

**MINUTES OF THE CITY OF PEORIA**  
**LIQUOR COMMISSION**  
**December 1, 2008**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on December 1, 2008, Chairman Frank McCabe presiding.

**ROLL CALL:**

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

Absent: 0

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Jim Brownfield, Inspections; Fire Investigator Otis Leach; Kristin Cannaday-Stash, Secretary; and concerned citizens and media.

**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 November 3, 2008 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

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

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

**08-26      New Junction Ventures**  
**d/b/a Apostrophe**  
**5901 N. Prospect, Suite 6**  
**Requesting: Class A (tavern) Site Approval**

Chuck Hollis, representing New Junction Ventures, and Jeff Metz, owner of Apostrophe, presented a site application for a Class A (tavern) at 5901 N. Prospect, Suite 6, which is located in Junction City.

In discussion with Chairman McCabe, Mr. Metz stated that two restrooms were currently being built into Suite 6.

Mr. Metz stated that they planned to be open from 11:00 a.m. until 1:00 a.m. Tuesday through Saturday, and possibly on Sunday during football season.

Mr. Hollis stated that the establishment was less than 1,100 square feet and after the restrooms are built, there would only be 800 square feet left to seat patrons. He indicated there would

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probably be three tables and bar stools at the bar, with a maximum of about 20 seats. He stated they were modeling this after a café-style wine bar, although they were applying for a full-service bar license.

In further discussion, Mr. Metz stated the previous owner, which was 3 Dog Bakery, had left an oven, cooler and sinks, and he planned to use the oven for Butch's pizza.

Mr. Hollis indicated he hoped to be open for business by New Year's Eve.

Liquor Investigator Jordan stated there had been an issue about them being open already with alcohol in the bar during the walk-about for the holidays at Junction City. He stated that this issue would be addressed at the licensing application.

Mr. Hollis stated they had a shopping center-wide holiday open house and Cyd's and the Butcher Block had alcohol for the patrons. He indicated there had been a call made to the Sheriff's office or somewhere about the alcohol and there was a misunderstanding that alcohol could be provided if it was not for sale.

Hearing no additional questions or comments, Chairman McCabe called for the vote.

A motion was made by Commissioner Cassidy to recommend **APPROVAL** of the site application for a Class A (tavern) at 5901 N. Prospect, Suite 6; seconded by Commissioner Irving.

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

Nays: 0

**08-27      LDK-KOU, Inc.**  
**d/b/a Kouri's Pub**  
**4421 North Sterling**  
**Requesting: Expansion of Subclass 3 (beer garden)**  
**Has:            Class B-1 (restaurant, 25% food)**  
**Subclass 1A (2:00 a.m. closing)**  
**Subclass 2 (live entertainment)**

Ken Kouri, owner, presented a site application for the expansion of his Subclass 3 (beer garden) at 4421 North Sterling.

In discussion with Chairman McCabe, Mr. Kouri stated that they had moved their establishment to the old Mulligan's. He said they renovated the inside of the building and were now in the process of making the front look suitable. He indicated the beer garden had always been in the front on Sterling.

Mr. Kouri stated they were expanding the beer garden to square up with the building, which would put it at about 3,000 square feet. He said that there would be a roof overhead of about 2,000 square feet with planters and wrought iron fence down both sides. He also indicated that the roofed area would have canvas drops; however, when they were down the patrons would not be allowed to smoke.

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Hearing no additional questions or comments, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to APPROVE the expansion of the Subclass 3 (beer garden) License at 4421 North Sterling; seconded by Commissioner Irving.

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

Nays: 0

**08-28      Theater Innovations, Inc.  
d/b/a Theater Innovations  
3225 N. Dries Lane, Suite H  
Requesting: Class K (rental hall) Site Approval**

Jay Goldberg, owner, and Luke McCann, manager and part-owner, presented a site application to for a Class K (rental hall) Liquor License at 3225 N. Dries Lane, Suite H, located at Landmark.

Mr. Goldberg distributed a proposal of Peoria Theater, Independent Film and Event Center. (A copy of this proposal is attached.)

In discussion with Chairman McCabe, Mr. Goldberg stated that with the existing structure all they had to do was to put up a dividing wall unit to separate the courtyard area and two theater screens from the rest of the complex. He indicated they were planning on putting up a 4-foot high wall with decorative planters or a decorative wrought-iron type fence to separate the hallway from the rest of the multiplex.

