

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
February 7, 2011

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on February 7, 2011, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Ted Arndt, Drew Cassidy, Don Jackson, Virginia White – 5
Absent: 0.

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Fire Inspector Dan McGann; Building Inspector Jim Stevens; Kristin Cannaday-Stash, Commission 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 January 3, 2010 Liquor Commission Meeting; seconded by Commissioner Jackson.

Approved by roll call vote:

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

Nays: 0

III. LIQUOR SITE APPLICATIONS

11-04 Peoria Speakeasy, Inc.
d/b/a Big Al's
400 Blk. SW Jefferson
Requesting: Class A (tavern)
Subclass 1 (4:00 a.m. closing)
Subclass 2 (live entertainment)
(Moving from 519 Main Street)

Al Zuccarini, owner, and Attorney Sam Zabek presented the site application for the Class A (tavern), Subclass 1 (4:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License in the 400 Blk SW Jefferson (Franklin Street Parking Lot).

Commissioner Arndt stated he would be recusing himself from any discussion or vote.

In discussion with Mr. Zuccarini, Chairman McCabe stated that if the Liquor Commission makes a recommendation to approve to the City Council and the City Council approves this site application, it is only good for a year after the approval date.

Attorney Zabek distributed a rendering of the new building, but indicated nothing had been finalized at this time to be presented with this site application. (The rendering is attached to these Minutes.)

In further discussion, Mr. Zuccarini stated that the building would be 15,000 s.f. which is two times the size of his current building. He indicated he wanted to be able to do small concerts and shows. He also said that he plans to build a large kitchen and the food would be more upscale from what they serve now.

In discussion with Commissioner Jackson, Mr. Zuccarini stated the newspaper report was wrong and there would definitely not be an adult bookstore in his business.

Jerry Trecek, Peoria Rescue Ministries, 601 S. Adams, expressed concern about the close proximity to the childcare center at the bus terminal and the clientele this type of business brings so close to the Civic Center, especially when the City has been promoting family values for the Civic Center and the ball park. He also indicated he had talked with Born Paint Co. and they had expressed concern about the closeness to the childcare center. He added that there was good evidence of what 4:00 a.m. liquor licenses were doing to this City. He stated that this was defeating the purpose of family values and the City was looking at dollars rather than the value of human life because this type of business preys on our youth and helps push them into a lifestyle that is not conducive for viable citizens within our City.

Lou Carr, Coalition of Concerned Citizens, 1817 W. Lake Street, stated the Coalition is involved in trying to maintain traditional family values within the community. He expressed concern about Big Al's moving so close to the Rescue Mission whose mission is to take in people who have problems, such as drinking, and need help.

Milo Twist, Coalition of Concerned Citizens, expressed concern about sowing seeds of pornography, drunkenness and promiscuity in a neighborhood inhabited by children in the daycare across the street.

In discussion with Chairman McCabe, Liquor Investigator Jordan stated that Big Al's had probably less calls than the other liquor establishments on Main Street. He also stated that he was not aware of any complaints coming from Sacred Heart about this establishment.

Jean Allen, 316 SW Washington and secretary of her condo association, expressed concern about the 4:00 a.m. crowds and the noise. She stated this has nothing positive to offer to the vision of Peoria with the Museum, Civic Center and the Riverfront.

Lynn Costic, owner of Myah's Just for Kids Learning Center located at 415 SW Adams, stated that the childcare center is a learning center and an approved site for a preschool for all, which is a program that is governed by the Illinois State Board of Education. She stated her major concern is trying to teach children the value of integrity and honesty and is concerned about what kind of message this kind of business sends. She stated they had a very secure site, but in the nice weather the kids were outside taking field trips and she expressed concerns about their safety with this business being only 300 feet away. She stated she was not for or against Big Al's, but she did not want to see it next to the childcare learning center.

In discussion with Chairman McCabe, Ms. Costic stated the childcare center's hours were from 6:30 am. Until 5:30 p.m.

