

15-03 **Contemporary Art Center of Peoria**
d/b/a Contemporary Art Center
305 SW Water, Unit 2A
Requesting: Class E-1 (private club over 200)

William Butler, Executive Director, Contemporary Art Center, presented a Site Application for a Class E-1 (private club over 200) Liquor License for 305 SW Water, Unit 2A.

In discussion with Chairman Cassidy, Mr. Butler said due to Peoria County Health Department requirements, they had done a number of renovations to the kitchen. He said they also moved the bar to a new location and added plumbing.

In discussion with Commissioner Miller, Fire Captain McGann reported that the sprinkler system was required to be electronically supervised because of their location in the building. He said he had previous conversations with the building owner, but there wasn't any follow-up to their discussions.

In more discussion, Mr. Butler said they had been working with the Fire Department and he said they recently had the sprinkler system tested. Fire Captain McGann explained the issue was there weren't any devices in their space that would alert occupants there was an emergency and they needed to get out.

In response to Commissioner White's questions in regards to the Community Development Department comments, Building Inspector Stevens confirmed there had not been any contact to follow-up on the following items listed:

1. Exiting egress from the space does not comply with the Americans with Disabilities Act (ADA).
2. Insufficient restroom facilities for occupancy of 200.
3. No elevator recall function.
4. Existing kitchen is permitted for warming only. We understand that a full-service kitchen may be planned. Any addition of kitchen space or function will require Building and Fire review and approval.

Mr. Butler stated that in regards to the Community Development Department's comments about the kitchen, he said they did not plan to make it a full-service kitchen. He said in regards to the occupancy, he said their events averaged approximately 80 people. He went on to say that he did not think 200 people would be able to fit in their unit. He said as far as the other comments, their progress stopped while they were dealing with the Health Department requirements.

Chairman Cassidy said the main two factors the Commission needed to consider were if it was detrimental to or endangered the public health and if the proposed site complied with all applicable Codes of the City of Peoria. Building Inspector Stevens and Fire Captain McGann both confirmed that the site did not comply with all applicable Codes of the City.

During more discussion, Commissioner Coates said it was unclear in regards to some of the issues discussed as to whether the owner of the building or, whether the applicant was responsible to address their compliance.

Mr. Butler explained that the building was owned by ten different entities. He then said that the elevator was actually owned by the building next door. He said they paid to use the elevator.

Carol Farino, Member of Contemporary Art Center, added that whenever they held an event, she had never seen a line waiting to use the restrooms. She said there were other restrooms throughout the building. She referred to an exit from the space and she said there was a back exit where a ramp could potentially be built to address that issue.

Chairman Cassidy said he could not support the site application due to the life safety issues that had been discussed.

Deputy Corporation Counsel Williams said, if the application were denied by the City Council, the applicant could not reapply again for another six months. She said even if the City Council were to approve the site application, in order to obtain the liquor license, the applicant had to meet all City Code requirements.

Commissioner Miller pointed out that the applicant could withdraw his application and come back when everything was in compliance.

After more comments, Deputy Corporation Counsel Williams said that Liquor Investigator Jordan had been working with the applicant to bring them into compliance. She said they were trying to address the issue that the Contemporary Art Center had been operating without a license, allowing their patrons to bring in their own alcohol, and charging patrons admission fees for live band performances.

During more discussion, Mr. Butler said he was not prepared to request the withdrawal of his application.

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

Commissioner White moved to recommend denial of the Site Application for a Class E-1 (private club over 200) Liquor License for 305 SW Water, Unit 2A; seconded by Commissioner Miller.

Approved by roll call vote.

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

Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, February 24, 2015, at 6:15 p.m. and a representative of this establishment should be present at that meeting.