Mr. Goldberg explained that if you walk into the new entrance to the multiplex theater area and go past the concession/ticket area and down the hallway, there is a concession/courtyard area with two screens to the left of this area and that is the Theater Innovations area. He stated that the rest of the multiplex is to the right and down the other hallway.

Mr. Goldberg also indicated that his area would be entered from the original entrance on the side and not the new concession/ticket area to Landmark. He indicated that Theater Innovations would be entered from the original entrance and would encompass the courtyard/lobby and then to the left of the original entrance are the two theaters with the dividing wall straight ahead.

In discussion with Chairman McCabe. Mr. Goldberg stated that his patrons would be sharing the restrooms down the hall with patrons from the multiplex. He indicated that each theater had a capacity to seat 150 people.

In further discussion, Mr. Goldberg stated they planned to have an independent film and event center. He said the independent films were art films, the films that did not play in major run theaters, such as the award winning films from the Sundance Film Festival. He said their other plan was to have a meeting center where functions such as business meetings could be held. He stated that besides 35 mm. capabilities, both theaters had high definition digital capabilities for powerpoint presentations. He explained that they envisioned lectures, book seminars, "lunch and learn" meetings where box lunches, drinks, etc. could be served in the courtyard/concession area, as well as birthday parties, receptions, and other similar functions. For example, he said, there could be a themed event to raise money for a charity such as "Gone

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with the Wind” and the patrons would dress accordingly and the courtyard/concession area would be decorated, with drinks being served and period food catered in while that film would be playing in the theater. He also indicated that Bradley has a film school and it would give those students a venue to show their work.

In discussion with Commissioner Jackson regarding his concern about the showing of adult-only movies, Mr. Goldberg stated that they did not plan on showing x-rated adult-type movies. He stated that what he brought to the table was his reputation and the caliber of events he was known for.

Chairman McCabe expressed concern about alcohol being passed to underage patrons.

In further discussion, Mr. Goldberg stated that the key to keeping alcohol from being passed in the theaters and passed over the wall was to have trained, educated staff. He indicated they would not allow food or drink to be taken out of their area. He said there would be signage to that effect and staff would be trained. He stated that this type of theater idea was not new, that they had them all over the United States and these issues had been handled. He indicated that different events would take on different kinds of security and he stressed that they were not looking for a bar-like atmosphere.

In discussion with Commissioner Cassidy’s concerns, Mr. Goldberg stated that the alcohol would be served inside the walled in area and patrons would not be allowed to take food or drink outside that area whether there was an event being held or not. He added that Theater Innovations would be responsible for providing the trained security and staff.

In further discussion regarding having alcohol for the parents at a children’s event or the Bradley student who has a film showing with alcohol at the event, Commissioner Cassidy expressed concern about the alcohol being passed to minors once the theater lights go down because once in the darkened theater, staff could lose sight on what is going on.

Liquor Investigator Jordan stated that the Police Chief’s recommendation was denial because of his concern that once patrons are inside in the darkened theater alcohol could be passed off. He indicated they felt that a movie theater was not an appropriate place to serve alcohol.

Mr. Goldberg reiterated that they understood the challenges involved and this type of theater was in many other cities, sometimes called “brew and view.” He added that they were looking for this to be an independent movie theater that would not draw people who were just trying to sneak in and get drunk. He stressed that the reason they felt alcohol was an important factor was the ability to do special event themes, wine and cheese tastings, and fundraisers for added revenue.

In discussion with Commissioner Jackson regarding possibly deferring this application until they could bring back data on how other similar theaters addressed the concerns, Mr. Goldberg stated that he would have good staff to handle this and he brought his good reputation from having a liquor license at the Madison Theater, which was open for movies and events, for eight years. He stated that during that time he had only one liquor violation, even with a 4:00 a.m. license.

In further discussion with Commissioner Cassidy, Mr. Goldberg stated that Theater Innovations would hold film events as well, and the films would be open to the public but it would require a paid ticket.

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Attorney Williams stated that in the theater portion of the Civic Center during a public event, patrons were not allowed to take the alcohol out of the lobby area into the theater seating. She explained that for the Class K license, underage patrons are only allowed on Class K premises where there is no alcohol or admission fee unless accompanied by a parent or guardian. She indicated that the Class K license was the closest license the City had that would work for this kind of concept.

Commissioner Cassidy stated that he had the same concerns as the Police Department and they do not object to that many site applications, so when there is an objection, he takes notice.

Attorney Williams further clarified that in order for an underage person to get into one of the films with this license, it would have to be a private event or have just 21 and over allowed in if open to the public.

Commissioner Jackson cautioned that all of these concerns need to be addressed because both Willow Knolls and the Rave were equally situated so they could use a wing of their theaters for this same kind of idea. He stated that Landmark already had a rental hall that could be rented out where liquor could be served.

Mr. Goldberg indicated this was a new concept for the Peoria market that was “out of the box” and to defer the decision would really delay the opening of this concept and with the current market, he did not want to do that.

Commissioner Cassidy stated that with the clarification of what can be done with Class K License he said some of his concerns were alleviated, especially with underaged patrons not allowed in events open to the public with the service of alcohol.

Mr. McCann stated he understood the concerns that had been expressed, but these types of theaters were already in Chicago, Denver and across the country and these types of concerns had been handled. He indicated they could get feedback data from other areas and maybe make a couple of adjustments, but basically would bring back the same type of plan.

In discussion with Commissioner Jackson regarding the possibility of an entire wall being placed in the area, Mr. Goldberg stated that they have a main entrance for their area but there is the multiplex area down the other hall and if there was ever an emergency, Landmark would like the people to be able to see the exit doors, for safety purposes, and if there was a wall there they would not see all the ways to exit the complex. He added that he would like to go forward with this application at this time and if they needed to change to a more appropriate Class in the future, they could do it at that time.

Chairman McCabe stated that the Liquor Commission was only a recommending body and the final decision would be up to the City Council and he did think they were able to answer all of the concerns that would be raised.

Commissioner Cassidy stated that the clarification of what can and cannot be done with the Class K License alleviated one of his big concerns about underage drinking. He also indicated he did have a problem with the height of the wall but that could be taken care of and he also clarified that no food or drink could be taken out of the walled area, even if one of the patrons needed to use the restroom.

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Commissioner Irving stated that if there were case studies around the country about how this concept worked, that would be good information to have because he had concerns about security.

Mr. Goldberg stated they would address the security issues, that there would be no alcohol allowed outside the area, they would have well-trained staff, there would be zero tolerance of any problems and the Police would be called for any incident.

Doug Holmes, V.P. of Landmark, suggested that different colored cups could be given to the Theater Innovations patrons so it would be easier to control.

In discussion regarding the height of the wall, Jim McKenna, an architect for Landmark, stated he designed the wall to be make egress easy in case of any emergency so there would be a clear line of sight to the exit signs. He added that each theater had a single door out the back, but that would cover only one-half of the population of each theater, while the other half would be exiting out into the halls of the multiplex. He indicated that the 4-1/2 foot wall was because it served as a visual barrier, but left the area open and airy, with signs indicating that it was private and there would be no admittance without ticket. He said that the height was the same that was required for beer gardens.

Commissioner Cassidy stated that with the Class K unless it is a private event, underage kids could not be admitted unless they were with a parent or guardian. He stated he still had a problem with the darkness and felt the City should develop a different Class license at some point in time, but he was willing to give this a try since we do not have to worry about the public coming in. He added that they should look closely at the wall, but with the current design and no alcohol being carried down the courtyard going to the restrooms that are attached with the bowling alley, he would recommend approval.

A motion was made by Commissioner Cassidy to recommend **APPROVAL** of the site application for a Class K (rental hall) Liquor License at 3225 North Dries Lane, Suite H; seconded by Commission Arndt.

Yeas: Arndt, Cassidy, Irving - 3;  
Nays: Jackson, McCabe - 2

### **IV. UNFINISHED BUSINESS**

There was no unfinished business discussed at this meeting.

### **V. NEW BUSINESS**

There was no new business presented at this meeting.

### **VI. NEXT SCHEDULED MEETING**

The next scheduled regular meeting of the Liquor Commission is Monday, January 5, 2009.

### **VII. ADJOURNMENT**

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

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Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:48 p.m.

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*Kristin Cannaday-Stash, Secretary*

Attachments