In discussion with Chairman McCabe, Mr. Zuccarini stated that Big Al's would be open at 11:00 a.m. for lunch and is open until 4:00 a.m.

Mary Jane Shea, 638 N. Carol, Hanna City, stated she grew up in this area and returned to care for her parents. She stated her employment was in early childhood education and her concern was the vulnerability of the children and what they were going to see. She also expressed concern that if there was a question whether this was a school, she opined that Myah's fit the definition of a school from the dictionary. She stressed that records show that it is the first 5 years in a child's life that makes the difference. She also stated she had grown up in a housing project and the Southside Mission had made the difference in her life in helping shape her morals. She indicated that she is here now as an advocate for the children. She again expressed concern that the City is more interested in its development than in a child's development.

John Block, 607 N. Hightower, expressed concern about what the children are already subjected to on a daily basis when they go in and out of the facility with the drugs, alcohol, solicitation and vagrants already at the bus terminal. He stated this was far worse than the people who go into Big Al's.

Sandy Fritz, 2449 W. Imperial Drive, stated a lot of research had been done and written in the adult use code for the City which lists the harmful effects of these businesses. She expressed concern about the type of people who frequent this kind of business, such as sex offenders. She stated she heard that Big Al's was told they could go to this site in the Warehouse District and since the daycare center is there, the harmful effects are enough that they should be told no. She also heard Big Al's was sacrificing to move, but was being offered millions to move. In her opinion, if the City wanted the hotel, they should build the hotel, and he should take the money and go with it and end this game.

In discussion with Commissioner Jackson, Ms. Fritz stated that the City needs to have a zoned area, not just a block, where adult use businesses are away from residents and already established businesses, so there can be a healthy development of the City. She also expressed concerns about the 4:00 a.m. zone expansion and the accommodation of adult uses. She stressed that it is time to listen to the people.

Everett Fritz, 2449 W. Imperial Drive, expressed concern about the establishments opening around the ball park that distract from taking families down there. He stated the ball park was built with public funds. He said there is a distraction in that area with the 4:00 a.m. zone and this will be the third sexually oriented business in close proximity to that area, which he felt is a misuse of those public funds.

In discussion with Commissioner White, Mr. Fritz stated that an example of this distraction was from his parish, St. Jude, who used to have yearly events at the ball park and the Civic Center and now they cannot get enough people who want to come down to this area anymore because of the danger.

Peggy Pendall, 3523 N. Knoxville, stated she was one of the bus passengers and she stated she would not feel comfortable leaving City Hall after a Council meeting at 10:00 p.m. and going to the bus terminal or bringing her family to the ball park at night with that kind of business in the area.

Attorney Sam Zabek stated that short of the speeches about changing the City's comprehensive plan and zoning ordinances, he was not going to comment on the majority of the objections, except the ones concerning the proximity of an adult use to the children's daycare center. He stated that the concerns are speculation about the patrons when they enter or exit Big Al's and that this would submit the children to an adult use. He stressed that there was an adult use closer than Big Al's proposal already and that was Swinger's World which

is 200 feet away, so the adult use concerns that were expressed are meritless. Regarding the non-attendance to baseball games, he stated that if you are not attending now, the deterrence is already there.

Mr. Zuccarini stated that no one knew his business better than he did about what kind of people he entertained, their ages, and any offenses they had. He stated he did not feel he had to defend his clientele. He stated he took offense at what had been alleged. He stressed the secondary studies were based on other cities in other areas and dated back to the 1970's. He said he always keeps the lowest profile he could and runs the best business he could within the law. He also added that he contributes money back into the various charities and organization in the community.

Attorney Zabek stated that currently there is an empty lot that does not generate any revenue and the proposal is for a 15,000 s.f. improvement that would generate a substantial amount of capital. He stressed that this is for site approval to see if this site is appropriate for the retail sale of alcohol and that is the only reason for this hearing today, that there is not a liquor license application at this time.

