

MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
September 6, 2011

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

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners: Drew Cassidy (arrived at 3:40 p.m.); Mike Miller; David Turner; 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; Brady Waldrop, 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 August 1, 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

11-26 Famous City Bistro, Inc.
d/b/a Famous City Bistro
629 W. Glen Avenue
Requesting: Subclass 2 (live entertainment)
Has: Class B (restaurant, 50% food)
Subclass 3A (sidewalk café)

Ken Humphrey, owner, presented an application for a Subclass 2 (live entertainment) License to be added to his Class B (restaurant, 50% food) and Subclass 3A (sidewalk café) Liquor License.

In discussion with Chairman McCabe, Mr. Humphrey stated that they were planning on having a 2 to 3 piece acoustical group to play between the hours of 9:30 and Midnight on the weekends to try to bring in more patrons during that time.

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

A motion was made by Commissioner D. Turner to approve the application of the Subclass 2 (live entertainment) license to be added to the Class B (restaurant, 50% food) and Subclass 3A (sidewalk café) Liquor License at 629 W. Glen Avenue; seconded by Commissioner White.

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

11-27 **Cornerstore on Main, LLC**
d/b/a Black Rabbit
456 Fulton, Ste. 103
Requesting: Subclass 2 (live entertainment)
Has: Class A (tavern)

Michael Saur, owner, presented an application for a Subclass 2 (live entertainment) License to be added to his Class A (tavern) Liquor License at 456 Fulton, Suite 103.

In discussion with Chairman McCabe, Mr. Saur stated that he took over this establishment on January 1, 2011 and kept the name. He indicated he had a capacity to seat 90 patrons.

Mr. Saur indicated they were seeking a Subclass 2 (live entertainment) License so he could bring in live entertainment for parties when requested or provide a 2 or 3 piece jazz combo for his patrons during the week when business is slow.

In discussion with Commissioner D. Turn, Mr. Saur stated they had a small kitchen in the very back of the establishment.

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

A motion was made by Commissioner White to approve the application of the Subclass 2 (live entertainment) license to be added to the Class A (tavern) Liquor License at 456 Fulton, Suite 103; seconded by Commissioner Miller.

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

11-28 **Andrew and Rita Speck**
d/b/a Haddad's Downtown
319 Main Street
Requesting: Class B (restaurant, 50% food/full-service bar)
Subclass 10 (catering off-premise)

Andrew and Rita Speck presented a site application for a Class B (restaurant, 50% food/full-service bar) with a Subclass 10 (catering off-premise) Liquor License for 319 Main Street.

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In discussion with Chairman McCabe, Inspector Stevens explained that he had noted a deficiency when he thought that they were going to open up and use the basement as part of their facility; however, Mr. Speck stated they were withdrawing that request.

Mr. Speck stated they withdrew the basement room facility when they found out what was required for using that room.

In further discussion, Mr. Speck clarified that if he is granted this application, they would be able to serve alcohol with their off-site catering business as well as inside their restaurant. He indicated that they currently are open from 8:00 a.m. until 3:00 p.m., but would begin serving dinners when they can serve beer or wine with their food.

Liquor Investigator Jordan stated the Police Department approved this site application request; however, he expressed concern that this was adding another liquor license establishment on Main Street that could change from a restaurant (Class B) to another tavern (Class A).

Ms. Speck stated they had too much invested in this establishment to drop out of business. Mr. Speck stated he did not want to be a bar. He stated that there is a big business with catering, but you have to be able to offer wine, beer or champagne. He indicated he had wanted to originally go for a Class K (caterer), but with a “K” you have to have a facility that will hold 250 people, so the only way he could get an off-site catering license was to apply for a Class B (restaurant, 50% food/full-service bar) with a Subclass 10 (off-site catering) Liquor License.

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 B (restaurant, 50% food/full-service bar) with a Subclass 10 (catering off-premise) Liquor License at 319 Main Street; seconded by Commissioner Miller.

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

Nays: 0

Chairman McCabe stated that this site application would be heard and voted on at the City Council Meeting on Tuesday, September 27, 2011.

11-29 Elk’s Club of Peoria, Inc.
d/b/a Elk’s Lodge #20
1 Elks Drive
Requesting: Subclass 3 (beer garden)
Has: Class E (private club)

Gary Gladson and John Bailey presented a site application for a Subclass 3 (beer garden) license to be added to their Class E (private club) Liquor License at 1 Elks Drive.

Mr. Bailey stated that they had built the deck about a year ago for the smokers and now their members like to go out on the deck with their beer and watch the golfers, so they wanted to make themselves legal.

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Liquor Investigator Jordan stated that the Police Department had recommended approval, but he said the Liquor Code needs to be amended because it states that beer gardens should not be in a residential district. He indicated the definitions are very vague and there needs to be more specific definitions of what a residential district is or what a block is because across the street from the Elks it is all residential.

(Commissioner Cassidy arrived at 3:40 p.m.)

Attorney Williams stated that there are some definitions that can be better defined and staff could bring back an amendment if that is what the Commission would propose.

Mr. Gladson stated that one side of their property was the Park District with Madison Golf Course and on the other side they own an acre and a half lot.

Liquor Investigator Jordan explained that the other side of the street is all residential and that is the problem as to what is a “majority residential”, is it 51% or what.

In response to Commissioner White’s question about any complaints about this establishment, Liquor Investigator Jordan stated that there were none.

A motion was made by Commissioner White to approve the addition of a Subclass 3 (beer garden) license to the Class E (private club) Liquor License at 1 Elks Drive; seconded by Commissioner D. Turner.

Yeas:	McCabe, Miller, D. Turner, White – 4;
Nays:	0
Abstain:	Cassidy – 1

11-30 **Pounders Inc.**
d/b/a Pounders
315 Main Street
Requesting: Subclass 1A (2:00 a.m. closing)
Has: Class A (tavern)
Subclass 2 (live entertainment)

Tirel Gillespie presented an application to add a Subclass 1A (2:00 a.m. closing) to his Class A (tavern) with a Subclass 2 (live entertainment) Liquor License at 315 Main Street.

In discussion with Chairman McCabe, Mr. Gillespie stated he had decided to apply for the 2:00 a.m. closing on Thursday, Friday and Saturday, after withdrawing his request for the 4:00 a.m. closing in his original site application.

In discussion with Liquor Investigator Jordan, Mr. Gillespie stated he still planned on opening his establishment in October.

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

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A motion was made by Commissioner Miller to recommend approval of the application for the Subclass 1A (2:00 a.m. closing) license to be added to the Class A (tavern) with a Subclass 2 (live entertainment) Liquor License at 315 Main Street; seconded by Commissioner D. Turner.

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

Nays: 0

Chairman McCabe explained that this site application would be heard before the City Council on Tuesday, September 27, 2011 for a final determination.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

Commissioner D. Turner expressed concern that each time there is a request for a 2:00 a.m. or 4:00 a.m. closing there is a discussion about the site approval staying with the site and he wanted to discuss the remedy to address this concern.

Attorney Williams stated that the ordinance is set so the site approval lasts until there is a lapse of the sale of alcohol for 12 months or it has been revoked by the Liquor Control Commissioner. She indicated that even if the ordinance was changed, it would not apply to anyone who has a current site approved for the retail sale of liquor.

Liquor Investigator Jordan stated that in the six years he had been in this job, there were only 2 or 3 sites that had ever been revoked.

Attorney Williams stated that anytime someone is granted a permit or license, there needs to be a cause to revoke or suspend a license and it has to be proved that they violated the codes of the City of Peoria. She stated there had been discussion of having site approvals reviewed on a yearly basis, but this is problematic to the City as well as the business owners. She indicated that applicants complain that site approval is a time-consuming process already without having to review the site approval every year.

Commissioner Cassidy stated the issue that comes up most often is when there is live entertainment and the applicant states that he is only going to have karaoke or a one-man band and then once they have the license, they bring in a full band. He indicated that the remedy to that would be further delineation of liquor licenses – such as only a karaoke license or limit the number of musicians depending on the type of live entertainment license you have. He added that the same thing is seen with beer garden licenses and people promising that they will not put music out in the area. He reiterated that the only remedy he saw was to further break out the subclasses.

Attorney Williams stated that it can be problematic to define things specifically and anytime there is an amendment made, it should always be done cautiously and objectively. She stated that the issue of live entertainment was discussed about 10 years ago regarding decibel levels of a jukebox compared to a speaker and karaoke machines and the Commission recommended not changing the ordinance.

Chairman McCabe stated the current economic situation further exacerbates the situation, especially with the 4:00 a.m. closings resulting in overtime for the Police, so there is more concern about the 4:00 a.m. closings now and being spread out all over the City.

Commissioner Cassidy stated that the point is basically to tell the applicants that the Commission's job is to look at the applications objectively and not subjectively. The applicant, he said, may be doing a great job but the Commission's job is to determine if this space is appropriate under this ordinance and the caution about the license staying with the site is in response to the applicant's statement that they are the exception.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, October 3, 2011.

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 3:52 p.m.

Kristin Cannaday-Stash
Commission Secretary