

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
May 3, 2010**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on May 3, 2010, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Ted Arndt; Drew Cassidy; Don Jackson; Virginia White - 5

Absent: 0

Others present: Liquor Commission Jim Ardis; Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Fire Capt. Dan McGann; Building Inspector Jim Stevens; 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 April 5, 2010 Liquor Commission Meeting; seconded by Commissioner Cassidy.

Approved by roll call vote:

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

Nays: 0

III. LIQUOR SITE APPLICATIONS

10-9 Aldi, Inc.
 d/b/a Aldi's
 9129 N. Allen Road
 Requesting: Class C-1 (grocery with package liquor)

Josh Methe, representing Aldi's, presented an application for a Class C-1 (grocery with package liquor) for a new store located at 9129 N. Allen Road.

Mr. Methe said the new Aldi is located just south of Route 6 off Allen Road directly in front of Menard's, directly behind the Shell Station.

Chairman McCabe stated that one of the concerns that should be referred to the District Manager is to make sure the liquor is away from the front doors so underage kids were not walking out with it.

Mr. Methe stated they carry mostly wine and three different beers. He indicated they had stopped carrying Bartles & James just for that reason.

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In discussion with Commissioner Arndt, Mr. Methe stated they would not be carrying any quarts or 40-ounce bottles of alcohol.

In discussion with Commissioner Jackson, Mr. Methe stated they do not have package liquor at the store on Western Avenue, but they do carry it at the stores on War Memorial and Sterling.

Commissioner Arndt explained that the Liquor Commission had turned down the application for package liquor at the Western Avenue store.

In discussion with Commissioner White regarding alcohol being displayed at the front door of the Sterling store, Mr. Methe indicated he would discuss that with the District Manager.

In answer to Commissioner Jackson's questions regarding how the applicants could get a liquor license without the building being built, Inspector Stevens explained that the City was able to go by site plans and drawings and Capt. McGann stated that the business was not able to open until after everything was complete to specifications and the Certificate of Occupancy was determined by the Fire Department.

Attorney Williams stated that after the Certificate of Occupancy was awarded, the liquor license was given to the applicant.

In further discussion, Mr. Methe stated that the store was expected to be open in September.

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

A motion was made by Commissioner Arndt to recommend approval of the request for a Class C-1 (grocery with package liquor) at 9129 N. Allen Road; seconded by Commissioner White.

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

Chairman McCabe stated that a representative of this application should be at the City Council Meeting on Tuesday, May 25, 2010, when this recommendation will be considered.

(Commissioner Cassidy arrived.)

10-10 **Tavern on Prospect, Ltd.**
 d/b/a Tavern on Prospect
 5901 N. Prospect #10 (Junction City)
 Requesting: Subclass 3 (beer garden)
 Has: Class A (tavern)

Jeff Stevenson, owner, presented an application for a Subclass 3 (beer garden) to be added to his Class A (tavern) Liquor License.

In discussion with Chairman McCabe, Mr. Stevenson stated he has a capacity of 49 inside his establishment. He stated that he plans to have 10 tables in a little outside beer garden, which will conform to the landscape of Junction City. He explained that he was planning on a 5-foot wrought iron fence surrounding a bricked area along with some plants and shrubs. He stated it would be very similar to the area that Cyd's has.

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Mr. Stevenson stated he planned to have this outside area open until 9 or 9:30 during the week and until 11:30 or Midnight on the weekends. He indicated he was aware of residents across the street and he would take them into consideration.

Commissioner Cassidy expressed concern about a beer garden that was not actually attached to the business and the need for a constant presence for security.

Mr. Stevenson stated there was a 4-foot boardwalk right outside his business and the beer garden area was adjacent to that boardwalk. He stated that they would not allow any alcohol to be carried from the establishment to the beer garden area by the patrons. He added that he would also have signs at each gate stating that no alcohol was to be removed from the gated area.

Mr. Stevenson stated that you could see out to the beer garden from the corner of the bar and if they needed extra security out in that area, he would hire someone or he would be out there because he did not want to be fined or lose his license.

In further discussion, Commissioner Cassidy stated he loved what they were doing with Junction City and would be supporting this application, but he was wondering about detached beer gardens and if they should be considered.

Attorney Williams stated that the ordinance states that the beer garden should be adjacent to the licensed premises so this is something that the Commission needed to consider, whether this was adjacent to that premises because adjacent is not defined in the ordinance.

Liquor Investigator Jordan stated that Donnelly's on Glen had the same issue, where you had to come out of the building and go around in the parking lot to the beer garden. He added that they had plans to put up a fence, but that has never been completed.

Liquor Commissioner Ardis stated that Donnelly's was a good example because it is outside and around the corner and if the waitstaff is inside, it is not always in full view of the bartender. He said that the City needed to attempt some flexibility on businesses that were trying to be competitive with other areas. He indicated he was not aware of the issues that Peoria Heights may have where they do not even have fences, but can walk up and down the sidewalk with alcohol. He added that he has been to Tavern on Prospect and the clientele is not a group of kids, but very similar to what you see in restaurants in Peoria Heights. He stated the concerns that were expressed were very valid and need to be identified, but that it would be incumbent upon the owner of the establishment to be aware of the concerns and give him the opportunity to fail.

