

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
June 1, 2009

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on June 1, 2009, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Drew Cassidy; Don Jackson - 3
Absent: Commissioner Ted Arndt - 1.

Others present: Deputy Liquor Commissioner Eric Turner; Councilman Dan Irving; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Jim Brownfield, Inspections; 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 Cassidy moved to approve the Minutes of the May 4, 2009 Liquor Commission Meeting; seconded by Commissioner Jackson.

Approved by roll call vote:

Yeas: Cassidy, Jackson, McCabe – 3;

Nays: 0

III. LIQUOR SITE APPLICATIONS

09-13 H Rilwala Foods, Inc.
d/b/a World Wide Liquor & Foods
4931 N. Hamilton Road
Requesting: Class C-1 (package liquor)

Attorney Gregory Hunziker, representing H Rilwala Foods, Inc., presented a letter requesting a continuance until the next scheduled Liquor Commission Meeting on Monday, July 6, 2009. He indicated they wanted an opportunity to speak to the neighbors and surrounding community members in an attempt to overcome some of the objections to this application.

Virginia White, President of the Rolling Acres Association, presented petitions with 63 signatures in opposition to this application, which petitions are on file in the Legal Department.

In discussion with Chairman McCabe, Attorney Hunziker requested a copy of the petitions.

Chairman McCabe then opened the Floor to the interested citizens.

Virginia White, President of the Rolling Acres Association, 2113 Austin Drive, stated the Association objected to this application due to the fact there is already a gas station right across the street that sells beer and wine, there is a restaurant/bar across the street, the Lariat Club across Glen, a liquor store six blocks away, and a bar directly across the street on Glen. She

LIQUOR COMMISSION – June 1, 2009

expressed concern that a package liquor store would bring more litter to the area as well as more traffic in an already congested area.

Attorney Williams clarified in discussion with Chairman McCabe that the motion would be voted on to continue this application after the neighbors had a chance to voice their concerns.

Ms. White stated they also objected to the continuance because they would feel the same way then as they do now and continuing this would make them have to come back. She said that Target was denied a liquor license, so why put one in the neighborhood.

Chairman McCabe explained that they would not have to come back because their comments would be recorded in the minutes.

In response to Commissioner Jackson, Ms. White stated she spoke in favor when Donnelly's requested a beer garden because that was different, it would be outside and be contained.

Ken Kiley, 5810 N. Orlando, stated that the intersection where the traffic light separating the proposed liquor store and the gas station is already a nightmare to get onto War Memorial and with the addition of the liquor store will make the traffic even heavier. He stressed that this would limit the exits they have to get out of Rolling Acres.

In response to Commissioner Cassidy regarding this being a retail space, Mr. Kiley stated he envisioned the liquor store being open later than if it were a shoe store or other retail store.

In response to Commissioner Jackson regarding the street being closed off when Krispy Kreme was opened, Ms. White stated the neighborhood did not know that the street was going to be closed off so they did not do petitions against the closure. She indicated they did contact the Council many times about Krispy Kreme not opening when it was supposed to and about the traffic issues. She said they knew it was going to be a traffic problem, but the City conducted a study and said it would not be because the traffic would be directed out to Glen Avenue.

Colette Sluser, 2210 N. Cindy Lane, stated she agreed with everything that had been said and wanted to also stress that this proposed liquor store is right on the edge of a residential neighborhood with a lot of families with kids.

Commissioner Jackson stated there had been a liquor store there for years right where the School House is now.

Dick Sluser, 2210 N. Cindy Lane, stated he is opposed to this liquor store application for all the reasons that had been given.

Harry Bauwens, 2314 W. Cindy Lane, stated he was against it.

Linda Bauwens, 2314 W. Cindy Lane, stated she was also against it.

Attorney Hunziker stated they would address all the concerns that had been expressed at the July Liquor Commission Meeting. He indicated he did not know the proposed hours of operation of the liquor store. He added that he did not feel this application would change the flavor of the neighborhood and that this store would be a part of a strip center, so the traffic is not a viable argument. He added that they would be contacting all of the neighbors to address the issues.

LIQUOR COMMISSION – June 1, 2009

Mr. Kiley stated that the old liquor store they had discussed on Glen was entered and exited onto Glen only and did not bring you to the back of the building which was right next to Bogard's. He said this would bring the traffic into the already congested intersection on Northland right behind where the Krispy Kreme building is located.

