

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

April 9, 2013

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Rory Polk and Molly McGuigan to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 17, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Rory Polk, groom.

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

Commissioner Stockton opened the liquor hearing and requested that Rory Polk, groom, address the Commission regarding this request. Mr. Polk addressed the Commission. He informed them that the wedding ceremony and reception were scheduled for Saturday, August 17, 2013. Alcohol service would be provided for the approximate 100 wedding guests. Alcohol service would be limited to beer and wine only. The reception was scheduled from 5:30 until 10:00 p.m.

Commissioner Thompson questioned the caterers for this event. Mr. Polk informed the Commission that Destihl, 318 S. Towanda Ave., Normal, would provide the food. Entourage located at 909 N. Hershey Rd., would provide the beer and wine.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the request of Rory Polk and Molly McGuigan to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 17, 2013 be approved.

Motion carried, (viva voce).

Commissioner Stockton informed Mr. Polk that this item would appear on the May 13, 2013 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:08 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Melvin Schneider and Lindsay Zehr to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 31, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Andy & Angie Zehr, bride's parents.

Commissioner Stockton opened the liquor hearing and requested that Andy and Angie Zehr, bride's parents, address the Commission regarding this request. The Zehrs addressed the Commission. They informed the Commission that the wedding reception was scheduled for Saturday, August 31, 2013. Alcohol service would be provided to wedding guests. Alcohol service would be limited to beer only. The reception was scheduled from 4:00 until 11:00 p.m. Famous Dave's located at 1603 Morrissey Dr. would caterer the event, (food and beverage service).

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Melvin Schneider and Lindsay Zehr to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on August 31, 2013 be approved.

Motion carried, (viva voce).

Commissioner Stockton informed Mr. and Mrs. Zehr that this item would appear on the May 13, 2013 City Council Consent Agenda. He encouraged them to attend this meeting.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Becky Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on November 9, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing and noted that no one was present to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson that the request of Beck Stolzenbach and Erik Nuesken to allow moderate consumption of alcohol at Lake Bloomington Davis Lodge for their wedding reception on November 9, 2013 be laid over until the Commission's May 14, 2013 meeting.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:13 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Shawn Latta and Katie Phillips to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on November 16, 2013. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Katie Phillips and Shawn Latta, bridge and groom..

Commissioner Stockton opened the liquor hearing and requested that Katie Phillips and Shawn Latta, bride and groom, address the Commission regarding their request. Ms. Phillips addressed the Commission. She informed the Commission that the wedding ceremony was scheduled for 1:00 p.m. at St. Mary's Church located at 527 W. Jackson St. on Saturday, November 16, 2013. The reception was scheduled for 4:00/5:00 p.m. at the Miller Park Pavilion. Alcohol service would be provided to the approximate 175 wedding guests. Alcohol service would be limited to beer and wine only. The reception would end at 11:00 p.m. Redbird Catering located at 1003 S. Morris Ave. would caterer the event, (food and beverage service).

Commissioner Clapp cautioned Ms. Phillips and Mr. Latta to be mindful that children might be present in the park.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Shawn Latta and Katie Phillips to allow moderate consumption of alcohol at Miller Park Pavilion for their wedding reception on November 16, 2013 be approved.

Motion carried, (viva voce).

Commissioner Stockton informed Ms. Phillips and Mr. Latta that this item would appear on the May 13, 2013 City Council Consent Agenda. He encouraged them to attend this meeting.

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

Commissioner Gibson compelled the City to look into these requests. These requests needed to be streamlined. He noted that there were other City facilities which held liquor licenses.

Commissioner Stockton acknowledged that these requests might be handled administratively. The application process could be started in the City's Water and/or Parks, Recreation & Cultural Arts Departments.

