

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
March 3, 2008

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on March 3, 2008, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Ted Arndt; Drew Cassidy; Dan Irving,
Don Jackson - 5
Absent: 0

Others present: Eric Turner, Deputy Liquor Commissioner; Randy Ray, Corporation Counsel; Capt. Otis Leach, Fire Inspector; Scott Jordan, Police Investigator; Jim Brownfield, Inspections; 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 Arndt moved to approve the Minutes of the February 4, 2008 Liquor Commission Meeting; seconded by Commissioner Irving.

Approved by roll call vote:

Yeas: Arndt, Cassidy, Irving, Jackson, McCabe – 5;
Nays: 0

III. LIQUOR SITE APPLICATIONS

08-5 Wal-Mart Stores, Inc.
d/b/a Wal-Mart Store #1323
3315 N. University
Requesting: Class C-1 (package liquor)

Lisa Cheek, Store Manager, and Attorney Harlan Powell presented an application for a Class C-1 (package liquor) Liquor License for 3315 North University.

In response to Chairman McCabe, Mr. Powell stated the store had one aisle, 28 feet, dedicated to alcoholic beverages, none of which would be refrigerated. He also indicated they would be selling beer and wine only.

Ms. Cheek indicated that the store was open from 6:00 a.m. until 11:00 p.m. seven days a week.

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In further discussion regarding security, Ms. Cheek stated that the side doors were for emergency only and fire alarms would go off if they were opened. She added that the liquor aisle was in the front of the store and would be closely monitored.

Ms. Cheek also indicated that only those employees who were 21 years of age or older could check out alcoholic beverages and the registers are equipped so that ID's have to be presented and scanned to show the person is 21 years of age or older before they can sell the alcohol.

Liquor Investigator Jordan stated that the letter from the Police Department dated February 20 stated they had no objection to this request. However, today the Chief stated that the Police Department did object to this request because of the misconception that this was a Super Wal-Mart with a large grocery section. He indicated that the Chief expressed concern that this would set a precedent of department stores, such as Target or Kohl's, asking for alcohol licenses.

Commissioner Jackson clarified that this was the Wal-Mart on University and that the Wal-Mart on Allen Road, which has a liquor license, is a super store and has a large grocery department.

Ms. Cheek stated that they had four aisles of expanded food including grocery, dairy, and frozen and the alcohol would be in the food department.

In response to Commissioner Irving regarding the cash registers, Mr. Powell stated that the computer program inside the registers could be programmed to include hours of sale or days of sale, where the register would reject any alcohol sales on Sunday, for example.

In response to Fire Investigator Leach, Ms. Cheek indicated that any liquor overstock would be stored in a security room in the back of the store and only management had keys to that room.

Ms. Cheek added that the store had security 24 hours a day, with security guards who patrol the parking lot, as well as security cameras inside and outside the store. She also indicated that management and sales associates are trained on how to card and what to look for before they are allowed to check alcohol or tobacco.

Mr. Powell stated that security procedures Wal-Mart has in place have been effective on a state-wide basis and they are acutely aware of the problems associated with alcohol sales.

In response to Commissioner Arndt, Liquor Investigator Jordan stated that there had been only one violation with the Wal-Mart stores and that was with selling cigarettes to a minor at the Allen Road store.

In response to Commissioner Irving regarding the process of purchasing alcohol, Ms. Cheek stated that if the purchaser looks to be 27 or under, an I.D. is requested and the register has a built-in program that automatically scans the I.D. and calculates the birthdate to see if the purchase is allowed.

Mr. Powell added that Wal-Mart was in the process of changing the training so that anyone who appears to be under 40 years of age would be asked for I.D. so there are no subjective mistakes on the part of the cashier.

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

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A motion was made by Commissioner Arndt to recommend the Class C-1 (package liquor) Liquor License for 3315 N. University; seconded by Commissioner Jackson.

Yeas: Arndt, Jackson, McCabe – 3;

Nays: Cassidy, Irving – 2.

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, March 25, 2008.

**08-6 Mickie's Pizzeria, Inc.
 d/b/a Mickie's Pizzeria
 2601 W. Lake, Suite A-5
 Requesting: Class G (restaurant/tavern, beer & wine only)
 Subclass 3A (sidewalk café)**

Michelle Flowers, owner, presented an application for a Class G (restaurant/tavern, beer & wine only) Liquor License with a Subclass 3A (sidewalk café) License for 2601 W. Lake, Suite A-5, which formerly housed Rocky Chan's.

In response to Chairman McCabe, Ms. Flowers stated she has had a pizza restaurant in Pekin for the past 5-1/2 years which they plan to keep open.

Ms. Flowers stated the Peoria restaurant would be open seven days a week from 11:00 a.m. until 10:00 p.m. Sunday through Thursday and from 11:00 a.m. until Midnight on Friday and Saturday.

Ms. Flowers added that it would be a dine-in/carry-out type of restaurant that seats 160 patrons according the Fire Department.

In response to Commissioner Jackson, Ms. Flowers stated they had never had any problems with their liquor license at the Pekin restaurant. She indicated it was more a family establishment and the Staff was thoroughly trained in checking ID's. Ms. Flowers stated they planned to open at the end of this week without the liquor license because everything else was ready to go.

In further discussion, Ms. Flowers stated that the sidewalk café area was very small and made up of only two-tops with a designated employee in that area. She indicated that the same type of fence would be used at Mickie's as was used with Beef O'Brady's and Chevy's which are in the same complex.

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 Irving to recommend the Class G (restaurant/tavern, beer & wine only) Liquor License with a Subclass 3A (sidewalk café) at 2601 W. Lake, Suite A-5; seconded by Commissioner Arndt.

Yeas: Arndt, Cassidy, Irving, Jackson, McCabe – 5;

Nays: 0.

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08-7 Big Bad Wolf, Inc.
d/b/a Elliott's
7807 North University
Requesting: Class B (restaurant, full-service bar)
Subclass 1A (2:00 a.m. closing)
Subclass 2 (live entertainment)

Attorney Gary Morris, Attorney Richard Steagall and Fred Jackson, owner, presented an application for a Class B (restaurant, full-service bar) with a Subclass 1A (2:00 a.m. closing) and Subclass 2 (live entertainment) for 7807 North University.

Commissioner Don Jackson stated he was abstaining from the discussion and vote.

Corporation Counsel Randy Ray stated this was an application for a Class B Liquor License. He stated that he had been in discussion with both attorneys for the applicant regarding some legal issues with an ordinance amending Chapter 18 of the Code of the City relating to adult business, Ordinance No. 15,518 (a copy of which is attached to these Minutes). He stated that this application should be heard by this Commission and a recommendation made regarding the Class B application.

Chairman McCabe stated that he and the Commissioners were very concerned about a Class B license for this establishment. He stated that an establishment with adult entertainment should have a Class A, citing Ordinance No. 15,518 pertaining to adult entertainment. He expressed concern that they were asking for a Class B which allows 18, 19 and 20 years olds to be present.

Attorney Morris stated they had just received a copy of the Ordinance that is not in the Ordinance book anymore which is the reason for the legal dispute. He indicated that they would iron out this issue with the Legal Department and determine whether the Ordinance that is being cited even exists.

After some discussion regarding previous applications for this site, Attorney Morris stated they had a history of Class B and there had been a lawsuit against the City for the past 5 years regarding their liquor license.

Chairman McCabe reiterated that a Class B allows for youth to be present and there are enough problems today for minors.

Mr. Jackson stated they had been operating for four years with patrons 18 to 20 years old with adult entertainment with no liquor.

Liquor Investigator Jordan stated that the Police Department is opposed to a Class B license for the same reasons that have been discussed, that 18 to 20 year olds would be allowed in an alcohol establishment, and then mix them with the patrons who can drink places a larger burden not only on the Department but is also a detriment to the neighboring businesses in the area. He indicated that the Chief recommended that a Class A Liquor License would be most appropriate for this type of business.

Corporation Counsel Ray suggested that the Commission hear from the petitioners about how they believe they could meet the 50% sales from food.

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Mr. Jackson stated he had talked with Joe Miller of Club Cabaret, which is considered more of a restaurant than a bar, and he had no problem doing 45% food sales and they do not push the food sales. He also indicated he ran Fantasyland for 18 months and did over 55% of food sales at that establishment. He indicated that Big Al's is an adult nightclub, while his establishment is a restaurant with adult entertainment. He stated that five years ago, they planned to do a sports bar with adult entertainment which would have been similar to Buffalo Wild Wings and Old Chicago. He stressed that they were not a gentlemen's club like Big Al's which is a tavern with adult entertainment. He indicated his establishment was a sit-down restaurant atmosphere with adult entertainment.

Mr. Jackson indicated they were asking for a Class B because the City requires a Class A to close at 2:00 a.m. and in order for them to compete and have a level playing field with the other adult clubs, they need to stay open until 4:00 a.m. He stated they would be happy to take their liquor off the bar at 2:00 a.m. and then stay open. He added he had been at Big Al's for 13 years and the biggest business is done from 1:00 until 4:00 a.m. each night. He indicated that Fantasyland lost a lot of business by having to close at 2:00 a.m.

Mr. Jackson stated they would have no problem selling 50% food; that they were in a prime area for selling food with 3,000 car salesmen in that area.

Sandra Fritz stated that in 2003, over 100 people attended the City Council Chambers in opposition to the liquor license application presented from Elliott's based on *Ben's Bar* case. She added that these types of business are not harmless and target young people.

Ms. Fritz then referred to the ordinance amendment relating to adult businesses which was passed in 2003 and stated that the only acceptable liquor license for an adult business was a Class A so that kids were protected.

Commissioner Cassidy stated that his job as a Liquor Commission would be to base his vote on the liquor ordinance guidelines and not on the adult use ordinance.

A motion was made by Commissioner Cassidy to recommend **DENIAL** of the Class B (restaurant, full-service bar) Liquor License site application, with a Subclass 1A (2:00 a.m. closing) and Subclass 2 (live entertainment).

Yeas:	Arndt, Cassidy, Irving, McCabe – 4;
Nays:	0;
Abstention:	Jackson – 1.

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, March 25, 2008.

In discussion with Attorney Morris regarding approval for a Class A site application, Chairman McCabe stated that would not be accepted at this time because it had not been noticed to the public and the Commission could recommend only what had been presented before them at this time.

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08-8 Club Reign, Inc.

d/b/a Club Reign

533 Main Street (upper level)

Requesting: Class A (tavern)

Has: Class B-1 (restaurant, 25% food)

Subclass 1 (4:00 a.m. closing)

Subclass 2 (live entertainment)

Subclass 3 (beer garden)

This applicant requested that this be considered at the Liquor Commission scheduled for April 7, 2008.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

There was no new business discussed at this meeting.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, April 7, 2008.

VII. ADJOURNMENT

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:13 p.m.

Kristin Cannaday-Stash, Secretary

Attachment