

**MINUTES OF THE CITY OF PEORIA**  
**LIQUOR COMMISSION**  
**August 3, 2009**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on August 3, 2009, Chairman Frank McCabe presiding.

**ROLL CALL:**

Present: Chairman Frank McCabe; Commissioners Ted Arndt; Don Jackson; Virginia White - 4

Absent: Commissioner Drew Cassidy - 1.

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Building Inspector Jim Brownfield; 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 July 6, 2009 Liquor Commission Meeting; seconded by Commissioner Arndt.

Approved by roll call vote:

Yeas: Arndt, Jackson, McCabe; White – 4;

Nays: 0

**III. LIQUOR SITE APPLICATIONS**

**09-18 Greater Peoria AMVETS Post 64**

**d/b/a AMVETS**

**237 NE Monroe**

**Requesting: Subclass 1A (2:00 a.m. closing)**

**Has: Class E-1 (private club)**

Lloyd Jacobson, representative of AMVETS, presented an application to expand the current Class E-1 (private club) liquor license with the addition of a Subclass 1A (2:00 a.m. closing) liquor license.

In discussion with Chairman McCabe regarding the parking and bringing more people into the club, Mr. Jacobson stated they had 42 spaces currently with a parking deck across the street, as well as a business across the street with a parking lot they can use if they need it.

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Mr. Jacobson explained that because of the current wars, the returning veterans are younger and like to stay out later so they would like to have an hour's extension on their liquor license on the weekends.

In discussion with Commissioner Arndt, Mr. Jacobson said they had spent \$100,000 remodeling their top floor so they could be open for banquets and increase their business. He indicated that the Fire Department had set the capacity for 200 people on the top floor.

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

A motion was made by Commissioner Arndt to recommend the approval of the addition of the Subclass 1A (2:00 a.m. closing) to be added to the Class E-1 (private club) Liquor License at 237 NE Monroe; seconded by Commissioner Jackson.

Yeas: Arndt, Jackson, McCabe; White - 4;  
Nays: 0.

Chairman McCabe stated this recommendation would be heard at the City Council Meeting on Tuesday, August 25, 2009.

**09-19      Ramnath, Inc.**  
**d/b/a Devon Food & Grocery**  
**7815 N. Knoxville, Suite 14**  
**Requesting: Class C-1 (package liquor)**

Prashant Dave and Udit Dave presented an application for a Class C-1 (package liquor) Liquor License for Suite 14 at 7815 N. Knoxville.

In discussion with Chairman McCabe, Mr. Dave stated that they had primarily Indian/Asian foods and wanted to add Indian/Asian liquors, about 15 different brands of Indian liquors. He indicated they were brands that their customers could not find in this area so they wanted to be able to provide them.

In further discussion regarding concern about changing from a grocery store to a liquor store, Mr. Dave stated that this was part of their expansion and the grocery store was doing really well right now. He stressed that they had no intention of turning it into a liquor store, adding that only about 10 to 15% of their sales would be liquor.

Mr. Dave also explained that they had not paid rent for the past four months on Suite 8 where they were currently storing things until their new Suite 14 was ready to open. He indicated that Suite 8 would be given back to the landlord and that they would be renting only Suite 14 for their store. He explained that they had a warehouse elsewhere to store things in.

In discussion with Commissioner Jackson, Mr. Dave reiterated that the only types of liquor they would have would be from India and Sri Lanka.

In discussion with Commissioner Arndt, Attorney Williams stated that the Commission could put any type of conditions on the recommendation to the City Council regarding the liquor license site, but she cautioned that putting a certain type of liquor could limit their ability to sell their store at a later time because those conditions would remain with the site. She also stated that if

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a certain percentage of alcohol sales were put in the condition, it should be a specific percent and not a range so it is clear to the operators what they were supposed to be doing.

Commissioner Arndt explained that the fear was that if they would sell their business, another operator could turn it into a liquor store if conditions were not stipulated along with the site.

A motion was made by Commissioner Jackson to recommend approval of this site application with the stipulation that the liquor sales be limited to 15% of the total sales and that the liquor sold be limited to imports from India and Sri Lanka.

Attorney Williams stated that this site approval limitation would be limiting to anyone else who would try to buy the premises and they might not want to sell liquors from just India or Sri Lanka.

Commissioner Jackson stated that was exactly what he wanted.