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

Commissioner Cassidy stated he appreciated everyone coming in to express their concerns rather than just receiving the letters. He indicated that these minutes would be drawn up and would present all of their concerns so they could come back or not, but he would never discourage a potential business from speaking with the neighborhood to see if something could be worked out. For that reason, he stated he would be supporting the deferral.

A motion was made by Commissioner Cassidy to approve the request for a continuance of this application for a Class C-1 Liquor License at 4931 N. Hamilton Road to the July 6, 2009 Liquor Commission Meeting; seconded by Commissioner Jackson.

Yeas: Cassidy, Jackson, McCabe - 3;
Nays: 0.

Attorney Williams stated that the applicant should re-notify all the neighbors within the 300-foot radius about the continuance to the next meeting.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

Amendment to Class H-1 Liquor License

Attorney Williams stated an amendment to the Class H-1 Liquor License which is a liquor license for the Heart of Illinois Fair only would go before the City Council at the June 23rd Meeting. She indicated that under the current Class H-1, the licensee was restricted to beer and wine only and the HOI Fair's operator wanted to allow a not-for-profit organization to be able to sell Margaritas.

Attorney Williams explained there are other similar class licenses such as Class I and N and other outdoor events that do allow the retail sale of all alcoholic beverages. She stated that Class H-1 was the only outdoor license that was limited to wine and beer only.

Commissioner Jackson expressed concern about the conflict that the City was trying to solve the problem of underage drinking at the Fair and the disturbances that youth have caused at the Fair and now want to increase the kind of liquor that is sold at the Fair. He expressed concern that the City talks about these kinds of problems and yet the City gives out liquor licenses like they are going out of style.

Attorney Williams stated there has only been one violation in past 10 years at the HOI Fair.

Chairman McCabe stated it was ludicrous to add more alcohol.

LIQUOR COMMISSION – June 1, 2009

In discussion with Commissioner Cassidy, Attorney Williams stated this would be limited to the beer tent which is manned by the volunteers.

Commissioner Cassidy stated his problem was not with the Margaritas, it was when you get a different crowd that start doing Tequila shots and get out of hand.

Liquor Investigator Jordan stated that Coronas are as much Jimmy Buffet as Margaritas and people are going to go to Jimmy Buffet night no matter what is offered. He expressed concern that this was opening up the door for anyone who wanted to fundraise with all volunteers serving.

Deputy Commissioner Turner stated he had been told this would be a one-time event only and they would be bottled Margaritas and not made with Tequila shots. He also said that the consumers would be carded and have wristbands, and they would be served by adult volunteers.

Commissioner Cassidy stated he trusted that this was the plan, but hopes that the Council takes a good long view of the change. He added that he does not worry about Margaritas at a summer evening event, he just worries about what it opens down the road.

Business Permits

Deputy Liquor Commissioner Turner stated that he is concerned about all the restaurants that go out of business owing the City taxes, up to \$100,000.00. At the Council Retreat to be held on June 13, he said the Council was going to discuss a mandatory permit for non-licensed businesses.

Attorney Williams stated that when a liquor establishment is licensed, they are required to get a bond of \$10,000.00, which the premium is about \$75.00. She explained that if that operator were to leave town owing fines or taxes, the City just has to send a letter to the bond company and they can recoup what they are owed up to \$10,000.00. She stated that licensing business with a nominal fee and requiring a bond to cover any fines or unpaid taxes would cover the gap for the restaurants who do not sell alcohol. She further explained that if they had a cigarette license or some other type City license, they would not have to apply for a permit fee, but they would still be required to have a bond.

Miscellaneous Discussion

In discussion with Commissioner Jackson regarding the current status of the Japanese restaurant located on North Knoxville, Liquor Investigator Jordan stated they had been operating for some time without a liquor license and were cited by the City and the State. He said that after that, they applied for a license but had never picked it up and they are currently closed.

In further discussion, Attorney Williams stated that a site automatically lapses after 12 months of no business operation. She indicated that someone who opens, for example, in January and closes in March can get a pro-rated refund on their yearly license fee.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, July 6, 2009.

LIQUOR COMMISSION – June 1, 2009

VII. ADJOURNMENT

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:00 p.m.

Kristin Cannaday-Stash, Secretary