

**MINUTES OF THE CITY OF PEORIA**  
**LIQUOR COMMISSION**  
**June 6, 2011**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on June 6, 2011, Chairman Frank McCabe presiding.

**ROLL CALL:**

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

Others present: Corporation Counsel Randy Ray; Liquor Investigator Scott Jordan; Fire Investigator Dan McGann; 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**

(Note: There was no Liquor Commission Meeting in May, 2011.)

Commissioner White moved to approve the Minutes of the April 4, 2011 Liquor Commission Meeting; seconded by Commissioner Cassidy.

Approved by roll call vote:

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

**III. LIQUOR SITE APPLICATIONS**

**11-14 Rhythm Kitchen, Inc.**  
**d/b/a Rhythm Kitchen**  
**305 SW Water Street**  
**Has: Class B (restaurant/50% food)**  
**Subclass 2 (live entertainment)**  
**Subclass 3A (sidewalk café)**  
**Requesting: Expansion of footprint for Class B License**

Shelley Lenzini, owner, presented the site application to expand her Class B (restaurant/50% food) Liquor License at 305 SW Water Street.

In discussion with Chairman McCabe, Ms. Lenzini stated that she had been using the new space and wanted to get it on record and make the larger space official.

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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 **APPROVE** the expanded site for the Class B (restaurant /50% food) liquor license at 305 SW Water Street; seconded by Commissioner White.

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

**11-15                      Danny D. Laud**  
**d/b/a to be announced**  
**801-803 SW Adams**  
**Requesting:      Class A (tavern)**  
**Subclass 1A (2:00 a.m. closing)**  
**Subclass 2 (live entertainment)**

Danny Laud, owner, and Attorney Sam Zabek presented a site application for a Class A (tavern) with a Subclass 1A (2:00 a.m. closing) and a Subclass 2 (live entertainment) Liquor License at 801-803 SW Adams, which formerly housed Brown Bag Video.

In discussion with Chairman McCabe, Mr. Laud stated he would be the lessor/landlord. He stated he did not have a “done deal” and these were different people who wanted to go into business than the last time they had presented a site application for this building.

Attorney Zabek stated that the last time there was an interest in a particular tenant coming down from Rock Island and opening a sports bar. He indicated there is now a different tenant who would not require a 4:00 a.m. site, which appeared to be an issue that the City Council had after this Commission recommended approval. He said the City Council denied the last site application because of that 4:00 a.m. request, so this application is being submitted with a 2:00 a.m. site for a new tenant.

Mr. Laud stated he believed this would be a sports bar as well.

Commissioner Jackson expressed concern that there were no succinct plans being brought forward with this site application and it appeared to be very vague like the last time.

In discussion with Commissioner Jackson, Attorney Zabek stated the tenant would have to make application for the liquor license even if site approval was granted and if the tenant was not a viable candidate, then the Commissioner would not grant a liquor license.

Attorney Zabek stated that if there was a question about food, food other than pizza because this is a Class A, then the new tenant would have to reapply for a change and make an application for the proper health and food license.

Attorney Zabek stated there was absolutely no connection with this site application and the site application next on the agenda, which is 307 Oak Street.

In discussion with Commissioner Jackson regarding parking, Corporation Counsel Ray stated that consistent with new urbanism in the downtown area and the Warehouse District, the parking is not a

major issue with the City in this District. Instead, he explained the City is trying to let the marketplace address the major issues.

In discussing the boundaries where parking was not a major concern, Corporation Counsel Ray stated that just south of MacArthur was the southern boundary of the Warehouse District.

Attorney Zabek stated that Mr. Lear, in the last meeting, had stated that parking at this site was suitable, per the Warehouse District Ordinance, indicating there was street parking.

In discussion with Commissioner Arndt regarding the Disabilities Act, Inspector Stevens stated that when a building is renovated, there are certain requirements that have to be met in the bathrooms, entrances and exits and those would be addressed when the City was presented with a specific site plan, which has not been presented yet.

Commissioner Cassidy stated he would not be able to support this site based on the vagueness of the application. He explained that this is a very unique location with the ballpark and this site application is too vague as to what they actually have going in there. He indicated that once there is a tenant in place, there is plenty of time to come back and tell the Commission what the business plan is.

