

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
August 2, 2010

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on August 2, 2010, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Drew Cassidy; Don Jackson; Virginia White - 4

Absent: Ted Arndt - 1.

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Fire Inspector 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 3:31 p.m.

II. APPROVAL OF MINUTES

Commissioner Cassidy moved to approve the Minutes of the July 6, 2010 Liquor Commission Meeting; seconded by Commissioner Jackson.

Approved by roll call vote:

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

Nays: 0

III. LIQUOR SITE APPLICATIONS

10-21 Martin & Bayley, Inc.
d/b/a Huck's
7225 N. Allen Road
Requesting: Class C-4 (beer/wine package goods-convenience store/gas station)

Steve Behm, District Manager with Huck's, presented an application for a Class C-4 (beer and wine package goods/convenience store/gas station) liquor license for 7225 N. Allen Road.

Mr. Behm stated this store was 20 years old and they were getting ready for an extensive remodel. He stated they were asking for a beer/wine license to level the playing field with some of the competition.

In discussion with Chairman McCabe, Mr. Behm stated they had plenty of cooler space and 4 cooler doors would be designated for the beer and wine.

In further discussion, Mr. Behm indicated his employees were all over 21 years of age and all the employees had been trained in carding because of the sale of cigarettes. He said they had put a new register system in the stores in the spring and in order for the sale to go through, the

employee has to enter the customer's birthdate. He added that the new company policy dictated that everyone, regardless of age, had to be carded.

Mr. Behm stated that the store would be open from 5:00 a.m. until 11:00 p.m. every day of the week.

In discussion with Commissioner Jackson, Mr. Behm stated there was a Huck's on Alta and Knoxville, one by Sam's Club on War Memorial, and two in East Peoria. He indicated that the other stores already have liquor licenses.

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

A motion was made by Commissioner Jackson to recommend approval of the site application for a Class C-4 (beer/wine package goods-convenience store/gas station) liquor license at 7225 N. Allen Road; seconded by Commissioner White.

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

Nays: 0.

Chairman McCabe stated that this site application would be heard at the City Council Meeting on Tuesday, August 24, 2010.

10-22 **WFL Inc.**
 d/b/a Old Chicago
 120 SW Water Street
 Requesting: Subclass 2 (live entertainment)
 Has: Class B (restaurant, full-service bar)
 Subclass 1A (2:00 a.m. closing)
 Subclass 3A (sidewalk café)

Wade Cox, representing Old Chicago, presented an application to add a Subclass 2 (live entertainment) license to their Class B (restaurant, full-service bar) Liquor License with a Subclass 1A (2:00 a.m. closing) and Subclass 3A (sidewalk café) at 120 SW Water Street.

Mr. Cox stated they already have a special permit for using the outdoor platform area, which means they cannot charge a cover charge. He indicated they would like to be able to move the entertainment inside in the winter time, so they are applying for the Subclass License. He indicated they currently have a proposed schedule with open mike on Tuesdays, a DJ on Wednesdays and dueling pianos on Thursdays.

Mr. Cox indicated the hours of the restaurant were from 11:00 a.m. until Midnight on Sunday 11:00 a.m. until 1:00 a.m. Monday through Thursday, and 11:00 a.m. until 2:00 a.m. Friday and Saturday. He stated that if the entertainment is outside, they have to be done by Midnight because of the special permit to use the platform.

In discussion with Commissioner Jackson, Mr. Cox explained that the Riverfront Association had proposed a special permit for all the establishments facing Water Street where they could put out tables in front of their establishments and have music. He said that the street can be closed from 4:00 p.m. until Midnight to have a street venue atmosphere with outdoor eating and a bistro-like setting. He said the only restriction was that they could not charge a cover.

Deputy Liquor Commissioner Turner explained that when Kelleher's got permission to close Water Street with outdoor dining and music, the Council wanted to even it up all along Water Street for whoever had a riverfront operation.

In discussion with Commissioner Cassidy, Deputy Liquor Commissioner Turner stated that when the special permit was approved, the establishments were allowed to have amplified music along the designated area with no restrictions.

In further discussion, Mr. Cox stated that he had talked with Joe's and they had essentially just made their area on the platform available as a smoking section with six picnic tables.

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

A motion was made by Commissioner Cassidy to approve the application for the Subclass 2 (live entertainment) license to be added to the Class B (restaurant, full-service bar), Subclass 1A (2:00 a.m. closing), and Subclass 3A (sidewalk café) Liquor License at 120 SW Water Street; seconded by Commissioner Jackson.

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

Nays: 0.

10-23 **De-Man, Inc.**
 d/b/a Tilted Kilt Pub & Eatery
 7716 N. Route 91
 Requesting: Class B (restaurant, full-service bar)
 Subclass 1A (2:00 a.m. closing)
 Subclass 2 (live entertainment)
 Subclass 3A (sidewalk café)

Deanna Dean and Pete Mangieri, owners, presented a site 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 at 7716 N. Route 91.

In discussion with Chairman McCabe, Mr. Mangieri stated that they planned to open on September 20th, with three dry runs before that opening on Monday. He stated the building is 6,042 s.f. with a 933 s.f. patio. He indicated they had seating for 219 inside the restaurant and 47 in the patio area.

Mr. Mangieri distributed the menus and stated that it is an Irish Pub and Grub, and would offer food like shepherd pie, burgers, and chicken sandwiches, with all the servers wearing kilts. He also gave an overview of the building and patio area.

In discussion with Michael McCracken, Area Developer, he stated they do not have much live entertainment. He indicated St. Patrick's Day they planned to have an outdoor event and because some of the younger crowd likes live entertainment, there may be an Irish band. He stressed that usually they only have live entertainment once or twice a year.

In discussion regarding their choice of a sidewalk café instead of a beer garden, Commissioner Cassidy stated that a beer garden had less restrictions than a sidewalk café.

Mr. Mangieri stated that they chose a sidewalk café because they would be serving food and there were tables there to be served. He explained that he built the buildings and he had

managers who ran the restaurants. He also indicated it would be a place where the smokers could go out and smoke and it would be available all during the winter, stating they put tube-heat into the canopy so the patrons would not freeze.

After further discussion, Mr. Mangieri said that it was paramount for them to have a September opening, but they would come back with an amended application for a beer garden to replace the sidewalk café application if they decided to do that.

Attorney Williams stated they could go ahead and get the site approved with the current applications and then come back with an application for a Subclass 3 (beer garden) to replace the Subclass 3A (sidewalk café) license without any application fee.

Building Inspector Jim Stevens clarified that the patio would be built with two exits and a seating of 48 seats.

Ms. Dean clarified that the patrons could take their alcohol out on the patio area if they are smoking if they get the sidewalk café license approved until they switch the license to the beer garden, and the only restriction would be that patrons had to be seated with a sidewalk café license.

Commissioner Cassidy suggested they stick to the application they have until they switch it over to a beer garden if they find those restrictions too tight.

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

A motion was made by Commissioner Cassidy to approve the site 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 at 7716 N. Route 91; seconded by Commissioner White.

Yeas: Cassidy, Jackson, McCabe, White – 4;
Nays: 0

Chairman McCabe stated that this site application would be heard at the City Council Meeting on Tuesday, August 24, 2010.

10-24 **Walgreen Co.**
 d/b/a Walgreen's
 4814 N. Sheridan Road
 Requesting: Class C-1 (package liquor)

10-25 **Walgreen Co.**
 d/b/a Walgreen's
 1919 W. Pioneer Parkway
 Requesting: Class C-1 (package liquor)

10-26 **Walgreen Co.**
 d/b/a Walgreen's
 2324 W. War Memorial Drive
 Requesting: Class C-1 (package liquor)

Michael Palmer, District Manager for Walgreen Co., and Attorney Bob Hall, presented site applications for Class C-1 (package liquor) Liquor Licenses at 4814 N. Sheridan Road, 1919 W. Pioneer Parkway, and 2324 W. War Memorial Drive.

Attorney Hall stated they were bringing forth only three of the five Walgreen sites in Peoria at this time because the District 2 Councilperson wanted to hold neighborhood association meetings in that District before those site applications were submitted.

In discussion with Chairman McCabe, Mr. Palmer stated the layout in the stores was basically the same for the merchandising, and presented a picture of that layout. He also indicated that the point of sales terminal requires a birthdate for every transaction and the point of sale will not allow any cashier under the age of 21 years to ring through.

In discussion with Commissioner Jackson, Mr. Palmer stated that the drivers' licenses cannot be scanned at this time until Walgreen's gets new terminals in 2011, but it is mandatory for all employees to card all the customers who look under the age of 40 years old.

Attorney Hall added that there is no hard liquor, just beer and wine, and this is corporate policy.

Mr. Palmer stated that the percentage of liquor sales is ½ of 1% of total sales at this time in similar stores. He added that these site applications were being presented because of customer demand for their convenience, so they can make one stop on their way home as opposed to having to stop at another store.

Commissioner Cassidy stated he did not have any problem with these site applications, but he did express concern about the demographics of the store on Sheridan Road because it is close to Notre Dame High School.

Mr. Palmer stated that the precautions they would have at that store would be the same as in all their stores with monitoring and surveillance. He indicated they had not had any issues from the reports he had with their tracking and due diligence of cigarette sales, and the sale of alcohol would be the same. He stressed that they were doing this only for customer convenience, that they were in the healthcare business and their reputation was on the line.

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

A motion was made by Commissioner White to recommend approval of the site applications for a Class C-1 (package liquor) Liquor License at 4814 N. Sheridan Road, 1919 W. Pioneer Parkway, and 2324 W. War Memorial Drive; seconded by Commissioner Cassidy.

Yeas: Cassidy, McCabe, White – 3;

Nays: Jackson - 1

Chairman McCabe stated that these site applications would be heard at the City Council Meeting on Tuesday, August 24, 2010.

10-27 **Famous City Bistro Inc.**
 d/b/a Famous City Bistro
 629 W. Glen
 Requesting: Class B (restaurant, full-service bar)

Ken Humphrey and Ken Humphrey Jr., owners, presented a site application for a Class B (restaurant, full-service bar) Liquor License for 629 W. Glen.

In discussion with Chairman McCabe, Mr. Humphrey stated they were planning on starting the addition to the building, which was formerly a gas station, immediately.

Mr. Humphrey stated they had hired a chef from Peoria who had worked at Wrigley Field and Lambeau Field in the sky boxes to make high-end sandwiches named after famous cities, such as a New York pastrami or a Memphis pulled pork.

In further discussion Mr. Humphrey stated he had no experience in this area, but he had heard there would be approximately 40% drive-thru sales compared with eat-in sales. He indicated the entrance to the building would be the same as it is now with an exit on the side. He also stated that he had purchased all the property up to the side of the Red Barn and would be leveling all of that area for his parking lot.

In discussion with Chairman McCabe who expressed concern that the people driving in off of Glen to go through the drive-through would be driving in front of the people walking from the parking lot to come into the front door, Mr. Humphrey stated they would discuss this issue and come up with a walkway or some sort of yield.

In discussion with Commissioner Jackson's concern about the drive-through and required parking, Mr. Humphrey stated he had the spaces needed according to the City.

In further discussion regarding the parking and back-up problems at that corner when this was a gas station, Mr. Humphrey stated that he had taken care of the back-up problems by taking out the two-way traffic patterns and changing the flow of traffic to go one way around the building. He also said there is added parking at the street and along the side that was not there before.

Commissioner Cassidy stated that he would support this site application, but only because the Red Barn was already there. He expressed concern about the addition of liquor licenses so close to a high school and the precedent this was setting.

Mr. Humphrey explained that he owned The Back Store and for the past 10 years had wanted to improve that corner. He indicated he was spending a lot of money on the addition to the building, with new curbs and sidewalks to help improve the area.

Mr. Humphrey stated he was anticipating opening November 1. He indicated they would be open at 6:00 a.m. for breakfast with lattes, chicory coffees and beignets from New Orleans and then serving lunch and dinner until 9:00 p.m.

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

A motion was made by Commissioner Cassidy to recommend approval of the site application for a Class B (restaurant, full-service bar) Liquor License at 629 W. Glen; seconded by Commissioner Jackson.

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

Chairman McCabe stated that this site application would be heard at the City Council Meeting on Tuesday, August 24, 2010.

10-28 **Mercedes Restaurants, Inc.**
d/b/a Famous Dave's
7411 N. Grand Prairie Drive
Requesting: Class B (restaurant, full-service bar)
Subclass 3A (sidewalk café)

Steve Shaw and Ron Helms, manager and owner, presented a site application for a Class B (restaurant, full-service bar) with a Subclass 3A (sidewalk café) Liquor License for 7411 N. Grand Prairie.

Mr. Shaw stated they were remodeling the inside of the building so it will have 161 seats inside with a little bar area, along with a patio that will have about 180 seats. He stated this store was smaller than the one in Bloomington or the one in South Bend, Indiana. He indicated there were 178 stores nationwide at this time.

Mr. Helms explained they were not the franchise that ran the previous Famous Dave's in Peoria, that was a different company.

In discussion with Mr. Shaw regarding the question about having music with a sidewalk café license, Attorney Williams stated that there can be live entertainment with no amplification on the sidewalk cafe unless you are within 700 feet of a residential area. In further clarification, Mr. Shaw stated they had no interest in having live entertainment, just piped-in music.

Commissioner Cassidy clarified the reason he had brought up the beer garden vs. the sidewalk café license issue was because the previous applicant wanted live entertainment.

Mr. Shaw stated they were also applying for the special catering license because Famous Dave's does 25% to 30% catering business. He indicated they planned to open on September 27th.

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

A motion was made by Commissioner Cassidy to recommend approval of site application for a Class B (restaurant, full-service bar) Liquor License with a Subclass 3A (sidewalk café) at 7411 N. Grand Prairie Drive; seconded by Commissioner White.

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

Chairman McCabe stated that this site application would be heard at the City Council Meeting on Tuesday, August 24, 2010.

IV. UNFINISHED BUSINESS

There was no unfinished business presented at this meeting.

V. NEW BUSINESS

There was no new business presented at this meeting.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Tuesday, September 7, 2010* (*Monday, September 6, 2010 is a holiday).

VII. ADJOURNMENT

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

Approved by *viva voce* vote.

The Liquor Commission Meeting adjourned at 4:21 p.m.

Kristin Cannaday-Stash, Secretary