Commissioner Cassidy stated he was always a proponent of new things and really liked what was going on with Junction City. However, he stated that he had expressed concern about the precedent Donnelly's application was setting because there was no clear view and that you were actually out in the parking lot before you enter the beer garden and now this application is even farther away from the establishment.

Liquor Investigator Jordan stated that the applicant really wanted a sidewalk café like Cyd's and the Butcher Block, but because he was a Class A (tavern), he did not qualify for that. He indicated the City should look at the requirements for the Subclass 3A (sidewalk café) because he had several requests by taverns who did not want beer gardens but wanted their patrons to be able to go outside and smoke at tables outside their establishment.

Attorney Williams stated that the Commission could direct the definition of "adjacent" or anything else they wanted to look at.

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Mr. Stevenson indicated he would take every precaution to keep control of this area because it was very important for him to have his business here, to survive and make a living, and he did not want to be fined or have his tavern shut down.

Chairman McCabe opened questions from the Floor.

Pat Liston, owner of the Last Hurrah, stated he was curious about the difference between a beer garden and a sidewalk café and about establishments trying to compete with other areas such as Peoria Heights. He stated that if there is a way to tweak the City ordinance, that would be very helpful to those in business in the City when competing with those other areas.

John Kelly, 6006 N. Wedgewood Lane, stated he lived directly across from Junction City and he said he was glad there was a tavern there, but expressed concern that there would be music in the beer garden area.

Mr. Stevenson stated that the only music would be the music that already plays on the boardwalk throughout Junction City. He said there would be no speakers in the beer garden area and there would be no live music.

In response to Commissioner Cassidy, Mr. Kelly stated he was satisfied with that answer about the music.

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

A motion was made by Commissioner Arndt to approve the request to add a Subclass 3 (beer garden) license to the Class A (tavern) Liquor License at 5901 N. Prospect #10; seconded by Commissioner Jackson.

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

Nays: 0.

10-11 Café, LLC
d/b/a Café 401
401 SW Water, Ste. 102
Requesting: Class B (restaurant, full-service bar)
Subclass 2 (live entertainment)

Kert Huber, building owner, presented an application for a Class B (restaurant, full-service bar) and a Subclass 2 (live entertainment) Liquor License for 401 SW Water, Suite 102.

In response to Commissioner Jackson regarding patrons bringing in their own bottles of alcohol and not consuming the whole bottle while in the restaurant, Attorney Williams stated there is a State Law that, for a restaurant only, if a single bottle is not totally consumed, it can be placed in a one-time sealed plastic bag with a restaurant receipt and taken from the establishment. She also clarified that the State Law is limited to wine only.

Mr. Huber stated this is a small café that seats 30 people which is open now without liquor. He indicated they now have a chef and he would like to open a night venue with the ability to serve liquor. He stated that some of the residents are really into expensive wines and want to be able to bring their own wine.

Chairman McCabe stated that the only letters received from the residents are all in favor of this liquor license.

Mr. Huber stated that they also may want to add a piano bar at some point and that was the reason they were requesting the Subclass 2 license at this time.

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Nicole Heddington, resident of 401 and living directly above Café 401, stated she was very much in support of this application.

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

A motion was made by Commissioner Arndt to recommend approval of the request for a Class B (restaurant, full-service bar) with a Subclass 2 (live entertainment) Liquor License at 401 Water, Suite 102; seconded by Commissioner White.

Yeas: Arndt, Cassidy, Jackson, McCabe, White – 5;
Nays: 0.

Chairman McCabe stated that a representative of this application should be at the City Council Meeting on Tuesday, May 25, 2010, when this recommendation will be considered.

10-12 Junction City Steakhouse, Inc.
d/b/a 309
5901 N. Prospect, Suite D* (address corrected – 5832 N. Prospect, Suite D)
Requesting: Class B (restaurant, full-service bar)
 Subclass 1A (2:00 a.m. closing)
 Subclass 2 (live entertainment)
 Subclass 3A (sidewalk café)

Michael Vai presented an application for a Class B (restaurant, full-service bar) with a Subclass 1A (2:00 a.m. closing), Subclass 2 (live entertainment) and Subclass 3A (sidewalk café) Liquor License for 5901 N. Prospect, Suite D.

In response to Chairman McCabe, Mr. Vai stated that this restaurant is on the southside of Junction City. He said that they planned to open on June 1. He indicated he planned to be open Monday through Friday at 11 a.m. for lunch and stay open til 9:00 p.m. on Sunday and Monday, at 10:00 p.m. on Tuesday and Wednesday, and at 11:00 p.m. on Thursday, Friday and Saturday. He indicated the bar would have extended hours.

Mr. Vai also indicated they had approximately 110 seats in the main dining room, 60 seats in the bar, 72 seats in one private dining area and 24 seats and another private dining area, plus the sidewalk café area.

Capt. McGann stated the Certificate of Occupancy would be set when everything is completed.

In response to Commissioner Cassidy, Mr. Vai stated they had two small outside speakers for the sidewalk café, but there are no residents on their side of building.

