

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

January 11, 2011

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order at 4:05 p.m. at City Hall in the Council Chambers. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk.

Under a recent amendment to the Open Meeting Act, Commissioner Stockton opened the hearing to Public Comment.

Phil Boulds, 1 Palm Ct., addressed the Commission. He was the owner/operator of Mugsy's Pub located at 1310 N. Main St. and Coconut Louie's located at 2303 E. Washington. He expressed his concern regarding a proposal to increase the cost of a liquor license by doubling the current rate. He cited the City's prepared food and beverage tax, (implemented in 2002 at two percent/2%). He estimated that Mugsy's annual payments to the City for this tax equaled \$24,000. He cited the current economy and recent price increases to various food items. He believed that there were other businesses not performing well. The City's smoking ban resulted in a thirty to thirty-five percent, (30 - 35%) sales reduction at his businesses. He described the City's business environment as unfriendly. This proposal would make it even harder for his businesses to survive.

Tom Hubbard, 1902 Marzel Dr., addressed the Commission. He was the owner/operator of Cheek's Bar & Grill located 1206 Towanda Ave. and The Hanger located at 3201 CIRA Dr. He was in agreement with Mr. Boulds' comments. Liquor license fees should not be doubled at this time. The Commission needed to be reasonable and practical. He recommended that the City look at sales tax rates. All liquor license holders did not create the expense (Downtown details). If liquor license fees must be increased then the amount must be reasonable and acceptable.

Commissioner Stockton noted that these comments would become part of the Commission's official record.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Orient Cuisine, Inc., d/b/a Orient Gourmet, located at 2103 N. Veterans Pkwy., #312, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Xiang Zhong Li, owner/operator, Ming Lin, interpreter, and Cris Holzworth, Restaurant Manager, and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicant update the Commission since the December 14, 2010 meeting. Ming Lin, interpreter for Xiang Zhong Li, owner/operator, and Applicant representatives, addressed the Commission. The application was for an RBS liquor license, liquor would be served to accompany the food offerings. The Applicant has reviewed Chapter 6. Alcoholic Beverages. The restaurant staff would be instructed to check customers' identification. All of the restaurant's servers were nineteen (19) years of age or older. The business hours were 11:00 a.m. to 9:00 p.m.

Commissioner Stockton noted that the Applicant had studied the City's liquor ordinance. Mr. Lin did not believe that there would be any issues. Cris Holzworth, Restaurant Manager, had been employed with the Orient Gourmet for five to six (5 - 6) years. The restaurant had been open for the last eight to nine (8 - 9) years. The restaurant was under new ownership. Ms. Holzworth would provide assistance as she had experience with liquor sales.

Commissioner Stockton noted that there had not been any issues with the restaurant's previous owner. There were not any violations. The Applicant appeared to be familiar with the City's Code. Commissioner Stockton questioned the business hours. Mr. Lin restated that Orient Gourmet was open from 11:00 a.m. to 9:00 p.m. Sundays through Thursdays; and from 11:30 a.m. to 8/9:00 p.m. on Fridays and Saturdays. Alcohol would only be sold to dine in customers. Commissioner Stockton questioned if these were typical work hours. Mr. Lin responded affirmatively. Ms. Holzworth checked on restaurant staff and customers as part of her responsibilities.

Commissioner Tompkins questioned the number of employees who were under the age of twenty-one (21). Mr. Lin believed that there were five (5) employees who were under twenty-one (21). Ms. Holzworth addressed the Commission. All wait staff was over the age of twenty-one (21). The host/hostess may be under twenty-one (21) years of age. Alcoholic beverages were handled by the wait staff.

Commissioner Buchanan informed the Commission that he had visited the establishment the previous evening. His visit only lasted ten to fifteen (10 - 15) minutes. He observed the restaurant's operations. Orient Gourmet was a nice, well run establishment. The establishment only had a service bar. The Applicant had stated that a customer must order dine in food in order to request an alcoholic beverage.

Commissioner Petersen noted that the Restaurant Manager had alcoholic beverage sales experience. Ms. Holzworth responded affirmatively. She had been employed with the Orient Gourmet for some time.

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

Commissioner Stockton restated that the restaurant's management would be remaining the same. The restaurant was under new ownership.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Orient Cuisine, Inc., d/b/a Orient Gourmet located at 2103 N. Veterans Pkwy., #312, requesting an RBS liquor license which allows the sale of beer and wine by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the February 14, 2011 City Council Consent Agenda. He encouraged them to attend this meeting.

