

MEMORANDUM

TO: Urbana City Council
FROM: Diane Wolfe Marlin, Mayor and Local Liquor Control Commissioner
Kathryn Levy, Deputy Local Liquor Control Commissioner
James Simon, City Attorney
DATE: May 18, 2020
RE: Questions and Comments Received on the Proposed Fiscal Year 2020/2021
Liquor License Fee Schedule

Introduction

Included in this memo are answers related to questions and comments received from members of City Council and current liquor license holders regarding the proposed fiscal year 2020/2021 liquor license fee schedule. The Urbana City Code requires revisions to the Schedule of Fees be reviewed by the City Council and put on file with the City Clerk's Office at least thirty (30) days prior to final action by the City Council. During that time, the Schedule of Fees is available for public inspection and comment.

Background

On February 24, 2020, City Council approved Ordinance No. 2020-02-005 consolidating twenty-seven (27) classes of liquor licenses to twenty (20) classes of liquor licenses and eight (8) optional rider classifications, a complete revision of Urbana City Code Chapter 3 – Alcoholic Liquors (UCC Ch. 3). On April 20, 2020, City staff presented a proposed liquor license fee schedule for the 2020/2021 fiscal year to reflect the approved changes in the license categories.

The packet of information that was provided at the April 20, 2020 City Council meeting was sent to all current liquor license holders on April 24, 2020 to solicit their feedback, questions, and concerns.

As of the writing of this memo, the Liquor Commissioner and staff have received questions and comments from two Urbana City Councilmembers and two liquor license holders.

1. Class INC – Incubator License renewal period and rationale for fee of \$4,000 (from Councilmembers Wu and Miller)

This license classification was created in response to requests for an additional license to accommodate new business models that do not fit into any of the current license classifications. The license would be for a six (6) month period and would be eligible for a one-time renewal of one hundred eighty (180) days at the end of the initial period. The proposed \$4,000 fee would be split for each six (6) month period.

Rather than create a new license each time somebody proposes a new type of business, City Council approved of the Class INC license that gives entrepreneurs an opportunity to explore creative business models. If the model works, if others want to do the same thing, etc., then we could decide

to create a new license class. This would be more efficient on both sides compared to drafting new code language that would have to be approved by City Council, followed by City Council approval of the license itself. Class INC licenses require discussion and approval by City Council, same as any other classification.

The fee is proposed at \$4,000 because of the requirements and staff time involved in the process. The Class INC license would involve extra work by staff because it is a custom-approach for a business model and license that does not otherwise fit into the approved code. Proposals will require meetings with clients, some may require security plans or require additional review by Public Works or Building Safety, depending on what is proposed. Staff will also have to review the applicant's business plan to ensure that the business model meets all state and local requirements. Ultimately, the Local Liquor Commissioner will still determine whether to bring the proposed license to City Council for approval, as she does now.

2. Class MB-2 – Microbrewery License rationale for fee increase from \$50 to \$3,000 (from Councilmember Miller)

An MB-2 Microbrewery license in our current code allows for the manufacture, storage, sale to other liquor licensees, and sale to the public for on- or off-premises consumption in *conjunction* with a separate class of liquor license. Instead of requiring the business owner to pay for two licenses, the revised MB-2 license in the code that will go into effect on July 1, 2020 has combined the two licenses required into one self-contained classification for approximately the same amount of total fee.

a. Example. 25 O'clock Brewing Company currently has MB-2 Microbrewery license, Class BW Sidewalk Café license, and Class B Beer license (beer of their own manufacture) for a total of \$2,946. The new MB-2 license includes the sale of all beer, wine, and liquor (regardless of manufacturer), and the Class BW Sidewalk Café license is now free for a total of \$3,000. In addition, package liquor sales were incorporated in the current classification, and remain in the forthcoming liquor code, as well.

3. An Increase in Fees for certain License Classifications (Michael Madigan, owner of Hickory River Smokehouse)

Please see Attachment A for that correspondence.

4. An Increase in Fees for certain License Classifications (Matt Cho, owner of Analog, Broadway Food Hall, Sipyard/[CO] [LAB]/Cafeteria & Company)

Please see Attachment B for that correspondence.

Recommendation

The Office of the Local Liquor Commissioner and the City Attorney recommend sending the Proposed Fiscal Year 2020/2021 Liquor License Fee Schedule provided by the Finance Department to the City Council meeting on May 26, 2020 for approval.

Attachment A

From: Mike Madigan <mike.madigan@hickoryriver.com>
Sent: Saturday, April 25, 2020 2:22 PM
To: Brickman Levy, Kathryn <klbrickmanlevy@urbanailinois.us>
Subject: Re: Proposed Liquor License Fee Schedule

Okay great. Thanks for the response and be safe!

Mike

On Sat, Apr 25, 2020 at 11:37 AM Brickman Levy, Kathryn <klbrickmanlevy@urbanailinois.us> wrote:

Hi Mike. There was a provision written into the new code for a discount related to less than 10% liquor sales. That would apply to you. When I get back in the office I'll take a look at everything and send you license cost...

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mike Madigan <mike.madigan@hickoryriver.com>
Date: 4/25/20 11:01 AM (GMT-06:00)
To: "Brickman Levy, Kathryn" <klbrickmanlevy@urbanailinois.us>
Subject: Re: Proposed Liquor License Fee Schedule

Thanks Kate,

So the way I read this, my license fees will go from about \$3,800 (R-2 + CA) to \$4,500 (R&T2 + CA). What happened to the idea of looking at lower fees for restaurants with low volume sales? Also, it appears I will no longer be able to sell beer at Andrae's Harley Davidson events (unless I can buy a TEMP-C for \$90?).

Please let me know if I'm reading this wrong.

Thanks,
Mike

On Fri, Apr 24, 2020 at 6:24 PM Brickman Levy, Kathryn

From: [Mike Madigan](#)
To: [Brickman Levy, Kathryn](#)
Subject: Re: Proposed Liquor License Fee Schedule
Date: Monday, April 27, 2020 9:57:32 AM

Thanks for pointing out the discount provision. I had missed that!

Mike

On Mon, Apr 27, 2020 at 9:20 AM Brickman Levy, Kathryn
<klbrickmanlevy@urbanaininois.us> wrote:

Mike I did some number crunching.

You currently pay \$3,818 for the R-2 and CA1 licenses.

Under the new code and proposed fee schedule you will pay 75% of the \$3,000 R&T-2 license (\$2,250) and \$350 for the Catering rider for a total of \$2,600.

The cost savings to you is **\$1,218** from last fiscal year to this upcoming.

Hope that helps.

Kate Levy

EA to the Mayor and City Administrator

Deputy Local Liquor Commissioner

400 S Vine St | Urbana IL 61801

217.384.2456



<klbrickmanlevy@urbanaininois.us<mailto:klbrickmanlevy@urbanaininois.us>>

wrote:

Dear all –

This past Monday evening, the City Finance Department presented their proposed fee schedule for liquor licenses for the upcoming 2020-21 year to the City Council Committee of the Whole. This remains on file for public comment for 30 days. I wanted to make you aware of this so that you could take a look at the new classifications and the proposed costs associated with them.

If you have any questions to pose, or comments to share, please direct those to liquor@urbanaininois.us<mailto:liquor@urbanaininois.us>. This is the new email that we have set up to deal with future liquor related inquiries.

I also wanted to relay that there are current updates on several grant and loan programs and webinars for small businesses, non-profits and minority business support. Please apply as soon as possible with your banker for the Paycheck Protection Program, with the SBA for the Economic Injury Disaster Loan (EIDL) and note the deadline of next Tuesday, April 28th for the LISC Small Business Relief Grants.

GRANTS AND FINANCIAL ASSISTANCE:

Paycheck Protection Program

The SBA is currently unable to accept new applications for the Paycheck Protection Program based on available appropriations funding, however, you should still reach out to your partner banker as they may still be able to help you as funds were replenished on April 24th but aren't expected to last long. It is recommended that if you have an application in process, make sure your banker has everything they need to submit your complete application on Monday, April 27th. <https://home.treasury.gov/system/files/136/Paycheck-Protection-Program-Application-3-30-2020-v3.pdf>

SBA Economic Injury Disaster Loan Program (EIDL) & Economic Injury Disaster Loan Advance: SBA is unable to accept new applications at this time for the Economic Injury Disaster Loan (EIDL) – COVID-19 related assistance program (including EIDL Advances) based on available appropriations funding. Applicants who have already submitted their applications will continue to be processed on a first-come, first-served basis. Additional funds were added to the program on Friday, April 24th so check back frequently as this portal may open again on Monday, April 27th: <https://covid19relief.sba.gov/#/>

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particular pool of relief funding.

Before completing the application, please read the Grant Overview and FAQ: <https://www.lisc.org/covid-19/small-business-assistance/small-business-relief-grants/> Applications must be submitted by Tuesday, April 28 at 11:59PM EST. Grants will be made in the amounts of \$5,000, \$7,500, and \$10,000.

LISC Small Business Loans - Emergency Financing for Small Businesses
(program brought to you with funding from State Farm®)

LISC provides loans from \$75,000 to \$500,000 to small businesses through the LISC Rapid Relief and Resiliency Fund. The program allows LISC to make loans similar to banks, but with more flexible credit standards to reach businesses that might not qualify for conventional bank financing.

To apply, please complete this questionnaire, a critical step in determining eligibility for the program: <https://www.surveymonkey.com/r/LISCStateFarm>.

I appreciate you continuing to reach out to us with your needs, concerns, updates, and encouragement. We will be sending renewal information to you sometime in the next few weeks as we figure out the logistics of dealing with our current situation.

Be safe and stay well.

Kate Levy

EA to the Mayor and City Administrator

Deputy Local Liquor Commissioner

400 S Vine St | Urbana IL 61801

217.384.2456

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From: [Marlin, Diane](#)
To: [Matthew Cho](#)
Cc: [Brickman Levy, Kathryn](#)
Subject: Re: Proposed Liquor License Fee Schedule
Date: Thursday, April 30, 2020 10:11:36 AM

you're welcome. It was a tremendous amount of work over a 9 month period, and it is a huge improvement over what we had. I look forward to BFH opening.

On Apr 30, 2020, at 10:03 AM, Matthew Cho <mattcho@gmail.com> wrote:

Disappointing to hear. Thanks for all your work you have put in on this.

On Thu, Apr 30, 2020 at 10:02 AM Marlin, Diane <dwmarlin@urbanaininois.us> wrote:

Yes, it is a fair and consistent fee schedule and Liquor Code.

Diane Wolfe Marlin
Mayor

Urbana City Building
400 S. Vine St.
Urbana, IL 61801
217-384-2456

From: Matthew Cho <mattcho@gmail.com>
Sent: Thursday, April 30, 2020 9:59 AM
To: Marlin, Diane
Subject: Re: Proposed Liquor License Fee Schedule

Hi Daine, thanks for the reply. Yes, the food hall should be opening soon for carryout! Maybe next Wed....hopefully.

Just to clarify, Broadway was paying the B&W license (\$2865) not a R&T license. So it will increase to \$3000. And we were on pace for a good 2020 before this all happened so I don't think we would have qualified for the 10% alcohol / food sales discount.

If you look at that table and can honestly say that is fair breakdown of fees, then I will have to live with that.

On Thu, Apr 30, 2020 at 9:45 AM Marlin, Diane <dwmarlin@urbanaininois.us<<mailto:dwmarlin@urbanaininois.us>>> wrote:
Matt,

As Kate indicated, you should save over \$600 on the Food Hall by switching to an R&T license. Furthermore, if your liquor sales are 10% or less of the overall food and beverage sales in the Food Hall, you'll get a discount on the license fee. The new code and fee structure were written with the overall good of the small business community in mind, and to reduce the number of "custom" liquor licenses that had sprung up over the years. We addressed that through the use of basic licenses and riders, as well as adding the "incubator" license for new business concepts to increase flexibility and fairness.

Just curious, do you plan to the food hall for carry-out going forward? (I'm sure missing the soup from BFH !)

Diane Wolfe Marlin
Mayor

Urbana City Building
400 S. Vine St.
Urbana, IL 61801
217-384-2456

From: Matthew Cho <mattcho@gmail.com><mailto:mattcho@gmail.com>>
Sent: Thursday, April 30, 2020 9:08 AM
To: Brickman Levy, Kathryn
Cc: ! Jakobsson, Eric; Marlin, Diane; Mitten, Carol
Subject: Re: Proposed Liquor License Fee Schedule

Feel free to check my numbers (my estimated businesses for the type of license are underlined and in italics). Seems like the method to round down (generously in some cases) bypassed my businesses and caterers.

		Current LL Fee	Proposed LL Fee	% Difference		
Bars	13	\$5,329.00	\$69,277.00	\$4,000.00	\$52,000.00	-24.94%
Beer & Wine	2	\$2,865.00	\$5,730.00	\$3,000.00	\$6,000.00	4.71%
<i>Sipyard, Analog</i>						
Restaurants	25	\$3,958.00	\$98,950.00	\$3,500.00	\$87,500.00	-11.57%
Food Hall	1	\$2,865.00	\$2,865.00	\$3,000.00	\$3,000.00	4.71%
<i>Broadway Food Hall</i>						
Hotel	4	\$5,329.00	\$21,316.00	\$4,000.00	\$16,000.00	-24.94%
Breweries (B&W)	2	\$2,916.00	\$5,832.00	\$1,500.00	\$3,000.00	-48.56%

Breweries (ALL)	0	\$5,380.00	\$0.00	\$3,000.00	\$0.00	-44.24%
Grocery, Liquor Stores	23	\$5,198.00	\$119,554.00	\$3,750.00		
		\$86,250.00				-27.86%
Catering	2	\$1,429.00	\$2,858.00	\$1,500.00	\$3,000.00	
						4.97%
Golf	2	\$5,496.00	\$10,992.00	\$5,000.00	\$10,000.00	-9.02%
Video Gaming	4	\$5,834.00	\$23,336.00	\$5,500.00	\$22,000.00	
						-5.73%
Retirement	1	\$3,112.00	\$3,112.00	\$3,000.00	\$3,000.00	
						-3.60%
University	1	\$3,112.00	\$3,112.00	\$3,000.00	\$3,000.00	
						-3.60%

Total (80): 80
 Weighted Discount: -19.67%

On Wed, Apr 29, 2020 at 5:42 PM Brickman Levy, Kathryn
 <klbrickmanlevy@urbanaininois.us<mailto:klbrickmanlevy@urbanaininois.us>
 <mailto:klbrickmanlevy@urbanaininois.us<mailto:klbrickmanlevy@urbanaininois.us>>>
 wrote:
 Hi Matt –

My responses are in blue to your last two emails:

So, just to clarify.

Class A goes from \$5730 to \$4000. Approximately 30% discount, which I assume is the majority of all license holders. This is not the majority of all license holders. Only 13 of our 80 license holders currently have a Class A. It is also possible that that number will decrease in the new licensing year, as well, with the addition of the R&T licenses. No added benefits outside of the discount. Our intent in the revision of the code and streamlining basic license classifications was to mimic Champaign in that there is no differentiation between wine bars/beer only bars/beer and wine bars/and other bar establishments. Now, the new Class A fee proposal is \$4,000; an additional \$1,000 less if beer and/or wine only.

Breweries (MB-2) goes from \$2865 to \$3000 and can sell their own product PLUS beer, wine, AND liquor (MB-2). \$135 increase to sell everything a Class A has at \$3000 instead of \$4000. Microbreweries have been and remain a separate classification entirely from regular bars in that their business is also responsible for manufacture of product. Just as R&T licenses remain a separate classification entirely from regular bars in that bona fide meals are one of the primary services of their business.

All three of the businesses I am associated with go from \$2865 to \$3000. A 4.5% increase with no added benefits. Again, our intent in the revision of the code and streamlining basic license classifications was to mimic Champaign in that there is no differentiation between wine bars/beer only bars/beer and wine bars/and other bar establishments. Analog and Sipyard were the only bars in Urbana that had their own special classification of license. Each of those licenses will see an increase of \$135 when changing to the Class A. As stated in my earlier email, I estimate that Broadway Food Hall applying for a R&T-2 license will result in a

cost savings of \$615 for that license fee.

Also, I am not entirely sure of what breweries or grocery stores were paying previously under the various Class Bs, but I would also like to know the change in fees and whether they benefited from the new LL. The current City of Urbana Schedule of Fees and the proposed fee schedule can be found here:

<https://www.urbanaininois.us/fees>. Ordinance No. 2020-02-005 (Liquor Code Revision) approved by Urbana City Council on February 25th of this year can be found here: https://www2.city.urbana.il.us/_Ordinances_-_Resolutions/Ordinances/2020/Ordinance_2020-02-005.pdf

Just as with the all ages conversation, I also attended all the sessions and made my beer and wine comments known. I am having a hard time understanding if my comments were fairly implemented. I can honestly tell you that we endeavored very hard in the revision of this liquor code to address as many inconsistencies and outdated processes as possible. Overall, we are proud that the new structure of the code is fair, flexible, responsive to current and future business needs, and will support the creation of opportunities for Urbana businesses and organizations.

Thank you for sharing your comments and concerns.

Kate Levy
EA to the Mayor and City Administrator
Deputy Local Liquor Commissioner

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217.384.2456

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From: Matthew Cho <mattcho@gmail.com<mailto:mattcho@gmail.com>>>
<mailto:mattcho@gmail.com<mailto:mattcho@gmail.com>>>>
Sent: Wednesday, April 29, 2020 2:24 PM
To: Brickman Levy, Kathryn
<kbrickmanlevy@urbanaininois.us<mailto:kbrickmanlevy@urbanaininois.us>>>
<mailto:kbrickmanlevy@urbanaininois.us<mailto:kbrickmanlevy@urbanaininois.us>>>>
Cc: ! Jakobsson, Eric <councileric@gmail.com<mailto:councileric@gmail.com>>>
<mailto:councileric@gmail.com<mailto:councileric@gmail.com>>>>; Marlin,
Diane <dwmalin@urbanaininois.us<mailto:dwmalin@urbanaininois.us>>>
<mailto:dwmalin@urbanaininois.us<mailto:dwmalin@urbanaininois.us>>>>
Subject: Re: Proposed Liquor License Fee Schedule

Also, I am not entirely sure of what breweries or grocery stores were paying previously under the various Class Bs, but I would also like to know the change in fees and whether they benefited from the new LL.

Just as with the all ages conversation, I also attended all the sessions and made my beer and wine comments known. I am having a hard time understanding if my comments were fairly implemented.

On Wed, Apr 29, 2020 at 2:10 PM Matthew Cho
<mattcho@gmail.com<mailto:mattcho@gmail.com>>
<mailto:mattcho@gmail.com<mailto:mattcho@gmail.com>>>> wrote:
So, just to clarify.

Class A goes from \$5730 to \$4000. Approximately 30% discount, which I assume is the majority of all license holders. No added benefits outside of the discount.

Breweries (MB-2) goes from \$2865 to \$3000 and can sell their own product PLUS beer, wine, AND liquor (MB-2). \$135 increase to sell everything a Class A has at \$3000 instead of \$4000.

All three of the businesses I am associated with go from \$2865 to \$3000. A 4.5% increase with no added benefits.

On Wed, Apr 29, 2020 at 1:47 PM Brickman Levy, Kathryn
<kbrickmanlevy@urbanainlinois.us<mailto:kbrickmanlevy@urbanainlinois.us>>
<mailto:kbrickmanlevy@urbanainlinois.us<mailto:kbrickmanlevy@urbanainlinois.us>>>> wrote:
Hi Matt –

You are correct in that the traditional Class A liquor license that provides for drink and package consumption on- and off-premises is morphing into a lower-fee classification. With the passage of the new liquor code this past spring (which goes into effect July 1, 2020), the new Class A license is a strict on-premises license with a proposed \$4,000 fee. The beer & wine only option for a Class A allows for an additional \$1,000 reduction in the fee.

In the code revision, the 3 variations of the Class B license (to include Class B, Class BB, and Class BBB) were eliminated. These licenses accounted for approximately 11 licenses: 2 microbreweries, 4 grocery stores, 2 gas stations, 2 bars, and 1 food hall. And in truth were all over the map. Class B Licenses allowed for beer retail for consumption on- or off-premises. Class BB Licenses allowed for beer/wine retail for consumption on- or off-premises. Class BBB Licenses allowed for beer/wine for consumption off-premises only.

In the new liquor code these various licenses were placed within a more consistent, fair, and efficient structure which was the intent of the rewrite:

- The 2 microbreweries now have a self-contained license under the MB Class
- The 6 grocery stores and gas stations now join the other 23 grocery stores and gas stations who have Package Liquor licenses

The remaining 3 licenses are for the wine bar, the food hall, and the Sipyard license which houses 3 different businesses: cafeteria and co, colab, and Sipyard (your licensed establishments).

- Analog currently has a Class BB (\$2865). The move to a Class A would result in a \$135 increase in license fee (\$3000).

- Sipyard et al. currently has a Class BB (\$2865). The move to a Class A would result in a \$135 increase in license fee (\$3000).
- Broadway Food Hall currently has a Class BB (\$2865). The move to a R&T-2 would result in a \$135 increase in license fee (\$3000). However, there is a provision written into the new code that if liquor sales are beneath 10% of total sales there will be a 25% reduction in the fee. This would result in a \$615 decrease in license fee (\$2,250).

I cannot speak to your anticipation that “with more hard liquor bars this may impact any sort of family atmosphere in downtown”. What I do know is that there was significant request for greater availability for all ages in our Class A establishments and we took those requests into account when rewriting the code. For example, these two provisions are in the new code:

- Class A Licensed Establishments (Sec. 3-46 (a) (1) p16) A Class A licensee may elect to permit or allow persons age eighteen (18), nineteen (19) and/or twenty (20) to frequent or remain in any public area of the premises if the local commissioner is provided with a written notice. Please note, a Class A licensee may, but is not required to, allow persons under age eighteen (18) who are accompanied and remain accompanied by a parent or a verifiable legal guardian to be on the premises.
- All Ages Live Entertainment Event Rider (Sec. 3-54 (a) (2) p30) Persons between the ages of fourteen (14) and seventeen (17) may be allowed to attend the licensee’s live entertainment event subject to conditions set forth in the proposed code (without presence of verifiable legal guardian). The live entertainment must conclude no later than 11:00 p.m. Persons between the ages of fourteen (14) and seventeen (17) may be present only during the live entertainment or within one (1) hour before and after the live entertainment event.

Additionally, several of our traditional Class A establishments now qualify for the new R&T licenses which also better allow for all ages to be present in establishments where bona fide meals are regularly prepared and served as one of the primary services of the business. This models what Champaign does in its vibrant downtown area.

I hope that these explanations have helped in your understanding of the changes.

Kate Levy
EA to the Mayor and City Administrator
Deputy Local Liquor Commissioner

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From: Matthew Cho <mattcho@gmail.com<<mailto:mattcho@gmail.com>>
<<mailto:mattcho@gmail.com><<mailto:mattcho@gmail.com>>>>
Sent: Tuesday, April 28, 2020 4:10 PM
To: Brickman Levy, Kathryn
<kbrickmanlevy@urbanailinois.us<<mailto:kbrickmanlevy@urbanailinois.us>>
<<mailto:kbrickmanlevy@urbanailinois.us><<mailto:kbrickmanlevy@urbanailinois.us>>>>
Subject: Re: Proposed Liquor License Fee Schedule

Thanks Kate, so I note that full liquor licenses decreased (~\$5600 to \$4000) while beer and wine licenses or restaurants that only do beer and wine increased (~\$2800 to \$3000 or \$3500).

Is there an explanation for why businesses that do not want to operate as a full bar pay more in this system?

Seems to encourage businesses that only had beer and wine to go full liquor for only \$1000 more.

I anticipate with more hard liquor bars this may impact any sort of family atmosphere in downtown.

Of course, I am happy to have a nightlife in downtown that extends past midnight, it just seems there is not much of a distinction between full liquor vs. beer and wine establishments, where in fact beer and wine establishments are now more costly to operate.

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 **Matt Cho**

 Matt Cho
You're friends on Facebook



 Wanna discuss this LL stuff tomorrow? Im not asking for much.

Hey matt. Let me check my schedule. Might not work today, but maybe tomorrow or Monday.. will let you know

Sure, let me know. Basically I don't need the whys and hows of this. That table should show where I am coming from. If everyone gets a discount except for me and a few caterers then just make it right.

I mean that is why this is DRAFT and open for comments right? To point out stuff like this. So yea, I don't need you to defend your process or reasons, just look at the table and tell me if that is fair that everyone else is getting some sort of discount except us.

Please do not engage me further via facebook messaging regarding this issue.