

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

January 12, 2010

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Jamie Whitfield, 1532 Trumbull Ave., Apt. 13, to allow moderate consumption of alcohol at her July 31, 2010 wedding reception to be held at Lake Bloomington's Davis Lodge. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Jamie Whitfield.

Commissioner Buchanan opened the liquor hearing. He noted that Ms. Whitfield was in attendance. He stated that the Commission had held discussions in the recent past regarding liquor service at City facilities, (Miller Park Pavilion and Davis Lodge). At this time the City did not have a policy/procedure in place that would allow same. The Commission could forward a recommendation to the Council to suspend City ordinance to allow same. He noted that there might be jurisdictional issues as the City owned the facility which was located in McLean County. He expressed his hope that the Commission would provide Ms. Whitfield with a response.

In addition, he noted the following: 1.) if consumption is allowed, the liquor provider must hold a City catering liquor license; and 2.) the liquor provider must comply with McLean County's liquor licensing requirements. It was noted that both facilities, (Davis Lodge and Miller Park Pavilion), were located within City parks.

He added that Craig Cummings, Director - Water, had received another request to allow liquor at the Davis Lodge on Saturday, March 20, 2010.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that liquor service had been allowed at the Miller Park Pavilion for a wedding reception in the recent past. Conditions were placed upon same and the Council suspended City ordinance. He believed that the Commission needed to establish conditions. He cited the following: 1.) restricting alcohol consumption to the building's interior; 2.) requiring a class "W", catering liquor license (i.e. no cash bar); and 3.) setting the time of day.

Commissioner Clapp expressed her belief that there must be other considerations. She questioned the City's rental contract for use of Davis Lodge. Commissioner Buchanan acknowledged that there was a rental agreement. However, allowing liquor service would require that City ordinance be suspended. He questioned if Mr. Cummings wanted a staff member to be on duty. He cited issues with clean up. Mr. Cummings noted that clean up was addressed in the existing contract. At this time, a staff member is not present and there is no

specified closing time. He noted Davis Lodge's remote location. There is not a police presence at Lake Bloomington. Police patrols were limited.

Commissioner Clapp questioned oversight and emergency situations. Mr. Cummings stated that having a staff member on duty would impact rental cost. Commissioner Clapp recommended that this cost be included in the rental fee. She cited liability issues.

Commissioner Buchanan noted that Tracey Covert, City Clerk, had provided information from the City of Waukesha, WI. This City's Parks Department allows liquor service when renting their facilities. City staff, from various departments (Corporation Counsel, City Clerk, Water, and Parks, Recreation and Cultural Arts), would develop policies and procedures to address same. Commissioner Buchanan returned to Ms. Whitfield's request.

Mr. Boyle expressed his belief that the response would be yes or no to suspend the ordinance. He added that conditions should be placed upon this request. Commissioner Buchanan believed that this approach was reasonable.

Commissioner Buchanan recommended that exterior consumption not be allowed. Commissioner Clapp expressed her interest in allowing same. Mr. Boyle restated the past conditions: 1.) no exterior consumption; 2.) liquor must be provided by an entity holding a class "W", catering license; and 3.) no cash bar. He added that the liquor provider must comply with McLean County's licensing requirements.

Commissioner Gibson arrived at 4:30 p.m.

Commissioner Buchanan restated that the Commission's role would be to make a recommendation to the Council regarding suspending City ordinance. City staff will work to establish policies and procedures for liquor service within park facilities. This information would return to the Commission for a recommendation regarding a Text Amendment to the City Code. He added that Mr. Cummings had received a second request for Davis Lodge for Saturday, March 20, 2010.

Commissioner Clapp returned to the issue of interior consumption only. She questioned enforcement of same.

Commissioner Petersen had no issues with suspending the ordinance. He expressed his concern regarding 1.) establishing a time limit and 2.) no staff member present.

Mr. Boyle suggested that the Commission obtain Mr. Cummings's feedback regarding outdoor consumption. He noted that liquor service for this event would be limited to beer and wine only. Mr. Cummings did not have any opposition to consumption on the Lodge's rear patio. He added his concerns regarding the slope of the land which ends at the lake's edge. There is not a fence or any type of barrier.

Commissioner Gibson expressed his concern regarding individuals congregating and drinking in the parking lot. He noted that today's discussion was focused on Davis Lodge and the Miller

Park Pavilion. He cited that other City parks have facilities, Tipton Park was used as an example. He was not advocating that all City parks be included in this discussion. However, City staff needed to consider all parks' facilities.

Commissioner Buchanan restated that the Commission would have the opportunity to review any and all policies and procedures prior to implementation.

Commissioner Petersen noted that each park facility was different. He cited various liability issues at Davis Lodge. Mr. Cummings offered to install a rail at the patio's edge. The Commission was reminded that the final product would include a Text Amendment. Commissioner Petersen expressed his appreciation for the opportunity to raise his concerns.

Ms. Whitfield addressed the Commission. She informed them that the reception was scheduled from 5:00 until 10:00 p.m. She was interested in limited liquor service, (i.e. a champagne toast and a keg of beer).

Mr. Cummings noted that having a staff member on site would increase the rental costs by \$50 per hour. He would have a higher comfort level with a staff member present. He was interested in having the same standards regardless of City facility. He was not inclined to require that a staff member be present. He would also request that the McLean County Sheriff's Department perform a courtesy patrol. He restated his concern regarding cost.

Commissioner Buchanan requested that Mr. Boyle contact Hannah Eisner, McLean County's Civil Asst. State's Attorney, to address liquor license requirements within the County. A key issue might be redundant liquor licenses.

Commissioner Buchanan noted that the Commission had reached a consensus. City staff was requested to draft/develop a set of policies/procedures which would allow the consumption of alcohol at City park facilities. He added that the Commission did not have all of the details today.

Motion by Commissioner Gibson, seconded by Commissioner Clapp that the Commission recommends that the City Council suspend the ordinance to allow liquor service at the Davis Lodge on July 31, 2010 under the conditions set forth in the rental agreement, (1. restrict alcohol consumption to the building's interior and rear patio; 2. requiring a class "W", catering liquor license (no cash bar); and 3. setting the time of day.)

Motion carried.

Commissioner Buchanan informed the Applicant that this item would appear on the Council's February 8, 2010 meeting. The item would appear on the Consent Agenda. He encouraged her attendance.

There being no further business the hearing recessed at 4:55 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of Kobe Steakhouse of Japan IL, Inc. d/b/a Kobe Japanese Steak & Sushi, located at 401 N. Veterans Pkwy., #7 and 8, 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 Rich Buchanan, Marabeth Clapp, Steve Petersen, and Mark Gibson; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk; Cai Xing Li, President, and Chen Chao, Manager, and Applicant representatives.

Commissioner Buchanan opened the liquor hearing. He requested that the Applicant present the business plan. He noted that this application involved the formation of a new corporation at an existing business.

Chen Chao, Manager, addressed the Commission. He was present to act as a translator for Cai Xing Li, Corporation President. A new corporation has been formed and Mr. Li has taken on three (3) additional officers. Kobe Japanese Steak & Sushi had been held by Kobe Japanese Steak & Sushi, Inc. Originally, there were two (2) corporate officers: Xian Guang Liu and Cheung Wan Lam. The new corporation brought on two (2) additional corporate officers: Cai Xing Li and Cheng Bin Zheng.

Commissioner Petersen questioned if the restaurant's management would remain the same. Mr. Chao responded affirmatively.

Commissioner Gibson questioned if there was a history of violations. Tracey Covert, City Clerk, responded negatively.

Motion by Commissioner Petersen, seconded by Commissioner Clapp that the application of, Kobe Steakhouse of Japan IL, Inc., d/b/a Kobe Japanese Steak & Sushi located at N. Veterans Pkwy., #7 and 8, 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 Buchanan informed the Applicant that this item would appear on the Council's January 25, 2010 meeting. The item would appear on the Consent Agenda. He encouraged their attendance.

There being no further business the hearing recessed at 5:01 p.m.

The Bloomington Liquor Commissioner Rich Buchanan called the Liquor Hearing to hear the request of CS Bloom, Inc., d/b/a Central Station Cafe, located at 220 E. Front 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 regarding the change of stock holder. Present at the hearing were Liquor Commissioners Rich Buchanan, Marabeth Clapp, Steve Petersen and Mark Gibson; George Boyle, Asst. Corporation Counsel; Tracey Covert, City Clerk.

Commissioner Buchanan opened the liquor hearing. The City had received a letter from Chad Ellington, owner and license holder for Central Station. The City had been informed that Mr. Ellington was the sole stockholder. It was noted that the Commission must be informed of the deletion of a shareholder.

Commissioner Buchanan noted that Mr. Ellington was his nephew.

Motion by Commissioner Petersen, seconded by Commissioner Gibson that the Commission had been informed and approved the change of stock holder for CS Bloom Inc., d/b/a Central Station Cafe, located at 220 E. Front 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.

Ayes: Commissioner Clapp, Petersen and Gibson.

Abstains: Commissioner Buchanan.

Motion carried.

George Boyle, Asst. Corporation Counsel, informed the Commission of the potential for issues regarding the payment of the City's packaged liquor and/or prepared food and beverage tax at the Commission's February 9, 2010 meeting.

There being no further business the hearing adjourned at 5:05 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk