

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION**

March 7, 2011

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on March 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: Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Building Inspector Jim Stevens; 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 February 7, 2011 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

11-5 Mt. Hawley Court, LP

Tony Alijis

d/b/a Alijis Bar & Grill

7815 N. Knoxville, Suite 12

Requesting: Class B (restaurant, full service bar)

Tony Alijis, business owner, and Julie Waldschmidt, representative of Mt. Hawley shopping center, presented the site application for a Class B (restaurant, full service bar) Liquor License for 7815 N. Knoxville, Suite 12.

In response to Chairman McCabe, Mr. Alijis said the proposed establishment will be the same as before, a steak house.

Ms. Waldschmidt stated that the interior was modified when Copperworks came in and remodeled, so this establishment will not have any changes from when it was Copperworks.

Mr. Alijis stated that the restaurant will remain open until 1 a.m. and he hoped to have the restaurant open for business within two weeks.

Liquor Investigator Jordan informed Mr. Alijis that with the St. Patrick holiday and IHSA tournaments, it will most likely take longer than two weeks for the approval process to be completed for the liquor license.

Hearing no further questions or comments from any neighbors or anyone in the audience, Chairman McCabe, called for the vote.

A motion was made by Commissioner Arndt to recommend **APPROVAL** of the site for Class B (restaurant, full service bar) license at 7815 N. Knoxville, Suite 12; seconded by Commissioner White.

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

Nays: 0

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, March 22, 2011.

11-6 **Progressive Innovations, Ltd.**
 d/b/a The Cornerstone Building
 321 NE Madison
 Has: Class K (rental hall)
 Requesting: Subclass 2 (live entertainment)

Jannello Justice presented a site application for a Subclass 2 (live entertainment) to be added to the Class K (rental hall) liquor license at 321 NE Madison.

After a brief exchange with Chairman McCabe about the address of this establishment, Ms. Justice indicated that they want to be able to have bands for weddings and other occasions when their customers ask for them.

Investigator Jordan, for background purposes, stated that he received information that rental halls had live bands playing during weddings without a subclass (live entertainment) license because there is a misconception that rental hall licenses include the ability to have live entertainment. Therefore, he sent out letters to all Class K liquor license holders without a Subclass 2 (live entertainment) license to come in and apply for that license.

Liquor Investigator Jordan further recommended that the liquor code be amended to have a live entertainment built into Class K (rental hall) liquor license.

A motion was made by Commissioner Arndt and seconded by Commissioner White to recommend **APPROVAL** of the site for a Subclass 2 (live entertainment) license to be added to the existing Class K (rental hall) liquor license at 321 NE Madison.

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

The Commission's recommendation of approval was forwarded to the Deputy Liquor Control Commissioner who subsequent to the meeting approved the site for Subclass 2 (live entertainment) license.

11-7 Theater Innovations, Inc.
d/b/a Peoria Theater Innovations
3225 N. Dries Lane, Suite H
Has: Class K (rental hall)
Requesting: Subclass 2 (live entertainment)

Lou McCann, business owner, presented a site application for a Subclass 2 (live entertainment) license to be added to the Class K (rental hall) liquor license at 3225 N. Dries Lane, Suite H.

Mr. McCann stated that Peoria Theater Innovation is an independent movie center and would like to add live entertainment. In response to Commissioner Jackson's question regarding what type of entertainment, Mr. McCann indicated that groups who rent out the auditorium for fundraising events would like to have live music. He added that the auditorium has a good setup for music because of the soundproof walls.

Mr. McCann also indicated that he was before this Commission due to the letter sent by the Liquor Investigator to all Class K license holders that a live entertainment subclass needs to be obtained if they wanted to have live music at the theater. He stressed that the theater is also an "event center" and, as an event center, he has been approached by Bradley University's "The edge" fundraising group that wants to do a fund raising event with live entertainment for "Tom's Shoes", a company that donates a pair of shoes to improvised countries for each pair sold.

Chairman McCabe asked about whether there was a big enough stage for a band. In response, Mr. McCann stated that although the auditoriums do not have a stage, there is a platform big enough for musicians. Mr. McCann further explained that they have two theaters that each seat 150 people with stadium seating and are structured to allow live entertainment.

Commissioner Jackson questioned whether this was an expansion from what they asked for when they first came before the Commission.

Both Investigator Jordan and Assistant Corporation Counsel Williams indicated that the City's Liquor Code did not cover nor describe the uniqueness of Peoria Theater Innovation that would serve wine with avant-garde movies and rent out the auditoriums for seminars and fundraisers. In reviewing the Liquor Code at that time, it was determined that although Class K rental halls are not generally open to the public like a movie theater, the other liquor license classes did not fit what the business owner wanted to do.

Attorney Williams responded that oftentimes business owners, as they operate after a year or two, find that they need additional subclass licenses such as sidewalk café, beer garden, or live entertainment and that is when they come before this Commission seeking approval of their site application to add a subclass to their liquor license.

A motion was made by Commissioner Cassidy and seconded by Commissioner White to recommend **APPROVAL** of the site for Subclass 2 (live entertainment) license to be added to the existing Class K (rental hall) liquor license at 3225 N. Dries Lane, Suite H.

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

The Commission's recommendation of approval was forwarded to the Deputy Liquor Control Commissioner who subsequent to the meeting approved the site for Subclass 2 (live entertainment) license.

