

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
October 6, 2008

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on October 6, 2008, Chairman Frank McCabe presiding.

ROLL CALL:

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

Others present: Sonni Williams, Assistant Corporation Counsel; Scott Jordan, Liquor Investigator; Jim Brownfield, Inspections; Kristin Cannaday-Stash, 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 Irving moved to approve the Minutes of the September 2, 2008 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

Yeas: Arndt, Cassidy, Irving, McCabe – 4;

Nays: 0

III. LIQUOR SITE APPLICATIONS

08-17 JDF Development, LLC
d/b/a Feldan's
4114 N. Brandywine
Requesting: Class B (restaurant, full-service bar) Site Approval

Dan Dunlap, owner, presented a site application for a Class B (restaurant, full-service bar) at 4114 N. Brandywine, which formerly housed Ned Kelly's.

Mr. Dunlap stated that they planned to open in November. He stated that they were not part of a chain and had decided to name their restaurant by combining his name and part of his wife's name.

He indicated their menu would be featuring pizza and pasta dishes. He said that they planned to be open seven days a week from 11:00 a.m. until 9:00 p.m. during the week and from 11:00 a.m. until 10:00 p.m. Friday, Saturday and Sunday.

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Chairman McCabe asked if the Commissioners or anyone in the audience had any questions regarding this application. Hearing no questions or comments, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to recommend **APPROVAL** of the site application for a Class B (restaurant, full-service bar) at 4114 N. Brandywine Drive; seconded by Commissioner Cassidy.

Yeas: Arndt, Cassidy, Irving, McCabe - 4;
Nays: 0

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, October 28, 2008.

08-18 **Target Corporation**
d/b/a Target
5001 N. Big Hollow Road
Requesting: Class C-1 (package liquor) Site Approval

Jonathon Lindsay and Robin Godsell, representing Target Corporation, presented a site application for Class C-1 (package liquor) for the store at 5001 N. Big Hollow Road.

In discussion with Chairman McCabe, Mr. Lindsay stated that Target Corporation had decided to add wine and spirits in their super stores for the convenience of their shoppers.

Liquor Investigator Jordan stated that the Police Department had recommended denial of this site application because Target was more of a department store than a grocery store and they wanted to be consistent after recommending denial of Wal-Mart on University.

In further discussion with Chairman McCabe, Mr. Godsell stated that Target had a different philosophy from Wal-Mart. He indicated that Target had experienced a large increase in consumables and wanted to provide their customers with items they requested.

Commissioner Cassidy stated that he had voted to recommend denial of the site application for Wal-Mart on University because he agreed with the Police Department's concerns. He indicated that in addition to remaining consistent with that vote, he stated he did not want to set a precedent of one department store getting site approval for package liquor and every other department store wanting site approval so there would be a "level playing field."

Mr. Godsell stated that he had been in the grocery business for 11 years and had worked at Target for four years. He indicated that Wal-Mart had a full line of liquor, cold and hot. He stated that Target's wine and spirits would be less than one percent and would take up only five shelves in the store.

In discussion with Commissioner Irving regarding security, Mr. Godsell stated that there would be training and the store had a security measure in place at the point of sale. He said that the register system would not allow underage employees to check out any type of alcoholic beverage and that the employees were trained that any customer who looked under 40 years of age was to be carded.

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Commissioner Cassidy indicated this was the same type of site application as had been brought forward by Wal-Mart and he was opposed because it sets a precedent for these types of stores and he did not want to start down that path.

A motion was made by Commissioner Cassidy to recommend **DENIAL** of the site application for a Class C-1 (package liquor) at 5001 N. Big Hollow Road to remain consistent.

In discussion regarding the motion, Commissioner Irving stated he would second so it could be brought for a vote.

Yeas: Cassidy - 1;

Nays: Arndt, Irving, McCabe – 3.

Commissioner Arndt stated he felt that Target was different from Wal-Mart. He stated that there were at least three liquor stores in the Wal-Mart area of University and that he would recommend approval of this site application because he did not think it would be detrimental to the Target area.

Commissioner Irving expressed concern about consistency in site approval recommendations.

A motion was made by Commissioner Arndt to recommend **APPROVAL** of the site application for a Class C-1 (package liquor) at 5001 N. Big Hollow Road; seconded by Commissioner Irving.

Chairman McCabe suggested putting a condition on the recommendation that the package liquor could only include wine.

In further discussion, Commissioner Arndt stated he did not approve of conditions, that the motion was straight on the site application as submitted.

Chairman McCabe called for the vote on the motion to recommend approval of this site application without any conditions.

Yeas: Arndt; Irving - 2;

Nays: Cassidy; McCabe – 2.

This second motion failed.

Chairman McCabe stated that the Commission was a recommending body and there would be no recommendation on this site application to be voted on by the City Council on Tuesday, October 28, 2008.

08-19 IMI Grand Prairie South, LLC
d/b/a Kaiserhof
5201 W. War Memorial, #502
Requesting: Class B (restaurant, full-service bar) Site Approval
Subclass 2 (live entertainment)

Attorney Darin LaHood, representing IMI Grand Prairie South, and Bob Prather, Manager of Kaiserhof, presented a site application for Class B (restaurant, full-service bar) and a Subclass

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2 (live entertainment) for Suite 502 at 5201 W. War Memorial Drive at the Shoppes at Grand Prairie.

Mr. Prather stated that they planned to have the restaurant open sometime in December. He indicated it would be open seven days a week from 11:00 a.m. until 9:00 a.m. during the week and from 11:00 a.m. until 10:00 p.m. on the weekends, with the bar staying open until midnight.

In further discussion, Mr. Prather stated that they planned to have accordion music on Friday and Saturday nights. He also said there was a Kaiserhof in Bradford, which would be closing when this restaurant opened.

Chairman McCabe asked if the Commissioners or anyone in the audience had any questions regarding this application. Hearing no questions or comments, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to recommend **APPROVAL** of the site for a Class B (restaurant, full-service bar) with a Subclass 2 (live entertainment) Liquor License at 5201 W. War Memorial, Suite 502; seconded by Commissioner Irving.

Yeas: Arndt, Cassidy, Irving, McCabe - 4;
Nays: 0

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, October 28, 2008.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

The Liquor Violation Hearing was not heard because the Deputy Liquor Commissioner was unable to attend the meeting due to a work conflict. The hearing will be rescheduled at a future date.

VI. NEXT SCHEDULED MEETING

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

VII. ADJOURNMENT

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

Approved by viva voce vote.

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

Kristin Cannaday-Stash, Secretary