

LIQUOR ADVISORY BOARD
Tuesday, November 18, 2008
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Alicia DiBenedetto
Aaron Magdziarz
Dan Roszkowski
Craig Sockwell
Scott Sanders

Absent: Julio Salgado

Staff: Todd Cagnoni – Deputy Director, Community & Economic
Development, Construction & Development Services
Sandra Hawthorne – Administrative Assistant
Jennifer Cacciapaglia – City Attorney, Liquor Commission
Kerry Partridge - City Attorney
Frank Schmitt - Chief, Fire Prevention

Others: Alderman Frank Beach
Alderman Dan Conness
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Alicia DiBenedetto to **APPROVE** the minutes of the November 5, 2008 meeting as submitted. The **MOTION** was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

08-LAB-031 **1203 7th Street**
Applicant Gamil Elzofri, Sala Elzofri, Muammar Elzofri
 d/b/a Eddie's Food Mart, Inc.
Ward 11 Sale of packaged liquor in conjunction with a convenience store
 in a C-2, Limited Commercial District
 Laid Over from November 5 meeting

This item was before the Liquor Advisory Board at the November 5th meeting and the Applicants presented their proposal. At that time, the Board wished to Lay Over the item in order to allow Legal Council time to provide a record of police service calls to this location. Since testimony was received at the previous meeting, Acting Chairman Roszkowski opened the item to discussion from the Board.

Mr. Sanders asked if Staff has revised their recommendation since the previous meeting. Mr. Cagnoni stated Staff has not revised their recommendation of Denial and asked that if the Board chooses to approve this item that they take into consideration the surrounding neighborhood and add conditions of hours of operation, window signage, etc. Attorney Cacciapaglia asked for a limitation on hours due to the nature of crime in the neighborhood such as prostitution and drug activity, as well as not allowing the sale of rose pipes and other items that can be used as drug paraphernalia. Mr. Sanders stated there is an abundance of liquor advertisements in the windows and is in agreement with Attorney Cacciapaglia. Attorney Cacciapaglia also felt that in light of the fact the Applicant has indicated they want to be represented as a grocery store, that hours of liquor sales be limited. Mr. Roszkowski agreed with Mr. Sanders that this store seems to have a large quantity of signs, all of which pertain to liquor sales. He

also recommended limiting the amount of signage in the window which would also allow police to see inside the store and would deter criminal activity within the store that would otherwise be hidden by the signage. Mr. Cagnoni stated it would be reasonable to impose such limitations.

Staff Recommendation was for Denial.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a convenience store in the names of Gamil Elzofri, Sala Elzofri, and Muammar Elzofri, d/b/a/ Eddie's Food Mart, Inc. in a C-2, Limited Commercial District at 1203 7th Street, with conditions as added. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

1. Window display signage be limited to 30%
2. Liquor sale hours end at midnight
3. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.
4. Meeting all liquor codes

08-LAB-027 1405-1407 North Main Street

Applicant Alice Rene Jones d/b/a/ Thirty Something Sports Bar and Grill
Ward 3 Sale of liquor by the drink in conjunction with a Sport's
 Bar and Grill in a C-2, Limited Commercial District
Laid Over from October meeting

This item was Laid Over from the October Liquor Advisory Board meeting at Staff's request. Antwan Jones, representing the Applicant, reviewed the application. He stated there will be no cover charge, no live entertainment. They will be adding more televisions and will have a sports bar atmosphere. Attorney Cacciapaglia stated the business plan submitted to the City by the Applicant specifies there will be a cover charge at the door. Mr. Jones stated they may need to charge a cover charge for Pay-for-View events but would check with the City prior to doing this. He anticipates 35 to 50 percent of sales will be food. Mr. Jones further explained no one under 30 will be allowed to enter and they will have security on busy nights. Attorney Cacciapaglia stated the open space shown on the information provided by the Applicant is still larger than allowed. Mr. Jones explained the larger stage space shown is for a pull down projection screen, and that size has to remain. The projection screen is 80" and faces out to the main bar. Attorney Cacciapaglia asked if a full service menu would be in effect until 2:00 AM and Mr. Jones responded that is anticipated. Attorney Cacciapaglia stated she still has concerns that this business will be conducted as a night club.

Mr. Sockwell asked about dress code limitations – Mr. Jones stated certain colors would not be allowed, and no blue jeans would be allowed on "certain nights". He explained their intent was to avoid mixing younger groups with older groups.

Vivian Foreman, 2931 18th St. was present. She stated she is the Applicant's sister. She stated the past shooting incident at this property was a drive-by shooting and not related to the Bourbon Street club.

Martha Wilson, 630 East State Street, stated she does not understand why the Bourbon Street club has to close at midnight when other business close at 2:00 AM. She asked if this is a result of racism.

Anthony Foreman, 1407 North Main Street and owner of Bourbon Street stated Rockford has the highest crime rate of any other city of similar size. He feels the police protection is not adequate. He explained he will not be a part of the Applicant's business and will be moving to Virginia.

Staff Recommendation remains at Denial. Several Objectors were present.

Objectors

Mike Dupre, 1132 Auburn Street (Rathskeller). Mr. Dupre feels this establishment has caused an increase in crime. He asked what the ratio of bouncers to patrons would be and Mr. Jones responded it would be 1 to 50. He stated this application looks like a night club.

Linda Peroni, 515 Toner Avenue. Ms. Peroni is concerned that the same problems that have occurred in the past two years with this property will still continue. She stated the police there night after night. She pointed out that no problems have occurred since the city has imposed a midnight closing.

John Smith, 2116 Harlem Boulevard, feels this strip mall does not lend itself to a night club. It is his opinion that this is a "bait and switch" application. He stated this is a small strip mall in a neighborhood area.

Julie Salamone, 1419 North Main (North Main Tap) stated the crowd this business will attract is going to be way too big for the neighborhood. She said the neighborhood is still getting over the past shootings at this location.

Terry Kast, 1445 Myott stated he is the past owner and partner of Leisure Sports Bar. He explained in the 15 years he was associated with Leisure Sports Bar, they did not have problems nor a need for bouncers due to the way the establishment was run. He stated he does not see any changes that will occur at the Applicant's location than what Burbon Street activity was.

Linda Castree, 1414 North Main (Kilt and Clover) felt the negative public relations of the previous establishment has impacted her business directly. She stated no amount of bouncers have been able to affect the negative action that occurred at this business or the parking lot and if the applicant needs this much security than this is not a place to run his business. She expressed that she is completely opposed to this business reopening

Sally Mark, 1526 Harlem Boulevard stated she is not opposed to a restaurant/bar business in this area. The previous owner of this business changed their plan to a night club which did not work in the area. She fears are that previous owner is still involved with this business. Ms. Mark felt the business could not survive as a restaurant and then turned it into a night club. Since the city put restrictions on the business at this property, problems have decreased. She reminded the Board that people live within 50 feet from the parking lot of the Applicant's establishment.

Mark Marinaro, 1507 Camp stated he has lived in his family home at this location for 51 years. He stated there have never been problems in the past such as those that have occurred in the last two years at this establishment. It was his opinion that the business plan presented by the Applicant appears to be very loose. He would like to see a more defined business plan. Mr. Marinaro expressed he does not want to see a continuation of what has occurred at this property over the past couple of years.

In response, Mr. Jones stated he and his mother wish to use this property as its intended use which is a bar and grill. He feels security in the parking lot is a good gesture for the community. Feels 1 security for 50 people is not an indication of a night club use. Pay for view events that may require a door charge will be discussed with the City if they so allow. The Applicant stated he is agreeable if that would not be allowed. Mr. Jones stated crime is increasing everywhere. He further stated his family's intentions are not written in the application so nobody knows what they are.

During Board discussion, Mr. Cagnoni stated Staff had received a written request from Ald. Doug Mark to lay over this item; however, Attorney Cacciapaglia stated in speaking with Mrs. Mark at this meeting he has withdrawn this request.

Mr. Sockwell stated he does not see a problem with this application. Mr. Sanders stated he is in agreement with the objectors in that this application feels like a night club. The intent of the operation of

the business speaks of a night club. He does not feel this is an appropriate location, size and scale wise for this type of nightclub venue. Mr. Sanders further stated this is a shared community for parking and businesses and he does not agree this business will be of benefit.

Ms. DiBenetto does not feel that the fears of the previous business should be imposed on the Applicant. She and Mr. Sockwell feel with appropriate conditions imposed upon this business it could operate without incident.

Mr. Roszkowski stated he has a problem with the hours of 2:00 AM in this area. It is his feeling that the hours create problems with people having too much to drink. He also expressed uncertainty with what sporting events would be going on at 2:00 AM in the morning to draw people to a sports bar.

Mr. Sanders feels this neighborhood area and businesses have just proved to be incompatible with this type of night club atmosphere. This parking lot has not occurred without incident. An alcohol based business is not a compatible mix with this area.

Mr. Cagnoni explained this item was laid over last month at Staff's recommendation to allow staff to work with the Applicant. Staff has contacted the Applicant and explained they would not support a business plan that leads to the operation of a night club. Staff is not in a position to modify their recommendation of denial based on the business plan submitted. He further explained Staff feels it is evident that this is the intent, and evident from the objectors that this is not a business that would fit in with this area. Attorney Cacciapaglia further explained if this business were truly operating as a restaurant, there would be no limitation on age and no carding at the door.

Mr. Sockwell felt this item should be Laid Over to allow the Applicant to prove to Staff that this business would not be a night club. Mr. Cagnoni stated that this should be discussed with the Applicant to see how they feel about an additional lay over. Mr. Jones came forward and was asked if he would be willing to lay over this item to work with Staff, to have limitations imposed on this business such as hours of operation to midnight, and being open to all ages. Mr. Jones feels he is willing to work with Staff, but not willing to have limitations on a closing times. Mr. Cagnoni stated Staff is certainly willing to work with the Applicant, but it is important to note that the hours of operation are critical to Staff and the Applicant. With this understanding, Staff does not see a revision in their recommendation of Denial. The hours of operation are critical to the success of the neighborhood. He explained the Board has the option to make a recommendation and move this application on to Codes & Regulations. Staff will continue to work with, and advise the Applicant as this item continues through the process.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with a Sport's Bar and Grill in the name of Alice Rene Jones d/b/a/ Thirty Something Sports Bar and Grill in a C-2, Limited Commercial District at 1405-1407 North Main Street. The Motion **FAILED TO CARRY** for lack of a Second.

A **MOTION** was made by Aaron Magdziarz to **DENY** the sale of liquor by the drink in conjunction with a Sport's Bar and Grill in the name of Alice Rene Jones d/b/a/ Thirty Something Sports Bar and Grill in a C-2, Limited Commercial District at 1405-1407 North Main Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 3-2 with Alicia DiBenedetto and Craig Sockwell voting Nay.

08-LAB-032 **5801 Columbia Parkway, Suite #101**
Applicant Joseph DeSerto d/b/a/ Maciano's Pizza and Pastaria
Ward 14 Sale of beer and wine by the drink in conjunction with a
 restaurant in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of the Harrison Avenue and Wendy Lane intersection. Joseph DeSerto, Applicant, reviewed his application. There will be 50 interior seats, and 20

patio seats. Mr. DeSerto stated the emphasis of sales will be on pizza and pasta with carry out and delivery. He verified they anticipate alcohol to be approximately 1% of volume of sales.

Staff Recommendation was for Approval with 6 conditions. No Objectors were present.

Scott mentioned that the applicant has indicated hours of operation are more stringent than the liquor code and wished to verify that the applicant agrees. Mr. DeSerto stated he was aware of this and is in agreement with the hours of operation presented.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Joseph DeSerto d/b/a/ Maciano's Pizza and Pastaria in a C-3, General Commercial Zoning District at 5801 Columbia Parkway, Suite #101. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to 11:00 A.M. to 10:00 P.M. Sunday through Thursday.
4. The hours of operation will be limited to 11:00 A.M. to 11:00 P.M. Friday through Saturday.
5. The sale of alcohol shall be limited to the interior site and outdoor seating area that were submitted.
6. The outdoor seating area must be enclosed by a fence of at least five (5) feet in height and approved by Staff.

08-LAB-033 **1137 Broadway**

Applicant Gina Marie Ferling d/b/a/ Café 99
Ward 11 Sale of liquor by the drink in conjunction with a restaurant and
bar in a C-4, Urban Mixed District

The subject property is located on the south side of Broadway, 44 feet west of 8th Street and is currently a vacant building. The Applicant is proposing a restaurant and bar establishment. Attorney Bart Henbest, representing the Applicant, reviewed the request. He stated the Applicant wished to request a Lay Over to allow the applicant to provide Staff with necessary information.

Staff felt the amount of information provided was not enough to support this use and the Staff Recommendation was for Denial.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Sale of liquor by the drink in conjunction with a restaurant and bar in the name of Gina Marie Ferling d/b/a/ Café 99 in a C-4, Urban Mixed District at 1137 Broadway. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0

08-LAB-034 **205 West State Street**

Applicant Sunil Puri/First Rockford Restaurant, LLC d/b/a/ 205
Ward 3 Sale of liquor by the drink in conjunction with a restaurant with
bar in a C-4, Urban Mixed District

Marvin Keys, representing the Applicant, reviewed the request. This is the former Paragon Restaurant located at the northwest corner of the intersection of West State Street and North Wyman Street. Mr. Keys estimated food sales would be 60 to 65% of total sales. No outside eating area is planned currently. Attorney Cacciapaglia asked Mr. Keys to verify this operation would be closing at midnight every night, that no cover charge will be in place, and that no live entertainment will occur. Mr. Keys concurred.

Staff Recommendation was for Approval with 5 conditions. Mr. Cagnoni asked to remove condition 5, and in lieu state there will be no cover charge to enter the premise, and that there will be no live entertainment. No Objectors were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant with bar in the name of Sunil Puri/First Rockford Restaurant, LLC d/b/a/ 205 in a C-4, Urban Mixed District at 205 West State Street with modified conditions. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. No open dance floor area is permitted.
2. Hours of operation are Monday-Sunday 10:30 A.M. to 12:00 Midnight.
3. Conformance with the floor plan as attached.
4. Meeting all applicable liquor codes.
5. That there shall be no cover charge to enter the premises. That there shall be no live entertainment or D.J.

Other Business

The 2009 Liquor Advisory Board schedule was presented to the Board for approval. The Board voted to approve the schedule as presented. The Board wished to amend the start time of the meeting from 6:00 PM to 5:30 PM.

A **MOTION** was made by Alicia DiBenedetto to **APPROVE** the 2009 Liquor Advisory Board schedule as presented, with a change in meeting time from 6:00 PM to 5:30 PM. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

LIQUOR ADVISORY BOARD

2009 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	MEETING DATE: (Third Tuesday of the Month)
December 18, 2008	January 21, 2009-Wed
January 15, 2009	February 18, 2009-Wed
February 12, 2009	March 17, 2009
March 19, 2009	April 21, 2009
April 16, 2009	May 19, 2009
May 14, 2009	June 16, 2009
June 18, 2009	July 21, 2009
July 16, 2009	August 18, 2009
August 13, 2009	September 15, 2009
September 17, 2009	October 20, 2009
October 15, 2009	November 17, 2009
November 12, 2009	December 15, 2009
December 17, 2009	January 20, 2010-Wed

With no further business to come before the Board, the meeting was adjourned at 7:35 PM.

Respectfully submitted,
 Sandra A. Hawthorne
 Administrative Assistant
 Liquor Advisory Board