

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
July 5, 2011**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on July 5, 2011, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners Andrew Cassidy; Mike Miller; David Turner;
Virginia White – 5
Absent: 0

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Councilman Tim Riggerbach; Liquor Investigator Scott Jordan; 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 White moved to approve the Minutes of the June 6, 2011 and Liquor Commission Meeting; seconded by Commissioner Cassidy.

Approved by roll call vote:

Yeas: Cassidy, McCabe, Miller, D. Turner, White – 5;
Nays: 0

III. LIQUOR SITE APPLICATIONS

Because of some possible contention, Chairman McCabe changed the order of the Agenda.

11-20 The Fox Pub & Café, Inc.
d/b/a The Fox Pub & Cafe
7800 N. Sommer, Ste. 302
Has: Class B (restaurant/50% food)
Subclass 2 (live entertainment)
Requesting: Subclass 3A (sidewalk café)

John Rixner, the owner's son, presented the site application for a Subclass 3A (sidewalk café) to be added the Liquor License at 7800 N. Sommer, Ste. 302.

In discussion with Chairman McCabe, Mr. Rixner stated that they planned to have four tables that seat four patrons each which will be placed adjacent to the outside wall of the pub. He indicated that servers would be specified to that outside section.

Mr. Rixner stated they are closed on Sundays and Mondays. He said their hours are from 11:00 a.m. to 10:00 p.m. on Tuesdays through Thursdays and until Midnight on the weekends.

Liquor Investigator Jordan reminded the applicant that they are required to have a waitress serve the outside patrons, that they have to be seated and cannot stand and drink, and that they are limited to the hours of the restaurant.

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 APPROVE the site application for a Subclass 3A (sidewalk café) license to be added to the Class B (restaurant/50% food) Liquor License with a Subclass 2 (live entertainment) license at 7800 N. Sommer, Suite 302; seconded by Commissioner White.

Yeas: Cassidy, McCabe, Miller, D. Turner, White – 5;
Nays: 0

11-21 Fieldhouse, LLC
d/b/a The Fieldhouse
1200 West Main, #24
Has: Class B (restaurant, 50% food)
Subclass 1A (2:00 a.m. closing)
Requesting: Subclass 3A (sidewalk café)

Molly Hughes and Mark Donahue, owners, presented a site application for a Subclass 3A (sidewalk café) license to be added to their Class B (restaurant, 50% food) Liquor License with a Subclass 1A (2:00 a.m. closing) at 1200 West Main, #24.

In discussion with Chairman McCabe, Ms. Hughes stated they had been open for two years in October. She indicated they planned to place four tables under the overhang on the side of the building. She also indicated that they agreed with having barriers placed at the south end of the pad area.

In further discussion regarding their proximity to Bradley and underage patrons, Ms. Hughes stated she was aware that the outside patrons had to be served by a waitress and had to be seated. She indicated that the outside area would have the same high standards as the inside, stating that her staff was very well trained, they carded everyone, and they have not had any problems in this area.

Ms. Hughes stated that their hours were until Midnight on Sundays, 1:00 a.m. on Monday through Wednesday, and 2:00 a.m. on Thursday, Friday and Saturday.

In discussion with Commissioner Miller, Ms. Hughes stated that to her knowledge all City taxes were current on the restaurant.

Liquor Investigator Jordan stated that the ordinance stated the sidewalk café could be open to serve alcohol with food until Midnight.

A motion was made by Commissioner Cassidy to APPROVE the site application for a Subclass 3A (sidewalk café) license to be added to the Class B (restaurant, 50% food) Liquor License with a Subclass 1A (2:00 a.m. closing) at 1200 West Main, #24; seconded Commissioner White.

Yeas: Cassidy, McCabe, Miller, D. Turner, White – 5;
Nays: 0

11-18 **Evolution Peoria, LLC**
 d/b/a Evolution Wine & Spirits
 5832 N. Knoxville, Ste. K
 Requesting: Class C (package liquor store)

Brian Rosen, owner, presented a site application for a Class C (package liquor store) Liquor License at 5832 N. Knoxville, Suite K.

In discussion with Chairman McCabe, Mr. Rosen stated he would be operating this package liquor store. He indicated his family has been in the wine business since 1946. He explained that they had sold the business in 2007, had distributed in 17 states, and had large stores in the Chicago area. He said after they sold their business in 2007, they came back after a “non-compete” ended into Evolution. He said their staff is BASSETT trained and they have been operating package, off-premise stores for a long time.

Mr. Rosen said he planned to be open from 10:00 a.m. until 8:00 p.m. Monday through Thursday, 10:00 a.m. until 9:00 p.m. Friday and Saturday, and from Noon until 6:00 p.m. on Sunday if business warrants.

He stated their mix was 63% wine with high-end spirits, such as single batch bourbons, tequilas, scotches, craft beers, and wines from all over the globe.

Chairman McCabe stated the City and the Police Department had a lot of concern with package liquor stores over the years because of the neighborhood concerns and the fact they breed bad behavior such as litter, noise, loitering, etc.

Mr. Rosen stated he understood, but that was “not his game.” He indicated his business was Burgundy and Bordeaux, not half pints of Mad Dog or brown bag. He indicated they hoped to attract the fine wine buyer and the person who wants to educate themselves about fine wines and spirits. He also stated that because of their reputation up north and nationally, they would get winemakers into Peoria that will have dinners at different restaurants with educational programs and packages.

In response to Chairman McCabe, Mr. Rosen stated he would personally be operating this store and had a lease in hand.

Liquor Investigator Jordan stated the Police Chief is consistently opposed to a stand-alone, exclusively liquor stores, he had been opposed to the last four and wanted to stay consistent. He added Police concern was that site approval stays with the site and, just like his family sold their business in Chicago, if he would sell this store, there is no recourse with site approval until the one-year time lapses.

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Mr. Rosen stated that in the past five years, his family stores have had no underage violations and no other litigation associated with the selling of alcoholic beverages.

Officer Jordan stated that when they apply for their liquor license all of that comes into play and the Chief has no problem with the store. He added that the problem in Peoria is that once a location has been approved for liquor, it is approved when it is sold to the next person and that has been a problem historically with liquor stores.

Deputy Liquor Commissioner Turner stated that there had been a meeting with the Mayor, the Police Chief, and the owner of Junction City to walk through where this business would be established. He said that the Police Chief was still reluctant; however, he supports the proposed application because this is a high-end establishment with wine, spirits and cigars. He added that the Mayor had suggested the applicant talk to their neighbors so they understand any problems with the site approval.

District 3 Councilman Rigganbach stated that he was at the meeting with the Mayor, the Police, and the Junction City people and had discussed concerns about this application and felt that this store would be a great component to Junction City. He added that there needed to be a review of the site approval process so that a site approval does not automatically get transferred to the next owner. He asked that this review, with feedback, be on the next Liquor Commission Agenda. He added that everyone wanted to support appropriate business, but they had seen the history of what had happened in the past and wanted to see the site ordinance fine-tuned.

In discussion with Chairman McCabe about changing the wording of the site approval ordinance, Attorney Williams stated that currently the site approval does stay with the location unless there is a lapse of 12 months or more of the regular conduct of retail sale of alcohol. She indicated that it could be problematic for the City to review site approval every time an owner changes.

Commissioner Cassidy stated that these issues should be discussed at the next meeting regarding a possible ordinance amendment. He stated he understood the concern from the Police Department, but a high-end store does seem to fit in and indicated that a lot of money had gone into revamping Junction City. He said he could not imagine that if Evolution did not make it, Junction City would let a low-end liquor store come in there.

Chuck Hollis, representing Junction City, stated that with the amount of money that had been invested in the overall shopping center and their plans for the future, they would not lease space just to lease space. He stated that they were trying to establish a retail destination and would not allow any tenants that did not fit into these plans. He said that he hoped their track record speaks for itself.

Commissioner Cassidy stated that normally he would defer heavily to the Police Department objections, but he would be supporting this particular application because of the type of job they had done in improving the Junction City area.

Commissioner White stated that normally she would not support anything like this because of neighborhood concerns and indicated she wanted the applicant to go and talk with the neighbors, but she would support this because of the location and it being high-end.

Commissioner D. Turner stated that being a native of Chicago, he knew the difference between types of alcohol establishments and the different atmospheres and he looked forward to this one.

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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 D. Turner to recommend APPROVAL of this site application for a Class C (package liquor store) Liquor License at 5832 N. Knoxville, Suite K; seconded by Commissioner Cassidy.

Yeas: Cassidy, McCabe, Miller, D. Turner, 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, July 26, 2011.

11-19 Big Six, LLC
d/b/a The Pour House
3410 W. Willow Knolls Rd.
Requesting: Class A (tavern)
Sublcass 1A (2:00 a.m. closing)

Steve Sronce and Wes Adams, prospective owners, presented the site application for a Class A (tavern) with a Subclass 1A (2:00 a.m. closing) Liquor License at 3410 W. Willow Knolls Road, which currently is known as Bananas.

A letter expressing some concerns from the Golfside Condominium Association was distributed to the Liquor Commissioners. (A copy is on file in the Legal Department.)

Mr. Adams stated he had been a patron of Banana's and saw how they operate with very low drink specials which attract a lot of a problem customers. He stated that his business motto is not to have dollar beers or anything that is going to attract someone chasing a special around town, but to establish a regular place and build an environment where people can come in, watch football games or see a regular bartender, associate with each other and not turn into a downtown bar.

Mr. Adams stated the kitchen is not equipped to support a B-1 license with raised drink prices. He indicated they are making investments to expand the kitchen with some equipment they had discussed with Building Inspector Stevens. He stated he felt they would be successful with that equipment, but percentage-wise they could not support a Class B-1.

In discussion with Chairman McCabe regarding the 2:00 a.m. being a make or break deal, Mr. Adams stated that it was not a make or break deal but the Class A (tavern) license was. He added that their sales contract was contingent upon being able to change the license to a tavern.

Mr. Sronce added that not having the 2:00 a.m. license did put them at a disadvantage, but it is not a make or break deal. He said a lot of customers go to The Last Chance, which is about a mile away, or go downtown after 1:00 a.m.

Chairman McCabe indicated that Banana's had misrepresented what they were going to do, such as being a piano bar, good neighbor and quiet bar, and it had a B-1 license.

Mr. Sronce reiterated that what draws that bad customer base and disruptive crowd are the very low drink specials every Friday and Saturday nights and that is not what they are after. He also stated that they were not applying for a live entertainment license, which Banana's has.

Deputy Liquor Commissioner Turner stated he had heard from the neighbors that the live entertainment concerns came after closing hours. He agreed with Commissioner White about the concerns of the neighbors and a 2:00 a.m. license.

Commissioner D. Turner stated that moving toward that higher end would go along with selling more food, so there was a disconnect when you take away that food element.

Mr. Adams explained that there is a 10X10 room with a sink, there is no fryer, hood or vent and that is why they are investing in a self-contained ventless fryer. He explained that they wanted to serve food, but they did not have a true kitchen and, based on the business plan, they would only be able to have about 12 to 15% food sales.

Mr. Sronce stated that if they thought they could honestly operate under a B-1, they would just take over the current license and would not go through this process but they do not think they can and wanted to tell the Commission how they planned to operate.

In discussion with Building Inspector Stevens who said that the current operation is not fully code compliant as a B-1 license, Attorney Williams stated that an inspection should take place and have a hearing if that is determined.

Liquor Investigator Jordan stated there was a four-hour hearing regarding the fact Banana's was not serving food and in the end, it was determined they were allowed to operate the way they were operating. He said the Police Department wants this site to remain a B-1 and that they could probably do the same with food as the current owner of Banana's is doing and meet the 25% requirement.

In further discussion, Mr. Adams stated that the ventless fryer they were getting was self-contained with its own ventilation system with a charcoal fire suppression built in and a 2-1/2 gallon capacity.

Liquor Investigator Jordan stated that with the history of Banana's, the Police Department would like to see a new owner in there. However, he explained that the Police Department looks at the site approval and if this is going to be a tavern, it would never have to go back to being a restaurant. He said that Banana's owner portrayed the establishment as a restaurant and that is why the neighborhoods accepted it and why the Police Department recommended approval.

Steve Janda, 3407 Brenwick Dr., stated he lives right behind Banana's and it causes problems. He said whenever the weather is nice, Banana's opens the back door and the noise, smoking and carrying on comes right into his backyard. He also said the parking lot runs around the back of the building and people leave at a high rate of speed late at night and beer bottles are being dumped into a metal dumpster at 1:00 a.m. in the morning. Mr. Janda indicated he appreciates what the proposed owners are trying to do, but this area is not a good place for a tavern.

David Coleman, 3401 W. Brenwick Dr., indicated he lives right next door to Mr. Janda and the biggest concern is that they cannot sleep at night or have their windows open anymore because of the noise

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coming from the bar. He indicated Banana's uses the back door like a second door and he has witnessed urination and partying out of the back door. He said they have called the Police, but the bar has a scanner and the bartender pulls all the people back into the bar before the Police arrive. He stated that this is not a good establishment, it is a lie and was sold on a lie. He indicated this is a good residential area and he would have no objections if this was actually going to be an actual restaurant.

Mr. Sronce stated that there is going to have to be an ownership change to get a cultural change at this site. Other than money and sweat equity involved, he said they have their work reputations involved and he wants this to be a positive and proud experience.

Mr. Adams indicated that if this was approved, they were assuming the current lease and were not expanding into other areas to expand the kitchen.

Mr. Coleman stated that last fall there were seven Police cars and two ambulances at Banana's, he watched someone being carried out on a stretcher and Police chase a suspect around the building and people being handcuffed. He said this is not acceptable for this neighborhood.

In response to Chairman McCabe, Mr. Sronce stated that they were presenting the type of business they want to run and if they cannot get an A license, they are not going to pursue ownership and it would continue as Banana's.

Commissioner Cassidy stated he had been on the Commission for a long time and the Banana's approval was the biggest regret he has ever had. He indicated it was a hard decision and the Commission was duped to the detriment of the neighborhood. If the current B-1 were to expire, he said he would have a hard time approving another B-1 and this was definitely not an appropriate location for a Class A 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 Cassidy to recommend DENIAL for the site application for a Class A (tavern) with a Subclass 1A (2:00 a.m. closing) Liquor License at 3410 W. Willow Knolls Road; seconded by Commissioner White.

In response to Liquor Investigator Jordan, the applicants clarified that they wished to withdraw the request for the Subclass 1A (2:00 a.m.) license.

The motion was made by Commissioner Cassidy to recommend DENIAL for the site application for a Class A (tavern) Liquor License at 3410 W. Willow Knolls Road; seconded by Commissioner White.

Yeas: Cassidy, McCabe, Miller, D. Turner, White - 5;
Nays: 0

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, July 26, 2011.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

Assistant Corporation Counsel Williams stated that she would talk with the Corporation Counsel and bring forth information at the next Liquor Commission meeting regarding a possible ordinance amendment pertaining to site approval procedures.

Assistant Corporation Counsel Williams indicated that any establishment was subject to an inspection and cited if they were not compliant with the City Code. She stated that they had to be compliant with the International Building Code as well as the City Code's definition of a kitchen.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, August 1, 2011.

VII. ADJOURNMENT

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:27 p.m.

Kristin Cannaday-Stash
Commission Secretary