

**MINUTES OF THE CITY OF PEORIA  
LIQUOR COMMISSION  
January 5, 2009**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on January 5, 2009, 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; 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 Arndt moved to approve the Minutes of the December 1, 2008 Liquor Commission Meeting; seconded by Commissioner Jackson.

Approved by roll call vote:

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

Nays: 0

Sandra Fritz, requested the opportunity to clarify some comments she had made at the November 3, 2008 Liquor Commission Meeting, and Frank McCabe granted her the Floor.

Ms. Fritz indicated she wanted to clarify what was on Page 10 of the November Liquor Commission Minutes relating to the liquor license application at Elliott's because it did not reflect what she had said. She stated that she had said that "an adult use application or an adult use cannot be denied if they meet all of the qualifications, but a liquor license can be denied."

**III. LIQUOR SITE APPLICATIONS**

**09-1      Shane Souba  
d/b/a to be named  
617 Main Street  
Requesting: Class A (tavern)  
Subclass 1 (4:00 a.m. closing)**

Shane and Cindy Souba presented a site application for a Class A (tavern) and a Subclass 1 (4:00 a.m. closing) at 617 Main Street.

In discussion with Chairman McCabe regarding this location being so close to the church, Mr. Souba stated that they had chosen this location because it was available.

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Chairman McCabe stated that he would have a hard time supporting this application because of the problem from the 4:00 a.m. patrons already in the downtown area. He added that he would like to see the ordinance changed because this was too close to religious places. He also referred to the two letters that were against this application, one from the Department of Corrections which is located next door and the other from the Library (letters are attached). He added that the Liquor Commission could only recommend to the City Council and they would make the final decision about the application.

In discussion with Commissioner Jackson regarding when this location last had a liquor license, Attorney Williams stated this had been an adult book store and there had been no prior liquor licenses issued at this address.

In further discussion, Mr. Souba stated they planned to be open Thursday through Saturday nights, opening at 10:00 p.m. and closing at 4:00 a.m.

Commissioner Jackson expressed concern that if the Council approved the license, they could decide to open the other four nights as well.

Commissioner Arndt stated that Jim Graham from the Department of Corrections had called him concerned that this would be adjacent to the DOC and stated he had 220 work release people just adjacent to the alley. He also indicated he had received some calls from members of the Church who were opposed to this location.

Commissioner Jackson also referred to the letter from the Library and they were also opposed to this location.

Commissioner Cassidy indicated he understood the concerns from the Department of Corrections and the Library, but he stated he believed in a level playing field and there were already two establishments in this same block that are already Subclass 1 licenses and he did not feel he could pick and choose who gets to compete with this opportunity.

A motion was made by Commissioner Cassidy to recommend APPROVAL of the site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) at 617 Main Street.

In discussion with Chairman McCabe regarding if the other taverns in this area were grandfathered in before DOC was built, Jim Brownfield from the Inspections Department stated that the taverns were there before the DOC was built.

Regarding the location of the DOC, Commissioner Jackson stated the DOC had been “sort of” forced to move to this location by the City Council. He stated there were several locations downtown where they wanted to move, but the City Council objected to those other locations.

Hearing no additional questions or comments, Chairman McCabe called for a second on Commission Cassidy’s motion. Commissioner Irving stated he would second it for a vote.

Yeas: Cassidy – 1.

Nays: Arndt, Irving, Jackson, McCabe – 4

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After clarification, Attorney Williams said the motion was defeated so there was no motion. She indicated that a second motion would have to be made if this Commission chose to recommend denial of this application.

A motion was made by Commissioner Jackson to recommend **DENIAL** of the site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) at 617 Main Street; seconded by Commissioner Irving.

Yeas: Arndt, Irving, Jackson, McCabe - 4;

Nays: Cassidy – 1.

**09-2                      Wayne Stewart Enterprises, Inc.**  
**d/b/a Buddies on Adams**  
**807 SW Adams**  
**Requesting: Subclass 1 (4:00 a.m. closing)**  
**Has:                      Class A (tavern)**  
**Subclass 1A (2:00 a.m. closing)**  
**Subclass 2 (live entertainment)**

Jon Nightingale, owner, presented a site application for a Subclass 1 (4:00 a.m. closing). He stated that he wanted the opportunity to be included in the 4:00 a.m. zone expansion.

Mr. Nightingale said they would most likely be open until 4:00 a.m. on Friday and Saturday nights, but would do whatever business warranted. He indicated they open at 6:00 p.m.

In discussion with Commissioner Jackson regarding the dress rules, Mr. Nightingale stated they have no dress rules, just health code requirements. He said that this was an alternative lifestyle establishment.

In discussion with Commissioner Cassidy regarding any complaints, Liquor Investigator Jordan stated that there had been no noise complaints with the live entertainment and that he ran a good business.

Hearing no further 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 Subclass 1 (4:00 a.m. closing) License at 807 SW Adams; seconded by Commissioner Jackson.

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

Nays: 0.

## **IV. UNFINISHED BUSINESS**

There was no unfinished business discussed at this meeting.

## **V. NEW BUSINESS**

There was no new business presented at this meeting.

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

The next scheduled regular meeting of the Liquor Commission is Monday, February 2, 2009.

### **VII. ADJOURNMENT**

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 3:52 p.m.

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*Kristin Cannaday-Stash, Secretary*