In discussion with Liquor Investigator Jordan regarding concerns about liquor signage in the storefront, Mr. Dave stated that they did not plan to put up any liquor signage.

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

Commissioner Arndt seconded the motion made by Commissioner Jackson to recommend approval of this site application with the stipulation that the liquor sales be limited to 15% of the total sales and that the liquor sold be limited to imports from India and Sri Lanka.

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

Nays: 0.

Chairman McCabe stated this recommendation would be heard at the City Council Meeting on Tuesday, August 25, 2009.

**09-20      Ric Kearby and Bruce Ogden**  
**d/b/a Firehouse Pizza**  
**3110 N. Gale Avenue**  
**Requesting: Class G (restaurant, beer & wine only)**  
**Subclass 3 (beer garden)**

Bruce Ogden, representing Firehouse Pizza, and Don Ehnle, Ehnle Construction, presented an application for a Class G (restaurant, beer & wine only) with a Subclass 3 (beer garden) Liquor License at 3110 North Gale Avenue.

In discussion with Chairman McCabe regarding their beer garden and parking spaces, Mr. Ogden stated that they had already built their permanent beer garden and there were six parking spaces in the back and 26 to the side. He indicated they had seating capacity on the inside for about 18 tables and 5 tables outside, with four tables seating only two and the rest seating four.

Chairman McCabe explained that anything the Liquor Commission would recommend would be subject to what happens at the Zoning Commission on August 6.

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In discussion with Commissioner Jackson, Mr. Ogden stated that the outside patio area had been completed and they were looking for a Special Use Permit from Zoning so that they can serve alcohol as well.

Commissioner Jackson expressed concern that the outside patio was very close to the school and also close to some of the neighbors.

In discussion with Commissioner Arndt, Attorney Williams stated that the boundary restriction for a school does not apply to a restaurant, but the Commission or Council could consider that when deciding to recommend that license. She also indicated that the school was sent a notice about the liquor site application.

Commissioner Arndt stated that this business had a great reputation for running a good operation. He stated they had restaurants in Pekin, Washington and north Peoria.

Dan O'Brien, 3129 N. Finnell, stated he lived directly behind this business and expressed concern about the jump in crime when they put in the liquor store across the street and wanted to object to this also.

Vince Coleman, 3125 N. Finnell, stated he was also speaking for his neighbor who lived at 3121 N. Finnell because she could not make this meeting. He expressed concern that they had built the outside patio before they had the ok to build it from Zoning and without getting a Liquor License first. He also expressed concern about the possibility of smoke and noise coming from the beer garden onto his back porch.

In discussion with Commissioner White regarding music, Mr. Ogden stated they planned to have small speakers outside, but nothing that would intrude to the neighbors. He said they closed at 8 p.m. on Sundays, 9 p.m. Monday through Thursday, and 10 p.m. Friday and Saturday. He added they had put in an outside security system with video cameras onto the patio as well as up and down the alleyway, which would help prevent anything getting out of hand. He stressed that they are meant to be a restaurant and the outside patio is meant to be an additional eating area because there is restricted space inside. He also said they had a 3-foot stonewall fence surrounding the outside patio.

In further discussion regarding the zoning, Attorney Williams stated the C-1 zoning category is separate from the Class G Liquor License, which is beer and wine only in a restaurant. She stated that even though they were zoned C-1, the back beer garden area required a Special Use Permit and that was why they had to go before the Zoning Commission also.

In discussion with Chairman McCabe, Attorney Williams stated that if the Zoning Commission does not allow the Special Use Permit and the City Council denies the Permit, they would have to remove the beer garden.

Liquor Investigator Jordan stated that there were two issues in front of the Liquor Commission. The site application for a Class G Liquor License for the inside of the building, and the Subclass 3 Liquor License for the outside patio area.

Commissioner Arndt stated that the Commission could recommend the Class G Liquor License with the stipulation that the Subclass 3 would wait until the Special Use Permit was voted on.

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In discussion with Chairman McCabe regarding whether the patio was a make or break deal, Mr. Ogden stated that obviously the inside seating only allowed so many people and the idea was to have outside seating available during good weather. By not having the outside seating, he indicated it reduced their seating capacity by 40%.