Commissioner Jackson stated he had not heard the applicant address whether or not the daycare center is a school and stated that it is not always about money, it is about the community. He added that the Commission had heard a lot of concerns about traditional family values and putting a tavern across from the ballpark and this was substantially more than a tavern. He stressed that the ballpark is secondary to the concern about the daycare center.

After further discussion about the Ordinance and the distance between an adult use and school, Attorney Zabek stated that the regulation states that if an existing license relocates, as long as it is in greater compliance than its current position, then it can relocate.

Assistant Corporation Counsel Williams stated that Attorney Zabek was referencing Chapter 18 of the Code which states that as long as they are in further compliance with the other City codes regarding adult use, they can move.

In further discussion with Commissioner Jackson and separating the two issues, Liquor Investigator Jordan stated there were two issues, adult use and liquor. He stated this hearing is only about liquor in the site application process.

Asst. Corporation Counsel Williams stated there is a provision in Section 3-11 of the Code regarding daycare and this is a facility that would meet that definition. She stated that there is no question that this meets the definition of a licensed daycare facility and the sublease boundaries of the daycare center are outside of the 100-foot boundary. She stated that this was the interpretation by the Corporation Counsel.

Liquor Investigator Jordan referred to his letter and stated the new location is 164 feet from the property line because of the bus transfer station, while the current location of Big Al's abuts Sacred Heart Church.

In discussion with Commissioner Jackson regarding the proximity of the adult use to the daycare center and the City's approval of that proximity, Assistant Corporation Counsel Williams reiterated that it was the opinion of the Corporation Counsel that if the location is in further compliance with the City Code, that would be more of an appropriate location than the previous location that is close to another church.

In discussion with Commissioner Cassidy, Assistant Corporation Counsel Williams stated that it is the opinion of the Corporation Counsel that this would not violate Chapter 3-11 of the Code, but that does not preclude the Commission from considering the proximity.

In further discussion with Commissioner Cassidy regarding the daycare center, Ms. Costic stated that originally the daycare center was under the YWCA in conjunction with the transit center; however they closed after a year and a half. She indicated she had taken over in June of 2007 and she was aware that Swinger's World was a half block away. She did add that she felt there was a difference between adult entertainment and an adult book store and she said there is not a lot of traffic with Swinger's World

Commissioner Cassidy stated she was just speculating and that the Police Department had stated there was not loitering outside of Big Al's and, in fact, they had fewer problems than the other bars on Main Street.

Chairman McCabe stated that the recommendation the Commission makes will end up at the City Council who will then decide. He stated Peoria was in an economic situation and this would play a big part in the decision. He added that Mr. Zuccarini operates a pretty clean business and from a liquor standpoint, there is not a reason for the Commission to say "no".

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

Commissioner Cassidy stated he is not going to speculate that every person who walks out of a bar is going to drive intoxicated or that anybody who runs certain kinds of businesses are trafficking in people, drugs or anything else and that it does not help anyone's case to throw out such speculations. He indicated he was only interested in the facts which are that the Police Department indicates this is a good operator who has had fewer problems than most on Main Street. He stated he has worked across the street from Big Al's for 21 years and has not witnessed any problems lurking around on the street or sidewalks. He said the issue here is if this is a proper site for a liquor license, and the facts are that this is a downtown commercial business district and it is an appropriate establishment.

A motion was made by Commissioner Cassidy to recommend approval of the site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License at the 400 Blk. of SW Jefferson; seconded by Commissioner White.

Yeas:	Cassidy, McCabe, White – 3
Nays:	Jackson – 1
Abstention:	Arndt - 1

Chairman McCabe stated this recommendation would be heard at the City Council Meeting on Tuesday, February 22, 2011.

IV. UNFINISHED BUSINESS

No unfinished business was presented at this meeting.

V. NEW BUSINESS

No new business was presented at this meeting.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, March 7, 2011.

VII. ADJOURNMENT

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

Approved by *viva voce* vote.

The Liquor Commission Meeting adjourned at 4:37 p.m.

Kristin Cannaday-Stash, Secretary

Attachment