

MINUTES OF THE BLOOMINGTON  
LIQUOR COMMISSION

November 9, 2010

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Sidecar Entertainment, Inc., (SEI), d/b/a Eleven, located at 105 W. Front St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Wade Nichols, SEI's CEO/Treasurer, Applicant representative and Todd Bugg, Applicants' attorney.

Commissioner Stockton opened the liquor hearing and requested that the Applicant update the Commission since the October 12, 2010 meeting. Todd Bugg, Applicant's attorney, addressed the Commission. His client had prepared additional documents. The business hours had been changed and the food offerings expanded. A floor plan had also been submitted. He noted that there had been an "R", Restaurant, liquor license at this address in the past.

Wade Nichols, SEI's CEO/Treasurer and Applicant representative, addressed the Commission. SEI had made a good faith effort. He cited the earlier closing hour. Eleven would open earlier on Saturday and Sunday. The food menu had been expanded and it would be sold by the staff. The business plan included hiring a dedicated kitchen manager. The comfort level was not there to request an "R", Restaurant, liquor license. He believed that food sales would be in the forty to forty-five percent (40 - 45%) range. Eleven would provide a casual environment, patrons would not feel rushed. On Saturday and Sunday, a brunch n' lunch would be offered. With an expanded food menu, Eleven would offer off-site catering. The upper level would also be available for catered events. Food service would be upfront. Each customer would be provided with a menu. The menu would also included nonalcoholic beverages such as French pressed coffees, cocoa, tea, etc. Cocktails would be prepared with fresh ingredients. The bar staff would also prepare nonalcoholic beverages. There would be table tents which would list alcohol free drink offerings. He believed that these items would become a significant part of beverage sales. He addressed marketing. There would be food specials between 4:00 - 6:00 p.m. Eleven would assertively present its food promotions. Eleven planned to work with events hosted at the US Cellular Coliseum (USCC). There would be discounts offered on food items with a ticket stub. Eleven would play classic rock music.

Commissioner Stockton noted that the Commission had received the revised menu. It went beyond bar food. He noted the brunch menu. He described this change as significant. Eleven would not be another Downtown tavern.

Commissioner Clapp stated that it sounded like there had been change since last month's presentation. She described the food offerings as good. The intended market was USCC customers/ticket holders. She noted that the market remained the same.

Commissioner Buchanan noted the business plan's intention. He stated the marketplace and the license holder's ability to control same. The Commission has used conditions placed upon the license to make an application acceptable. No one could guarantee success. Eleven may turn into a Downtown tavern. However the primary factor impacting a liquor business was the quality of the applicant/operator. He noted the proposed changes coupled with good judgment on behalf of the Applicant would allow Eleven to be successful. Eleven would be located on Front St. not on Main St. He expressed his support for the application.

Commissioner Tompkins noted that due diligence had been done. The Applicant owned the building. He believed it to be in the best interest of all involved to approve the application.

Mr. Nichols believed that Eleven would be an alternative. Eleven would not be the sole source of income for the ownership group. He encouraged the City to scrutinize their operations. He was willing to take the risk of applying this idea in the marketplace. Eleven would be true to its business philosophy.

Commissioner Petersen questioned the building's stories. Mr. Nichols noted three (3). The building's second floor would offer a second bar/lounge, an office, rest rooms and liquor storage. It may be open for overflow on weekends. It would also be used for catered events. Commissioner Petersen questioned beautification of the building. Mr. Nichols noted that the facade would be upgraded. There was a lot of work planned. Commissioner Petersen stated that currently the building was vacant. Mr. Nichols noted that building's interior and exterior needed to be appealing. Two (2) properties were involved. The renovation budget was set at \$200,000. The plan included the basement, first floor, mechanicals, etc. The tin ceiling would be retained.

Commissioner Petersen questioned the former license at this location. Tracey Covert, City Clerk, noted Bangkok Thai Restaurant.

Commissioner Stockton restated that the Applicant had established that food sales would equal forty to forty-five percent (40 - 45%). Commissioner Petersen questioned if the City performed audits. Commissioner Stockton noted that the Commission had the authority to review the books.

