. The Council did not approve it. He questioned what was needed for the Council to change its mind.

Commissioner Tompkins restated that Mr. Gaston provided the list of conditions. The Commission could include any of them or none of them. Commissioner Stockton stated that a number of conditions had been placed upon a number of Downtown establishments. Commissioner Tompkins described these conditions as onerous and burdensome. Mr. Gaston would comply with the rules. Mr. Gaston would have everything to loose.

Commissioner Petersen questioned who drafted the conditions. Mr. Gaston noted himself with the assistance of his attorney. Commissioner Petersen described the situation as unfortunate. The Downtown was volatile. He described the conditions submitted as good. Mr. Bass restated that there was not a commitment to install a full kitchen. It was a goal with no set date. He noted Mr. Gaston appearance before the Commission. He addressed Mr. Gaston's past experience. There were individuals present at the hearing who wanted to address the Commission. Mr. Gaston had experience in the liquor business and with jazz music.

Commissioner Stockton noted that the Council did not approve this application without conditions. Commissioner Tompkins noted that the Commission could include the list of conditions provided by the Applicant.

Commissioner Stockton reviewed the list. He described the first condition as a general statement. Mr. Bass added that there would be a jazz piano on weekdays. Mr. Gaston added that there would be live music only during certain hours. There would be jazz music at all times. The decor would have a jazz theme. He restated his commitment to jazz. Commissioner

Stockton questioned the hours for live performance. Mr. Gaston noted the in the evening: weekdays - 6:00 until 9:00 p.m. and weekends - 7:00 until 11:00 p.m. Commissioner Stockton noted that during other business hours recorded jazz music would be played. He noted that the Cafe would be open for lunch.

Mr. Gaston added that there would be a jazz brunch available on Sundays. He did not plan to be open every Sunday. He stressed that he knew what he wanted the business to be, a jazz club. There would be no reason to remove the tables.

Commissioner Stockton questioned if food would be available one (1) hour prior to the Cafe's closing. Mr. Bass noted that the menu submitted was a sample. Similar items might be offered.

Commissioner Buchanan questioned logistics. Mr. Gaston stated that if approved a kitchen would be established which would not require a hood. Commissioner Buchanan stated that a full scale kitchen was not needed to open. Mr. Gaston responded affirmatively.

Linda Gaston, Applicant's spouse, addressed the Commission. The food would be prepared ahead of time and served cold. There would not be a hood and/or fryers in the kitchen. The food preparation area would be simple.

Commissioner Stockton questioned if the menu would attract a lunch crowd. Mrs. Gaston noted the community's conservative food tastes. The Cafe would offer quality items. She believed that the community would be willing to try an offering of different food. Between lunch and dinner, coffee, tea, desserts and snacks would be available.

Commissioner Stockton questioned condition 6. Mr. Gaston cited Friday/Saturday night events with live music. Food, a bottle of wine and a reserved table would be available for a set price. Commissioner Stockton noted that the goal of this type of event would be to bring people in for the full experience. The business was being called a cafe and food would be offered. He questioned if non alcoholic beverages would be available for sale. He also questioned if the Cafe would use a cover charge. He questioned if the Applicant had considered an R liquor license. He questioned the financial model.

Mr. Gaston described the Cafe as a place for adults. He wanted to discourage young persons. A T liquor license would mean that no one under twenty-one (21) years of age would be admitted. Mr. Bass added that there was unsurety about a commitment to fifty-one percent (51%) non alcohol sales. A full scale kitchen was not affordable at this time. A cafe was different than a tavern. It would not be a typical tavern.

Commissioner Stockton questioned the percentage of sales from alcohol. Mr. Gaston believed that initially the Cafe would sell more liquor than food. He restated that there would not be a full scale kitchen. He added that percentages were unknown at this time. He had done a limited study of the demographics.

Commissioner Buchanan expressed his concern that this application had been cast in with the idea of what a Downtown tavern was and conclusions were made. He believed that persons who

would frequent the Cafe would do so for the jazz and its ambiance. He hoped Mr. Gaston would bring in quality performers. He believed that these customers would support the Cafe's food offerings. Mr. Gaston restated his intention to create a complete jazz package, (music, decor, menu, etc.). Commissioner Buchanan described the typical customer as a jazz enthusiast. He questioned anticipated liquor sales. Mr. Gaston cited cocktails and wine.

