

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
April 5, 2010**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on April 5, 2010, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Ted Arndt; Drew Cassidy; Virginia White - 4

Absent: Don Jackson - 1.

Others present: Deputy Liquor Commissioner Eric Turner; Corporation Counsel Randy Ray; 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 March 1, 2010 Liquor Commission Meeting; seconded by Commissioner Cassidy.

Approved by roll call vote:

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

Nays: 0

III. LIQUOR SITE APPLICATIONS

10-5 REK-SAW, Inc.

d/b/a Go-T's

3201 NE Adams

**Requesting: Change from Class B-1 (restaurant, 25% food) to
Class A (tavern) to comply with Liquor Code**

Robert Kelleher, owner, presented an application to change his Class B-1 (restaurant, 25% food) to a Class A (tavern) in order to comply with the regulations in the Liquor Code because he was not meeting the 25% quota of food sales each month.

In discussion regarding ADA requirements and the restrooms with Inspector Stevens, Mr. Kelleher discussed adding handrails or grabrails in the bathrooms. Otherwise, he stated, there would be no changes in his establishment.

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

A motion was made by Commissioner Cassidy to recommend approval of the request to change the Class B-1 (restaurant, 25% food) to a Class A (tavern) at 3201 NE Adams; seconded by Commissioner Arndt.

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

10-6 **Behm, Inc.**
 d/b/a Behmer's Dug Out
 2422 N. Knoxville
 Requesting: Subclass 2 (live entertainment)
 Has: Class A (tavern)

Becky Behm, owner, presented an application for a Subclass 2 (live entertainment) to be added to her Class A (tavern) Liquor License.

In discussion regarding ADA regulations, Mr. Stevens said that technically they needed to add a ramp for access to the bar off of Knoxville. He stated, however, that if they come from the parking lot, which is at the back, there is access and then they have waitstaff to serve them.

Ms. Behm indicated she had some regular patrons that were wheelchair bound and they knew to enter through the back from the parking lot.

In discussion with Chairman McCabe regarding whether this establishment was grandfathered in before the new ADA regulations, Corporation Counsel Ray stated that adding a live entertainment license to an already established liquor license would not require ADA changes, but he would check into that.

In discussion with Commissioner Cassidy, Ms. Behm stated she planned to have mostly karaoke. She added that they may also have a one or two person band, but it is a small bar and they just needed to add something to bring in more people.

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 2 (live entertainment) license to their Class A (tavern) Liquor License at 2422 N. Knoxville; seconded by Commissioner White.

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

10-7 **Club Reign, Inc.**
 d/b/a Johnny's Hideaway
 531 Main Street (Lower Level)
 Requesting: Class A (tavern)
 Subclass 1 (4:00 a.m. closing)
 Subclass 2 (live entertainment)

Attorney Sam Zabek and Al Zuccarini (owner) presented an application for a Class A (tavern), Subclass 1 (4:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License for 531 Main Street, Lower Level.

Attorney Zabek stated that the "d/b/a" may change before the establishment reopens.

In discussion with Chairman McCabe regarding his concern about the noise level and keeping the door closed since they are close to the hotel, Attorney Zabek stated that the live entertainment would include a DJ.

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In further discussion regarding the noise, Mr. Zuccarini stated that they were not planning to open the upstairs yet,. He said the first thing to reopen would be the lower level, Johnny's Hideaway at the street level.

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 A (tavern) with a Subclass 1 (4:00 a.m. closing) and Subclass 2 (live entertainment) at 531 Main Street (Lower Level); seconded by Commissioner White.

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

10-8 Club Reign, Inc.
d/b/a Club Reign
519-533 Main Street (Upstairs)
Requesting: Class A (tavern)
Subclass 1 (4:00 a.m. closing)
Subclass 2 (live entertainment)
Subclass 3 (beer garden)

Attorney Sam Zabek and Al Zuccarini (owner) presented an application for a Class A (tavern), Subclass 1 (4:00 a.m. closing), Subclass 2 (live entertainment) and Subclass 3 (beer garden) Liquor License for 519-533 Main Street (Upstairs).

In discussion with Chairman McCabe, Mr. Zuccarini stated he did not know when he would be opening the upstairs area. He stated he was in limbo and that he had been that way for two years.

Attorney Zabek stated that the circumstances were unique, in that there was an empty building and the landlord needed to generate revenue.

Mr. Zuccarini stated that he was planning on opening the lower level now and wanted to wait to see what happened before he decides to open the upper level.

Chairman McCabe expressed concern about the possible noise level with the hotel and opening up the upper level and suggested tabling this application until the applicant is ready to go forward.

In further discussion with Chairman McCabe, Corporation Counsel Ray stated that by agreement of the parties, there is no limitation to the application.

Commissioner Cassidy stated that by deferring the application, they would not have to start from scratch but could start up with where they were today in front of the Liquor Commission.

Mr. Zuccarini stated that that if both establishments were opened, up and down, they would be two separate businesses as they had operated in the past.

Mr. Zuccarini stated he was in agreement with deferring this application as long as he could come back before the Commission just by giving enough time to put the application on the Liquor Commission Agenda.

In clarification of Commissioner Cassidy's questions regarding notification, Corporation Counsel Ray stated that, for the record, no one had appeared to speak pursuant to the Notices sent out against the application for Club Reign, so the applicant could come back on the Agenda without the Notice requirement as long as he satisfied the Open

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Meetings Act. He added that the Liquor Commission Agendas were published on the City website and were posted as required.

By agreement of the applicant and Liquor Commission, this site application was deferred until a later Liquor Commission meeting.

IV. UNFINISHED BUSINESS

No unfinished business was brought before the Commission.

V. NEW BUSINESS

1. Consider extending site approval for Hy-Vee, 4125 N. Sheridan, Suite 20 until April 2011 (see attached).

Attorney Bob Hall representing Gateway-Taylor, the owner of Sheridan Village, as well as the tenant, Hy-Vee Inc., stated that they were requesting an extension of six months on the site approval that was approved about a year ago.

Commissioner Cassidy recommended approval of the request to extend the site approval at 4125 N. Sheridan Road, Suite 20, for six months until April, 2011; seconded by Commissioner Arndt.

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

2. Discuss proposed public right-of-way of Riverfront Entertainment District (see attached).

John Hunt stated he was co-owner of Kelleher's with Pat Sullivan. He stated his establishment was located at 619 Water Street and he would speak on the Riverfront Entertainment District proposal.

Chairman McCabe expressed concern that closing Water Street at 4:00 p.m. could become a traffic disruption and suggested doing a month-long traffic count on Water Street to determine if it would become a major disruption. He stated he deals with the Post Office and uses Water Street to get to Adams and the Interstate.

Corporation Counsel Ray clarified that no one had applied for a liquor license and this was to be a general hearing on the question. He indicated this was different than a normal hearing before the Liquor Commission. He stated this was a general City question and that the City Council would like the input from the Liquor Commission.

Chairman McCabe stated that if they decided to close Water Street only on Friday and Saturday and it was no inconvenience to anyone, he would not have a problem with it. He explained that Water Street being closed seven nights a week and disrupting the traffic pattern bothered him.

Mr. Hunt stated they had already spent the money on the tables and chairs and other things they needed. He indicated that they had asked for 4:00 p.m. and explained that they wanted to close at 4:00 p.m. so they could start setting up and catch the people getting off work in the downtown area at 5:00 p.m. He stated that if the area was not ready, they would lose about 80% of those people because they would leave the downtown area.

Jay Goldberg stated he was Chairman of the Riverfront Program and Policy Advisory Committee, which committee was appointed by the Mayor, with the City owning all the public right-of-ways along the Riverfront, and the Park District, who manages that property along the Riverfront. He indicated that the Warehouse District has been ordained the Riverfront Entertainment District. He stated that this plan was to create a usable outside district, like an outdoor café atmosphere. He indicated it was meant to upset the traffic going up and down Water Street. He said

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they, the businesses along the Riverfront, wanted to slow the traffic down on Water Street, making it more pedestrian friendly and indicated this idea was fully endorsed by the Peoria Riverfront Association. He also stated they had met with City Departments including the Fire Department and Police Department to address all the issues and everyone agreed that Water Street was not a main thoroughfare. He said Washington Street is the way to go to the Post Office via State Street. He added that this was just supposed to be a test and that this year it would be easy because 90% of Water Street would be closed anyway due to construction.

Mr. Goldberg stated the whole idea was that at 4:00 p.m., the street opens up. The entire area would be enclosed with wrought iron fencing turning this area into an open common area for all the restaurants within that block, with tables for Kelleher's, Rizzi's and the rest of the restaurants on that block. He added that they hoped to bring in a variety of entertainment such as art shows, acoustical music, ice sculpting shows, etc. to establish this as a open, outdoor café atmosphere.

He indicated that the request for this test period was just to close the one block. He added that, realistically, all of the businesses on the north end would not be participating because they have their own common areas, such as the platform for Old Chicago.

In discussion with Commissioner Arndt, Mr. Hunt stated that the purpose of a common area is to have common music that entertains everyone, not different types of music competing with each other.

In discussion with Commissioner Cassidy, Mr. Hunt stated that weather-permitting, they are planning on opening up this area at least 4 or 5 days a week. He indicated if there is not an event going on, this area would be open to the public and then motorists would know that Water Street is closed on certain days in that area.

Mr. Hunt added that it would look like a street-side café, with no tents, with an area large enough for pedestrians to walk through. He indicated that in order to put up tents or any other structure, that required a special request application to the City.

Mr. Goldberg reiterated that this is a café-type atmosphere, not a special event, which would be free to the public and anything that would be different from that would have to go back to the standard event permit application. He added that this would not be a beer bash where there is a beer truck sitting out there, it is more service-oriented.

In further discussion with Commissioner Cassidy, Liquor Investigator Jordan stated that this proposal falls under a "sidewalk café" which states patrons have to be seated in order to consume alcohol. He said that technically you can't move your drink or you would be in violation of the ordinance. He added that in a "beer garden", people can stand around and hold their drink.

Mr. Hunt stated they would have to come up with something because if they carried out their drink to a table they would be in violation and if they moved around they would be in violation.

Liquor Investigator Jordan stated that technically it would have to be a waitress who carried the alcohol.

Mr. Goldberg indicated that this had been discussed at length and they decided that something similar to a Class N Liquor License, such as they have at the Gateway and The Landing would work. He stated that the whole Riverfront area had a variety of licenses, but it also includes a common-type license where you can carry your drink from The Landing to the Riverfront Park during an event.

Deputy Liquor Commissioner Turner stated he had met with the Police Chief and the Riverfront Program and Policy Advisory Committee and he stated there will be a report after the trial period to the Commission and the Council about what works and what does not work before any permanent ordinance is put into effect.

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In further discussion with the Commissioners regarding patrolling patrons who walk around with alcoholic beverages, Mr. Hunt stated that would be up to the waitstaff.

In discussion with Liquor Investigator Jordan regarding his concern about the Illinois Liquor Code and the co-mingling of alcoholic beverages by different establishments and their different prices within a common area, Mr. Hunt stated that in Chicago they cordon off a three-block area during the Blues Fest and serve drinks on the sidewalks from the different establishments and all charge the same price.

Mr. Andy Driscoll from the Waterhouse, 619 Water Street, Suite B, stated he was in support of this proposal.

Commissioner Cassidy stated this was a good idea and something the City needed to bring people down to the Riverfront. He stated that he was not worried about the traffic on Water Street because Washington Street was a major thoroughfare. He indicated he would support this and hoped that people could just stand around if all the tables were filled and have a drink and smoke a cigar, like at Wrigleyville.

Commissioner Arndt stated he agreed that the City needed to be more aggressive to bring the people down to the Riverfront; however, this proposal is a luxury for the establishments in this area and the price of the applications should be greater because it gives them a competitive advantage.

Commissioner Cassidy recommended approval of this proposal for the trial period through the rest of 2010 with no seating limitations; seconded by Commissioner Arndt.

Yeas: Arndt, Cassidy; White – 3;
Nays: McCabe - 1.

Chairman McCabe stated he had voted no on this proposal because of his reservations regarding the traffic.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, May 3, 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 4:17 p.m.

Kristin Cannaday-Stash, Secretary

Attachments