

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
August 1, 2011**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on August 1, 2011, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners: Mike Miller; David Turner; Virginia White – 4

Absent: Andrew Cassidy – 1.

Others present: Deputy Liquor Commissioner Eric Turner; Assistant Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Fire Inspector Dan McGann; Building Inspector Jim Stevens; Matt Nelson, Legal Intern; 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 July 5, 2011 Liquor Commission Meeting; seconded by Commissioner D. Turner.

Approved by roll call vote:

Yeas: McCabe, Miller, D. Turner, White – 4;

Nays: 0

III. LIQUOR SITE APPLICATIONS

11-22 Pounders, Inc.
d/b/a Pounders
315 Main Street
Requesting: Class A (tavern)
Subclass 1 (4:00 a.m. closing)
Subclass 2 (live entertainment)

Tirel Gillespie presented a site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) and a Subclass 2 (live entertainment) Liquor License for 315 Main Street, which formerly housed Roly Poly.

In discussion with Chairman McCabe, Mr. Gillespie stated that his establishment would seat approximately 90 patrons, with about 14 tables and a bar area. He indicated the live band would be towards in the front the establishment. He said that he planned to remove some of the partition walls to make the space more wide open.

LIQUOR COMMISSION – August 1, 2011

Mr. Gillespie also stated that he would be serving frozen pizza only. He said they planned to be open from 8:00 p.m. until 4:00 a.m. Wednesday through Sunday.

In response to Chairman McCabe regarding whether the 4:00 a.m. closing was a make or break deal, Mr. Gillespie stated he wanted the option of a 4:00 a.m. He added that the Locker Room on Jefferson, Sully's on Adams and Richard's, which is just below him, all had 4:00 a.m. licenses.

In response to Commissioner D. Turner, Mr. Gillespie stated he would have his own security and would use the Police if there were any problems, but he anticipated none because he was gearing to a more sophisticated group of people with a live jazz lounge.

Tom Dunne, landlord of 315, 316 and 317 Main Street and owner of Cookies by Design, stated he owned the building and adding this establishment with a 4:00 a.m. was not changing the culture of that area. He stated he had three lofts upstairs that he rented out and they had ok'd it. He expressed concern that it was hard to make it in downtown Peoria and this space had been empty for 14 months.

In further discussion with Mr. Gillespie, Fire Inspector McGann stated there would have to be a second means of egress in this space if there was room for more than 50 people. Inspector McGann stated that if he was looking at 96 patrons, Mr. Gillespie would have to come up with some type of design for that second egress and if he goes over 100 patrons, the space would have to be sprinkled.

Liquor Investigator Jordan stated that the Police Chief is adamantly opposed to any more 4:00 a.m. licenses. He indicated that between 2 a.m. and 4 a.m., the Police are spread extremely thin and that is when these bars have the most trouble calls. He said to add to this the Excalibur on SW Washington, which was already site approved for a 4:00 a.m., was getting ready to reopen. He gave examples of the past weekend and the problems arising between 2 and 4 a.m. with fights and guns. He indicated that the Police already pay overtime for bar cars during this time, and explained that it makes it difficult to effectively cover the area they need to if 4:00 a.m. licenses are continually added and they were spread from South Street to Main Street.

In discussion with Chairman McCabe regarding the 4:00 a.m. being a deal breaker, Mr. Terrell stated that he believed it was.

Commissioner D. Turner stated that there seemed to be a disconnect between the Police Department and the City Council because the Council has not taken the 4:00 a.m. licenses away or even put a limit to them.

Liquor Investigator Jordan explained that in the past two years, the Police Department has lost officers through attrition. He stated that the night shift has fewer officers and that the overlap shift ends at 4:00 a.m. and they have to pay overtime to keep those cars on past 4:00 a.m.

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

A motion was made by Commissioner Miller to recommend **denial** of the site application for a Class A (tavern) with a Subclass 1 (4:00 a.m. closing) and a Subclass 2 (live entertainment) Liquor License at 315 Main Street; seconded by Commissioner White.

Yeas: McCabe, Miller, White – 3;

LIQUOR COMMISSION – August 1, 2011

Nays: D. Turner – 1

After the vote, Mr. Gillespie was given the option to withdraw this application and go for a Subclass 1A (2:00 a.m. closing) so he would not have to go through the site process again, but he said he would have to think about it and would try back another time.

Chairman McCabe explained that this site application would be heard before the City Council on Tuesday, August 23, 2011 for a final determination.

11-23 **Ilyoung Kim**
 d/b/a Sushigawa
 2601 W. Lake, Stes. A-2b/A-2c
 Has: Class G (restaurant, beer & wine only)
 Requesting: Moving to a larger space @ 2601 W. Lake

Ilyoung Kim, restaurant owner, presented the site application to move his current restaurant site located in Suite B-3 to a larger site in Suites A-2b/A-2c in the same strip mall at 2601 W. Lake.

In discussion with Chairman McCabe, Mr. Kim stated that they planned to operate the same hours and would be able to serve 75 patrons instead of just 50.

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 White to recommend approval of the site application to move the Class G (restaurant, beer & wine only) to Suites A-2b/A-2c at 2601 W. Lake; seconded by Commissioner Miller

Yeas: McCabe, Miller, D. Turner, White – 4;
Nays: 0

*Because the applicant for La Copacabana had to leave to get a parking agreement for his site, Chairman McCabe called Applicant 11-25, Davis Bros. Pizza to be heard out of Agenda order, as well as calling for a 10-minute recess.

11-24 **The 3 Devils, Inc.**
 d/b/a La Copacabana
 1801 SW Adams
 Has: Class A (tavern)
 Subclass 2 (live entertainment)
 Requesting: Subclass 1 (4:00 a.m. closing)

Jaime Hernandez presented a site application for a Subclass 1 (4:00 a.m. closing) Liquor License to be added to his Class A (tavern) with a Subclass 2 (live entertainment) Liquor License.