Commissioner Petersen recommended that condition 6 change the word specials to events and remove the second appearance of the word specials.

Commissioner Stockton addressed the proposed "E", Entertainment, and "Q", Qualified liquor license classifications. A "Q" liquor license would be between an R and T liquor license. It would allow for a higher percentage of alcohol sales.

Commissioner Stockton opened the hearing to public input.

Susan Heiser, Crossroads, 428 N. Main St., addressed the Commission. She served as a volunteer at Crossroads. She addressed her concerns regarding the expansion of liquor establishments into the 400 block of N. Main St. Crossroads had been at its locations for seventeen (17) years. She cited the addition of First Fridays to the Downtown. She expressed her hope for more retail establishments in the Downtown. It was exciting to be a part of the Downtown. She had hoped for a new business to replace Twin City Consignments. More people in the Downtown would be good for Crossroads. She added her preference for an R as oppose to a T liquor license. She added her concern regarding compatibility. She cited the Downtown Entertainment Task Force, (DETF), report which recommended no expansion of liquor licenses on this block. She restated her opposition to this application. She believed that people liked to eat and shop in the Downtown. A jazz club would be something different and interesting. She described the request for a T liquor license as a stunner.

Commissioner Stockton reviewed the proposed list of conditions. He requested Ms. Heiser's feedback to same. He added that there were restaurants that morphed into taverns. Ms. Heiser stated that Reality Bites, located at 414 N. Main St., held an R liquor license. She stated that there was a difference between a restaurant and a tavern. She was not comfortable with a T application. She expressed concern regarding food sales. Commissioner Stockton noted the essence of Ms. Heiser's objections. He questioned if there was an acceptable percentage. Ms. Heiser stated that the Cafe would be located next door. Alcohol would be served through out the day. She restated her belief that the establishment would be a restaurant.

Commissioner Buchanan expressed his concern regarding the reliance upon the liquor license classification, R versus T. The key issue should be what it is and what it is intended to be. He acknowledged the risk that the marketplace would decide. He noted Mr. Gaston's intentions. The business needed to be viable financially. He did not believe that one could take comfort or be concerned about an R versus a T license classification. Ms. Heiser noted that she could not address the future.

Commissioner Stockton noted that a T liquor license can be more restrictive based upon conditions. He recommended that individuals be careful when comparing a T versus an R. Ms.

Heiser stated her belief that the City verified the balance sheets for each R licensed establishment on an annual basis.

Commissioner Petersen questioned enforcement of conditions which have been placed upon a liquor license. He addressed his concerns.

Commissioner Tompkins assured those present that as a Liquor Commissioner that the Commission and citizens would watch the Jazz Cafe's operations. He encouraged those present to think about the possibilities. He believed that the Jazz Cafe would create a synergy. He hoped that those present would place their trust and belief in the Commission. He hoped the City would grant Mr. Gaston the opportunity.

Ms. Heiser stated that the issue was not about Mr. Gaston. It was about the business and its compatibility with Crossroads. She informed the Commission that four (4) other Crossroad volunteers had attended the hearing with her.

Commissioner Stockton thanked Ms. Heiser for attending and sharing her comments with the Commission. He readdressed Laugh Comedy Club located at 108 E. Market St. It held a T liquor license with conditions. There had been no complaints with this business. It was not a typical T. He noted the belief that there was an unofficial moratorium on Downtown taverns. A jazz cafe would be something different than a college bar. The Downtown needed to offer something different. He cited his willingness to support a jazz club. A key concern was how to arrive there and insure it happens. Mr. Gaston had explained what he planned to attempt in the Downtown.

Bruce Meeks, 1402 Wright, addressed the Commission. He cited his attendance at Council meetings. He expressed his opinion that the Commission had reached the right decision. There was a problem with the word taverns. He noted that the DETF's report and its recommendations had not been put into ordinance form and/or adopted as an official policy by the City. Individuals seemed to believe that the DETF has promised them something. There had been no formal action taken by the Council. A moratorium on Downtown taverns had not been adopted. He expressed support for recommending this application for a T liquor license without conditions. The Downtown needed a transition. He believed that this business had the ability to generate sales taxes. He noted recent Council discussions regarding leakage. This appeared to be a viable business. The City's alcoholic beverage ordinance was antiquated. This application should be expedited to the Council. The Council would be asked to consider an Enterprise Zone for the Downtown.