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

Commissioner Stockton noted that the Applicant had responded well. He cited the change to the business hours. He requested that Mr. Nichols describe Eleven on a Saturday at midnight. Mr. Nichols stated that there would be forty to fifty (40 - 50) people present. Eleven would track the coming and going of its patrons. He believed that the numbers would start to decline around 11:30 p.m. Commissioner Stockton questioned business on USCC event nights. Mr. Nichols acknowledged that there would be differences. On week nights, the crowd would be limited

after 10:00 p.m. Commissioner Stockton believed that the Applicant understood the Commission's intentions. Mr. Nichols stated that it went beyond hours. Eleven would set the tone for patron behavior. Commissioner Stockton stated that the Commission would expect a good faith effort. The Applicant should continue to work with the City. The Commission reserved the right to address business hours, etc.

Commissioner Buchanan noted two (2) questions. The first was to clarify the impact if intention/expectations were not met.

Commissioner Gibson arrived at 4:30 p.m.

Commissioner Stockton stated that the Commission would sit down with the license holder if Eleven was not operated as anticipated. The Commission would determine how to address any issues.

Commissioner Buchanan questioned a busy Saturday night and the closing time for the kitchen. Mr. Nichols noted that the full menu would be available until 9:00 p.m. The kitchen would be open until 11:00 - 11:30 with a limited menu. Commissioner Buchanan recommended a condition that there be no liquor sales thirty (30) minutes after the kitchen closed. Eleven would cease to be a restaurant when the kitchen was closed. Mr. Nichols stated that the numbers would have to be reviewed. Another alternative would be for Eleven to leave the kitchen open.

Commissioner Tompkins noted that the Commission would address any violations if they occurred.

Commissioner Stockton stated that conditions could be useful. He did not believe that conditions were necessary with this application. The Commission would retain the right to apply conditions if Eleven does not meet the shared vision.

Commissioner Petersen questioned occupancy. Mr. Nichols noted that seating would be offered for forty-five (45). He estimated first floor occupancy at seventy (70). He believed the maximum occupancy for both floors would be 130. The first floor would offer booths. The second floor would offer couches and chairs. Commissioner Buchanan suggested that the seating be secured to the floor. Mr. Nichols noted that the first floor had not been finalized. Commissioner Petersen expressed his appreciation for the reworked floor plan. Mr. Nichols restated that he did not believe that the second floor would be used during the week.

Commissioner Clapp noted that there was an understanding between the Commission and the Applicant. The Applicant had responded positively. The Commission has the intention to review Eleven's operations to insure that the understanding has been met. She described this application as a hybrid. She believed it was workable/achievable.

Commissioner Stockton restated his belief that there was an understanding between the parties.

Commissioner Buchanan noted that the Commission was not compelled to audit Eleven. However, he was in favor of same. He encouraged the Applicant to establish a bookkeeping system which would allow for the Commission's review.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that that the application of Sidecar Entertainment, Inc., d/b/a Eleven located at 105 W. Front St., requesting a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

Ayes: Commissioner Stockton, Buchanan, Clapp, Petersen, and Tompkins.

Abstains: Commissioner Gibson.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the December 13, 2010 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:47 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Nicholas Barr and Claire Finnegan to allow moderate consumption of alcohol at their wedding reception on January 1, 2011 to be held at Davis Lodge at Lake Bloomington from 2:00 until 10:00 p.m. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Nicholas Barr and Claire Finnegan, requesters.

Commissioner Stockton opened the liquor hearing. The Commission had agreed to allow moderate consumption of alcohol at the Davis Lodge on a trial basis. Nicholas Barr and Claire Finnegan addressed the Commission. They hoped to offer beer and wine at their wedding reception. Mr. Barr questioned what the City would mandate. Commissioner Stockton noted that a licensed caterer, (class W liquor license holder), must provide the liquor service.

Commissioner Buchanan noted that the Commission's recommendation would be condition upon retaining a licensed caterer.

Commissioner Petersen questioned the responsible party. Commissioner Stockton noted that the City had the authority to allow liquor service at Davis Lodge. The Council would have to suspend City ordinance. The City did not allow cash bars at Davis Lodge. McLean County also had jurisdiction.

Commissioner Petersen questioned if Mr. Barr and Ms. Finnegan had spoken with City staff. Mr. Barr responded affirmatively. Staff had informed them that they did not have the authority to approve liquor service at Davis Lodge.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to recommend the suspension of City ordinance for a wedding reception being held at Davis Lodge on January 1, 2011.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the December 13, 2010 City Council Consent Agenda. He encouraged them to attend this meeting.