11-8 Osaka Japanese Steak House, Inc.
d/b/a Osaka Japanese Sushi Bar & Hibachi
5201 W. War Memorial Dr., Suite 502
Requesting: Class B (restaurant, full service bar)
Subclass 3A (sidewalk café)

Xiong Chen, business owner, presented a site application for a Class B (restaurant, full service bar) Liquor License and Subclass 3A (sidewalk café) for 5201 W. War Memorial Dr., Suite 502.

In response to Chairman McCabe, Mr. Chen stated that they plan to be open from 11:00 a.m. to 10 p.m., 7 days a week, at the Shoppes at Grand Prairie.

Asst. Corporation Counsel Williams indicated the reason why this applicant is before this Commission for a location that has been site approved for the prior business is because by the time this restaurant will be ready to open, the site approval for this location will lapse due to the previous restaurant owner's closure and the discontinued sale of alcohol for more than 12 months. She further explained that the Liquor Code allows the owner of a newly site approved location to ask for extension of the site approval if it takes longer than 12 months to open the establishment, but this extension does not apply for a liquor establishment that has been operating for years and then had the site lapse due to a closure.

Hearing no further questions or comments from any neighbors or anyone in the audience, Chairman McCabe, called for the vote.

A motion was made by Commissioner Cassidy to recommend **APPROVAL** of the site for Class B (restaurant, full service bar) and Subclass 3A (sidewalk café) Liquor License; seconded by Commissioner Arndt.

Yeas: McCabe, Arndt, Cassidy, Jackson, White - 5;
Nays:

Chairman McCabe stated that the Commission was a recommending body and their recommendation would go to the City Council on Tuesday, March 22, 2011.

The Commission's recommendation of approval was forwarded to the Deputy Liquor Control Commissioner who subsequent to the meeting approved the site for Subclass 3A (sidewalk café) license.

11-9 VFW South Peoria Memorial Post #8662
d/b/a VFW
1111 South Western
Has: Class E (private club)
Requesting: Subclass 1A (2:00 a.m. closing)

Troy Lewis, Commander of the VFW, presented a site application for a Subclass 1A (2:00 a.m. closing) to be added to the location with a Class E (private club) at 1111 South Western.

Commissioner Cassidy asked the Liquor Investigator to explain the Police Chief's concerns on this subclass site request. Investigator Jordan explained that Chief Settingsgaard is concerned that the Police Department does not have enough Officers to respond to problems at this location around 2 a.m. because the Officers have to cover the downtown Main Street bars around the period of 2 a.m. to 4 a.m. He emphasized that the prime problem is the downtown Main Street bars and he has not had a major problem with this establishment in the last 2-3 years. He also indicated that Mr. Lewis is cooperative, but the rental room is the problem.

Mr. Lewis stated that the 2 a.m. subclass is for the Club, not the rental side and VFW donates the use of the rental room of the Club to various groups. Mr. Lewis ensured the Commissioners that he will make sure that extra security is available.

Investigator Jordan asked Mr. Lewis to let him know in advance when they rent out the VFW for private functions, so that he can communicate to Police patrol that they may need Police Officers to patrol that area.

Lavetta Ricca, 711 S. Greenlawn, stated that the Southside does not need this establishment to have 2 a.m. closing. She indicated that this block alone has 2 taverns and other liquor stores in the area so there is no problem in finding alcohol. She cited a study that indicates the negative secondary effects of having too many liquor establishments in highly impoverished areas.

Ms. Ricca stated that the Southside needed more businesses, not more liquor, and she is saddened by an organization like the VFW that should be a positive place where members could socialize without becoming more like a full-fledged tavern. She indicated there are people looking from the outside in to say what is best for the Southside, but she chose to remain in the Southside and her opinion is from the inside, 24/7, and she sees the direct effects of alcohol within that area.

Chairman McCabe asked Ms. Ricca whether the discussion between Liquor Investigator Jordan and Mr. Lewis made any difference from her opinion that she read from her pre-hearing written statements. Ms. Ricca pointed out that once this Club gets the 2:00 a.m. subclass, it cannot be undone and there is no assurance that there will be no problems. Ms. Ricca emphasized that things are already not fully enforced due to less Officers.

Mr. Lewis stated that they keep a tight control of their area inside and outside. He stated that the VFW is trying to stay open for the Veterans, especially for younger Veterans in times when most other VFWs are closed.

In response to Commissioner Cassidy, Mr. Lewis stated that there is a tavern for members and then a rental room for private functions, but there is no door or partition that can close off the tavern from the rental room.

Commissioner Cassidy asked whether the Subclass (2 a.m.) license can be extended only to the tavern area for the Club members and not to those attending the private function in the rental room. Both Liquor Investigator Jordan and Attorney Williams indicated that although this restriction can be put in the subclass, it would be almost impossible, if not problematic, to enforce.

A motion was made by Commissioner Jackson and seconded by Commissioner Arndt to recommend **APPROVAL** of the site for a Subclass 1A (2:00 a.m. closing) license to be added to the existing Class E (private club) Liquor License at 1111 South Western.

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

Chairman McCabe stated that the Commission was a recommending body for this subclass site application and their recommendation would go to the City Council on Tuesday, March 22, 2011.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

There was no new business discussed at this meeting.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, April 4, 2011.

VII. ADJOURNMENT

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

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Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:15 p.m.

Sonni Williams
Assistant Corporation Counsel