

**MINUTES OF THE CITY OF PEORIA**  
**LIQUOR COMMISSION**  
**July 6, 2009**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on July 6, 2009, Chairman Frank McCabe presiding.

**ROLL CALL:**

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

Others present: Deputy Liquor Commissioner Eric Turner; Councilman Dan Irving; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Jim Brownfield, Inspections; Scot Wolf, 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 Jackson moved to approve the Minutes of the June 1, 2009 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

Yeas: Arndt, Jackson, McCabe – 3;

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

**09-14      Dan Doerr**  
**d/b/a Tom Cats/Alley Cats Eatery**  
**1301 W. Pioneer Parkway**  
**Requesting: Subclass 3A (sidewalk café)**  
**Has: Class B-1 (restaurant, 25% food)**  
**Subclass 1A (2:00 a.m. closing)**  
**Subclass 2 (live entertainment)**

Dan Doerr, owner, presented an application to expand his current liquor license with the addition of a Subclass 3A (sidewalk café) liquor license.

In response to Chairman McCabe, Mr. Doerr stated they currently have three tables outside. In the site drawing he submitted, there were five tables but the expanded side of Tom Cats was not open right now. He indicated he was about 80 percent finished with the inside expansion and planned to open it on September 1.

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Mr. Doerr indicated his hours for serving food outside would be until 10:00 p.m. and the last call for drinks would be about 11:30 p.m. because they would be closing the outside area at Midnight.

In further discussion with Chairman McCabe regarding the sidewalk café requirement that patrons have to be seated, Mr. Doerr stated he was aware of this and would be posting a sign outside stating that requirement for his patrons.

In response to Commissioner Jackson regarding the width of the sidewalk, Mr. Doerr stated it was 15 feet and the sidewalk café takes up about one-half of that space.

Mr. Doerr also indicated he had received no concerns or complaints from the other residents in his area about the sidewalk café limiting the walking area. Mr. Doerr also stated that he had no plans for bringing any live entertainment outside to his sidewalk café.

Hearing no more questions or discussions, Chairman McCabe called for the vote.

A motion was made by Commissioner Arndt to approve the Subclass 3A (sidewalk café) License be added to the Class B-1 (restaurant, 25% food); Subclass 1A (2:00 a.m. closing); and Subclass 2 (live entertainment) Liquor License at 1301 W. Pioneer Parkway; seconded by Commissioner Jackson.

Yeas: Arndt, Jackson, McCabe - 3;

Nays: 0.

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

Because neighbors were attending the meeting regarding this application and because of the applicant's request to ask for a continuance, Chairman McCabe brought this application forward so the neighbors would not have to sit through the whole meeting.

Attorney Gregory Hunziker, representing H Rilwala Foods, Inc., stated he had asked for a 30-day continuance at the last Commission Meeting in an effort to get together with the neighbors. He stated their client is out of town and with the logistics of summer, travel and a different liquor attorney they were utilizing from Chicago with time constraints, they were now seeking another 30-day continuance with the idea of still getting together with the surrounding homeowners about their concerns.

In response to Chairman McCabe regarding whether the applicant had a plan to get together with the neighbors, Attorney Hunziker said that today they did not have a plan but that would happen within the next two to three days. He stated they wanted to schedule a "town meeting" in an attempt to overcome any objections they might have.

Commissioners Arndt and Jackson, as well as Chairman McCabe stated they did not have a problem with that.

Attorney Williams called for a motion for the record.

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A motion was made by Commissioner Jackson to approve the request for a continuance of the application for a Class C-1 Liquor License at 4931 N. Hamilton Road for 30 days until the August 3, 2009 Liquor Commission Meeting; seconded by Commissioner Arndt.

Yeas: Arndt, Jackson, McCabe - 3;

Nays: 0.

Attorney Williams stated that all Notices of a Public Hearing had to be resent to everyone within 300 feet and a new Public Notice sign had to be posted in the storefront with the new date for the hearing.

Virginia White, President of the Rolling Acres Association, 2113 Austin Drive, stated they had heard nothing from these people since the last meeting when they had requested a 30-day continuance. She stressed that they had given them 30 days to contact the neighbors and they had not followed through with that. She expressed concern that no one had been contacted and they did not have time to take off work for every meeting, that they also had time constraints, vacations and travel too. She stated the neighbors and the Association were still opposed to this liquor store and would fight it to the end.

**09-15            KTAAP, Inc.**  
**d/b/a Qdoba Mexican Grill**  
**1210 W. Glen Avenue**  
**Requesting: Class B (restaurant, full-service bar)**  
**Subclass 3A (sidewalk café)**

Kevin Pogue, Manager, and John Drury presented an application for a Class B (restaurant, full-service bar) with a Subclass 3A (sidewalk café) liquor license for 1210 W. Glen Avenue.

Mr. Pogue stated they planned an August 24<sup>th</sup> opening. He indicated they planned to be open seven days a week from 10:30 a.m. until 10:00 p.m.

Mr. Drury stated that their restaurant could be described as a Mexican Subway, where you walk through and order with everything made fresh every day, including burritos, quesadillas, tacos and the guacamole.

In response to Commissioner Jackson, Mr. Drury stated that the liquor is ordered while going through the line, one drink per customer. He added that liquor makes up only one percent of their sales in their other store. He stated they have a cooler where the beer and Margueritas are kept at the end of the line so patrons can show their id's right there.

In further discussion, Mr. Pogue stated they need to have a full-service liquor license because of the Margueritas. He indicated the employees who would hand out the liquor, beer or premade Margueritas, behind the line would be of age and everyone is carded.

In discussion with Commissioner Jackson regarding the age of servers, Attorney Williams stated that Section 3-5 of the Liquor Code provided that anyone who was 19 years of age or older could serve alcohol as long as it was served in conjunction with food in Class B, B-1, D, G or I liquor licensed establishments.

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A motion was made by Commissioner Arndt to recommend approval of the application for a Class B (restaurant, full-service bar) Liquor License with a Subclass 3A (sidewalk café) License at 1210 W. Glen Avenue; seconded by Commissioner Jackson.

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

Chairman McCabe stated that this recommendation would be heard by the City Council at their July 28, 2009 meeting.

### **09-16      Ed Childers**

d/b/a Childer's Banquet & Event Center

3113 Dries Lane

Requesting: Class B (restaurant, full-service bar)

Ed Childers, owner, presented an application for a Class B (restaurant, full-service bar) for 3113 Dries Lane.

Mr. Childers stated that he planned on having Sunday Bloody Mary Brunches and other banquets inside the building while catering outside events out the back door.

In response to Commissioner Jackson, Mr. Childers stated he was still going to have the restaurant on University.

In response to Chairman McCabe, Mr. Childers stated that he was aware the catering would not include alcohol.

Mr. Childers stated the hours would depend on when they had banquets inside the building, probably once or twice a week, with the brunches on Sunday mornings.

In further discussion with Mr. Childers, Attorney Williams explained that alcohol cannot be served at an outside event in the parking lot. She explained the differences between a sidewalk café where the patrons have to be seated and a beer garden where the area is fenced.

Mr. Childers stated that he was aware he would have to obtain a sidewalk or beer garden subclass license prior to allowing the sale or consumption of alcohol outdoors.

A motion was made by Commissioner Jackson to recommend approval of the application for a Class B (restaurant, full-service bar) Liquor License at 3113 Dries Lane; seconded by Commissioner Arndt.

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

Chairman McCabe stated that this recommendation would be heard by the City Council at their July 28, 2009 meeting.

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**09-17      Butcher Block at Junction City, LLC**  
**d/b/a Butcher Block**  
**5901 N. Prospect, Suite B**  
**Has:              Class B (restaurant, full-service bar)**  
**Subclass 3A (sidewalk café)**  
**Requesting: Subclass 2 (live entertainment)**

Kelly Mohr, Manager, presented an application to expand the liquor license at Butcher Block in Junction City by adding a Subclass 2 (live entertainment) license.

Ms. Mohr clarified that she was not planning on having any bands outside in the sidewalk café area. She stated that she had just asked if one of the musicians wanted to warm up could they do it outside with no amplification.

Ms. Mohr stated that she planned on having Open Mike Night from 6:00 p.m. until 10:00 p.m. on Monday nights only. She indicated her intention was to bring the patrons inside so they could see what the Butcher Block offered.

In further discussion, Ms. Mohr indicated there was only one entrance and exit to her store and she was aware that anyone who took an alcoholic beverage outside had to be seated.

A motion was made by Commissioner Arndt to approve the Subclass 2 (live entertainment) License to be added to the Class B (restaurant, full-service bar) and Subclass 3A (sidewalk café) Liquor License at 5901 N. Prospect, Suite B; seconded by Commissioner Jackson, with the proviso that bands would not be playing music outside.

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

### **IV. UNFINISHED BUSINESS**

There was no unfinished business discussed at this meeting.

### **V. NEW BUSINESS**

There was no new business presented.

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

The next scheduled regular meeting of the Liquor Commission is Monday, August 3, 2009.

### **VII. ADJOURNMENT**

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

Approved by viva voce vote.

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The Liquor Commission Meeting adjourned at 3:56 p.m.

**Note:** Daniel Ash, 5403 N. Hamilton Road, arrived after the meeting had been adjourned, to protest the application of the proposed liquor store at 4931 N. Hamilton Road, Case No. 09-13.

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*Kristin Cannaday-Stash, Secretary*