There being no further business before the Commission, the meeting recessed at 4:55 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Sandhya Foods, Inc., d/b/a Sai Sandhy (f/k/a India Bhaven) located at 716 Eldorado Rd., currently holding an RAPS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types packaged alcohol for consumption off the premises seven (7) days a week, to remove the grocery area in order to add a small bar area with eight (8) bar stools and a bar sink. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins, George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk; and Mallu Reddy, owner/operator and License holder's representative.

Commissioner Stockton opened the liquor hearing. He requested that the license holder explain this request. Mallu Reddy, owner/operator and License holder's representative, addressed the Commission. He had brought an individual to speak on his behalf. The plan was to change the grocery store area into a bar. The existing restaurant would remain. Commissioner Stockton restated that the grocery store area had been closed. The plan was to change this area into a bar area in conjunction with the restaurant. He questioned the impact upon sales and percentage of sales from alcohol. Mr. Reddy's interpreter noted the following percentages: food - seventy percent (70%) and alcohol - thirty percent (30%).

Commissioner Buchanan questioned the current percentages for alcohol sales in the restaurant. The interpreter noted the following percentage: food - ninety percent (90%) and alcohol - ten percent (10%). Commissioner Buchanan stated that Sai Sandhy was an "R", Restaurant.

Commissioner Stockton noted that the license holder had submitted a floor plan which showed eight (8) bar stools. Mr. Reddy responded affirmatively. Sai Sandhy would be a restaurant with a small bar area.

Commissioner Tompkins questioned the license holder's experience. Mr. Reddy planned to hire an experienced bartender for the bar area. Commissioner Tompkins questioned if the bar staff would be BASSETT trained. Mr. Reddy responded affirmatively.

Commissioner Stockton questioned Mr. Reddy's intentions. Mr. Reddy planned to have staff check identification. Commissioner Stockton restated that there was training available for bar staff. The license holder would be accountable for any violations.

Commissioner Gibson noted that if this request involved a change to the current premise. He questioned if the license classification would change from an RAPS to an RAS.

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

Commissioner Tompkins questioned the length of time the license had been in effect. Tracey Covert, City Clerk, noted since 2006. George Boyle, Asst. Corporation Counsel, informed the Board that there had been one (1) violation during this time.

Commissioner Buchanan noted that Mr. Reddy planned to hire an experienced bartender. Mr. Reddy must select this person carefully. He encouraged Mr. Reddy to acquire a copy of the City's liquor code, (Chapter 6. Alcoholic Beverages). This would help the license holder and the employees to have an understanding of local law. Mr. Reddy responded affirmatively.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp to approve the change of premise and to change the liquor license classification for Sandhya Foods, Inc., d/b/a Sai Sandhy (f/k/a India Bhaven), located at 716 S. Eldorado Rd, from RAPS to RAS.

Motion carried.

Commissioner Stockton informed Mr. Reddy that a new liquor license could be picked up at the City Clerk's Office.

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

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Lone Star Steakhouse & Saloon of Springfield, Inc., d/b/a Lone Star Steakhouse located at 903 IAA 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, to approve the change of corporate officers. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He noted that the Commission needed to accept this change and affirm that the liquor license was still in force to the state's Liquor Control Commission. He noted that no one was present to represent the License holder.

Tracey Covert, City Clerk, informed the Commission that her office had been notified by the License holder of the 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.

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

Motion by Commissioner Gibson, seconded by Commissioner Buchanan to accept the change of corporate officers for Lone Star Steakhouse & Saloon of Springfield, Inc., d/b/a Lone Star Steakhouse located at 903 IAA 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; said license remains in force.

Motion carried.

There being no further business before the Commission, the meeting recessed at 5:11 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill, located at 3201 CIRA Dr., 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, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk; and Jess Backhaus, Operations Manager and Applicant representative.

Commissioner Petersen informed the Commission that Tom Hubbard and Tim Davis, owner/operators of The Hanger located at 3201 CIRA Dr., currently holding an RAS liquor license, met with him briefly prior to today's hearing.

Commissioner Stockton opened the liquor hearing and requested that the Applicant explain this request. Jess Backhaus, Operations Manager and Applicant representative, addressed the Commission. He presented the Commission with a rendering of the facility. The space at the airport was currently framed out. Tailwind would offer a cook line, coffee service, and a small bar (twelve stools).

Commissioner Buchanan had looked at the facility. He noted that the "refuge" area was not part of the premise.

Commissioner Stockton questioned the food items offered. Mr. Backhaus noted that Tailwind was a regional airport concessionaire. Tailwind would offer paninis and other items which could be prepared in a convection oven. The food offerings were described as grab and go. He restated that there would be a coffee bar.

Commissioner Stockton noted the 4:30 a.m. opening time. Mr. Backhaus questioned sale hours for alcohol. George Boyle, Asst. Corporation Counsel, addressed the Commission. Under the City Code, liquor sales were allowed at the airport commencing at 5:00 a.m. with the exception of Sunday, (sales could commence at 6:00 a.m.). Mr. Backhaus noted that Tailwind's standard business hours for liquor sales was 6:00 a.m. with the exception of Sunday, (sales commence a noon). At 4:30 a.m., the house lighting is on and employees arrive. The facility opened thirty to thirty-five (30 - 35) minutes prior to the first flight.

Commissioner Petersen questioned the General Manager. Mr. Backhaus informed the Commission that a General Manager had recently been hired.

Commissioner Petersen questioned the financial statement. Mr. Backhaus noted that it was a personal financial statement for Alan Giaquinto, Tailwind's sole member.

Commissioner Gibson questioned the percentage of sales from alcohol. Mr. Backhaus estimated liquor sales at twenty percent (20%). Commissioner Gibson questioned how critical liquor sales were to Tailwind's business model. Mr. Backhaus noted that Tailwind had been at the airport since August 2010 operating a gift shop. All of Tailwind's locations hold a liquor license.

Commissioner Stockton questioned how liquor sales would be handled. Mr. Backhaus noted that signs would be posted, ("No alcohol beyond this point"). Tailwinds would comply with the airport's policy and City Code. Commissioner Stockton noted that the premise must be defined. Mr. Backhaus noted that the facility's entrance was small. Seating would be limited. Tailwind would be interested in other options. He informed the Council that Tailwind also offered a retail kiosk.

Commissioner Buchanan informed the Commission that there were not any alcoholic items stocked in the kiosk. Mr. Backhaus described the kiosk as a mini shop.

Commissioner Tompkins expressed his concern regarding emergency contacts. Mr. Backhaus restated that the gift shop had been opened. A General Manager had been hired last Friday, November 5, 2010. The form would be updated prior to Tailwind's opening. Commissioner Tompkins questioned the number of liquor licenses held by this company. Mr. Backhaus noted that Tailwind had facilities in four (4) different airports. Each was held by a separate corporation. There was a sole company member.

Commissioner Gibson questioned if the Applicant was a resident. Commissioner Stockton noted that the Applicant was Tailwind BMI, LLC. The financial statement submitted was for the managing partner. A financial statement for the LLC could have been submitted.

Mr. Boyle addressed Chapter 6. Alcoholic Beverages, Section 4B. Disqualification. Tailwind was an out of state corporation. The City needed additional information regarding the company's assets. The City was interested in local control.

Commissioner Buchanan questioned the "phrase not a resident". He noted that there were a number of liquor licenses issued to corporations. He questioned any concerns regarding Tailwind's financial statement.

Commissioner Stockton acknowledged that the City would be granting a liquor license to a corporation. Tailwind BMI, LLC was a new corporation. He noted that the assets of the controlling individual may be more substantial than the new corporation. At the appropriate time, the City should request a financial statement for the new corporation.

Commissioner Gibson restated that the Commission needed to define the premise. In addition, he needed a better understanding of staffing and security. Mr. Backhaus stated security would be a joint effort between Tailwind and the airport. Alcohol would be kept in the determined area.



At the beginning, alcohol would be kept within the restaurant. Commissioner Gibson questioned the gate area.

Carl Olson, Bloomington Normal Airport Authority's Executive Director, addressed the Commission. Tailwind would be located in the post screening area. It was located in the boarding gate area. Alcohol must stay within the confined area. The airport had a host of security. Staff was available twenty-four (24) hours a day.

