

**MINUTES OF THE CITY OF PEORIA  
LIQUOR COMMISSION  
February 4, 2008**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on February 4, 2008, Chairman Frank McCabe presiding.

**ROLL CALL:**

Present: Chairman Frank McCabe; Commissioners Ted Arndt, Drew Cassidy (arrived at 3:37 p.m.), Dan Irving - 4  
Absent: Don Jackson - 1

Others present: Eric Turner, Deputy Liquor Commissioner; Sonni Williams, Assistant Corporation Counsel; Fred Sepp, Fire; Capt. Otis Leach, Fire Inspector; Scott Jordan, Police Investigator; Kristin Cannaday-Stash, Commission Secretary; and concerned citizens.

**I. CALL TO ORDER**

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

Chairman McCabe recognized Fire Investigator Fred Sepp who retired in January and thanked him for his service to the Liquor Commission. He welcomed Captain Otis Leach who will take over as Fire Investigator for the Liquor Commission.

**II. APPROVAL OF MINUTES**

Commissioner Arndt moved to approve the Minutes of the January 7, 2008 Liquor Commission Meeting; seconded by Commissioner Irving.

Approved by roll call vote:

Yeas: Arndt, Irving, McCabe – 3;

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

**08-3 LMS, Inc.**  
**d/b/a J Pree's**  
**539 Main Street**  
**Has: Class B-1 (restaurant, 25% food)**  
**Requesting: Class A (tavern)**

Attorney Mike Seneca, representing J Pree's, presented an application for a Class A (tavern) Liquor License to replace the current Class B-1 (restaurant, 25% food) in order to comply with the City of Peoria Liquor Code.

Attorney Seneca stated this establishment did not sell 25% food and was not an under-21 crowd establishment so changing to a tavern license would not be a problem.

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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 A (tavern) Liquor License for 539 Main Street; seconded by Commissioner Irving.

Yeas: Arndt, Irving, McCabe – 3;  
Nays: 0.

**08-4      Hickory River Smokehouse, LLC  
              d/b/a Hickory River Smokehouse  
              5101 W. Holiday Drive  
              Requesting: Class G (restaurant/tavern, beer & wine only)**

Attorney Matt Jones and managers Mike Madigan and Mike Johnstone presented an application for a Class G (restaurant/tavern, beer & wine only) Liquor License for 5101 West Holiday Drive, which formerly housed Famous Dave's.

In response to Chairman McCabe, Liquor Investigator Scott Jordan stated it had been reported that there were liquor signs up in the restaurant, which had opened before the liquor license had been presented. He said that he went to the restaurant and told the manager it was against the Liquor Code to have any signs advertising alcohol before a license was granted. He indicated that the manager promptly took down the signs.

In further discussion, Mr. Johnstone stated that the restaurant would be open seven days a week from 10:30 a.m. until 9:00 p.m. Monday through Saturday and from 11:00 a.m. until 8:00 p.m. on Sundays.

Mr. Johnstone indicated that in his restaurant in Urbana which had been open for 13 years and that he had managed for the past two years, beer and wine made up less than 1% of his total sales. He added that they had no problems with the alcohol which was all single serve at the counter, that his staff was very well trained and everyone was carded at the cash register.

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 G (restaurant/tavern, beer & wine only) Liquor License at 5101 W. Holiday Drive; seconded by Commissioner Irving.

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

## **IV. UNFINISHED BUSINESS**

### **Discussion Pertaining to Business Licensing**

Deputy Liquor Commissioner Turner stated that because of the concern of businesses moving out of Peoria still owing the City hundreds of dollars in back HRA taxes, he had asked for a report back on the possibility of licensing businesses other than liquor establishments. He

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indicated that because Peoria is a home rule municipality, it has the authority to license businesses as long as it is not for revenue.

Deputy Liquor Commissioner Turner stated that the biggest benefit would be the City's ability to use the licensing process to revoke or eliminate the license of a business that was not paying its HRA taxes.

Attorney Williams stated that once that license was issued, at a nominal fee, it could be used to regulate whether someone was paying the HRA taxes on time.

Liquor Commissioner Cassidy stated this process would put teeth in making the businesses pay their taxes monthly as required by the City and State laws.

Attorney Williams stated the current court system is a long process and that the license fee would not generate revenue, but it would help regulate paying taxes on time.

**Deputy Liquor Commissioner Turner stated that a recommendation for licensing restaurants had come before Council in 2000, but it was rejected. However, he said, if the Chamber approves this licensing plan, the Council would pass it.**

### **Auditing Class B and B-1 Liquor Licenses**

In discussion with Commissioner Arndt, Attorney Williams stated that the concern expressed by the Commission regarding the auditing of the Class B and B-1 Liquor Licenses was being handled by the City. An employee in the Finance Department had been assigned to periodically audit the restaurant liquor licenses to ensure the food percentages were being met according to the Liquor Code, and she indicated these audits would be submitted to Deputy Liquor Commissioner Turner.

### **Smoking Lounges**

Police Investigator Scott Jordan stated that smoking lounges had opened up to get around the new State smoking law. He stated these issues were being addressed and there was currently a dispute as to when they were licensed to open.

In further discussion with Commissioner Arndt, Liquor Investigator Jordan stated that a room down a hallway does not qualify. He stated that the smoking lounges had to be freestanding unless they were retail stores prior to January 1, 2008.

Liquor Investigator Jordan stated that once the City adopts the smoking ordinance, then the Police can write City ordinance violation tickets which can be prosecuted by the City.

## **V. NEW BUSINESS**

The Annual Liquor Licensee Meeting will be held on Monday, February 11, 2008 at 9:00 a.m. and 2:00 p.m.

## **VI. NEXT SCHEDULED MEETING**

The next scheduled regular meeting of the Liquor Commission is Monday, March 3, 2008.

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**VII. ADJOURNMENT**

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 3:51 p.m.

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Kristin Cannaday-Stash, Secretary