Commissioner Tompkins noted that the DETF's report called for a tavern moratorium in the 500 and 600 blocks of N. Main St. The Commission has stayed within this recommendation. It was a sad day when there was opposition to a jazz cafe.

Commissioner Stockton added that the Council appeared interested in a moratorium which was wider than the DETF report specified. The Commission had attempted to focus on taverns in the Downtown's south end.

Willie Brown, 3208 Dorset Ct., addressed the Commission. He was a life long resident of the City and a Crossroads customer. He noted the concerns raised regarding the word "tavern". This would be a jazz cafe. The clientele would be different. The Jazz Cafe would offer high end cocktails, appetizers and jazz. Customers would come to eat, drink and listen to the jazz music. He noted the Downtown's college bars and taverns. He believed that the City would continue to have college bars. He was familiar with Mr. Gaston. The Jazz Cafe would be locked down with conditions. Mr. Gaston was willing to accept same. He encouraged the Commission to move forward. The Jazz Cafe would attract the proper clientele. It would offer something different to the Downtown. It would be located in the 400 block of N. Main St. Mr. Gaston and his investors were willing to accept the conditions. The Jazz Cafe would not be an additional load upon the Police Department. He noted that Laugh Comedy Club located at 108 E. Market St. was working with conditions. He questioned if he would be willing to go forward with the Jazz Cafe with all of the conditions proposed. He added his support of this application.

Doug Lane, 213 Vale, addressed the Commission. He had known Mr. Gaston for twenty-two (22) years. He informed the Commission of his eleven (11) years of experience at Rosie's Pub located at 106 E. Front St. It took hard work to build a reputation. He believed that a jazz club could be successful in the Downtown. He noted the planned decor and pricing for the Jazz Cafe. He cited Mr. Gaston's dedication to the business plan. He encouraged the Commission to grant Mr. Gaston the opportunity. He stated his support for this application. He also was a Crossroads' customer.

Kevin Stearns, ADDRESS, addressed the Commission. He addressed Mr. Gaston's character and his relationship with Mr. Gaston. They had known each other since the second grade. He noted their mutual interest in sports and music. Mr. Gaston was well liked and respected throughout the community. Mr. Gaston was a musician, entertainer and small business owner. He noted their collaboration on a local talent search project. He had also been involved in a fundraising project at Heartland Community College for the Tsunami. They had worked together on a three (3) day wheelchair billiards tournament. He described Mr. Gaston as a catalyst. He had been dedicated to entertainment and the betterment of the community. The Jazz Cafe would not add to Downtown issues. It would create something unique. He encouraged the Commission to give Mr. Gaston the opportunity. He expressed his faith and confidence in Mr. Gaston. He was looking forward to the Jazz Cafe. It would offer a bit of sophistication to the Downtown and enhance other businesses. He thanked the Commission for the opportunity to address them.

Marlene Gregor, 107 W. Market, addressed the Commission. She added that she had addressed the Commission at the first hearing for the Jazz Cafe. She liked the concept of a jazz club. She preferred a hot lunch. The license classification needed to be an R. She added that there needed to be other considerations. As a Downtown resident, she offered a different point of view. The location was wrong. A jazz club should not be located in the 400 block of N. Main St. She cited the 600 block of N. Main St. as an alternative. She encouraged the Commission to visit the property to view its exterior and interior. The building's first restaurant rehabilitation happened in 1981. She had served on a number of Downtown organizations. Her goal was a moratorium on Downtown taverns. She cited damage to her property's awnings and flowers over the

weekends. She addressed the New Urbanism. Diversity was good and the Downtown residents were a strong component.

Trish Stiller, 305 W. Monroe, addressed the Commission. She introduced herself as the Downtown Business Association's, (DBA), Executive Director. She made a brief statement. She thanked the Commission for the time to address them. She expressed her concern for the Downtown's health. A jazz club would be a great addition to the Downtown. She recommended that the applicant consider an R component. She cited support for the comments made by Ms. Heiser, (Crossroads). She added her concern regarding spillover. She believed those in attendance at the hearing were more educated about the application. An earlier closing hour had alleviated some of her concerns. She questioned who would watch and enforce these conditions. The Downtown was for all. She wanted to protect the integrity of the Downtown and move forward. She questioned the urgency and believed that a better fit could be found. The bottom line was that the Commission had been presented with a proposal. She noted the length of this hearing.

Commissioner Stockton noted that Ms. Stiller believed that the best fit for the 400 block of N. Main St. would be a restaurant. Ms. Stiller noted the emphasis placed on an R versus a T liquor license. An R liquor license was more palatable.

Commissioner Stockton stated that there was another group looking at the area for a restaurant. Ms. Stiller added the increased demand for residential space. She cited quality of life. The Downtown offered dining, shopping and entertainment. Commissioner Stockton added that conditions were placed upon liquor licenses to address personal concerns raised by Downtown residents. Ms. Stiller stated that her interest in the Downtown went beyond her employment. The Downtown was her neighborhood. She walked to work. Commissioner Stockton questioned if Ms. Stiller had been speaking for herself or on behalf of the DBA. She responded that her comments were personal statements.

Commissioner Tompkins expressed his opinion that Mr. Gaston would be true to his word. The Jazz Cafe would enhance the Downtown. Ms. Stiller cited past experience. If a Downtown liquor license holder found the business to not be financially viable, then the business plan was changed. Commissioner Tompkins hoped that Ms. Stiller would believe that this would be a jazz club which would benefit the Downtown. Ms. Stiller noted that as the DBA's Executive Director there were many development opportunities. She noted the Downtown's south end and the former Montgomery Wards building. She described Mr. Gaston's proposal as admirable. As the DBA's Executive Director, she must listen to every voice.

Commissioner Buchanan stated that Ms. Stiller's comments were interesting and credible. He noted his experience on the Commission. Some licensed establishment's business plans did not work out. Many of these businesses did not last. He also noted that there were R licensed establishments that become a T. He cited late night as an example of when this was likely to occur. Ms. Stiller noted that her concerns regarding business plans addressed T licensed establishments.

Commissioner Stockton noted that there were no comments from the Police Department.

Commissioner Buchanan cited the Commission's deliberation on this application. He noted the Commission's function and role. He believed that a good job had been done on this application. Commissioner Stockton hoped that the Commission would pull together a recommendation that might be successful before the Council. He noted that the Council supported the Laugh Comedy Club located at 108 E. Market St. He believed that this would be a true jazz club and the applicant had provided the Commission with a reasonable degree of certainty. The Commission had spent time on the details. The Commission had a number of alternatives: 1.) reject this location for a liquor license; 2.) grant a T liquor license with suitable conditions; 3.) grant an R liquor license with earlier closing hours; and 4.) lay this item over until the "Q", Qualified, license classification is available. He questioned if there was a win-win position for the City and the Applicant. He also questioned the Applicant's willingness to wait for a new liquor license classification. Finally, the Commission could approve a T liquor license with conditions. He added that the Commission could present a preferred recommendation to the Council with alternatives. He cited the Council's 4 to 5 vote on July 9, 2012. He hoped that conditions with alternatives might give this application the chance to be supported by the Council.

Commissioner Tompkins cited Eleven located at 105 E. Front St. This establishment had exceeded the Commission and Council's expectations. The Commission would watch the Jazz Cafe. He did not want the City micro managing the Applicant. Commissioner Stockton recalled Sidecar's application which would have been located at 907 E. Oakland Ave.

Commissioner Petersen expressed his willingness to support a motion which included conditions. The Commission had heard from the Applicant. He believed that Mr. Gaston was sincere. The Commission had heard from those in support of and in opposition to this application. He questioned condition enforcement. The Commission would be placing faith in the business plan. Commissioner Tompkins noted that enforcement would be done by the Commission, Police Department, Corporation Counsel Office, and the Mayor.

Commissioner Petersen questioned the Applicant's willingness to accept an "R" license classification. He also questioned if the Council would be more willing to create same.

Commissioner Stockton reviewed the revised conditions. He added that the Commission could 1.) present the Council with alternatives; 2.) lay this item over for the propose "Q", Qualified, license classification; 3.) change the classification from a T to an R for a certain period of time. The Jazz Cafe may need to have cover charges.

Commissioner Buchanan believed that it would take a year for development of the "Q", Qualified, license classification. He expressed his support for a "T" liquor license with conditions.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan to call for the question.

Ayes: Commissioner Stockton, Buchanan, Petersen and Tompkins.

Motion carried.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the application of Setinthebar, Inc., d/b/a Gat's Jazz Cafe, located at 424 N. Main St., requesting 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 be approved with the following conditions: 1.) the establishment will be run as a Jazz Cafe; not a traditional tavern - the Commission reserves the right to modify this condition to insure compliance; 2.) the business will be committed to the promotion of live jazz music and commits to stay with the jazz music theme, as opposed to other forms of music; 3.) the hours of operation of the business will be Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until 12:00 a.m.; 4.) the tables and chairs will not be removed from the premise so as to maintain a close, intimate Jazz Cafe atmosphere at all times; 5.) food, as shown on the sample menu or substantially similar and comprehensive menu will be served up until one hour prior to closing with continued work towards establishing a full kitchen with a vaster meal type menu; 6.) marketing house events which for a set price, reserves a table for entertainment viewing and provides certain food and drink for one price; and 7.) with all of these conditions, there was confidence that a successful Jazz Cafe will be established at 424 N. Main St. which will add to the Downtown's quality of life and the area as a whole without adding to the issues cited by the DETF.

Motion carried, (viva voce).

Commissioner Stockton informed the Applicant that this item would appear on the September 10, 2012 City Council Consent Agenda. He encouraged them to attend this meeting. He added that the work was not done. He believed that the Jazz Cafe would be an asset to the community.

There being no further business before the Commission, the meeting recessed at 8:37 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of EEK Enterprises, LLC d/b/a Jackpot Joe's Cafe, located at 503 Prospect Rd., Unit 200, for a TBS liquor license which allows the sale of beer and wine only by the glass for consumption on the premises seven (7) days week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk; and Gerry Kanta, Chief Executive/Manager and Larry Ehlers, member, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address their request. Gerry Kanta, Chief Executive/Manager and Applicant representative, addressed the Commission. The application was for beer and wine only plus Sunday sales. The Cafe would offer beverages and snacks. It would not be tavern. The anticipated clientele would be middle aged to retired. The snacks would be prepackaged. Liquor sales would be limited.

Commissioner Stockton reviewed the floor plan. He cited the business name and questioned if the state's video gaming law prompted this application. Mr. Kanta responded affirmatively. Commissioner Stockton noted that an establishment must hold a liquor license to sell by the glass to be eligible for a video gaming license. It appeared that liquor and snack sales would be

secondary to video gaming. Mr. Kanta compared the Cafe to an Internet cafe. He acknowledged that a liquor license was necessary to be able to have the video gaming terminals.

Commissioner Petersen stated that the Cafe would be a video gaming parlor. Mr. Kanta described the Cafe as a gathering place. He cited visits made to West Virginia. Illinois offered smaller jackpots. He cited the camaraderie with the customers.

Commissioner Petersen questioned the facilities in West Virginia. Larry Ehlers, member and Applicant representative, noted that typically they were found in strip malls. Some were in stand alone buildings such as rehabilitated fast food restaurants and gas stations.

Commissioner Petersen questioned the location. Commissioner Stockton stated that it was located in the same strip mall as Ride the Nine.

Commissioner Buchanan cited the floor plan. He had visited the site. He questioned if there were any expansion plans. Mr. Ehlers addressed the Commission. He noted that in accordance with state regulations each business was limited to five (5) machines. Businesses with video gaming could not be adjacent.

Commissioner Stockton noted that the floor plan showed two (2) tables and eight (8) chairs. He questioned reasons to attract clientele. Mr. Kanta stated that there would not be a bar. He acknowledged the limited furnishings. There were no concerns regarding consumption.

Commissioner Petersen questioned if the Applicants intended to establish other video gaming cafes. He noted that each could offer five (5) video gaming machines. He also questioned how many cafes were planned for in the City. Mr. Kanta stated the intention to use the same LLC with different doing business as names. Mr. Ehlers believed this action would be legal. A key issue would be profitability.