Commissioner Clapp restated that alcohol must remain within the restaurant area. Mr. Olson noted that the airport would allow grab n' go items. The exception was alcohol which must remain within the restaurant space. He noted Tailwind's confines. There were two (2) glass walls. The kitchen was located at the back of the facility. The "refuge" area was a safe area and not part of the premise. There would be a single entrance. He noted changes to the flooring which would mark the premise.

Commissioner Stockton noted that there would be no alcohol beyond this point. If liquor was found in the concourse area, the licensee would be held responsible. He noted that this would be the first liquor license beyond the security point. He noted TSA's regulations. He questioned the City's ability to access this area, (Police Department).

Mr. Olson informed the Commission that the airport had armed law enforcement, (McLean County Sheriff's Deputies), within the area. Law enforcement personnel are allowed with the appropriate credentials. The Commission could also request permission from the BNAA.

Commissioner Tompkins questioned the lease. He recommended that this item be laid over until the Commission's December 14, 2010 meeting. He requested updated financial information and information regarding the General Manager.

Tom Hubbard, co-owner/operator of The Hanger, located at 3201 CIRA Dr., addressed the Commission. He had held the only license at CIRA since 2003. He expressed his belief that his liquor license granted him access to the entire airport. This application would be located on the other side of security. The BNAA put out an RFP, (Request for Proposal). He expressed his concern regarding the BNAA's response to the RFP process.

Commissioner Stockton noted that the Commission's role was to address the suitability of the applicant. The BNAA's selection process was beyond the purview of the Commission. A key question for the Commission was the need for the liquor license.

Mr. Hubbard stated that a liquor license was a privilege and not a right. He had held four (4) various liquor licenses during his career. He noted that Tailwind was built out. He cited the investment in the facility. Tailwind had recently filed an application for a liquor license. He expressed his belief that the Applicant made the assumption that a liquor license would be granted.

Commissioner Stockton cited the recent application by Super Pantry. Building construction started prior to application for a liquor license. The Commission recommended and the Council

created a liquor license. He restated that the relevant question for the Commission was the need for an additional license.

Mr. Hubbard did not believe that there was a need. The BNAA had no complaints about his business. He was upset with same. He had been misled by Mr. Olson as he had questioned food and beverage sales. He did not believe that the Hanger would remain in business.

Phil Boulds, 1 Palm Court, addressed the Commission. He was the owner/operator of Mugsy's located at 1310 N. Main St., currently holding an RAS, (Restaurant, All types of alcohol, Sunday sales), liquor license and Coconut Louie's located at 2303 E. Washington St., currently holder a TAS (Tavern, All types of alcohol, Sunday sales), liquor license. He had been in the liquor business for over twenty-three (23) years. He hoped that there would be further discussion regarding the need for two (2) liquor licenses at the airport. He did not believe there was the need for same.

Kim Bartlow, ADDRESS, addressed the Commission. She had research Tailwind on the Internet. She had spoken with Mr. Olson and the airport's tenants. She questioned the possibility of another liquor license at the airport. She also questioned Tailwind's operations. The Applicant stated that staff would be knowledgeable regarding alcohol service. Tailwind had a violation for underage sales. Tailwind offered initial staff training. However, the company did not follow through. CIRA was the gateway to the community. She believed that the license holder needed to be a City resident and not a corporation with a single member. The BNAA should have been more diligent in its selection process. A line has been drawn. The Commission needed to do due diligence.

Tim Davis, co-owner/operator of The Hanger, located at 3201 CIRA Dr., addressed the Commission. He was Mr. Hubbard's business partner. He questioned Tailwind's credibility. The Commission needed to obtain additional information. He questioned the percentage of sales, (80% food and 20% alcohol). He also questioned Tailwind's seating capacity and staffing levels. The RFP included promised sales figures. He believed that Tailwind's numbers for sales and staffing were significant. He and Mr. Hubbard operated facilities on both sides at the Peoria airport. Peoria offered a preferred flight program. Total sales at their Peoria facilities equaled \$500,000.

Commissioner Stockton stated that he had heard several things. One was the question of need, (two licenses at the airport). He noted the security barrier. Another issue was applicant fitness. Questions had been raised regarding staff training and liquor violations. Tailwind was an LLC. A question was raised regarding residency. Finally, the percentage of liquor sales was questioned, (20% liquor/80% food). He restated that the Commission was not involved in the BNAA lease process.

Mr. Davis also questioned the ratio between patrons and sales.