Commissioner Arndt stated he agreed with Commission Cassidy about the vagueness so he could not support this site application.

Commissioner White agreed that everything that was going to be happening was very vague and stated she would not be supporting this site application.

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 **DENIAL** of the site application for a Class A (tavern) with a Subclass 1A (2:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License at 801-803 SW Adams; denial seconded by Commissioner White.

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

Mr. Laud stated that the problem was that the potential tenant does not want to spend thousands of dollars until he knows he can get site approval for a liquor license.

Commissioner Cassidy stated that he was not at all opposed to a liquor license at that site, but he is opposed to giving a 2:00 a.m., Class A liquor license with live entertainment without having any idea who the tenant is going to be or what kind of business they were going to run.

Chairman McCabe stated that the Commission was a recommending body for this site application and their recommendation for denial would go to the City Council on Tuesday, June 28, 2011.

**11-16**            **Danny D. Laud**  
                      **d/b/a to be announced**  
                      **307 Oak Street**  
                      **Requesting:    Class K (rental hall)**  
                                      **Subclass 1A (2:00 a.m. closing)**  
                                      **Subclass 2 (live entertainment)**

Danny Laud, owner, and Attorney Sam Zabek presented a site application for a Class K (rental hall) with a Subclass 1A (2:00 a.m. closing) and Subclass 2 (live entertainment) Liquor License for 307 Oak Street.

In discussion with Chairman McCabe regarding the notification from the City's Finance Department that Mr. Laud had not filed or paid City restaurant taxes this year or paid City's amusement taxes for this address from July 2009 through March 2011, Mr. Laud stated that the State of Illinois changed him from paying his taxes monthly to quarterly so his accountant, who he has had for 21 years, contacted the City and someone there said to pay it quarterly. He indicated, however, that he keeps getting letters every month regarding not paying monthly. He added that this business has been shut down for two months.

Chairman McCabe stated that if there is any money due the City, a liquor license will not be issued until all fines or taxes are paid.

In discussion with Chairman Jackson regarding the taxes due from July 2009 through March 2011, Attorney Zabek stated there was a dispute between the City and the business regarding a cover charge being assessed at the door of that business. He stated there was never a cover charge, but the City is of the opinion there was a cover charge and they are entitled to a certain percentage of the tax. He indicated this has been disputed but not resolved.

In discussion with Commissioner Cassidy, Mr. Laud clarified that the open patio area was not being considered. He indicated he was just looking for the building itself to be site approved.

Liquor Investigator Jordan stated that he understood that besides being open for scheduled catered events, Mr. Laud was planning to open up for retail sales, which is permitted with a Class K liquor license, similar to what Peoria Theater does at Landmark. He explained that he understood that on the weekends when there was a game at the ballpark, this business will be open for the general public to come in and purchase alcohol and operate like a tavern.

Attorney Zabek stated that the intent is not to be open seven days a week, but be open when there is an event such as a concert or ballgame at the ballpark and the hall is not scheduled for any rental purposes.

In further discussion, Corporation Counsel Ray stated the Class K does not prohibit food, but it would be subject to Health Department and other regulations. He added that the Class K does not permit underage people to be in the establishment without their parents.

In discussion with Building Inspector Stevens regarding the addition of food preparation areas, Attorney Zabek stated there were no plans for food preparation because it was contemplated to be strictly a tavern at those times. He said all of the food was to be catered.

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 **APPROVE** the site for a Class K (rental hall) with a Subclass 1A (2:00 a.m. closing) and a Subclass 2 (live entertainment) Liquor License at 307 Oak Street; seconded by Commissioner White.

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

Nays: Jackson – 1

Chairman McCabe stated that the Commission was a recommending body for this site application and their recommendation for approval would go to the City Council on Tuesday, June 28, 2011.

**11-17**      **Morris Ross**  
                 **d/b/a Mo Mo's Lounge**  
                 **1520 W. Garden**  
                 **Requesting:    Class B (restaurant /50% food)**  
                                    **Subclass 2 (live entertainment)**  
                                    **Subclass 3A (sidewalk café)**

Morris Ross, presented the site application for a Class B (restaurant, full-service bar/50% food) with a Subclass 2 (live entertainment) and Subclass 3A (sidewalk café) Liquor License at 1520 W. Garden, which formerly housed the American Legion.

Mr. Ross stated he had decided, after talking with Liquor Investigator Jordan, that there would be no alcohol or outside entertainment in the patio area. He indicated he would use the area for just eating and alcoholic beverages.

In discussion with Chairman McCabe regarding concern over the live entertainment in a residential neighborhood, Mr. Ross indicated he will be running this establishment himself 24/7 and planned to have "lounge-type" music. He said he would have jazz, reggae and blues, the type of music you did not blast. He indicated he had talked with the neighbors and told them that the music would not become an issue. He also said he was gearing his lounge and music to patrons 30 and over with relaxing music.

In discussion with Commissioner Cassidy regarding the sidewalk cafe area, Mr. Ross stated he would withdraw the application for the Subclass 3A (sidewalk café) because he would only be serving food and not serving alcohol in that area.

Michael Blair, 1111 Warren Street, expressed concern about the capacity of the building and the lack of parking.

Kazia Blair, 1111 Warren Street, also expressed concern because when the patrons are leaving and have parked along the street, noise becomes an issue.

Mr. Ross stated that the security company that will be helping him knows there is zero tolerance for those kinds of issues and license plate numbers will be called into the Police.

In discussion with Commissioner Arndt, Mr. Ross stated he has run three restaurants in the past.

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In discussion with Commissioner Jackson regarding neighborhood issues when this building was the American Legion, Mr. Blair stated that the main concerns were litter and loitering after the Club closed.

Mr. Ross stated that those issues have been addressed and his employees know that when the Club is closed they do a walk-around for loitering and litter.

In discussion with Commissioner Arndt regarding site approval, Corporation Counsel Ray stated that once the site was approved for a Class B (restaurant) with a Subclass 2 (live entertainment) Liquor License that approval stayed with that site for 12 months should Mr. Ross sell this building.

In discussion with Commissioner Jackson regarding a site application not being approved by the Site Plan Review Board before being presented to the Liquor Commission, Corporation Counsel Ray stated that it was sort of a “chicken and egg question” -- is a person going to find out if they can get a liquor license first and then go to the Site Plan Review Board or address the site issues first. He added that, at this time, there is no set procedure so if a company would want to find out if their building would qualify for a liquor license they can find that out first.

Mr. Ross stated he was aware that he was required to go before the Site Plan Review Board with all of his plans.

Commissioner Cassidy expressed concern with the live entertainment license and residents as close as 79 feet. He suggested that Mr. Ross try the business without the live entertainment for awhile so the Commission could look at the history of his business to determine if litter and noise became concerns as expressed by the neighbors.

Mr. Ross indicated that might not go with the age group he was targeting and stated the difference with his business would be that he would be managing this business 24/7 and knew how close his neighbors are and that it would be foolish to blast the music. He indicated he had spoken with the neighbors and told them his main issues were the noise, litter and loitering and that he would take care of those concerns.

Mr. Ross stated that he was pouring everything he had, including his 401K, into that building and he would take care of it.

Mr. Ross also stated that the jazz-type music would be from small combos or a DJ. He also stated that he had worked at many of the bars in Peoria and knew that he would have a strict dress code and a certain kind of music. He believed that the kind of music you play makes or breaks a crowd.

In discussion with Commissioner Cassidy about neighborhood concerns pertaining to noise, Mr. Blair stated that he had talked with Mr. Ross and believed him to be a man of his word and he would approach him with any concerns that came up.

Mr. Ross distributed a copy of his menu and indicated he would be serving breakfast, lunch and dinner and would be closing at 1:00 a.m.

Liquor Investigator Jordan stated he had discussed his concerns with Mr. Ross regarding closing times and loud music.

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 **APPROVE** the site for a Class B (restaurant/50% food) with a Subclass 2 (live entertainment) Liquor License at 1520 W. Garden; seconded by Commissioner White.

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

Chairman McCabe stated that the Commission was a recommending body for this site application and their recommendation for approval would go to the City Council on Tuesday, June 28, 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 Tuesday, July 5, 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 4:21 p.m.

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Kristin Cannaday-Stash  
Commission Secretary