Commissioner Stockton cited the location of Ride the Nine. He believed the Cafe would attract different clientele. Mr. Kanta stated the target clientele would be middle age and retired women. Commissioner Stockton questioned the alcohol service. Mr. Kanta noted that a staff member would be present. The entire site would be visible as the Cafe would only be 1,100 square feet. No one under twenty-one (21) years of age would be allowed in the Cafe. There would be security cameras on the front door and interior.

Commissioner Tompkins expressed his opinion that the City would be approached by others. Video gaming shops would change the City. This could be a lucrative business. The Commission would set the tone. Mr. Kanta noted that the City would receive five percent (5%).

Commissioner Stockton acknowledged that the Commission would be setting a precedent. At this time, there was not a single legal video gaming machine in the City. This application would represent the first video gaming parlor. The Commission's decision could be controversial. Mr. Kanta noted that video gaming was regulated by the state. Jackpot Joe's would be the first. He did not believe the application was premature. He hoped to open the Cafe in November 2012.

Commissioner Stockton believed that the Commission would be opening another chapter. He expressed his opinion that this application had been filed too soon. He questioned what the City's established liquor license holders would do.

Commissioner Tompkins did not want to penalize the Applicant. The application met the letter of the law. He questioned the intent of state law. He recommended that this item be laid over until the Commission's September 11, 2012 meeting.

Commissioner Buchanan did not believe that the Commission should grant a liquor license to enable a video gaming parlor. He cited the fourteen (14) criteria listed in the City's Alcoholic Beverage code. He questioned the need for a liquor license. Commissioner Stockton stated that this application was driven by state law. The law required a liquor license to sell by the glass. Commissioner Petersen questioned how video gambling would unfold with the existing "R" and "T" license holders. He did not envision kiosk and/or parlors.

George Boyle, Asst. Corporation Counsel, addressed Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License - Findings. He read from subsection (b) which was a listing of fourteen (14) criteria.

Commissioner Stockton stated that the establishment of a liquor license was linked to need. There was no other way around this application. He noted the Cafe's proximity to Ride the Nine. Mr. Boyle cited the distance factor. Mr. Ehlers noted that there were four to five (4 - 5) suites between the Cafe and Ride the Nine. Mr. Kanta added that the state's video gaming law set a distance of 100 feet from a school or hospital.

Commissioner Petersen questioned if the Applicants planned to approach other communities. Mr. Ehlers informed the Commission that they had contacted Clinton, IL. Clinton would need to pass an ordinance to allow video gaming.

Commissioner Stockton recommended that the Commission lay this application over until its September 11, 2012 meeting. He hoped the local media would report on this application. He noted the hour and believed that the Commission needed to have fresher thinking to address this request. He questioned if the application was premature.

Motion by Commissioner Buchanan, seconded by Commissioner Petersen that the application by EEK Enterprises, LLC, d/b/a Jackpot Joe's Cafe, located at 503 Prospect Rd., Unit 200, requesting a TBS 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 laid over until the Commission's September 11, 2012 meeting.

Motion carried, (viva voce).

Commissioner Buchanan noted that this was a complicated issue. The Commission needed to give ample time and perform a careful review of this application. He did not believe that there were technical issues with same.

Commissioner Tompkins expressed his opinion that this was the first application of this type. He believed that there would be competition.

There being no further business before the Commission, the meeting recessed at 9:07 p.m.

Commissioner Stockton addressed the initial draft of a class “E”, Entertainment, and “Q”, Qualified, liquor license classifications. He cited the bullet points for the class “Q” under definitions. He added that a class “Q” would be some where between an “R”, Restaurant, and a “T”, Tavern, liquor license classification.

Commissioner Stockton addressed the “E”, Entertainment, license classification. He cited the Laugh Comedy Club as an example of a potential “E” liquor license. He noted that an “E” varied from an R’s fifty percent (50%) sales requirement. He had listed sixty percent (60%) of sales from alcoholic beverages.

He requested that the Commission review this document and set another meeting date to review same.

Commissioner Petersen recommended that the Commission address this issue in the near future as it could impact a couple of existing liquor licenses.

There being no further business before the Commission, the meeting recessed at 9:10 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk