

**MINUTES OF THE CITY OF PEORIA
LIQUOR COMMISSION
August 4, 2014**

A meeting of the City of Peoria Liquor Commission was held in Room 404, City Hall, 419 Fulton Street, Peoria, Illinois, on August 4, 2014, Chairman Cassidy presiding, with proper notice having been posted.

ROLL CALL:

Present: Chairman Drew Cassidy; Commissioners: Camille Coates; Mike Miller; Mike O'Brien; Virginia White - 5;
Absent: None.

Others present: Deputy Liquor Commissioner Eric Turner; Deputy Corporation Counsel Sonni Williams; Liquor Investigator Scott Jordan; Fire Inspector Dan McGann; Building Inspector Jim Stevens; Deputy Clerk Trina Bonds; Senior Urban Planner Shannon Techie; and concerned citizens and media.

I. CALL TO ORDER

Chairman Cassidy called the meeting to order at 3:30 p.m.

II. APPROVAL OF MINUTES

Commissioner White moved to approve the Minutes of the July 7, 2014, Liquor Commission Meeting, as presented; seconded by Commissioner O'Brien.

Approved by roll call vote:

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;
Nays: 0;
Abstention: None.

III. LIQUOR SITE APPLICATIONS

Chairman Cassidy read the amendment to Section 3-57, which will be read at the beginning of every Liquor Commission Meeting.

"To all applicants: The Liquor Commission is a recommending body with respect to site approval. Our function is to determine if the location of an establishment is appropriate for the class of liquor license being requested and then make a recommendation to the City Council as to whether the application should be approved or denied. The City Council makes the final decision.

To perform our function, we may have questions as to the nature of the business you intend to operate at the location. In that regard, this Commission and the City Council expects applicants to be truthful in the representations concerning the proposed establishment since those representations weigh in the determination of the site approval application. Under Section 3-57 of the Code of the City of Peoria, any misrepresentation or false statement made to either this Commission or the City Council relating to the proposed business to be operated on the proposed site can result in a denial of your liquor license; suspension and/or revocation of a license if already issued, and a fine of up to \$1,000."

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14-21 **Koellner, LLC**
d/b/a Annie’s
6926-F N. University
Requesting: Class G-A (beer & wine only tavern)

Ms. Chris Smith, Owner, presented a Site Application for a Class G (beer & wine only tavern) Liquor License for 6926-F N. University.

In discussion with Chairman Cassidy, Ms. Smith said the establishment would be a gaming café with five machines. She said they would serve bottled beer and wine only and they had a four drink maximum. She said the business would be very low key and she said they wanted to direct their attention toward individuals who were 40 and up. She said there would be no loud noise or music.

Deputy Liquor Commissioner Turner said he had concerns with the proposed video gaming café mainly because the City Council did not have a policy in place to address the proliferation of these types of businesses that were now being established. He said these businesses had a negative impact on the community and he said they were hurting local businesses that made money for the community. He said his position on the City Council was for the good of the community.

Chairman Cassidy said the application was discussed at last month’s meeting. He said there were no changes in the Ordinance to tell the Commission how to look at these types of establishments.

Deputy Corporation Counsel Williams clarified that the Ordinance was amended to show that video gaming establishments could have a detrimental factor. She said the City Council could impose a condition that the location could only have video gaming after it had operated for at least one year.

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

Commissioner Miller moved to recommend approval of the Site Application for a Class G-A (beer & wine only tavern) Liquor License for 6926-F N. University; seconded by Commissioner O’Brien.

Approved by roll call vote.
Yeas: Cassidy, Coates, Miller, O’Brien, White - 5;
Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, August 12, 2014, at 6:15 p.m. and a representative of this establishment should be present at that meeting.

14-22 **Koellner, LLC**
d/b/a Annie’s
8414-A N. Knoxville
Requesting: Class G-A (beer & wine only tavern)

Ms. Chris Smith, Owner, presented a Site Application for a Class G-A (beer & wine only tavern) Liquor License for 8414-A N. Knoxville.

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In discussion with Chairman Cassidy, Ms. Smith said this request would be exactly the same as the previous one.

In discussion with Commissioner White, Ms. Smith said the establishment would not have ice and they would keep beer and wine cooled in a refrigerator. She mentioned if there was a problem with the refrigeration at this location, they could bring cold beer or wine from another establishment nearby.

In response to Ms. Smith's comments, Liquor Investigator Jordan pointed out that alcohol could not be transferred from one establishment to another.

Deputy Corporation Counsel Williams pointed out that the applicant was not providing ice because it would require a food and drink license from the Health Department.

In further discussion, Commissioner White asked Ms. Smith if they had thought about adding more to their establishments in order to bring more revenue to the City of Peoria.

In response to Commissioner White's question, Ms. Smith said people were not really coming to their business to eat. She said they were coming there strictly to gamble.

In discussion with Commissioner Coates in regards to their projected opening date, Ms Smith said they had planned to open for business around November 1st. She said their hours of operation would be from 8:00 a.m. to 10:00 p.m. on Monday through Thursday, 8:00 a.m. to 12 midnight on Friday and Saturday, and 11:00 a.m. to 8:00 p.m. on Sunday.

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

Commissioner Miller moved to recommend approval of the Site Application for a Class G-A (beer & wine only tavern) Liquor License for 8414-A N. Knoxville; seconded by Commissioner O'Brien.

Approved by roll call vote.

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;

Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, August 12, 2014, at 6:15 p.m. and a representative of this establishment should be present at that meeting.

14-23 Kelly Entertainment Corporation
d/b/a Oliver's Pizza & Pub North
3300 W. Willow Knolls
Requesting: Subclass 2 (live entertainment)

Ms. Jill DeBeau, Manager, presented a Site Application for a Subclass 2 (live entertainment) to be added to an existing Class B (restaurant, 50% food) Liquor License with a Subclass 3A (sidewalk café) for 3300 W. Willow Knolls.

For clarification, Chairman Cassidy pointed out that the establishment did not have a Subclass 3 (beer garden) and only had a Subclass 3A (sidewalk café).

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In discussion with Chairman Cassidy, Ms. DeBeau said they wanted to have acoustic entertainment inside of their establishment and also outside on the patio area. She said the entertainment would be during dinner service between the hours of 8:00 p.m. and 11:00 p.m. or possibly even between the hours of 7:00 p.m. to 10:00 p.m., since they were located within a residential area.

In response to Commissioner White's question regarding whether or not she had heard from the neighbors in regards to their request for music outside, Ms. DeBeau said she had not received any negative comments and she said she had posted the sign and sent out the required notices to the property owners within 300 feet of their establishment. She went on to say that she had only received positive feedback from their customers.

Commissioner White expressed her concerns in regards to the music outside. Ms. DeBeau explained that they only wanted to have background music for their customers outside.

During more comments and discussion, Liquor Investigator Jordan pointed out that no live entertainment shall be permitted outside, except live music performed without electronic amplification. He then asked the Commission to add a stipulation to the approval that the live entertainment would not be allowed in the patio area after 11:00 p.m.

Chairman Cassidy pointed out that the establishment still had to comply with the Noise Ordinance.

In more discussion, Building Inspector Stevens verified that his department was fine with the request.

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

Commissioner Miller moved to recommend approval of the Site Application for a Subclass 2 (live entertainment) to be added to an existing Class B (restaurant, 50% food) Liquor License with a Subclass 3A (sidewalk café) for 3300 W. Willow Knolls, with the stipulation that there would be no live entertainment allowed in the patio area after 11:00 p.m.; seconded by Commissioner Coates.

Approved by roll call vote.

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;

Nays: 0.

14-24 **DIBEC, Inc.**
d/b/a Sparky's Ringside Bar & Grille
1916 N. Wisconsin
Requesting: Subclass 1A (2:00 a.m. closing hours)

Dianna Howard, Owner, presented a Site Application for a Subclass 1A (2:00 a.m. closing hours) to be added to an existing Class A (tavern) Liquor License with a Subclass 3 (beer garden) for 1916 N. Wisconsin.

Liquor Investigator Jordan said there hadn't been any concerns from the neighborhood that were reported to the Police Department in 2014. He said the applicant had agreed to close the beer garden at 1:00 a.m. to alleviate any concerns regarding noise from the beer garden between 1:00 a.m. and 2:00 a.m.

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Deputy Corporation Counsel Williams pointed out there were a number of concerns from the Community Development Dept. that included:

1. Parking lot is currently a gravel surface. As part of this approval, the parking lot must be hard-surfaced and striped per the Land Development Code.
2. Dumpster and grease container are currently unscreened. As part of this approval, all refuse containers must be screened.
3. Tent in front of the building within the beer garden area does not meet the Land Development Code requirements and must be removed.
4. Temporary banners placed on the fence in front of the building must have a valid zoning certificate and cannot be in place for more than 30 days.
5. A full review through Site Plan Review Board and issuance of all applicable permits and certificates is required.

Deputy Corporation Counsel Williams said the approval of the proposed subclass would be contingent upon those violations being addressed.

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

Commissioner White moved to recommend approval of the Site Application to add a Subclass 1A (2:00 a.m. closing hours) to an existing Class A (tavern) Liquor License with Subclasses 2 (live entertainment) and 3 (beer garden) for 1916 N. Wisconsin, with the stipulations that the beer garden had to be closed by 1:00 a.m. and the following Community Development Department concerns must be addressed:

1. Parking lot is currently a gravel surface. As part of this approval, the parking lot must be hard-surfaced and striped per the Land Development Code.
2. Dumpster and grease container are currently unscreened. As part of this approval, all refuse containers must be screened.
3. Tent in front of the building within the beer garden area does not meet the Land Development Code requirements and must be removed.
4. Temporary banners placed on the fence in front of the building must have a valid zoning certificate and cannot be in place for more than 30 days.
5. A full review through Site Plan Review Board and issuance of all applicable permits and certificates is required.

The motion was seconded by Commissioner O'Brien.

Approved by roll call vote.

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;

Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, August 12, 2014, at 6:15 p.m. and a representative of this establishment should be present at that meeting.

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14-25 **Hy-Vee, Inc.**
 d/b/a Hy-Vee
 5421 W. War Memorial
 Requesting: Class C-G (gas station/convenience store)

Dan Simon, Store Director, presented a Site Application for a Class C-G (gas station/convenience store) Liquor License for 5421 W. War Memorial.

In discussion with Chairman Cassidy, Mr. Simon stated they were requesting approval of a typical gas station/convenience store. He said eventually they would be building a full blown Hy-Vee Grocery Store at this location. He said they would like to be open around August 14, 2014.

In response to Commissioner Miller’s question in regards to the pending grocery store, it was reported that the grocery store had to apply for a separate liquor license.

Liquor Investigator Jordan said the C-G liquor license allowed beer and wine only. He gave his contact information to the Store Director and he explained there were certain requirements for containers that he wanted to discuss.

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

Commissioner White moved to recommend approval of the Site Application for a Class C-G (gas station/convenience store) Liquor License for 5421 W. War Memorial, with the stipulation that the applicant adhere to the Community Development requirements of Zoning Certificate No. 14-30 and all applicable Building Permits; seconded by Commissioner Coates.

Approved by roll call vote.
Yeas: Cassidy, Coates, Miller, O’Brien, White - 5;
Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, August 12, 2014, at 6:15 p.m. and a representative of this establishment should be present at that meeting.

14-26 **WWP Investments, Inc.**
 d/b/a Coffee Bar
 3110 N. Gale
 Requesting: Class G-A (beer & wine only tavern)

Walter Zich and Joe Lahood presented a Site Application for a Class G-A (beer & wine only tavern) Liquor License for 3110 N. Gale.

In discussion with Chairman Cassidy, Mr. Zich said the establishment would be a full service coffee shop featuring the finest fresh ground coffees, espresso, and other specialty drinks, large thin crust pizzas to go, as well as “by the slice” and video gaming. He said their hours of operation would be from 7:00 a.m. to 10:00 p.m. on weekdays and he said they would be open until 12 midnight on the weekends.

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Mr. Lahood reported that the entire establishment was approximately 2,000 sq. ft. He said the back portion of the establishment would be occupied by Willie's Tamales. He said approximately 1,000 sq. ft. would be used for the Coffee Bar. He said they would have bottled beer and wine, and frosted glass mugs. He also said there would be a 3 drink maximum.

In more discussion in regards to the neighborhood, Mr. Zich said they had no plan to use the beer garden. He then said they had hoped to have a very different clientele.

It was reported that no neighborhood concerns were brought forward. Deputy Liquor Commissioner Turner said he would speak to the Neighborhood Alliance to obtain feedback in regards to this proposed establishment. He commented that he would support this establishment because Mr. Zich was a local investor and he had already invested \$1.2 million into the community from another project he was working on.

Mr. Zich said if it was found that the neighborhood was not in support of their establishment, he did not have a problem with withdrawing his request. He pointed out that their revenue was just as strong on food and liquor, as it was on the video gaming.

In response to a question from Commissioner Coates, Mr. Zich said they had planned to open within 60 to 90 days.

Liquor Investigator Jordan said the Police Department's opposition was based on the proliferation of these types of establishments, the proximity of both the residential neighborhood and the grade school that was located within the surrounding neighborhood.

After more comments, Deputy Liquor Commissioner Turner apologized that the City Council did not currently have a policy in place in regards to video gaming. He said the Council was now trying to come up with some type of a policy.

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

Commissioner O'Brien moved to recommend approval of the Site Application for a Class G-A (beer & wine only tavern) Liquor License for 3110 N. Gale; seconded by Commissioner Miller.

Approved by roll call vote.

Yeas: Cassidy, Coates, Miller, O'Brien, White - 5;

Nays: 0.

Chairman Cassidy stated this recommendation would be heard at the City Council Meeting to be held on Tuesday, August 12, 2014, at 6:15 p.m. and a representative of this establishment should be present at that meeting.

IV. NEW BUSINESS

Discussion on Site Approvals for Video Gaming Establishments

Deputy Corporation Counsel Williams gave a brief background of what other municipalities had been doing in regards to video gaming establishments. She said some of them had been limiting the number

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of approvals per year, limiting the size of these establishments, limiting the sale of alcohol and food, and also creating a specific video gaming liquor license class. She said established bars would not be subject to those limitations, only those that their primary business was to have video gaming machines.

Deputy Corporation Counsel Williams said the City of Peoria was different from other municipalities because of the dual process of requiring site approval and liquor license approval. The following suggestions were made and discussed by the Commission:

- Limiting the number of video gaming establishments by Council District
- Establishing a specific video gaming class
- Limiting the number of site approvals for video gaming establishments per year
- Requiring a minimum amount of sales of food or alcohol to maintain license
- Requiring a six month or one year waiting period before an establishment could have video gaming
- Requiring the approval of District Council Member
- Imposing a moratorium on video gaming approvals

V. UNFINISHED BUSINESS

There was no unfinished business to discuss.

VI. NEXT SCHEDULED MEETING

The next scheduled regular meeting of the Liquor Commission is Tuesday, September 2, 2014.

VII. ADJOURNMENT

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

Approved by viva voce vote.

The Liquor Commission Meeting adjourned at 4:28 p.m.

Deputy Clerk II
Commission Secretary