Mr. Hernandez distributed a letter to the Commissioners pertaining to their request for a 4:00 a.m. license stating that they have their own security guards and equipment, such as walkie talkies and

LIQUOR COMMISSION – August 1, 2011

scanners for driver's licenses, and the fact they have had no problems since they have been open that required Police assistance.

In discussion with Chairman McCabe regarding the back parking lot not being paved at La Copacabana, Mr. Hernandez also presented a letter from Pierre Serafin of UFS stating that they had entered into an Agreement allowing La Copacabana patrons to use UFS's parking lot located at the corner of Washington Street and Edmund Street on Fridays, Saturdays and Sundays.

Liquor Investigator Jordan stated he had spoken with UFS and they indicated they had no issues with La Copacabana since the first couple of days and there were no issues with parking or litter.

Liquor Investigator Jordan stated he did not have any Police calls or reports from this establishment. He said there was the same argument here as at 315 Main that the Police Chief was opposed to more 4:00 a.m. licenses, along with a distance issue because it would be the farthest south 4:00 a.m. license until the Excalibur opens back up.

Deputy Liquor Commissioner Turner stated there also is a great sensitivity by the City Council to neighborhood concerns about 4:00 a.m. liquor licenses even in the 4:00 a.m. Zone.

In discussion with Chairman McCabe regarding putting a time trial limit on a 4:00 a.m. license, Attorney Williams stated that once a site has been approved for a certain license, there has to be a hearing and a cause before that license can be revoked.

In discussion with Commissioner White, Liquor Investigator Jordan stated there were currently thirteen 4:00 a.m. Liquor Licenses.

Chairman McCabe stated he could see that La Copacabana was doing a good job of running their business, but expressed concern with the distance this site is from Main Street and the "skinny" Police force, as well as the fights and shootings and problems that occurred from 2:00 a.m. until 4:00 a.m.

Commissioner Miller stated he had said "no" to the previous 4:00 a.m. request because of the concerns of Officer Jordan and the Police Department and to be consistent, he was going to have to deny this application also.

A motion was made by Commissioner Miller to recommend **denial** of the site application for a Subclass 1 (4:00 a.m.) license to be added to the Class A (tavern) with a Subclass 2 (live entertainment) Liquor License at 1801 SW Adams; seconded by Commissioner White.

Yeas: Miller, White – 2;

Nays: McCabe, D. Turner – 2

Chairman McCabe explained that this site application would be heard before the City Council on Tuesday, August 23, 2011 for a final determination.

Attorney Williams stated that with the 2-2 vote, the Liquor Commission was not recommending denial of the site application, but making no recommendation to the City Council.

LIQUOR COMMISSION – August 1, 2011

The Commission explained that Mr. Hernandez could withdraw this request for a 4:00 a.m. and go for a Subclass 1A (2:00 a.m.) at this meeting without the 6 month waiting period if he is denied by Council. He was told that the annual cost difference was \$2,500 for the 4:00 a.m. and \$600 for the 2:00 a.m. closing. Mr. Hernandez indicated he wanted a 4:00 a.m.

Mr. Hernandez expressed concern that this was the only Mexican Club in Peoria and the Mexican ID's, which he distributed copies of and are filed in the Legal Department, were not accepted in the downtown clubs because they were 70% Latino.

Liquor Investigator Jordan stated that State law requires a U.S. ID, Driver's License, Passport or Military ID and that is what the bars are trained to accept. He indicated there was no way to tell if the Mexican ID's were legitimate, such as the holograms on U.S. ID's.

Attorney Williams stated that the bars have the right to refuse anyone who they believe is not presenting a legitimate ID as to their identity or their age because that protects the liquor licensee.

Liquor Investigator Jordan indicated that the Police even get out-of-state ID's that have been taken from Bradley students because the bars are not sure they are legitimate.

Mr. Hernandez reiterated that he wanted to try for the 4:00 a.m. license. He stated that he had good security at both doors with radios and 16 cameras. He indicated they were trying to do everything the right way and if there was any kind of problem or trouble, they locked the doors to keep their patrons safe and comfortable.

**11-25 Davis Bros. Pizza, Inc.
 d/b/a Davis Bros. Pizza
 618 West Glen
 Requesting: Class G (restaurant, beer/wine only)**

Mark Mannen and Cheryl Scott, representing Davis Bros. Pizza, presented an application for a Class G (restaurant, beer/wine only) at 618 West Glen, which formerly was the site of Godfather's Pizza.

In discussion with Chairman McCabe, Ms. Scott stated they would be open six days a week, from 11:00 a.m. until 9:00 p.m. during the week and from 11:00 a.m. until 10:30 p.m. on the weekends. She stated the restaurant is ready to open and they were hoping to open August 16.

In discussion with Commissioner D. Turner, Ms. Scott stated that the Health Department was having them add an extra hand sink but everything else was good.

In discussion with Building Inspector Stevens regarding an added demising wall, Ms. Scott stated that the party room that had been a part of Godfather's was already leased so it could not be part of their restaurant.

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

A motion was made by Commissioner D. Turner to recommend approval of the site application for a Class G (restaurant, beer & wine only) at 618 West Glen; seconded by Commissioner White.

LIQUOR COMMISSION – August 1, 2011

Yeas: McCabe, Miller, D. Turner, White – 4;
Nays: 0

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*, September 6, 2011.
(*Monday is a holiday.)

VII. ADJOURNMENT

Commissioner White moved to adjourn the meeting; seconded by Commissioner D. Turner.

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:31 p.m.

Kristin Cannaday-Stash
Commission Secretary