Commissioner Clapp recommended that the Commission develop a form to assist with the process.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by CEC Entertainment, Inc., d/b/a Chuck E Cheese #345, located at 1701 E. Empire 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. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; 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 officer. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that Meredith Bjork, Secretary, had left employment with CEC Entertainment, Inc. She has been replaced by David A. Deck.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate officer for CEC Entertainment, Inc., d/b/a Chuck E Cheese, located at 1701 E. Empire St., currently holding an RBS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main 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, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; 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 ownership and membership. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that Aaron Hurley and Joseph Davis were removed from the LLC membership. In addition, Nick Hurley, existing member/manager has purchased Aaron Hurley's interest in the LLC. Jennifer Hurley had become a new member/manager of the LLC and purchased Mr. Davis' interest in the LLC.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate ownership and membership for Hurley Consolidated Enterprises, LLC, d/b/a Drifters, located at 612 N. Main St., currently holding a TAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera #3,

located at 1500 E. Empire St., Suite A - 3, currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; 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 stockholders. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that Juan Canchola and Nicolas Canchola became stockholders in October 2011. Juan Leon transferred his interest in the corporation equally to Juan and Nicolas Canchola. Mr. Leon was no longer an officer nor served on the corporate board of directors.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate stockholder for Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera #3, located at 1500 E. Empire St., Suite A - 3, currently holding an RAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., 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. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; 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 officers. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that the following individuals were no longer with the company: John Boyd, Vice President/Treasurer, Todd Sheldon, Secretary, and Thomas Walter, Vice President. The new corporate officers are: William Emmons, President, Justin Dye, Chief Operating Officer and Michael Bessent, Treasurer. Constance Zaio remains in her position as Asst. Secretary.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate stockholder for American Drug Stores, LLC, d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., currently holding a PAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by American Drug Stores, LLC, d/b/a Osco Drug #3775, located at 2103 N. Veterans Pkwy., 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. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; 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 officers. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that the following individuals were no longer with the company: John Boyd, Vice President/Treasurer, Todd Sheldon, Secretary, and Thomas Walter, Vice President. The new corporate officers are: William Emmons, President, Justin Dye, Chief Operating Officer and Michael Bessent, Treasurer. Constance Zaio remains in her position as Asst. Secretary.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate stockholder for American Drug Stores, LLC, d/b/a Osco Drug #3775, located at 2103 N. Veterans Pkwy., currently holding a PAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen F. Stockton called the Liquor Hearing to order to hear the notification by Eastland Suites - Bloomington, LLC, d/b/a Eastland Suites, located at 1801 Eastland Dr., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steven Petersen, Mark

Gibson, Geoffrey Tompkins and Jim Jordan; 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 officers. 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.

Tracey Covert, City Clerk, addressed the Commission. She informed them that Snyder Trust holds Eastland Suites – Bloomington, LLC. This Trust was owned by five (5) individuals with long affiliations with Snyder operations: Stephen W. Snyder, David W. Fedor, Ronald P. Powell, Charles B. Farmer, and Diane Winters. Ms. Winters had retired and is no longer a member of the trust.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to accept the change of corporate stockholder for Eastland Suites - Bloomington, LLC, d/b/a Eastland Suites, located at 1801 Eastland Dr., currently holding an RAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:18 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding Arlandria, LLC, d/b/a Reality Bites, located at 414 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

Commissioner Gibson questioned the fine amount.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Petersen noted that the violation was the result of a police audit. He questioned placing this type of issue, (notification of first time liquor violation), on the Commission's monthly meeting agenda.

Commissioner Stockton responded affirmatively that this violation was the result of the Police Department's monthly audits.

Commissioner Gibson recommended that the meeting agenda include the fine amount and payment information. Mr. Boyle informed the Commission that this information was contained in the Stipulation.

Commissioner Petersen suggested that the meeting agenda include information regarding the offense, the fine requested, etc.

Mr. Boyle noted that this information could be placed on the meeting agenda or presented at the meeting. He added that the current process required that the Liquor Commissioner, (i.e. Mayor), approve of any settlement offered.

Commissioner Gibson expressed his opinion that additional information would be helpful.

Commissioner Stockton recommended that all settled liquor violations be listed as a single item.

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 The Momma, Inc., d/b/a The Bistro, located at 316 N. Main 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, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

Commissioner Gibson questioned the fine amount.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Petersen noted that the violation was the result of a police audit. He questioned placing this type of issue, (notification of first time liquor violation), on the Commission's monthly meeting agenda.

Commissioner Stockton responded affirmatively that this violation was the result of the Police Department's monthly audits.

There being no further business before the Commission, the meeting recessed at 4:22 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding Aldi, Inc., d/b/a Aldi Foods #54, located at 1025 Wylie Dr., currently holding a PBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

Commissioner Gibson questioned the fine amount.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Petersen noted that the violation was the result of a police audit. He questioned placing this type of issue, (notification of first time liquor violation), on the Commission's monthly meeting agenda.

Commissioner Stockton responded affirmatively that this violation was the result of the Police Department's monthly audits.

There being no further business before the Commission, the meeting recessed at 4:24 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation Hearing to order regarding Casey's Retail Co., d/b/a Casey's General Store #1721, located at 3001 Gill St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing.

Commissioner Gibson questioned the fine amount.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was a first offense and settled with a \$600 fine. The fine had been paid. The license holder had stipulated to the facts.

Commissioner Petersen noted that the violation was the result of a police audit. He questioned placing this type of issue, (notification of first time liquor violation), on the Commission's monthly meeting agenda.

Commissioner Stockton responded affirmatively that this violation was the result of the Police Department's monthly audits.

There being no further business before the Commission, the meeting recessed at 4:25 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., 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 with the following conditions: 1.) only employees who are over twenty-one (21) years of age may complete liquor sales and check ID's of customers; 2.) the liquor display area must be attended at all times by an employee; 3.) there must be gates which can be closed across all entrances to the liquor display area when such products cannot legally be sold; 4.) at each entrance to the liquor display area there must be a sign which identifies it as an entrance into the liquor area; 5.) there may be no display of liquor products outside of the existing liquor area; 6.) the sale of nonalcoholic products in the liquor area must be minimized; 7.) no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.; 8.) subsequent violations of the Bloomington Liquor Code or of any other liquor law could result in the reimposition of the current access restrictions; to remove said conditions. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He added that the Osco located on Oakland Ave. was requesting removal of all conditions placed upon the liquor license.

Tracey Covert, City Clerk, provided background information to the Commission. These conditions were discovered during a conditions review of all liquor license files. She had informed the license holder that the City would probably retain the first condition.

Commissioner Stockton directed the Commission to review the conditions.

Commissioner Tompkins requested that condition 7, (no permanent sign which is visible from outside of the building may advertise an alcoholic beverage brand or manufacturer. There may be one (1) permanent general sign outside of the building which indicates that liquor is sold therein.), be retained.

Commissioner Gibson questioned if other grocery stores had similar conditions placed upon their liquor licenses. Ms. Covert noted that this was the only one.

Commissioner Tompkins believed that the City Code contained signage limitations. Ms. Covert addressed the Commission. She believed that the signage limitations were directed at "G", Gasoline, liquor licenses.

Commissioner Petersen addressed condition 5. there may be no display of liquor products outside of the existing liquor area. Commissioner Clapp noted past discussions regarding liquor product placement in grocery stores. Commissioner Gibson recalled efforts made by the BNCCC, (Bloomington Normal Community Campus Committee), to address same.

Commissioner Gibson expressed his opinion that the City needed to level the playing field for all license holders. He described these conditions as overreaching.

Commissioner Tompkins expressed his opinion that they had worked well for Osco. He added his belief that generally liquor was stocked in one area of the store. He believed that conditions 5 and 7 served the neighborhood's character.

Commissioner Petersen restated that this was the only grocery store with liquor license conditions.

Motion by Commissioner Gibson, seconded by Commissioner Clapp to approve the request by American Drug Stores, LLC d/b/a Osco Drug #3116, located at 2201 E. Oakland Ave., 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 by removing conditions two through eight, (2 - 8).

Ayes: Commissioners Stockton, Clapp, Petersen, Gibson and Jordan.

Nays: Commissioner Tompkins.

Motion carried.

Commissioner Stockton informed Commission that this item would appear on the May 13, 2013 City Council Consent Agenda.

There being no further business before the Commission, the meeting recessed at 4:37 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk; and Joel Aalberts, Performing Arts Manager.

Commissioner Stockton opened the liquor hearing. He added that the BCPA was requesting that a condition be removed which would redefine the premises to include the auditorium. He noted the challenge due to the limited time allowed for liquor service and consumption. In the past, City staff had expressed their concern regarding the auditorium's upholstery and carpet. He

believed that a key question would be how to differentiate this request from the Wehrenberg Theater's liquor license application. A key concern with this application was drink sharing. The movies were viewed as family entertainment.

Commissioner Clapp cited her experience as a BCPA volunteer.

Commissioner Stockton added that the US Cellular Coliseum, (USCC), had a liquor license and consumption was allowed inside the arena area. In addition, the Shakespeare Festival also held a liquor license.

Commissioner Petersen cited the lack of drink holders inside the BCPA. He also questioned the demand for same.

Commissioner Gibson questioned the BCPA's budget for housekeeping.

Commissioner Stockton cited his personal experience at the BCPA.

Commissioner Tompkins expressed his concern regarding the following: 1.) attendance of children; 2.) narrow seats and aisles; and 3.) the lack of cup holders. He had been in favor of Wehrenberg's application for a liquor license.

Commissioner Gibson made a quick comment regarding his experience at the USCC.

Joel Aalberts, Performing Arts Manager, addressed the Commission. There had been a number of requests to allow consumption inside of the auditorium. He described it as a regular complaint. The BCPA was not providing good service. City staff was challenged by the Council to generate revenue. The BCPA had a policy of no liquor service at family events. In an effort to reduce spillage, Mr. Aalberts provided a sample of the only glass that would be allowed in the auditorium. The lid could be closed. This type of glass was being used by other theaters. He noted its modest size. Identification was checked prior to the sale of an alcoholic beverage. The benefits included an enhanced patron experience and additional revenue from the sale of alcoholic/nonalcoholic beverages.

Commissioner Tompkins questioned the BCPA's usher staff. An alcoholic beverage could be passed to an underage individual. Mr. Aalberts stated that the BCPA's volunteer ushers and staff were present to watch patrons. Commissioner Tompkins acknowledged City staff's abilities.

Commissioner Petersen stated that his concerns had been addressed by the glass presented. He questioned the possibility of installing a cup holder. Mr. Aalberts noted that the seats were over sixty (60) years old. City staff would research same.

Commissioner Tompkins stated his only concern addressed the Wehrenberg Theater and the fact that its application for a liquor license had been denied.

Commissioner Clapp believed that Wehrenberg could reapply for a liquor license at a future date.

Wayne Schultz, 211 S. Florence, addressed the Commission. He supported the BCPA. He did not believe that alcoholic beverages needed to be brought inside the auditorium. He cited his personal experience at the USCC. He described the BCPA as a step above. If the BCPA needed to generate additional revenue, it needed to provide good programming. He believed that additional programs were needed.

Commissioner Jordan questioned if the City would be opening the door to other theaters by comparison with the BCPA. He added that there would be events at the BCPA when there would be no liquor served.

Commissioner Stockton expressed his opinion that Wehrenberg Theater was different. He reviewed the BCPA's history and did not view the Commission's action as setting a precedent. This request went beyond revenue generation.

Mr. Aalberts believed that this type of glass was seen in theaters nationwide. Allowing beverage consumption in the auditorium would add to the quality of the evening. He added that these glasses could also be used for events held in the BCPA ballroom. He restated that there would not be liquor service at all programs.

Commissioner Petersen questioned the timing for bar service. Mr. Aalberts stated that typically the bar was closed after intermission. Generally, there was a no open door policy. He added that the BCPA's demographic was an older audience.

Commissioner Stockton added that if this condition was removed and complaints were heard, then the Commission could reinstate same. He expressed his willingness to try.

Motion by Commissioner Clapp, seconded by Commissioner Petersen to approve the request of the City of Bloomington d/b/a the Bloomington Center for the Performing Arts, (BCPA), located at 600 N. East St., currently holding an RBS liquor license which allows the sale of beer and wine only for consumption on the premises seven (7) days a week to remove the following condition: alcoholic beverages will not be allowed in the auditorium.

Motion carried, (viva voce).

Commissioner Stockton informed Mr. Aalberts that this item would appear on the May 13, 2013 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 5:00 p.m.

The Bloomington Liquor Commissioner Steve Stockton called the Liquor Hearing to order to review the sanctions placed upon Tjolo's Corp., d/b/a Main Street Grill, located at 517 N. Main St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Marabeth Clapp, Steve Petersen, Mark Gibson, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police

Chief; and Tracey Covert, City Clerk; and Brian Novotny, owner/operator and License holder, and Sam Zabek, License holder's attorney.

Commissioner Stockton opened the liquor hearing. He noted that Brian Novotny, owner/operator and License holder, and Sam Zabek, License holder's attorney, were present. Commissioner Stockton noted that today's hearing was a status hearing.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted the September 28, 2012 Liquor Violation Hearing.

Commissioner Stockton reviewed the conditions placed upon this establishment. He reviewed the figures that had been provided by the license holder. He noted the six (6) month review of liquor and food sales. Liquor sales had exceeded food sales during the months of September/October 2012.

Mr. Boyle reviewed the sanctions/conditions imposed by the Commission. These actions were imposed instead of license revocation. The Commission also required quarterly sales reports. Alcohol sales were stopped at midnight effective November 1, 2012. He cited the City's alcoholic beverage code regarding "R", Restaurant liquor licenses. An establishment must have/maintain alcohol sales equal to less than half (fifty percent/50%) of total sales. The Commission considered sanctions in lieu of revocations. It was important that Main St. operate as a restaurant. The information provided indicated that the establishment was operating as a restaurant. At this time, Mr. Boyle recommended that the quarterly reports continue, the establishment continue to close at midnight, and the kitchen remain open until thirty (30) minutes prior to close.

Commissioner Stockton questioned the time line.

Mr. Boyle referred to the data for the months of September and October 2012 - 55.68% and 55.68% respectfully. He recommended that the Commission impose an additional six (6) months of conditions. He also recommended that the licensee pull together a restaurant plan.

Commissioner Stockton added that a review of the figures had raised a few questions. The Commission had requested further information. Mr. Boyle noted that City staff had requested invoices regarding food and alcohol purchases. Tax, (federal and state government), information should also be provided.

Commissioner Stockton noted City staff's requests for additional information. Mr. Boyle noted that the Police Department concurred with his statements.

Sam Zabek, License holder's attorney, addressed the Commission. He had appeared before them in September 2012. He noted the sanctions/conditions, (listed as a - i), placed upon the license. He added his understanding of the Commission's Order. He believed that this time had been set for a review. Mr. Novotny, license holder, had complied with the sanctions. He believed that City staff's recommendations were inappropriate. There had not been a request for prior months. He noted that City staff had claimed that two (2) months were non compliant. He offered to

submit twelve (12) months of figures. He objected to the relationship between sanctions and sales results.

Mr. Boyle noted the difference of opinions. He read from the Order. There were sanctions which were reviewable after six (6) months. The Commission has the authority to expand its inquiry. The midnight closing was a condition and not a sanction upon the license.

Commissioner Stockton questioned the midnight closing. Mr. Boyle noted that the midnight closing hour commenced on November 1, 2012.

Mr. Zabek expressed his opinion that the Commission did not have the authority to restrict business hours. He restated that Mr. Novotny had complied with the sanctions. At this time, City staff had recommended that Main St. be resanctioned for an additional six (6) months. Such action would be unfair to Mr. Novotny, licensee. He restated that Mr. Novotny had complied with the sanctions. The sanction period was over. Conditions placed upon the license were inappropriate. These sanctions had resulted in the loss of \$90,000 in sales.

Commissioner Stockton noted the impact upon Mr. Novotny if the Commission had revoked the liquor license.

Mr. Zabek restated that Mr. Novotny had complied with the sanctions. He acknowledged the Commission's concern that this establishment be a restaurant and not a bar. Mr. Zabek wanted to assure the Commission that Main St. was a restaurant.

Commissioner Gibson left the meeting at 5:18 p.m.

Commissioner Stockton acknowledged the impact of the sanctions/conditions. Main St. appeared to be a restaurant. The concept of a review was to address the question if Mr. Novotny had met the sanctions successfully. He noted incidents involving music. The numbers were close. The City had requested additional information. In addition, the time period would be extended.

Mr. Zabek was unsure about sales. He recommended that the City change its ordinances to insure all license holders were in compliance. The Commission might choose to suspend or revoke the liquor license if Main St. was found not to be in compliance.

Commissioner Stockton noted that Mr. Zabek had cited case law and claimed that the Commission had no authority to impose conditions upon a license. Mr. Zabek expressed his willingness to share same.

Commissioner Tompkins questioned if there had been any violations. He noted that Mr. Novotny would prefer to remain open until 2:00 a.m. He questioned the impact of an earlier closing hour on the percentage of food and liquor sales.

Mr. Novotny stated that he may not be able to remain open for business. Main St. was a sports bar. He needed late night hours. As a sports venue, it was impacted by the weather. He cited

staffing challenges. Food sales have been reduced even with lunch hours due to the loss of late evening hours. There had been no further violations.

Commissioner Jordan addressed purchases from distributors. He added that Mr. Novotny should know the cost for liquor, (spirits and beer).

Mr. Novotny stated that Main St. operated on a cash basis. His vendors were paid by check. He noted the monthly cost analysis for food and alcohol, for both purchases and sales. He addressed inventory and general ledgers for October and November 2012. He also cited daily sales reports. The ST 1 was a sales tax report.

Mr. Zabek believed that this information could be pinpointed.

Commissioner Jordan noted that an analysis should be completed on a monthly basis. Mr. Novotny would know when percentages had been exceeded. Inventory and invoicing reflected a business' monthly activities. Mr. Novotny responded affirmatively.

Commissioner Jordan believed that the key was to review the invoices. A liquor license holder was required to have invoices on site for ninety (90) days.

Mr. Zabek restated that the City's ordinances needed to state that sales mattered.

Commissioner Stockton stated that the benchmark was retail sales. There was a correlation between invoices and sales. The IL Liquor Control Commission often looked at invoices.

Mr. Boyle stated that City staff had performed an analysis. He cited figures month by month. The percentages were close and additional information had been requested. Further financial reports were needed.

Commissioner Petersen found this hearing interesting. He noted City staff's recommendations to the Commission and Mr. Zabek's comments also. He expressed his support for consideration of additional months. He suggested January through August 2012 be added. The Commission would review the results.

Mr. Zabek stated that Main St. had been operating as a restaurant. It was in compliance. There was no time frame listed in City ordinance. He suggested that the Commission conduct an annual review.

Commissioner Stockton noted that the Commission also planned to request invoices. Mr. Zabek had offered earlier information from Main St.'s point of sale system. He cited January through August 2012. The Commission's focus was on the question if Main St. would operate as a restaurant in the past and in the future. The City would benefit from this information. He defined the Commission's action as a review. Main St. held a restaurant liquor license and had no authority to operate as a tavern. There were concerns. The Commission was trying to insure that Main St. was a restaurant. The Council did not want to see any additional taverns in the Downtown. The conditions/sanctions would be continued and the City would move forward

with its efforts to investigate by requesting additional information. The extension would be for an additional month or two. He restated that additional detailed information was needed.

Commissioner Tompkins stated that the Commission needed to look to the future. There needed to be trends towards food sales. Main St.'s figures for March and April 2013 would be available soon.

Mr. Boyle restated that the conditions would be continued. The City would receive sales information dating back to January 2012 with additional months which would bring the Commission up to date. The sanctions/conditions could be extended for two (2) months. He questioned the Commission's end goal. He questioned beyond the review what potential action would come from this review.

Commissioner Tompkins expressed his opinion that the eventual goal was to remove the conditions.

Mr. Zabek agreed that the ultimate goal was to remove the sanctions/conditions. Mr. Novotny had shown his willingness to comply.

Commissioner Clapp believed that there should be no definite time period. She expressed her preference for annual figures to determine if an establishment was a restaurant or not.

Commissioner Stockton noted that the sanction would be dire if a decision was reached that an establishment was not a restaurant. The Commission was trying to insure that Main St. was a restaurant.

Mr. Novotny requested leniency. His establishment was in a tavern saturated area. Main St. brought diversity to the Downtown. Main St. was open seven (7) days a week at 11:00 a.m. He cited the past history. Six Strings located at 525 N. Center St. was given a tavern license. He was pleased to be operating a restaurant. He worked hard to provide for his family. He requested the opportunity to make a profit on food and alcohol sales. He was trying to survive as a business man. The sales percentages were determined by the clients. Main St. was a sports bar and a restaurant. He cited Buffalo Wild Wings located at 3220 E. Empire St. as a comparable establishment.

Commissioner Stockton understood Mr. Novotny's investment. He did not want to see Mr. Novotny fail. The Council held the power. Future action was unknown.

Commissioner Tompkins expressed his opinion that the sanctions/conditions should be removed until/if there was proof of non compliance.

Commissioner Clapp expressed her opinion that the sanctions/conditions should not be removed until Mr. Novotny submitted the requested documents.

Commissioner Jordan questioned if Mr. Novotny might be placing himself at some jeopardy. The statistics might prove to be negative. Main St. held a restaurant license. It was located in an

area that was surrounded by taverns. The Commission would need to look at the information first.

Commissioner Clapp agreed that Mr. Novotny was in some jeopardy. The door was open and there needed to be a conclusion.

Commissioner Jordan believed that the Commission could take the necessary action.

Commissioner Clapp added that Mr. Novotny's liquor license might be in jeopardy. She expressed her preference for twelve (12) months of data.

Commissioner Stockton added that the Commission needed to weigh the past to the present in order to make a judgment about the future.

Commissioner Tompkins wanted to enable Mr. Novotny to run his business. The bar had been set high and the liquor license was on the line.

Commissioner Petersen noted the license holder's feedback.

Mr. Zabek noted that the Commission looked back at the past. The Commission expressed an interest in looking forward to the future.

Commissioner Petersen believed that the issues would be the same whether Main St. held a restaurant or tavern liquor license. The Commission had heard from Mr. Boyle, Asst. Chief Wall, and Mr. Novotny. He also stated that Main St. needed to be a restaurant.

Commissioner Stockton noted the Commission's interest in bench marking progress. Information for January through August 2012 would be beneficial. In the future, Main St. needed to be a restaurant. The Commission must be satisfied that this establishment was a restaurant. Additional information was needed to insure same.

Commissioner Tompkins recommended that the Commission go three (3) months forward and three (3) months back. This action would provide twelve (12) months of data.

Commissioner Stockton would not support a motion which removed the existing conditions.

Commissioner Tompkins expressed his understanding that Mr. Novotny would provide the information. Mr. Novotny also understood that a liquor violation would jeopardize his liquor license.

Mr. Boyle stated that paragraph (c) would be retained plus Main St. would submit invoices plus inventory.

Commissioner Clapp noted that all of the items listed on the Order would be removed with the exception of (c).

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that Tjolo's Corp., d/b/a Main St. Grill located at 517 N. Main St. be required to submit sales, inventory and invoices for the months of January through May 2013 and that item (c) from Stipulation, Findings and Order dated September 28, 2012 be retained.

Ayes: Commissioners Clapp and Tompkins.

Nays: Commissioners Stockton, Petersen and Jordan.

Motion failed.

Commissioners Petersen and Jordan noted that the Commission needed more information. Mr. Novotny's liquor license was in jeopardy.

Mr. Zabek offered that the Commission should allow Main St. to operate as a restaurant without conditions. There was no evidence if Mr. Novotny could achieve same without sanctions/conditions/restrictions. There had not been a fair representation.

Commissioner Jordan stated that if a violation occurred Mr. Novotny could lose his business. He acknowledged that mistakes could be made.

Mr. Novotny expressed his discomfort. He had no restaurant experience and no partner. Show Me's had been an affordable franchise. Today, Main St. was an independent restaurant. The restaurant industry was a tough business. He worked hard and stood by his food. He cited improvements to the building and parking lot. Main St. was impacted by its neighboring businesses.

Commissioner Jordan questioned if Mr. Novotny could live with the sanctions until the information was received and the numbers reviewed.

Commissioner Stockton questioned the time period. Mr. Boyle recommended two (2) months. Commissioner Clapp noted that the Commission would have two (2) months to review the percentages. She questioned the time frame.

Mr. Boyle recommended January 2012 through April 2013.

Commissioner Stockton recommended that the terms be extended to include March through May 2013. Main St. would appear on the Commission's June meeting agenda. Sales would be looked at retroactively for January through August 2012. City staff had requested reasonable information, (invoices, inventory, etc.).

Motion by Commissioner Clapp, seconded by Commissioner Petersen that the current sanctions be extended until the Commission's June 11, 2013 meeting; sales information be provided for March through May 2013; sales information be provided retroactively for January through August 2012; invoices be received by the City which provide information relevant to Main St.'s

point of sale system, if unable to do so provide an explanation; and provide any additional information requested by City staff; all information should be provided as soon as possible.

Motion carried, (viva voce).

Commissioner Petersen noted that the sanctions would be held until June 2013.

Mr. Zabek addressed the Commission. He did not believe that the Commission's actions were appropriate. There was no reason to continue the sanctions. He understood their concerns. The Commission's requirements were not contained in City ordinance. He reminded the Commission that this violation issue involved an underage violation.

Commissioner Petersen noted that Mr. Zabek had recommended that the Commission review the January through August 2012 sales. Mr. Novotny was in a tough situation. He noted the late night situation in the Downtown.

Mr. Boyle offered to prepare an order.

Commissioner Stockton cited Mr. Zabek's offer to provide case law.

Mr. Novotny addressed the Commission. Springfest would be held on Saturday, April 13, 2013. He requested permission to participate in same.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp to allow Tjolo's Corp., d/b/a Main St. Grill, located at 517 N. Main St., to participate in Springfest on Saturday, April 13, 2013.

Ayes: Commissioner Clapp, Petersen, Tompkins, and Jordan.

Nays: Commissioner Stockton.

Motion carried.

Commissioner Stockton expressed his concern regarding this request as it was not listed on the Commission's meeting agenda. In his authority as Liquor Commissioner, he offered to amend the Order for one (1) day to allow Main St. to participate in Springfest. The amendment was granted. This might be a good time to observe same.

There being no further business before the Commission, the meeting recessed at 6:26 p.m.

Commissioner Tompkins addressed Commissioner Stockton. It had been a pleasure and honor to serve on the Commission. Commissioner Stockton had been reasonable. He cited Commissioner Stockton's institutional knowledge. He thanked him for his service to the City.

Commissioner Stockton cited his tenure on the Commission, (first appointed by former Mayor Rich Buchanan in 1977). He had appointed or retained all of the Commissioners currently serving.

Commissioner Clapp cited Commissioner Stockton's legal knowledge and attention to detail.

Commissioner Petersen had enjoyed his service on the Commission. He also recognized Commissioner Stockton's legal background. Commissioner Stockton had been reasonable and fair.

Commissioner Jordan had found his service interesting. He was seeing liquor issues from a different perspective. How a Commission operated was based upon the leadership. Liquor was a controversial industry. He cited issues with underage consumption which was common in university communities.

There being no further business before the Commission, the meeting adjourned at 6:40 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk