

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
February 6, 2012**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, Peoria, Illinois, on February 6, 2012, Chairman Frank McCabe presiding.

ROLL CALL:

Present: Chairman Frank McCabe; Commissioners: Drew Cassidy; Mike Miller; Virginia White – 4
Absent: 0.

Others present: Eric Turner, Deputy Liquor Commissioner; Sonni Williams, Senior Attorney; Brady Waldrop, Legal Intern; Gina Ackers, Paralegal Intern; Liquor Investigator Scott Jordan; Fire Investigator Dan McGann; 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 Cassidy moved to approve the Minutes of the January 3, 2012 Liquor Commission Meeting; seconded by Commissioner White.

Approved by roll call vote:

Yeas: McCabe, Cassidy, Miller, White – 4;

Nays: 0.

III. LIQUOR SITE APPLICATIONS

12-02- Wisam I, Inc.
d/b/a Sheridan Liquors
2415 N. Sheridan Road
Requesting: Class C (package liquors)

Letters from the neighbors were distributed to the Commission Members, which are attached and made a part hereof.

Adnan Assad, owner, and his attorney, Dan O'Day, presented an application for a Class C (package liquor) Liquor License at 2415 N. Sheridan Road.

In discussion with Chairman McCabe regarding Mr. Assad's application to get his liquor license back, Mr. Assad stated that he was the operator of this store during the past two years.

LIQUOR COMMISSION – February 6, 2012

In further response regarding what changes had been put in place during the past two years to allow the return of the liquor license, Mr. Assad stated he would hire a security guard. He indicated he had not had any problems during the past two years in the store or in the parking lot.

Chairman McCabe stated that according to a report from the Police Department, there had been 23 reports, 11 in 2009 and 12 in 2010, and half were inside the store and half were outside the store.

Mr. Assad stated that the reports inside the store were for shoplifters.; however, Chairman McCabe stated that some of the reports were for warrants with people inside with Cannabis and one had pulled a knife and knifed an employee.

Mr. Assad said no one had knifed an employee. Attorney O'Day stated that he had spent 30 years proving that what is in a Police report is hearsay because it is not based on what the Police Officer says, it is what the Officer is writing down from what someone else says.

Officer Jordan stated that if there is something in a Police report, something happened.

Attorney O'Day argued that if shoplifting is counted, then Walmart or Walgreens, who have liquor licenses, have a lot more reports than his client.

Chairman McCabe clarified that a Police report from November 14, 2010 indicated there was a fight inside the store and the employee was struck; and on December 26, 2009, a customer causing trouble inside the store pulled a knife on the employee and that person was arrested.

Mr. Assad reiterated that all of these were for shoplifting.

Attorney O'Day argued that if Police reports from this establishment are compared with other liquor licensed establishments, apples to apples, then his client's reports were not excessive in a two-year period.

Commissioner Cassidy stated that he had been on the Liquor Commission for 19 years and did not ever remember a liquor establishment having 17 calls in each of two consecutive years that resulted in 11 arrests in one year and 12 arrests in the other and unless Attorney O'Day had something to support what he had just argued, Commissioner Cassidy rejected it out of hand. He also stated he rejected the argument, for generalization, that this is something seen in retail liquor establishments, this is not even an on-premise establishment.

Chairman McCabe stated that one of the letters he had received was from a neighbor across the street from this store with a bullet hole in his house. He reiterated his question of what Mr. Assad planned to do to change the problems that have occurred at this site.

Mr. Assad indicated he was taking steps by installing cameras inside and outside the establishment and by hiring security. He said he would do his best.

Chairman McCabe stated that he knew the owner would try to do his best, but this situation was just untenable as far as having any control over it.

LIQUOR COMMISSION – February 6, 2012

In further discussion with Mr. Assad who stated that he saw no trouble inside or outside the store for the past couple of years, Commissioner White said that was not what the report from the Police indicated and she added that Walmart was not applying for a liquor license, this applicant was applying.

Attorney O'Day stated that his client was actually trying to renew his liquor license so it would be on record if they won their appeal in the Appellate Court. He wanted no recourse that they had not reapplied for renewal of this site.

Liquor Investigator Jordan stated that the Police Chief does not compare this site to other sites. He said that the report compared 2009 and 2010 with 2011 and the only substantial change was that they did not sell liquor and the last year did not have any incidents. He stressed that everything else remained the same--they still sell tobacco, they sell food, it is same neighborhood, the same people live in the neighborhood and they probably have the same customers, but without the liquor. He added that they were not comparing this to Walgreens, Walmart, Griswold Liquors or Forrest Hill, they were comparing the site to itself and the change that happened from 2010 to 2011.

Attorney O'Day stated that he was not given the comparisons to other liquor licensed sites. He said the City was comparing to a grocery store that exists on the premises now and only presented statistics for a site that was owned by someone of Palestinian descent and presented no evidence about all the other liquor licensed sites.

Liquor Investigator Jordan stated that, again, the site applied for is the only site that the Police Department looks at for site approval.

Chairman McCabe stated that he had been on the Board for over 20 years and Commissioner Cassidy has been on the Board for 19 years and Chief Stenson, before Chief Settingsgaard, started the notion that the City wanted neighborhoods to be safe and to improve the neighborhoods the best they can. He added that there was a plethora of people in the audience who wanted to speak to the changes in their neighborhoods and talk about the improvements since this site has not been selling liquor.

Commissioner White stated that she had received phone calls and emails from neighbors who did not want this establishment to be able to sell liquor again.

Chairman McCabe then referred to a report from one of the neighbors which showed all of the schools and churches within a 2-mile radius of this store and expressed concern about the safety of the children in that area. He said that some of the neighbors reported they were even afraid to drive in that neighborhood in the evenings.

Attorney O'Day reiterated that they were creating their record that they had reapplied for their license so if they did win on appeal, that record had been created. He also submitted their Brief for Wisam1, Inc., d/b/a Sheridan Liquors, as their Exhibit 1, which is on file in the Legal Department.

Chairman McCabe then opened the Floor to the audience.

Deputy Liquor Commissioner Turner indicated he had received over 30 emails from residents in that area and 10 to 13 phone calls and he was asking the Liquor Commission to not support the approval for this site to be able to sell alcohol again. He stressed that this business did not accept any responsibility for the problems or incidents that occurred in or around that store and, when selling alcohol, brought

nothing but chaos and disruption to a lot of the business in this area. He stated that on behalf of District Councilwoman Barbara Van Auken and the rest of the Council, he was asking the Commission not to support this location for selling alcohol.

Lee Lang, 2417 N. Ellis, representing Ellis Street Neighborhood Watch, stated that when she went to her neighbors and asked if they wanted Sheridan Liquors to open, there was a resounding “No”. She indicated they all signed her letter, a copy is attached. She stated that the element Sheridan Liquors brings into the neighborhood makes it unsafe. She added there were many who did not even go to the Association meetings because they would have to leave and go home around 9 p.m. and they didn’t feel safe. She stated they have made calls and they have observed. She indicated that the store owner told another Neighborhood Association that he would check any suspicious activity and not let minors in, but he did not keep his word in the past and they did not think he will keep it now. She stressed that the neighborhood respectfully asks that his liquor license not be renewed under any circumstances.

Joseph Belden, 2816 N. Sheridan, stated he sent a letter to Councilwoman Van Auken regarding this applicant. He indicated he owned a house at 711 W. McClure, which is across from the former liquor store, and he expressed concern about the constant litter of liquor bottles in his yard on McClure. He added that his home on Sheridan was about 4 blocks from this store and since they no longer sold liquor, he did not find empty liquor bottles in his hedge. He added that since they had stopped selling liquor, he no longer had people with brown paper bags from that store urinating on his property on McClure and he stated they could argue about Walmart forever, but it was the store at the corner of Sheridan and McClure he was talking about.

Attorney Williams stated for the record that this is a site application for the retail sale of alcohol, not a renewal. Under Section 3-97 of the City Code, there is no longer a site approval because of the revocation.

Attorney O’Day stated for the record that his client tried to file a claim for renewal of his liquor license and was told that instead of filing that to protect the record on appeal, he should apply for site approval.

Attorney Williams explained there was no renewal because there was no license to renew.

Reverend Turner, from St. Paul’s Baptist Church and also a member of the Center Bluff Neighborhood Association, stated that there were several of their ministers who had worked the McClure-Sheridan corner for many years because of undesirable activity. He said they have now been able to move to the 114 East Forrest Hill area, still in the Center Bluff area, and they were all standing together and did not want to see this application proceed because it was not in the best interest of the neighborhood.

Robert Jacobson, from the North Florence Neighborhood Association, stated there were 450 homes in their neighborhood and during the past weeks they had sent out communications about this site application asking for feedback and there was a resounding “no”. He stated that not one person said it was a good idea. He added that if you ask people what is important in the neighborhoods, they say schools, churches, friendly neighbors, good landscaping, street lights and no one said they want a liquor store within a half mile of their home. He said this is a neighborhood with a huge concentration of single-family homes.

Charles Spears, 2322 N. Sheridan Road, stated he had lived there for 20 years and all of his front windows face this store. He said that when there was liquor, it was a drive-through drug store and since

they have had no liquor, he had not seen that activity. He said there was an abandoned home next to him that had been abandoned for 10 years and they would all congregate on the front porch gambling and drinking and that has stopped. He also expressed concern about the liquor bottle litter and said that it was a cancer to the neighborhood and he objected to them having a license.

Sharon Draper, a Neighborhood Watch Leader on Flora Avenue not too far from the store, stated she had talked with her neighbors regarding this application and got a resounding “we don’t want a liquor license there again.” She explained they are just starting to feel safe in the neighborhood and it is partly due to the fact that there is not all the foot traffic, the trespassing and cutting through the neighborhood from the liquor store. On behalf of her neighbors and herself, she stated that they did not want the liquor license approved at all.

Commissioner White stated that she will not be able to support this application being a neighborhood association leader.

Commissioner Cassidy stated he had already addressed the number of calls (Police), which were 17 in 2009 and 17 in 2010. He added that he found it astounding that the same owner who owned this place when all these Police calls came in, 23 arrests over two years, says he knows nothing about it -- either it is not accurate or it shows an unbelievable lack of knowledge about what is going on in his own establishment because the reports included hit and runs, assaults, batteries, auto theft. However, that being said, Commissioner Cassidy indicated this is not about a liquor license for this individual, it is a site approval. In Section 3-92 of the Code, it says for site approval that we should consider, among the 7 elements, “that the establishment, maintenance, location or operation of the proposed site will not be detrimental to or endanger the public health, safety, morals, comfort of general welfare of the City . . . that the proposed site and use, when considered separately or in conjunction with other licensed liquor establishments, will not be injurious to the use and enjoyment of other property in the vicinity, including residences, schools, hospitals, places of worship and other businesses . . . that the proposed site will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the neighborhood in which it is to be located.” He said it was not even a close call on those factors, all of those clearly suggest that this is not a proper site for a liquor license and history certainly supports that.

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

A motion was made by Commissioner Cassidy to recommend DENIAL of the application for a Class C (package liquor) Liquor License at 2415 N. Sheridan Road; seconded by Commissioner Miller.

Yeas: McCabe, Cassidy, Miller, White – 4;

Nays: 0

Chairman McCabe explained he agreed with Commissioner Cassidy completely and that this recommendation for denial would be heard before the City Council on Tuesday, February 28, 2012.

IV. UNFINISHED BUSINESS

There was no unfinished business discussed at this meeting.

V. NEW BUSINESS

There was no new business presented at this meeting.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Monday, March 5, 2012.

VII. ADJOURNMENT

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 3:59 p.m.

/s/ Kristin Cannaday-Stash
Commission Secretary

Attachments