



REQUEST FOR COUNCIL ACTION

To: Honorable Mayor and Members of the City Council
From: Patrick Urich, City Manager

AGENDA DATE REQUESTED: January 28, 2014

ACTION REQUESTED: HOLD A POLICY SESSION REGARDING LIQUOR REGULATIONS INCLUDING DISCUSSION ON THE PLAN OF OPERATION FOR SITE APPROVAL AND ENFORCEMENT PROCEEDINGS AND A PROPOSED MORATORIUM OF CLASS A AND B-1 SITE APPROVAL IN THE DOWNTOWN AREA.

BACKGROUND: On November 27, 2012, the City Council put a temporary hold (moratorium) on the approval of site applications for Class A (tavern) and Class B-1 (restaurant with 25% food) in the 4 a.m. district. The hold was put in place for City staff to gather input on how the downtown bars could better complement the redevelopment of Marriott Pere Marquette Hotel and Courtyard Marriott that would result in the increase patronage to the downtown area.

Meetings were held on February 13, 2013 and March 6, 2013 to gather input from liquor license holders. A final public hearing was held on April 23, 2013 at the City Council meeting. The downtown bar and restaurant owners as well as business owners voiced concerns on safety issues, but urged the City not to move the 4 a.m. district. In addition, there was a concern regarding the un-kept appearance of the downtown taverns not being reflective of the esthetics of Marriott Pere Marquette Hotel and Courtyard Marriott. Attached is the report back on the moratorium that summarized the input gathered from the meetings as well as proposed options.

One of the options included in the report back was the Plan of Operation utilized by the City of Chicago. Chicago uses the Plan of Operation mechanism to address quality of life issues that may not rise to the level of a criminal activity, but does affect the outwardly un-kept appearance of liquor establishments as well as nuisance activities such as loud noise and out of control crowds. In order to learn more about Chicago's Plan of Operation, Deputy Liquor Commissioner and At-Large Councilmember W. Eric Turner, At-Large Councilmember Beth Akeson, and Interim Corporation Counsel met with Chicago's Liquor Commissioner Gregory Steadman in Chicago. Mr. Steadman lauded the use of the Plan of Operation to address nuisance and quality of life issues created by liquor establishments. Attached is the October 13, 2013 memorandum to the Mayor summarizing Chicago's Plan of Operation. At the direction of the Mayor as the Liquor Commissioner, a meeting has been scheduled for February 20, 2014 to inform and answer questions the liquor licensees may have about the proposed use of the Plan of Operation in Peoria for both the site approval process as well as an enforcement tool.

Another tool available for the City Council is its ability to limit and control where a liquor establishment can operate through the use of a moratorium, but in a more of a precise manner. The temporary moratorium that affected the whole 4 a.m. district expired on January 1, 2014. In discussions with the Police Chief and the Liquor Investigator, it became apparent that the majority of the issues of lack of crowd control and the perception of unsafe downtown nightlife are located in the downtown area. As indicated in the summary to the Mayor, a moratorium on site approval of any new taverns in the downtown area would lead to a gradual decrease in the number of existing taverns through attrition either by a lapse of site approval or a revocation of the liquor license. Since the proposed moratorium would not affect restaurants (Class B), new restaurants can open and operate in the downtown area without any prohibition on their ability to sell and serve alcohol as long as they are site approved by the City Council. In addition, the proposed moratorium is a smaller area and does not cover the developing Warehouse District, so the moratorium may encourage taverns/bars to locate in the Warehouse District or the Riverfront Development Area. The proposed moratorium of Class A and Class B-1 site approvals in the downtown area (last map attached to this council communication) does not move or reduce the 4 a.m. district and does not affect 4 a.m. subclass site applications.

The reason to include Class B-1 in the moratorium is due to the fact a Class B-1 establishment operates more like a tavern/bar in the evening, precisely why under-aged persons are prohibited from entering or remaining in a Class B-1 establishment after 8 p.m. Attached is a draft of a moratorium that will only affect the downtown area along with a map outlining the area of the proposed moratorium of Class A and Class B-1 site approvals.

The purpose of this policy session is to inform the City Council about the two options available to address the quality of life issues and facilitate discussion on these options as well as any other liquor licensing and regulation concerns.

FINANCIAL IMPACT: Not known.

NEIGHBORHOOD CONCERNS: Input was gathered from liquor licensees as well as business owners in the downtown area and the concerns voiced at the meetings are summarized in the attached report back.

IMPACT IF APPROVED: N/A.

IMPACT IF DENIED: N/A.

ALTERNATIVES: N/A.

EEO CERTIFICATION NUMBER: N/A.

WHICH OF THE GOALS IDENTIFIED IN THE COUNCIL'S 2014 – 2029 STRATEGIC PLAN DOES THIS RECOMMENDATION ADVANCE?

1. Attractive Neighborhoods with Character: Safe and Livable
2. Vibrant Downtown: Riverfront/ Central Business District/ Warehouse District

WHICH CRITICAL SUCCESS FACTOR(S) FROM THE COMPREHENSIVE PLAN DOES THIS RECOMMENDATION IMPLEMENT?

1. Reduce crime.

DEPARTMENT: Legal