Mr. Backhaus was given the opportunity to readdress the Commission. A number of things had been said. A violation occurred in North Carolina in 2009 and the staff person paid the fine. That facility had opened in 2005. He noted the nearby Marine base. The violation occurred as

part of a police audit. Staff training was revisited. Today, there was an eighty (80) page manual. All staff at this location was retrained. Tailwind also held liquor licenses in Florida and Tennessee. These two (2) states required staff training in the area of liquor sales. He restated his belief that Tailwind did a good job of training staff.

Commissioner Stockton questioned seating and staffing. Mr. Backhaus noted twenty-five to forty (25 - 40) seats with counter service. There would be a manager plus three (3) staff positions. Individuals work eight to twelve (8 - 12) hour days. There would be two (2) staff person per shift and a bartender as needed. He restated that alcohol sales averaged twenty to twenty-five percent (20 - 25%).

Commissioner Gibson noted gross receipts. Mr. Backhaus responded affirmatively. The numbers provided to the BNAA were based upon Tailwind's other operations.

Commissioner Stockton questioned the acceptability of an LLC and residency. Mr. Boyle noted that the license would be held in the name of the LLC, (corporation), at a local address. He requested additional time to research same. He also addressed the financial responsibility of the Applicant.

Commissioner Tompkins requested additional information regarding the LLC. He was also interested in a financial statement for the LLC. He restated his request that this application be laid over until the Commission's December 14, 2010 meeting. Mr. Backhaus noted that an LLC was a Limited Liability Company. This was a brand new company with limited sales. The financial statement provided was for the company's sole member.

Commissioner Petersen expressed his concern regarding a venture of this size. He believed that the Commission needed additional information. Mr. Boyle restated his request to perform additional research. He noted that there was no prohibition against LLC.

Commissioner Stockton noted that there were company owned locations which held liquor licenses through a corporation. The application had been submitted by an LLC. Mr. Boyle did not see any reason to treat this application differently.

Commissioner Gibson noted that the question was raised. The Commission requested clarification. A lease was required to obtain a liquor license.

Mr. Backhaus noted that Tailwind was confident in its ability to obtain a liquor license. The company held more than one (1) liquor license.

Commissioner Stockton addressed the need for a liquor license. Commissioner Petersen questioned how serious the Applicant was about a liquor license. Mr. Backhaus noted that Tailwind had been selected by the BNAA. Commissioner Gibson stressed that the Commission would make a recommendation to the Council. The Applicant should provide a statement of need. Mr. Backhaus noted that Tailwind responded to the BNAA's RFP. The facility was located post security. He noted changes made at airports post 911, (September 11, 2001). He believed that there was a need.

Commissioner Gibson questioned Commissioner Tompkins' recommendation that this Application be laid over until the Commission's December 14, 2010 meeting. He did not see the need for this application. He believed that there were security concerns. He questioned two (2) liquor licenses at the airport. The question of need was fundamental.

Commissioner Stockton noted that these two (2) licenses would be held in two (2) different worlds, (land versus air).

Mr. Olson addressed the Commission. The BNAA hired a consultant to look at the airport's retail space. One recommendation was to offer food and beverage service on the air side of the airport. This recommendation included liquor service. An airport was a different environment. The Hanger was on the land side. It served the airport's meeters and greeters. Tailwind would serve departing passengers. There would be four to five (4 - 5) peak times a day. Each would last thirty to forty (30 - 40) minutes. The BNAA believed that there was sufficient traffic to support this facility. CIRA had seen traffic increases. Numbers exceeded 50,000 per month.

Commissioner Stockton summarized that the BNAA's consultant believed that there was room for two (2) liquor licenses at the airport. Arrivals might stop by Tailwind as the two (2) licenses would only be one hundred feet (100') apart. He restated that in an airport land and air were worlds apart. In addition, the BNAA believed that there was a need.

Mr. Olson informed the Commission that the BNAA had received inquiries and there was an interest in liquor service on the air side of the airport. Commissioner Stockton addressed a standard for issuance, the BNAA believed that there was a need.

Commissioner Buchanan noted that it was not the Commission's role to give consideration to the BNAA's RFP process. The Commission had become somewhat familiar with the process through today's hearing. There were those who were in disagreement with the BNAA's recommendation. He believed that the BNAA had made a conscientious effort to encourage RFP submittals from local companies. The question of need was subjective. The Commission has allowed the marketplace to decide. The application was not deficient in any significant areas. He expressed support for same.

Commissioner Clapp noted that the security requirements were two (2) worlds apart. She noted the average wait and airport delays. She believed that there was customer interest. The Commission had acknowledged the BNAA's RFP process. There would be a corporate owner with local representation.

Commissioner Stockton recognized the earlier request that this Application be laid over until the Commission's December 14, 2010 meeting. He noted Mr. Boyle's opinion that an LLC qualified as a license holder. The Commission could request a balance sheet one (1) week prior to the Council meeting.

Mr. Olson noted that the opening of Tailwind was scheduled for mid December 2010. Tailwind had preceded all of airport's deadlines. Commissioner Stockton noted that the Council was scheduled to meet on December 13, 2010.

Commissioner Tompkins stated that Mr. Olson had addressed all of his concerns.

Mr. Hubbard readdressed the Commission. He did not believe that local companies were encouraged to submit an RFP. The BNAA's consultant priced the RFP beyond reach. The Hanger was struggling to pay its rent.

Commissioner Stockton noted Mr. Hubbard's concern about his business.

Commissioner Gibson expressed his appreciation for the context. It was difficult to separate the two (2) issues. Tailwind had presented a viable business plan. There were unresolved issues. It would not be easy to police the area. He also questioned the need for a liquor license. The Applicant did not meet the standard. He was concerned as CIRA (Central Illinois Regional Airport) was a small airport. He believed that this application represented a revenue and service opportunity for the airport. He planned to vote against same.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that that the application of Tailwind BMI, LLC, d/b/a Tailwind Bar & Grill located at 3201 CIRA Dr., 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 with the following conditions: 1.) a financial statement /balance sheet for the LLC be submitted by December 6, 2010; and 2.) a recommendation by the City's Corporation Counsel regarding an LLC being a qualified license holder.

Ayes: Commissioner Stockton, Buchanan, Clapp, and Tompkins.

Nays: Commissioner Gibson and Petersen.

Motion carried.

Commissioner Stockton informed the Applicant that this item would appear on the December 13, 2010 City Council Consent Agenda. He encouraged Mr. Backhaus to attend this meeting.

There being no further business before the Commission, the meeting recessed at 6:35 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the violation regarding OHM Liquor, Inc., d/b/a Famous Wine & Spirits, located at 1404 E. Empire, 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 Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor violation hearing. He noted that there was no one present to represent the License holder. George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that the packaged liquor tax had been paid. The penalty was still outstanding. The license holder had not been given notice of the penalty. He requested that the

Commission give the License holder the opportunity to pay same prior to the Commission's December 14, 2010 meeting.

Motion by Commissioner Tompkins, seconded by Commissioner Gibson to suspend the liquor license currently held by OHM Liquor, Inc., d/b/a Famous Wine & Spirits, located at 1404 E. Empire, until the penalty is paid.

Mr. Boyle noted that no one was present to give testimony or present evidence. He believed that the penalty owed was between \$500 - 800.

Commissioner Stockton noted that the motion was not made in the proper format. The Commission must hold a Violation Hearing. He added that the Commission cannot suspend a license without a proper hearing.

Commissioner Petersen questioned ownership.

Commissioner Tompkins expressed his opinion that the license holder showed contempt for the City. He withdrew the motion.

Commissioner Clapp requested that the License holder's failure to appear today be addressed at the formal Violation Hearing.

Commissioner Gibson expressed his opinion that there should be a fine for failure to appear.

Mr. Boyle reviewed the process. He restated that the penalty was not included in the Complaint. The outstanding packaged liquor tax had been paid. No one from the City's Finance Department was present to address the penalty. He offered to re-notice the License holder. The Commission would have the opportunity to address the License holder at a future hearing.

Commissioner Clapp questioned if the Commission would have the latitude to address the License holder's failure to appear on this date. Commissioner Stockton believed it could be addressed under aggravating circumstances.

Motion by Commissioner Buchanan, seconded by Commissioner Clapp to adjourn. Time: 6:44 p.m.

Ayes: Commissioners Stockton, Buchanan, Clapp, Petersen, and Tompkins.

Nays: Commissioner Gibson.

Motion carried.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk