

16-01 **Sonny's Club, Inc.**
d/b/a To Be Determined
633 Main St.
Requesting: Class B-1 (restaurant, 25% food)
Subclass 1 (4:00 a.m. hours)
Subclass 2 (live entertainment)

Attorney Sam Zabek, representing Sonny's Club, Inc., presented a Site Application for a Class B-1 (restaurant, 25% food) Liquor License, with a Subclass 1 (4:00 a.m. hours) and a Subclass 2 (live entertainment) for 633 Main St.

In discussion with Chairman Cassidy, Attorney Zabek said the proposed establishment would not be the typical night club/bar type like some of the ones that were currently located in the 600 block of Main. He said they were proposing something like a bar/restaurant/lounge that would be similar to Ulrich's. He said they wanted to have live music and a disc jockey (DJ) to provide the entertainment. He said since the last meeting, the establishment had been cleaned up significantly.

During more discussion, Attorney Zabek clarified that the photos submitted were only renderings of what the property owner and the operator intended to have there. He said the kitchen hours would be starting at 4:00 p.m. until at least 2:00 a.m. He said if there was a demand for more food, the kitchen would possibly remain open longer. He reported the menu included sandwiches, burgers, chicken, appetizers, and steak entrée meals.

In response to the letters in opposition that were submitted by two area churches, Attorney Zabek said he felt Peoria had made it clear that particular corner was appropriate for the retail sale of alcohol. He said most of the concerns identified seemed to be more operator related, rather than the site approval. He suggested that the operator and property owner would not have a problem entering into a plan of operation agreement requiring them to maintain the sidewalks and other concerns. He said most of the parking for the establishments on that block were located behind the building in the Civic Center parking lot. He said there wasn't any dedicated parking specifically for this business.

In discussion with Commissioner O'Brien, Attorney Zabek said he intended to reach out to the churches in the area before the City Council meeting in order to see if they could come up with some type of amicable resolution to their concerns.

Hearing no more questions, Chairman Cassidy called for the motion.

Commissioner O'Brien moved to recommend approval of the Site Application for a Class B-1 (restaurant, 25% food) Liquor License, with a Subclass 1 (4:00 a.m. hours) and a Subclass 2 (live entertainment) for 633 Main St., contingent upon compliance with all building requirements; seconded by Commissioner Miller.

Motion Approved by roll call vote.
Yeas: Cassidy, Coates, Miller, O'Brien - 4;
Nays: None.

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Attorney Sam Zabek, representing Sonny's Club, Inc., reported that he had received the amended recommendation letter from the Police Department hours before the Commission meeting. He said the amended report was substantially different from the previous submittal. He said he had both contacted and served Deputy Corporation Counsel Sonni Williams with a copy of a "notice to appear" requesting Police Chief Jerry Mitchell to attend the meeting today. He also submitted a copy of the "notice to appear" for the record. He said he had legitimate questions and he said he wanted Chief Mitchell to address the discrepancies in the two different reports from the Police Department. He mentioned there was also a Federal lawsuit pending in regards to the subject property. He said due to the fact that Chief Mitchell was not present, possibly because of the short notice, he would ask the Commission for a 30-day continuance.

During discussion, Chairman Cassidy said he did not know if the Commission had the authority to subpoena or to request the Police Chief to attend the meeting. He said Officer Kevin Slavens was the Liquor Investigator and he was present if Attorney Zabek wanted to ask questions in regards to the Police Department's report. Attorney Zabek said he preferred to ask his questions to Chief Mitchell since he signed the letter.

Deputy Corporation Counsel Williams said Chapter 3 of the City Code did not specifically grant the Commission the ability to subpoena or require any witnesses to appear. She said typically if there was a violation against a licensee, the Liquor Commissioner or the Deputy Liquor Commissioner had the authority to subpoena a witness. She said the notice to appear obviously was not a subpoena. She went on to say that she personally did not have the authority to require the Police Chief to attend the Liquor Commission meeting. She advised that the applicant or Attorney Zabek file the appropriate form and to address it to the proper person. She said at that time the Liquor Commissioner could address the request.

Attorney Zabek said with all due respect, he felt he was making that request. He said the request for Site Approval was not a violation of a liquor license. He suggested that the local Liquor Commission was an agent for the Liquor Commissioner.

After more discussion, Attorney Zabek asked the Commission for a deferral of the Site Application for a Class B-1 (restaurant, 25% food) Liquor License, with a Subclass 1 (4:00 a.m. hours) and a Subclass 2 (live entertainment) for 633 Main St., in order to allow time for him to determine the procedures to subpoena Chief Mitchell to be present at the next public hearing.

Hearing no more questions, Chairman Cassidy called for the motion.

Commissioner O'Brien moved to approve the applicant's request to defer the Site Application for a Class B-1 (restaurant, 25% food) Liquor License, with a Subclass 1 (4:00 a.m. hours) and a Subclass 2 (live entertainment) for 633 Main St., until the regularly scheduled May 2, 2016 Liquor Commission meeting; seconded by Commissioner Coates.

Motion to defer was approved by roll call vote.

Yeas: Cassidy, Coates, O'Brien – 3;

Nays: None.

THE CITY OF PEORIA LOCAL LIQUOR COMMISSION

IN RE:

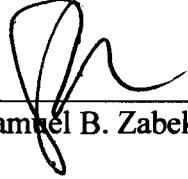
SONNY CLUB, INC.
633 MAIN STREET
PEORIA, IL 61602

NOTICE TO APPEAR

To: Jerry Mitchell
City of Peoria Police Department
C/O City of Peoria Assistant Corporation Counsel
Sonni Williams
Peoria, Illinois 61602

NOTICE is hereby given Jerry Mitchell is required to appear at the hearing Monday April 4, 2016 at 3:30 p.m.

Applicant,

By: 

Samuel B. Zabek

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Chairman Cassidy gave a brief overview of the request. He explained that the case was heard in March and the only objections were letters from two downtown churches. He said at that meeting, the Commission recommended approval and the request was sent on to the City Council. He said the City Council remanded the case back to the Liquor Commission in order to allow them the opportunity to fully review the history of the establishment at this location. He said he viewed the request as an opportunity for the Commission to move for reconsideration of their prior decision. He said based upon the new information provided, he would not support a motion to reconsider. He said he believed that the additional information was not related to the site approval. He went on to say that the information was important and it should be considered, but he said it should not be considered in their role as far as the site approval.

During discussion, Commissioner Miller said the Commission made their decision based upon the information they had at that time and he said he would personally remain with that decision. He also stated he would not support a motion to reconsider.

Commissioners O'Brien and Coates also confirmed that they would not support a motion to reconsider Case. No. 16-01.

For the record, Attorney Zabek stated the reason he wanted the Chief of Police present at the hearing was to reflect the issues that were identified in the letter from the Police Department were more operator issues and not site approval issues. He said if the Commission recognized that, he was comfortable with their decision.

Hearing no more questions or comments, Chairman Cassidy said the request would be sent back to the City Council on May 24, 2016.