Mr. Ogden also stated that judging from the other Firehouse Pizza restaurants that were open, the liquor sales made up only 10 to 15% of the total sales. He stated that the beer is offered as a supplement to the pizza. He indicated they do not have a bar area and they do not encourage people to come there just to drink because it is a restaurant. He added that their intention is never to alienate the neighbors and if that would become an issue, they would certainly address that. He said that they hoped the neighbors would become a major client because they were in walking distance.

A motion was made by Commissioner Jackson to recommend the site for a Class G (restaurant, beer & wine only) Liquor License for 3110 N. Gale Avenue and to defer the issue of the Subclass 3 (beer garden) License until after the Zoning Commission has ruled on the Special Use Permit; seconded by Commissioner White.

Yeas: Arndt, Jackson, McCabe; White - 4;  
Nays: 0.

Liquor Investigator Jordan reminded the applicant that they would have to resend the Notices to the neighbors regarding another hearing on the Beer Garden Liquor Application if the Zoning Commission grants the Special Use Permit and it passes City Council on August 25, 2009.

Chairman McCabe stated the Class G Liquor License recommendation would be heard at the City Council Meeting on Tuesday, August 25, 2009.

### **CONTINUED:**

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

**Note:** This application has been heard at the Liquor Commission meetings held on June 1 and July 6, 2009. Minutes from those meetings are attached.

Attorney Danielle Lippens, representing H Rilwala Foods, Inc., stated that she had met with the neighbors and tenants twice to hear their concerns and there seems to be nothing her client can do to change their minds. She stated there was an overall concern about the landlord and his management of the building, as well as other problems.

Tenant John Ritter, Edward D. Jones & Co., stated that if the landlord runs this proposed store the way he runs the complex, there is much concern. He indicated the tenants can never get in touch with the landlord until they start holding back rent. He said the tenants are responding to customer complaints and filling the parking lot holes themselves as well as taking care of other building repairs and maintenance issues. He added that this is not a recent thing, it has been ongoing for a long time.

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Scott Elledge, owner of Copper River Coffee & Tea, also expressed concern about how this liquor store would be run with the lack of attention of the landlord toward this property and its tenants. He also indicated he was opposed to a liquor store around the corner from his business.

Jeff Smucker, Z-Coil Shoes, stated there are already plenty of liquor stores in this area, with liquor at the gas station across the street, Friar Tucks down the block, and Sterling Liquors.

Mr. Coleman stated that the remainder of the tenants, Famous Footwear and Verizon, could not speak because of legal issues with the landlord. He also had concerns with the limited amount of parking that would be available.

In response to Chairman McCabe, Mr. Coleman stated he had a five-year lease and that was why he was still there and Mr. Elledge stated he is a new business owner and cannot afford to move at this time. Mr. Smucker stated his lease is up in September and, depending upon the outcome of this, he will probably move out too.

Jim Brownfield, City Building Inspector, stated that they had received two complaints. He said the first was because work was being done inside the proposed store without the proper work permits so there is currently a “stop work order” posted. He said another inspector had received a complaint because of the disrepair of the building and supposedly the landlord is coming into town tomorrow to meet with him. Mr. Brownfield encouraged the tenants to get in touch with Inspector Phil Yehl with their building concerns before he meets with the landlord.

Attorney Lippens reiterated that she represented the landlord with regard to this liquor application only and not for any of the building issues. She said they were aware of the parking lot problems. She stated they had advised their client of the numerous objections and he had decided to proceed with the application.

Commissioner White stated she would be abstaining from the vote on this issue because of a conflict.

A motion was made by Commissioner Arndt to recommend DENIAL of this site application for a Class C-1 (package liquor) Liquor License at 4931 N. Hamilton Road; seconded by Commissioner Jackson.

Commissioner Jackson stated that he seconded the motion to deny but only because the surrounding businesses came forth and convinced him that this was a bad landlord.

Yeas:	Arndt, Jackson, McCabe - 3;
Nays:	0;
Abstain:	White – 1.

Chairman McCabe stated this recommendation for DENIAL would be heard at the City Council Meeting on Tuesday, August 25, 2009.

## **IV. UNFINISHED BUSINESS**

There was no unfinished business discussed at this meeting.

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### **V. NEW BUSINESS**

There was no new business presented.

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

The next scheduled regular meeting of the Liquor Commission is Tuesday, September 8, 2009.

### **VII. ADJOURNMENT**

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:27 p.m.

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*Kristin Cannaday-Stash, Secretary*

Attachments