Inspector Stevens stated that they are still waiting on the final outside seating plans for the sidewalk café for the egress out of the building.

In response to Commissioner Jackson regarding the outside speakers, Mr. Vai stated that this side of the Junction does not have the piped music as the rest of the boardwalk section. He stated they face the old American Pi restaurant.

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

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A motion was made by Commissioner Arndt to recommend approval of the request for a Class B (restaurant, full-service bar) with a Subclass 1A (2:00 a.m. closing), Subclass 2 (live entertainment) and Subclass 3A (sidewalk café) Liquor License at 5901 N. Prospect, Suite D; seconded by Commissioner Jackson.

Yeas: Arndt, Cassidy; Jackson; McCabe, White – 5;
Nays: 0.

Chairman McCabe stated that a representative of this application should be at the City Council Meeting on Tuesday, May 25, 2010, when this recommendation will be considered.

10-13 Brasky's LLC
d/b/a Brasky's
9901-E North Knoxville
Requesting: Class B (restaurant, full-service bar)

Andrew Engelbrecht and Bill Engelbrecht presented an application for a Class B (restaurant, full-service bar) for 9901-E North Knoxville, a part of Prairie Lakes Crossing.

Commissioner Cassidy stated he would be abstaining from this application because he is related to the building owner.

Mr. Engelbrecht stated he hoped to open in June and planned to be open 7 days a week from 11:00 a.m. until 1:00 a.m. He indicated they planned to have burgers, wings, soups, sandwiches, typical pub food. He also stated he would have an extensive carry-out menu to cater to all the apartment residents behind him.

Mr. Engelbrecht indicated they could seat about 91 patrons inside the restaurant, but the final count would be determined with the Certificate of Occupancy.

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

A motion was made by Commissioner Jackson to recommend approval of the request for a Class B (restaurant, full-service bar) Liquor License at 9901-E North Knoxville; seconded by Commissioner Arndt.

Yeas: Arndt, Jackson; McCabe, White – 4;
Nays: 0;
Abstention: Cassidy - 1

Chairman McCabe stated that a representative of this application should be at the City Council Meeting on Tuesday, May 25, 2010, when this recommendation will be considered.

10-14 BR-SR LLC
d/b/a Happy Fish Sushi
1200 W. Main Street, Suite 33
Requesting: Class B (restaurant, full-service bar)
Subclass 2 (live entertainment)

Steve Reeves presented an application for a Class B (restaurant, full-service bar) with a Subclass 2 (live entertainment) Liquor License for 1200 W. Main Street, Suite 33.

Mr. Reeves stated he was facing Main, next to Starbucks on the corner. He indicated he currently had 59 seats and was already open and serving sushi. He added they were open six days a week, closed Mondays, from 11:00 a.m.

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until 2:00 p.m. for lunch and 5:00 p.m. until 9:00 p.m. for dinner during the week and until 10:00 p.m. on the weekends. He indicated that the main reason they were closed during the day was because they had a hard time finding sushi chefs. However, he said they may stay open all day now that they have hired two sushi chefs.

In discussion with Commissioner Jackson, Mr. Reeves stated they planned to have a live DJ who plays down-tempo, quiet techno music which was currently the trend with sushi restaurants. He stated they were hoping it would catch on with the Bradley students and said it would be quiet enough that it would not offend their other patrons.

In further discussion, Mr. Reeves stated that they currently served about 50% Bradley students and 50% regular sushi patrons.

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

A motion was made by Commissioner White to recommend approval of the request for a Class B (restaurant, full-service bar) and Subclass 2 (live entertainment) Liquor License at 1200 W. Main Street, Suite 33; seconded by Commissioner Arndt.

Yeas: Arndt, Cassidy; Jackson; McCabe, White – 5;
Nays: 0.

Chairman McCabe stated that a representative of this application should be at the City Council Meeting on Tuesday, May 25, 2010, when this recommendation will be considered.

IV. UNFINISHED BUSINESS

No unfinished business was brought before the Commission.

V. NEW BUSINESS

Beer Garden

Attorney Williams stated that if the Commissioners wanted to discuss the definition of a beer garden because of the concerns that had been expressed, indicating that the Police Department had expressed concern about some of the beer gardens that are totally enclosed, she said they could do so. She indicated that some establishments were trying to build the beer gardens and enclose them to get around the Illinois Smoke Free Act.

Inspector Stevens stated that from the Building Department's viewpoint, they were concerned about the safety of the people.

Commissioner Cassidy stated he would prefer to review each application on a case by case basis. He stated that Junction City and Kelleher's were unique situations and he did not want to be locked in by overly defining it.

Liquor Investigator Jordan stated that the Police Department was getting calls from taverns about what they can do for beer gardens and there is no definition. He indicated that everyone is doing pretty much what they want to do at this point.

Deputy Liquor Commissioner stated that the State will not even define a beer garden.

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VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, June 7, 2010.

VII. ADJOURNMENT

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

Approved by *viva voce* vote.

The Liquor Commission Meeting adjourned at 4:23 p.m.

Kristin Cannaday-Stash, Secretary