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 application of Booboo's Dawghouse, Inc., d/b/a Boo Boo's Dawg House, located at 3907 G.E. Rd., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Todd Maynor, owner/operator and Applicant representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Todd Maynor, owner/operator and Applicant representative, addressed the Commission. The application was for his restaurant on the City's east side. He had lease an additional 1,500 square feet. This meant that the square footage had doubled. He had received requests for alcoholic beverages from customers. He believed his inability to offer same had a negative impact upon his business during the evening hours. Liquor sales would accompany food sales. He hoped that the combination of additional space and the ability to offer alcoholic beverages would mean a doubling of income. He had been in business for fourteen (14) years with the same menu. He planned to expand same. He cited the variety of items offered. Boo Boo's would offer a sit down atmosphere. Televisions had also been added. He believed that customers would enjoy the improvements. He had already seen a revenue increase. He had also received request to host parties, etc.

Commissioner Stockton questioned the number of restaurants operated by the Applicant. Mr. Maynor responded two (2). The other one was located in the Downtown.

Commissioner Buchanan informed the Commission that he had visited the establishment the previous evening. He was surprised by the interior. Mr. Maynor had changed his original business plan. The space and menu had been expanded. He questioned if the restaurant's kitchen could accommodate the menu changes. Mr. Maynor responded affirmatively. The lone exception was the pizza. He had also had request for same.

Commissioner Buchanan questioned if this would be the Applicant's first venture with alcohol service. Mr. Maynor responded affirmatively as an owner and negatively as an employee. He had been employed with Portillo's as a restaurant manager. He had move to Bloomington in

1994 and opened Boo Boo's in 1997. In the past, he had been BASSET (Beverage Alcohol Sellers & Servers Education & Training) trained.

Commissioner Clapp questioned the restaurant's occupancy. Mr. Maynor informed the Commission that there were forty-nine (49) seats. He would employ two (2) wait staff and a bartender. The original side of the restaurant would remain an "eat it and beat it". He restated that he would hire a bartender. Commissioner Clapp questioned if Boo Boo's would have trained and experienced staff. Mr. Maynor noted that the existing staff was familiar with the menu. The bartender would be BASSET trained. In addition, anyone who handled alcoholic beverages would also be BASSET trained.

Commissioner Stockton questioned if Mr. Maynor was familiar with Chapter 6. Alcoholic Beverages. Mr. Maynor responded affirmatively.

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

George Boyle, Asst. Corporation Counsel, addressed the Commission. He cited Item 9 on the License Application and Item 1.(e) Legal Requirements on the Liquor License Questionnaire. These items address if the Applicant had warranted the public's trust.

Mr. Maynor noted that a single incident occur in 1997. He had been arrested and served ninety (90) days. During that time, he was allowed to go to work each day. He had become involved in a fist fight in what was described as a bad night. He had been evaluated by Countermeasures, Inc. A Substance Abuse Evaluation had been placed on file. He expressed his belief in community service. He cited his involvement with youth services. He noted his involvement with McLean County Pony League Baseball as an example. He had learned from his past mistake. He had continued in the job as a business owner for the past fourteen (14) years. This event was in the past and he planned to keep it that way. He had also included letters of recommendation with his application.

Commissioner Petersen was impressed with the information provided. He appreciated Mr. Maynor's honesty. The Commission had addressed this tough issue. He was encouraged by Mr. Maynor's responses. He was comfortable with a recommendation to create the liquor license.

Commissioner Petersen questioned Mr. Maynor's driver's license record. Mr. Maynor cited winter weather driving and hurrying between two (2) restaurants. He also noted issues with Downtown parking.

Commissioner Stockton stated that there had not been a pattern of disregard. The Commission needed to see if there was pattern of risk for certain offenses. The Applicant had been forthcoming. A number of years had passed since the incident. He added that the application included letters of recommendation.

Commissioner Stockton noted that the Applicant had disclosed the information to the Commission. The offense had occurred in 1997. Based upon the documentation submitted, the

Commission did not believe that the Applicant should be barred from the opportunity of obtaining a liquor license. Mr. Boyle believed that the Commission's findings were sufficient.

Commissioner Stockton requested that the Police Department verify the information presented prior to the City Council's February 14, 2011 meeting.

Motion by Commissioner Petersen, seconded by Commissioner Buchanan that the application of Booboo's Dawghouse, Inc., d/b/a Boo Boo's Dawg House located at 3907 G. E. Rd., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the February 14, 2011 City Council Consent Agenda. He encouraged him to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:50 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week requesting a change in classification to 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, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and Tracey Covert, City Clerk; and Frank Samhan, Applicant and License holder's representative.

Commissioner Stockton opened the liquor hearing and requested that the Applicant/License holder explain this request. Frank Samhan, Applicant and License holder's representative, addressed the Commission. Currently, Price Rite lost money on gasoline sales. He informed the Commission that there was an issue with the State of Illinois and payment of sales taxes. This was his family's first gas station. The family had experience in the packaged liquor store business. The plan was to remove the gasoline pumps because this portion of the business was operating at a loss. It was difficult to keep the store open. The solution would be to change the business into a convenient store which offered all types of alcohol. He reminded the Commission of the recent change of classification at the Main St. Convenient Store located at 1919 S. Main St.

Commissioner Buchanan added the spirits would be stocked behind the counter. Mr. Samhan noted that the counter would be extended. Spirits would be stocked behind the counter in order to maintain control over these items. There would not be any self service of same. Customers currently have access to beer stock. He cited his family's past experience with shoplifting.

Commissioner Petersen noted that the business currently sold gasoline and held a GPBS liquor license. Mr. Samhan noted his nine (9) years of experience at this location. Customers' requests

for spirits had increased since Ace Liquors located at 907 E. Oakland Ave. had closed. Alcohol sales would not represent a large volume of the store's business.

Commissioner Clapp questioned the neighborhood. The store was located on the southwest corner of Locust and Clinton. She noted the nearby residential properties. Mr. Samhan responded that this intersection contained all commercial properties.

Commissioner Clapp acknowledged Mr. Samhan's liquor sales experience. She questioned littering and loitering. Mr. Samhan noted that these two (2) issues were addressed on a daily basis with the goal of eliminating same. One hoped to prevent issues from occurring. At this time, business was slow and there were no issues.

Commissioner Tompkins questioned the sale of single serve items. Mr. Samhan planned to attempt the elimination of these items with the addition of spirits, (an "A", All types of alcohol, liquor license). He acknowledged that there were issues raised with the sale of small sizes. Currently, single serve items represented forty percent (40%) of beer sales.

Commissioner Petersen restated that Price Rite intended to discontinue the sale of gasoline. He questioned if Mr. Samhan would be interested in a trial PBS liquor license. The Applicant/License holder was requesting to become a packaged liquor store. He expressed his concern with Mr. Samhan's experience. Mr. Samhan noted that there was not an "A" liquor license in the area. He believed that an "A" liquor license would result in more customer traffic. The plan called for additional lighting and security cameras. The plan was to stay in business by enhancing liquor sales.

Commissioner Stockton stated that the neighborhood had been mailed notices of today's hearing. He questioned if Mr. Samhan had spoken with the store's neighbors. Mr. Samhan responded affirmatively. He cited the store's customers and Alderman Judy Stearns. He restated that customers have requested spirits.

Commissioner Stockton questioned the display of spirits. Commissioner Buchanan restated that spirits would be stocked behind the counter. Commissioner Stockton questioned the sizes that would be offered. Mr. Samhan noted that the majority would be 750 ml (fifth). He estimated the shelving at eight (8) linear feet. Commissioner Stockton questioned if there was a plan for the store to grow into a full service liquor store. Mr. Samhan responded negatively. Price Rite was a neighborhood convenience store.

Commissioner Stockton noted that the neighbors had been contacted. A commissioner had suggested a trial PBS liquor license, (the current license was a GPBS liquor license). A trial PAS liquor license would be a better alternative. There would not be a huge investment by the Applicant/License holder. Mr. Samhan restated the goal was to remain in business. The plan was to add a small spirits section and attempt to eliminate the sale of single serve items.

Commissioner Stockton noted his inclination to support this Application on a trial basis. He added that there were no objections raised at the hearing. He stated his expectation that the

Applicant/License holder police the area around the store for litter. There should not be any loitering in and around the store. In addition, spirits must be stocked behind the counter.

Commissioner Tompkins noted that Mr. Samhan had spoken with Alderman Stearns. Mr. Samhan responded affirmatively. Alderman Stearns had not raised any objections. Commissioner Tompkins questioned the size of spirit offerings. Mr. Samhan responded fifths and pints. He added that he would not commit to no sales of half pints. He planned to stock expensive liquors in response to daily requests.

Commissioner Buchanan informed the Commission that he visited this store frequently. He had expressed concerns over the years for the store at this location when it was under its previous ownership. The Samhans operated a good business. Price Rite had been in business for seven (7) years. He had observed the store's staff discouraging loitering. He described their demeanor as professional. He noted that currently the convenient store portion of the business was in compliance with City Code regarding "G", Gasoline, liquor license classification. He requested that Mr. Samhan address floor space utilization. Mr. Samhan restated the store's floor plan would remain the same. Spirits would be stocked behind the counter.

Commissioner Buchanan acknowledged that there were some concerns about the sizes offered for sale. He recommended that Price Rite not offer half pints for sale and reduce the number/volume of single serve items. Mr. Samhan agreed to eliminate the sale of half pints, twenty-four and forty ounce, (24 & 40 oz.), items in order for the change of classification to be granted.

Commissioner Clapp anticipated push back from the neighborhood. She cited litter and public intoxication as neighborhood concerns. She believed that Mr. Samhan made good concessions.

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

Bob Wall, Asst. Police Chief, addressed the Commission. The Police Department's biggest concerns were loitering and litter. He noted the nearby alley. There had not been a lot of complaints at this location. He encouraged Mr. Samhan to be proactive.

Commissioner Stockton noted that the Applicant/License holder had agreed to the following items: 1.) elimination of small sizes; 2.) stocking spirits behind the counter; 3.) policing loitering; 4.) patrolling/picking up litter; 5.) enhancing lighting and security cameras; and 6.) "A", All types of alcohol, would be granted for a trial period.

Asst. Police Chief Wall requested that Mr. Samhan schedule a meeting with the Police Department's Crime Prevention Officer. If there were policing issues, then the department would request revocation.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that the application of Andy & Associates, Inc., d/b/a Price Rite Food & Liquor, located at 706 Clinton St., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption

off the premises seven (7) days a week requesting a change in classification to a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption on the premises seven (7) days a week be approved with the following conditions: 1.) substantial reduction in the sale of single serve products; 2.) no sale of half pint spirits; 3.) offering of convenient store items remain substantially the same; and 4.) spirits shall be stocked behind the counter.

Motion carried.

The Commission directed that the following statement be made a part of the record but not a part of the motion: the license holder shall work with the Commission by 1.) policing the area surrounding the store for litter and loitering; and 2.) addressing future and/or additional security needs by installing additional lighting and/or security cameras.

Commissioner Stockton noted that the Applicant/License holder had been put on notice. The Commission had the authority to revert the license back to a PBS liquor license.

Commissioner Tompkins noted that the Applicant/License holder had stated in the application that additional lighting and security cameras would be installed, (see Floor Plan - Note: if approved for all types, liquor will only be behind the counter, secured, and only the employees have access to it. High tech security cameras will be installed all around the building plus more). Commissioner Stockton noted that the Commission would review the liquor license in eight (8) months.

Commissioner Petersen questioned if Price Rite would be a liquor store or a convenience store. He questioned the percentage of space to be allocated to liquor sales. Commissioner Buchanan stated that a percentage of floor space was one of the conditions place upon a "G", Gasoline, liquor license. Commissioner Stockton restated that spirits would be stocked behind the counter. He added that there would be no reduction to the existing stocked items for sale.

Commissioner Stockton informed the Applicant that this item would appear on the February 14, 2011 City Council Consent Agenda. He encouraged him to attend this meeting. He added his belief that there would be objectors.

There being no further business before the Commission, the meeting recessed at 5:30 p.m.

The Commission returned to order at 5:50 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to review the Stipulation, Findings and Order, Violation No. 2010 - 002, 2010 - 003 and 2010 - 004 for Tjolo's Corp., d/b/a Main St. Grill, (f/k/a Show Me's), 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, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief and



Tracey Covert, City Clerk; and Brian Novotny, owner/operator and License holder's representative.

Commissioner Stockton opened the liquor hearing and noted that at the Commission's July 13, 2010 Violation Hearing that an additional ten (10) day suspension had been stayed pending a review by the Commission six (6) months later. The Commission would review the Stipulation, Findings and Order to verify the Licensee's compliance with the Order and applicable law. He questioned if the Licensee had the same understanding as to the purpose of this hearing. Brian Novotny, owner/operator and License holder, responded affirmatively. He also planned to request that the Stipulations placed upon his liquor license be amended. He apologized for the past actions which led to the Violation Hearing. He expressed his appreciation to the Commission for the ability to address at this time. He noted Main St. previous hours of operation. He requested that Main St. be allowed to set its closing hour in accordance with City Code.

Commissioner Stockton questioned if Mr. Novotny had made changes to the restaurant's operations. Mr. Novotny cited more aggressive food sales on the restaurant's busiest nights, (Thursdays, Fridays and Saturdays). He offered a promotion of fifty percent (50%) off food sales after 7:00 p.m.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that no one under the age of twenty-one (21) was allowed on premise after 10:00 p.m.

Commissioner Stockton questioned what Mr. Novotny had learned and implemented during the last six (6) months in response to the July 13, 2010 Order. He expressed the fact that he did not doubt that Mr. Novotny had the ability to comply with the Order. He also noted the potential for license revocation if he had not complied. Mr. Novotny restated his request regarding closing hours. He had implemented a policy of not allowing anyone under twenty-one (21) years of age after 9:00 p.m. He added that he did not have any malicious intentions. He was excited to do business with college age patrons. Main St. Grill had patrons of all ages. The restaurant's entire staff was twenty-one (21) years of age or older. The business name had been changed from Show Me's to Main St. Grill. The business' new name was a better fit. Staff had been sent to BASSET (Beverage Alcohol Sellers & Servers Education & Training) training. He planned to continue this practice. Staff was proactive and checked identification. He had learned from the experience and the business had improved during the last six (6) months.

Commissioner Stockton questioned if Main St. Grill was more of a family type restaurant. He acknowledged that during the early morning hours Main St. Grill was not a restaurant. Mr. Novotny restated that after 9:00 p.m. only those twenty-one (21) years of age or older were admitted. Main St. Grill was surrounded by taverns. Sixty-five percent (65%) of his total business occurred after 7:00 p.m. on Thursdays, Fridays and Saturdays. These hours were a business necessity. The kitchen remained open until close. Main St. Grill brought individuals to the Downtown seven (7) days a week.

Commissioner Stockton noted that the Commission would need to make a decision regarding the elimination of the restrictions placed upon the license by the Order. In addition, the Commission

needed to make a decision regarding an additional ten (10) day suspension. He noted that the Police Department was represented by Bob Wall, Asst. Police Chief. Asst. Chief Wall would address any minor violations and compliance with the Order.

Bob Wall, Asst. Police Chief, addressed the Commission. He had spoken with the Downtown detail. Police officers had seen an improvement. The Police Department had conducted an audit and Main St. Grill did not sell alcohol to a minor. The Police Department had no objection to allowing Main St. Grill to remain open until the closing hour set by City Code. He requested that the age restriction remain in place commencing at 9:00 p.m. There had been five (5) calls for service to Main St. Grill during the past six (6) months. He had no fault with Main St. Grill's bar staff. He informed the Commission that Main St. Grill's liquor license expired on January 1, 2011. Mr. Novotny had been issued an Ordinance Violation (OV) and the business was closed.

Commissioner Stockton noted that the disposition of this OV was pending. He noted the following issues: 1.) change the age restriction to 9:00 p.m. and 2.) OV was issued on January 1, 2011.

Mr. Novotny addressed the Commission. He acknowledged for whatever reason he did not handle the situation appropriately. He had failed to mail the payment for the liquor license. He was unaware of same as he believed that payment had been made. He was caught off guard and had no knowledge of the situation.

Commissioners Buchanan and Tompkins had visited this establishment. They have found Main St. Grill to be in compliance with the Order. They just learned of the situation involving the expiration of the liquor license. The Police Department went to Main St. Grill to pick up the expired license on January 1, 2011 in the early morning hours. Commissioner Buchanan did not believe that this incident should be connected to the six (6) month review of the Order. He expressed his disappointment in Mr. Novotny. He described Mr. Novotny's actions as careless. An OV had been issued with an accompanying \$250 fine. Commissioner Buchanan believed that the license holder had complied with the Order. He added that the ten (10) day suspension be eliminated and that the closing hour be reinstated to comply with City Code.

Mr. Novotny informed the Commission that he had visited the City's Corporation Counsel Office. Mr. Boyle made a point of clarification. Mr. Novotny appeared at his office to dispute the OV.

Commissioner Stockton expressed his confidence in the Commission. Mr. Novotny acknowledged that Main St. Grill had served liquor without a valid license. He noted Mr. Novotny's pattern of negligence and irresponsibility. He added that by instituting a policy of no one under twenty-one (21) at 9:00 p.m., Main St. Grill would turn into a tavern at that time. Main St. Grill would be established by the Commission as a "T", Tavern from 9:00 p.m. until closing. He reminded the Commission that Main St. Grill held an "R", Restaurant liquor license.

Commissioner Petersen noted Mr. Novotny's sincere presentation. He expressed his support for Commissioner Buchanan's recommendations. He had hoped for additional proof which would remove any doubt from his mind based upon Mr. Novotny's past record.

Commissioner Buchanan stated that his rationale to allow a closing hour which would be compliance with City Code was to allow Mr. Novotny the opportunity to improve Main St. Grill's operations. He made no additional changes to the Order regarding Main St. Grill.

Commissioner Stockton summarized Commissioner Buchanan's statement. The Commission would 1.) revoke the ten (10) day suspension; 2.) keep the earlier closing hour; and 3.) retain no individuals under twenty-one (21) years of age on premise after 9:00 p.m.

Mr. Novotny addressed the Commission. He addressed the financial stability of his business. Every hour after 7:00 p.m. was vital. He cited the loss of sales revenue. He expressed his concern that an additional six (6) months with reduced business hours might result in his business closure. He believed that the majority of sales during this hour would come from food sales. He corrected his statement and said that there would be food sales during this hour. He noted the competitive business environment. He requested an equal opportunity. Main St. Grill offered food, alcohol and entertainment. Business was tight. He believed the last hour on Thursday, Friday and Saturday nights might equal five percent (5%) of his business. He restated that the Downtown benefited from Main St. Grill. It was a restaurant that was open seven (7) days a week. Main St. Grill attracted individuals to the Downtown.

Commissioner Tompkins proposed that the Commission accept that Mr. Novotny was in compliance with the Order. Tjolo's Corp., d/b/a Main St. Grill located at 517 N. Main St., currently holding an RAS liquor license should have said license reinstated in full contingent upon Mr. Novotny's admission of guilt for the January 1, 2011 OV and payment of the associated fine.

Commissioner Stockton stated his discomfort with a recommendation that would link these two (2) issues. Mr. Novotny stated to the Commission that he intended to pay the fine.

Commissioner Stockton restated his belief that there was agreement to lift the ten (10) days. He questioned the closing hour.

Commissioner Tompkins questioned if Main St. Grill had become a family restaurant.

Commissioner Clapp noted that Mr. Novotny was aware of the Commission's concerns and knew what the consequences would be. She was willing to grant Mr. Novotny the chance to remain open for an additional hour. Commissioner Petersen stated his agreement with Commissioner Clapp's statement.

Commissioner Stockton expressed his willingness to go along with the Commission's recommendation. The Commission would audit Main St. Grill's receipts. He requested a breakdown of sales for food and liquor. The Commission had the authority to adjust the restaurant's business hours. The Commission was interested in Main St. Grill's operations and if it was a restaurant. Mr. Novotny assured the Commission that Main St. Grill was a restaurant. It served food seven (7) days a week.

Commissioner Stockton stated that the ten (10) day suspension had been vacated. The Commission would conduct an audit of Main St. Grill. The Commission reserved the right to reimpose the closing hour restriction. He stressed the Tjolo's Corp., d/b/a Main St. Grill, (f/k/a Show Me's), had a bad record and was close to revocation.

Mr. Boyle questioned the age restriction. He made note of the Police Department's request, (no one under twenty-one (21) years of age after 9:00 p.m.). Commissioner Stockton restated that Main St. Grill would turn into a tavern at 9:00 p.m. The age restriction being imposed at 9:00 p.m. would also be added to the Commission's action on this matter.

The Commission expressed its concurrence with same. The Commission extended its best wishes to Mr. Novotny.

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

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk