

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

September 13, 2011

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of the Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which would allow 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, Richard Buchanan, Marabeth Clapp, Mark Gibson and Geoffrey Tompkins; Bob Wall, Asst. Police Chief; and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing and noted that the Applicant's attorney requested that this item be laid over until the Commission's October 11, 2011 meeting.

Tracey Covert, City Clerk, informed the Commission that the grocery store was open and operating without a liquor license. Tim Jefferson, Applicant's attorney, had been contacted. It was understood that this application would be heard at the Commission's October 11, 2011 meeting.

Commissioner Tompkins requested that the Applicant appear before the Commission at that time.

Motion by Commissioner Gibson, seconded by Commissioner Buchanan that the application of the Lupita's Hispanic & American Grocery, Inc., d/b/a Lupita's Hispanic & American Grocery, located at 1512 W. Market St., requesting a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week be laid over until the Commission's October 10, 2011 meeting.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:15 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the notification by Hooters of Bloomington, LLC d/b/a Hooters, located at 409 N. Hershey 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, regarding a change of stockholder. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan,

Marabeth Clapp, Mark Gibson and Geoffrey Tompkins; Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk.

Commissioner Stockton noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that a letter had been received from the Skene Law Firm, PC, on behalf of Hooters of Bloomington, LLC, their client. The letter informed the City of a change of corporate officers. Coby Brooks and James Tessmer had resigned. Matthew Wickesberg, will become the Executive Vice President and Chief Financial Officer. Mr. Brooks and Mr. Tessmer had also resigned from Hooters of America, LLC, the parent company. Mr. Wickesberg holds the same title for Hooters of America, LLC. 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 City Code also required a License holder to inform the City of a change in corporate stockholders.

Motion by Commissioner Gibson, seconded by Commissioner Buchanan to accept the change in corporate officers for Hooters of Bloomington, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., currently holding an RAS liquor license; said license remains in force.

Motion carried.

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

There being no further business before the Commission, the meeting recessed at 4:16 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the notification by CEC Entertainment, Inc. d/b/a Chuck E. Cheese's #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, regarding a change of stockholder. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Mark Gibson and Geoffrey Tompkins; Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk.

Commissioner Stockton noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that a letter had been received from the CEC Entertainment, Inc., license holder. The letter informed the City of a change of corporate officers. Deborah Shannon was appointed Asst. Secretary effective August 2, 2011. Alice Winters had retired from the company. 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 City Code also required a License holder to inform the City of a change in corporate stockholders.

Motion by Commissioner Gibson, seconded by Commissioner Buchanan to accept the change in corporate officers for CEC Entertainment, Inc., d/b/a Chuck E. Cheese's #345, 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 must be sent to the Liquor Control Commission.

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

Commissioner Stockton addressed the white paper topics, (1.) *Violation Penalties*; 2.) *License Fees*; 3.) *Limitation on the Number of Liquor Licenses*; 4.) *Public Notice*; 5.) *Number and Enforcement of Conditions*; 6.) *Restaurant Accounting*; 7.) *DETF - Party Buses*; 8.) *Davis Lodge/Miller Park Pavilion Special Licenses*; and 9.) *Number of Commissioners and Roles*). He noted Commissioner Clapp's absence over the summer. He requested that she draft a white paper regarding number 7.) *Downtown Entertainment Task Force (DETF) - Party Buses*. He noted that she served on the DETF as the Commission's representative. He also requested that she review the DETF's recommendations and draft a response from the Commission. He noted that the Commissioners had been provided with a copy of the report. He requested that Commissioner Clapp prepare a list of Commission related issues contained in the report. The Commission would hold a discussion regarding its response to same. He cited refuse receptacles for cigarette butts as an example. He believed that the City's Public Works Department was addressing this item. He also noted party bus loading zones as another. He believed that the City's Police Department and Engineering staffs were addressing same. He also addressed shuttle bus transportation and alcohol consumption as an area where the Commission should draft an opinion. He restated his request that Commissioner Clapp draft a white paper regarding item 7.) *DETF - Party Buses*.

Commissioner Stockton expressed his belief that the following Commissioners had volunteered for the corresponding topic: Commissioner Stockton - 5.) *Number and Enforcement of Conditions*; Commissioner Buchanan - 1.) *Violation Penalties*; Commissioner Petersen - 4.) *Public Notice*; and Commissioner Clapp - 7.) *DETF - Party Buses*.

Commissioner Stockton expressed an interest in discovering what similar communities were doing to address liquor issues.

Commissioner Buchanan expressed his opposition to the preparation of nine (9) white papers. He noted the Council's recent involvement. The Commission had recommended that conditions be placed upon certain liquor licenses. The Council had approved same. The Council's concerns had started with conditions. He understood that the Commission was attempting to please the Council.

Commissioner Stockton reminded the Commission that the Council was the governing body. The Council has the authority to change the City Code, (alcoholic beverage ordinances). He acknowledged that the Commission's powers were contained in state statute. However, the Commission was subordinate to the Council. He believed that there was a lack of understanding regarding the Commission by the Council.

Commissioner Clapp questioned if there was a way to codify the Commission's actions. She believed that it was reasonable for the Commission to determine what information was appropriate.

Commissioner Gibson questioned the Commission's goal(s). He cited the following: to inform/educate and/or to improve relationships. He did not believe that there was a personality conflict. The Council needed to enable the Commission to fulfill its role. The Commission wanted awareness, alignment and advocacy. He added the enforcement was the Police Department's role. The police should take the lead in this area and inform the Commission of any violations and/or issues regarding license establishment and/or liquor consumption.

Commissioner Buchanan added that the Commission was interested in cementing its relationship with the Council. He added his support for Commissioner Gibson's comments.

Commissioner Stockton noted that various approaches could be used at different levels. He stated that the Council would hold a Strategic Planning retreat on October 14 - 15, 2011. He expressed his interest in seeing less micromanagement by the Council of boards, commissions and staff. The Council needed to develop trust with its boards, commissions and City staff.

Commissioner Tompkins expressed his opinion that the friction between the two (2) groups had dissipated.

Commissioner Stockton expressed his opinion that license fees needed to be looked at. He cited past issues such as the smoking ban and national recession. An internal study needed to be completed. Commissioner Buchanan added that an increase in the license fees would also require Council action.

Commissioner Stockton addressed the topic of public notice. The Commission and Council continue to hear complaints in the area.

Commissioner Gibson recommended that Commissioner Stockton take the nine (9) topics to the Council's retreat. The Council could be informed that the Commission was ready to research same and requested that the Council provide feedback regarding its priorities. The Commission needed the Council to be engaged. There needed to be shared discussions, he cited license conditions as an example.

Commissioner Stockton addressed the January 11, 2011 Joint Session. He described the meeting as flawed. He noted the seating and tone. The Commission was provided with general complaints. The Commission had requested specifics. He expressed his willingness to share the

list of topics with the Council. The Commission had identified two (2) priorities: 1.) violations and 2.) conditions.

Commissioner Clapp informed the Commission that the DETF had been reconvened. A meeting was scheduled for Wednesday, October 5, 2011. The DETF would be meeting with City staff.

Commissioner Gibson questioned Commission's attendance at Council meetings and if the Commission should establish a schedule regarding same.

Commissioner Stockton addressed topics 5.) *Number and Enforcement of Conditions* and 9.) *Number of Commissioners and Roles*.

Commissioner Clapp believed that work has commenced on topic 2.) *Fees*. Commissioner Stockton had started work on a spreadsheet.

Commissioner Gibson questioned topic 8.) *Davis Lodge/Miller Park Pavilion Special Licenses*. Tracey Covert, City Clerk, explained recent changes to McLean County's liquor code and state Liquor Control regulations which will have impact upon serving liquor at these facilities. Commissioner Stockton added that the City had police powers at Davis Lodge. Liquor service would only be allowed from November through March at Miller Park Pavilion. He believed that City staff would be able to issue permits for liquor service at these two (2) facilities.

Commissioner Gibson questioned the Town of Normal's policies regarding catering liquor licenses.

Commissioner Stockton addressed 6.) *Restaurant Accounting*. This item could be addressed on a complaint basis. The Commission could observe an establishment's operations and has the ability to request receipts. The City could develop a reporting form for "R", Restaurant license holders. Commissioner Clapp questioned if the Commission had the ability to conduct an audit. The Commission could select a couple to audit each year.

Commissioner Stockton noted that these white papers would not be completed within thirty (30) days.

Commissioner Gibson questioned violations. He believed that there were three (3). Bob Wall, Asst. Police Chief, affirmed same. He cited the following establishments: Olive Garden, Buddy's Liquors and Convenient Food Mart. He added that Jim's Steakhouse had also been cited for a liquor violation. The BNCCC, (Bloomington Normal Community Campus Committee), has provided funding which allows the Police Department to conduct twelve (12) audits each month. The Police Department's goal is to visit each licensed establishment once per year. These police audits exclude "C", Club liquor license. The Police Department has focused on "P", Package, "R", Restaurant, and "T", Tavern license holders. The Police Department's Street Crime Unit conducts the audit in plain clothes and unmarked cars. This work is completed on over time. He hoped that one (1) month would be dedicated to revisiting those establishments which had received a violation. He planned to follow up with Olive Garden and address any complaints.

Commissioner Buchanan expressed his interest in open communication. He believed that the Commission was comfortable with Commissioner Stockton and City staff reaching a settlement for first time violations.

Commissioner Gibson recommended that Violation Update be added to the Commission's meeting agenda similar to the Public Comment section.

Asst. Chief Wall added that emails had been sent regarding license establishments which pass a police audit.

Commissioner Stockton informed the Commission that the Council had requested a report which listed each compliance check. He stated his opposition to same.

Commissioners Buchanan and Tompkins visited licensed establishments. They take a police radio with them and inform the City's telecommunicators where they will be.

Commissioner Stockton cautioned the Commissioners to be aware of their surroundings. The key when visiting licensed establishments was safety.

Commissioner Stockton informed the Commission that the Downtown camera system would go live soon. He offered to arrange a demonstration for the Commission. Asst. Chief Wall noted that this system was made possible by a grant from State Farm. It would be another tool in the Police Department's tool box. The system would allow the department to monitor large events. Commissioner Stockton added that the north end of Main St. would be covered. The camera feedback would be placed on the City's wireless network. The City may expand the system to include emergency blue lights in the City's parking facilities.

There being no further business the meeting adjourned at 5:20 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk