

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
January 7, 2008

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on January 7, 2008, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Ted Arndt, Drew Cassidy,
Don Jackson - 4
Absent: Dan Irving - 1

Others present: Eric Turner, Deputy Liquor Commissioner; Sonni Williams, Assistant Corporation Counsel; Jim Brownfield, Inspections Department; Kristin Cannaday-Stash, Commission Secretary; and concerned citizens.

I. CALL TO ORDER

Chairman McCabe called the meeting to order at 3:30 p.m.

II. APPROVAL OF MINUTES

Commissioner Jackson moved to approve the Minutes of the December 3, 2007 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

Yeas: Arndt, Jackson, McCabe – 3;

Nays: 0;

Abstention: Cassidy (was not present at December meeting) – 1.

III. LIQUOR SITE APPLICATIONS

08-1 Water Street Wines, Café & Coffees, Inc.
d/b/a Water Street Wines, Café & Coffees
100 State Street, Suite A
Requesting: Class G (tavern/restaurant, beer & wine only)
Subclass 3A (sidewalk café)

Ms. Diane Mitzelfelt and Mr. Paul Hahn, business owners, and Mr. Pat Sullivan, building owner, presented an application for a Class G (tavern/restaurant, beer & wine only) Liquor License, along with an application for a Subclass 3A (sidewalk café) license for 100 State Street, Suite A.

In response to Chairman McCabe regarding where the establishment would be, Ms. Mitzelfelt explained that they were right on the corner of Water and State where the coffee shop was, on the corner by the mural.

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Ms. Mitzelfelt indicated they were opening as a café and wine bar and their hours would be in the mornings for a light breakfast at 6:30 a.m. until 4:00 p.m. Monday and Tuesday, Wednesday and Thursday from 6:30 a.m. until 9:00 p.m., and the weekends from 6:30 a.m. until 11:00 p.m.

In further conversation, Ms. Mitzelfelt stated that her husband, Paul Hahn, owned the Mackinaw Valley Winery and they would be serving his wine along with other wines as well.

In further discussion with Commissioner Jackson, Attorney Williams explained that the sidewalk café permit had been granted by the City Council, which was required because of possible zoning issues and the sidewalk being on public property. She said that the Liquor Commission could recommend or not recommend that alcoholic beverages could be served on the sidewalk café.

In discussion with Chairman McCabe regarding the policing of the alcohol being consumed on the sidewalk café, Ms. Mitzelfelt stated there would be an employee working the sidewalk café area when that area was open.

Ms. Mitzelfelt stated they could seat about 50 patrons on the inside and the sidewalk café could seat about 30, depending upon how the tables were set up. She also stated that the height of the fence is 42 inches tall, the same as at Kelleher's. She indicated they would also add things such as planters to give the feeling of visual border and privacy.

In discussion with Commissioner Arndt, Ms. Mitzelfelt stated they did not have plans for live entertainment.

Hearing no further questions or comments from any neighbors or anyone in the audience, Chairman McCabe called for the vote.

A motion was made by Commissioner Jackson to recommend the Class G (tavern/restaurant, beer & wine only) Liquor License at 100 State Street, Suite A; seconded by Commissioner Arndt.

Yeas: Arndt, Cassidy, Jackson, McCabe – 4;
Nays: 0.

Chairman McCabe stated that this would be presented at the City Council on Tuesday, January 22, 2008 and a representative of this application should be present.

08-2 Javier Munoz
d/b/a Mi Rancho Grande
1112 W. Pioneer Parkway
Requesting: Class B (restaurant, full-service bar)
Subclass 3 (beer garden)

Mr. Javier Munoz, owner, presented an application for a Class B (restaurant, full-service bar) Liquor License with the addition of a Subclass 3 (beer garden) License for a restaurant he plans to open at 1112 W. Pioneer Parkway.

Mr. Munoz stated he planned to open a restaurant serving Mexican food, very similar to a restaurant he owns in Chillicothe called *Tequila's*.

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In discussion with Chairman McCabe, Mr. Munoz stated they were planning to be open seven days a week from 11:00 a.m. until 9:00 p.m. Sunday through Thursday and from 11:00 a.m. until 10:00 p.m. Friday and Saturday, depending how the business goes.

In further discussion, Mr. Munoz indicated the only changes since it was *El Sombrero* and *Cinco de Mayo* on the interior was a lot of cleaning, some painting and new carpet.

Mr. Munoz explained that the entrance to the beer garden was through the inside of the restaurant. He added that the fence surrounding the beer garden was about seven feet tall, making it very private.

In discussion with Deputy Liquor Commissioner Turner regarding the zero tolerance for not paying HRA taxes, Mr. Munoz stated there was no affiliation whatsoever with the previous owners who had not paid their HRA taxes.

Mr. Munoz also stated that all of his handicap parking signs had been updated, as had been noted by the Site Plan Review Board.

Hearing no further questions or comments from any neighbors or anyone in the audience, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to recommend the Class B (restaurant, full-service bar) Liquor License with a Subclass 3 (beer garden) License at 1112 W. Pioneer Parkway; seconded by Commissioner Jackson.

Yeas: Arndt, Cassidy, Jackson, McCabe – 4;
Nays: 0.

Chairman McCabe stated that this would be presented at the City Council on Tuesday, January 22, 2008 and a representative of this application should be present.

IV. UNFINISHED BUSINESS

Discussion Pertaining to Auditing Class B and Class B-1 Liquor Licenses

Commissioner Arndt expressed concern that there was no one to audit the Class B and Class B-1 Liquor Licenses to make sure they met their food sales percentages and that it took so long to collect HRA taxes from the businesses who were in arrears. He suggested as a possible solution that the Liquor Commissioners volunteer to audit the financial monthly reports that would be randomly chosen by Deputy Liquor Commissioner Turner.

Commissioner Cassidy indicated there could be a simple addition written into the Code that the owner sign an affidavit when the reports were filed with the State and City each month swearing that the amounts they have filed were true and correct.

Chairman McCabe indicated that at the last Liquor Commission meeting, the Commissioners had discussed the possibility of auditing some of the B-1 establishments and to announce this possibility to establishment owners at the Annual Liquor License Meeting in February.

Attorney Williams stated she would discuss this possibility with Corporation Counsel Randy Ray and would get back with the Commissioners at the next Commission Meeting.

V. NEW BUSINESS

Discussion regarding proposed amendments to Chapter 3 of the City Code.

Attorney Williams distributed the proposed amendments to Chapter 3 of the City Code to the Commissioners for their input and consideration.

Chairman McCabe stated that he agreed with the changes, but needed clarification regarding several of the sections.

With regard to Section 3-27, Attorney Williams stated there was a trend to use cell phones rather than having a landline phone, especially in beer gardens and sidewalk cafes, and the Police have problems when someone calls 9-1-1 from a cell phone because those calls are not always traceable.

After further discussion, there was a consensus that “not less than one landline phone” be added to Section 3-27(b).

Commissioner Jackson stated that under Section 3-1, “restaurant”, he would like to see “any premises represented to the Liquor Commission to be a restaurant” added to the first sentence in this section. He said this would cover the establishments who claimed they did not know they needed a kitchen when applying for a Class B-1.

Commissioner Cassidy stated that the Class B-1 is a gift and the burden of proof should be on the establishment. He also stated that the definition of the “restaurant” should include “any public place open, kept, used, maintained, advertised and held out to the public primarily as a place where meals are served . . .” be added to Section 3-1.

Commissioner Arndt expressed concern that the City had no one to audit the Class B establishments on a regular basis. He reiterated that the Liquor Commissioners would be available to randomly audit these licensed establishments each month and if the establishments do not meet the requirements of the Class B or B-1, they could be brought before the Deputy Liquor Commissioner for a hearing or change their Class license.

Chairman McCabe stated that the Commissioners could voluntarily audit several Class B license holders after they have submitted their reports each month on Liquor Commission Meeting days.

After reviewing the powers of the Liquor Commission in the Liquor Code, Commissioner Cassidy stated that the Deputy Liquor Commissioner had the power to randomly choose some license holders to be audited by the Liquor Commission.

Commissioner Jackson stated that added language should include that “all Class B licenses are subject to random audits and regular paperwork to be filed each month.”

In discussion with Attorney Williams regarding whether the Commissioners wanted to require an oven, range and grill in the definition of a restaurant, Inspector Brownfield stated that one of the Health Department requirements that had to be in place before they would allow an establishment to open and serve food included a three-compartment sink with a grease

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interceptor or separator and a separate mop sink and there were additional requirements for exhaust if they had a grill.

After further discussion, there was a consensus among the Commissioners that the definition include “oven, range or grill.”

Attorney Williams said she would draft a proposed Ordinance to present to the City Council with the changed language recommended by the Liquor Commissioners.

Revisiting the Expansion of the Subclass 1 (4:00 a.m. Closing) License:

Deputy Liquor Commissioner Turner stated that the Subclass 1 Licenses would be revisited again before the October 23, 2008 date that had been set by the City Council.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, February 4, 2008.

VII. ADJOURNMENT

Commissioner Cassidy moved to adjourn the meeting; seconded by Commissioner Arndt.

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:22 p.m.

Kristin Cannaday-Stash, Secretary