



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, July 18, 2017
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Melissa Beckford
Tom Fabiano
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell

Absent:

Staff: Scott Capovilla - Zoning and Land Use Administrator
Matthew Flores - Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others: Alderman Tuffy Quinonez
Alderman William Rose
Kathy Berg - Court Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Liquor & Tobacco Advisory Board secretary and the stenographer

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, July 31, 2017, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well. This information was also presented in written form attached to the agendas.

The meeting was called to order at 7:46 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes from the June 20, 2017 meeting as written. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

017-LTAB-018

Applicant
Ward 01

7151 Walton Street

Sam's West, Inc. dba Sam's
Sale of Tobacco Products in conjunction with a retail establishment in a C-2,
Limited Commercial Zoning District
Laid Over from June meeting

The subject property is located south of Walton Street, 220' east of South Perryville Road and is Sam's Wholesale Club. Scott Schelling, Manager of the Rockford Sam's Club, was present and reviewed their request for the sale of tobacco products. He discussed their process for checking identification and the sale of tobacco to their customers. Mr. Schelling stated Sam's has been selling tobacco and that they were unaware that the City required a tobacco license and have since stopped selling.

Attorney Vaughn asked the Applicant if he had a chance to review Staff conditions of approval and if they were willing to abide by all (6) conditions. Mr. Schelling stated conditions have been reviewed and they are agreeable to all conditions.

Staff and the Applicant agreed that hours of operation listed under condition (5) should change to 7:00 AM start time for sales Monday through Saturday.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of Tobacco Products in conjunction with a retail establishment in the name of Sam's West, Inc. dba Sam's in a C-2, Limited Commercial Zoning District at 7151 Walton Street with amendment to condition (5). The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Window display signage is limited to 20% of window area.
4. The sale of tobacco products shall be limited to the submitted plan Exhibit D.
5. The hours and days of operation will be from 7:00 AM to 8:30 PM, Monday through Saturday and 10:00 AM to 6:00 PM on Sunday.
6. That the windows shall not be covered with bars or other devices that block the windows.

017-LTAB-024

Applicant
Ward 11

501 15th Avenue; 517 15th Avenue; and 1610 Keefe Street

Ernest Jefferson / Ernie's, Inc. dba The Flow

Sale of liquor by the drink in conjunction with a bar and grill and video gaming facility in a C-2, Limited Commercial Zoning District

The subject properties are located on the south side of 15th Avenue just east of the Keefe Street and 15th Avenue intersection and currently consists of a vacant building and vacant land with a billboard. Attorney James Rodriguez and Ernest Jefferson were present. Attorney Rodriguez reviewed the Applicants request for sale of liquor by the drink. The Applicant feels he has a good solid plan to operate at this location. In describing the interior of the building, Attorney Rodriguez stated there are newly remodeled bathrooms at the front of the building, and the restaurant area, and the bar area have been remodeled. Five (5) gaming machines are located in the NE corner and there is a lounge area in the NW corner. Mr. Jefferson has completed extensive remodeling since purchasing the building in 2008. In addition, it is also the Applicant's intent to make a large investment in the exterior to bring the parking lot up to code. Attorney Rodriguez explained that Mr. Jefferson has done an extensive survey to find out what his customers want. Admittance will be limited to ages 35 and up. They will offer food and drink with occasional entertainment, mostly on the weekends. There will be a small dance floor and tables can be moved back for dancing. Video gaming will be available as well. Attorney Rodriguez explained the security system, stated there will be Security at the door at all times, with an internal DVR system with storage ability for 30 days. Cameras for the exterior are already in place. Mr. Jefferson stated that he has put a lot of effort and thought into this project for it to be successful. Attorney Rodriguez further stated this site has had a bar use back to the early 1980's. Mr. Jefferson is anticipating to have food sales equal to liquor sales at some point in the future. At this point, liquor will bring in more revenue than food and gaming. There will be a limited menu at the start up, with the desire to increase food sales as business progresses and possibly include breakfast. Mr. Jefferson is willing to cooperate with the City to make certain his business runs properly.

Mr. Jefferson explained that when he was young, his father had owned a bar and he always wondered why his father stuck with jazz and blues music throughout the years. As Mr. Jefferson got older, he stated he discovered there was no place to go that catered to the 35 and up age group. He stated he then understood his father's reasons for maintaining the same atmosphere instead of changing the bar to meet the current music fad. He realized that once the younger crowd starting coming in, the older clients left and did not return.

Attorney Vaughn asked Mr. Jefferson if he planned to extend the menu. Mr. Jefferson stated that was one of the reasons he wanted to open early on Friday mornings to attract people in for food and breakfast. His ultimate goal is to build this business into a bar and grill. Attorney Vaughn explained his figure of 46% alcohol sales was a concern, as Staff did not want this location to be just a bar. Tom Fabiano asked if they could legally refuse entry to people younger than 35. Attorney Rodriguez stated he believed they could. Kim Johnsen asked how they planned to promote that this establishment was only

for patrons 35 years old and older. Mr. Jefferson explained he has a friend with 40 years experience as a DJ who has a following of an older crowd and he has committed to bringing them to his establishment to get the word out. Craig Sockwell asked what the square footage of the kitchen was - Attorney Rodriguez or Mr. Jefferson had those dimensions, but did say it was small but would be adequate for their plans. There are 27 parking spaces available. The interior layout shows 100 seats.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Charles Williams was present in support of this project. Stated he has known the applicant for over 12 years and stated his word is his bond. High integrity, great moral character and believes he will bring this same type of character and integrity to his club. He expressed that Mr. Jefferson has put a lot of time, effort and money into this project.

Sonny Crudup was also present in support of the Applicant. Mr. Crudup states every Friday he does a 35 year old and up group. He is a DJ. They have talked about this for so long and now they want to see it work!

The Board felt that this was an interesting concept and liked the idea; however, there was concern over whether or not it was legal to refuse a patron under the age of 35. Attorney Vaughn did not know at this time but said she would check into it.

Prior to vote, Staff provided a list of (11) conditions should this item be approved by the Board.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Sale of Liquor by the drink in conjunction with a bar and grill and video gaming facility in the name of Ernest Jefferson / Ernie's, Inc. dba The Flow in a C-2, Limited Commercial Zoning District at 501 15th Avenue; 517 15th Avenue; and 1610 Keefe Street subject to (11) conditions of approval provided by Staff at this meeting. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of liquor by the drink shall be limited to the interior floor plan Exhibit F approved by Staff.
4. The hours of operation will be limited to 8:00 AM to 2:00 AM Monday through Thursday.
5. The hours of operation will be limited to 6:00 AM to 2:00 AM Friday.
6. The hours of operation will be limited to 8:00 AM to 2:00 AM Saturday.
7. The hours of operation will be limited to 8:00 AM to Midnight Sunday.
8. Window display signage is limited to 20% of window area.
9. That the windows shall not be covered with bars or other devices that block the windows.
10. The bar and grill and video gaming facility shall not operate as a nightclub.
11. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 8:25 PM

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