

LIQUOR ADVISORY BOARD
Tuesday, August 17th, 2010
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Aaron Magdziarz
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent: Alicia Neubauer

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Sandra Hawthorne, Admin. Assistant – Construction Services
Jon Hollander, City Engineer - Public Works
Matt Knott – Chief of Fire Prevention Division
Jessica Roberts – Planner II

Others: Kathy Berg, Stenographer
Alderman Frank Beach
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 are to 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 and address to the Liquor 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, August 30, 2010 at 4:30 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for any further information and that her 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.

The meeting was called to order at 6:00 P.M. A **MOTION** was made by Dennis Olson to **APPROVE** the minutes of the July 20th meeting as submitted. The **MOTION** was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

10-LAB-013

Applicant
Ward 10

3780 East State Street

Nancy M. Macias d/b/a San Jose Cultural Center, LTD

Sale of Liquor by the Drink in conjunction with a night and dance club in a C-2, Limited Commercial District.

Attorney Charles Prorok, Representative, and Gabriel Macias. Co-applicant, were present. Attorney Prorok reviewed the request of the Applicants. He stated the Applicants also own and operate the San Jose restaurant across the street and have been very successful in that business. They have made improvements to both properties and no TIF funds have been used for either property. The Macias' feel that they would be very successful with the proposed business. Their intent is to hire 6 private security officers from SPI Security, a group who have handled security at other cultural events, as well as Giovanni's and other establishments. Five in-house personnel would also work with the hired security. In the event of criminal offenses, the offender would be handcuffed by the hired security and police would be called. Attorney Prorok stated Staff had concerns with noise generating from this business and the parking lot area to the surrounding neighborhood. He presented photographs showing there the area surrounding the building and in particular, the tree line between the Applicant's property and the residential area to the North.

Attorney Cacciapaglia had questions of the Applicant. She stated security requirement is 1 to every 50 patrons and asked specifically how security would be handled. Mr. Macias did not provide detailed information, but stated he believed more security is better for the people and he wants to run a safe business. Jennifer asked how many of the 11 security personnel would be in the parking lot at one time. Attorney Prorok stated 2, but they would be in communication with each other via radio in the event more are needed in any specific area. Mr. Macias stated they have hired professional security to avoid any friendship situations between his own employees acting as security and any customers that may have a friendship with these employees. He explained in this way customers would not feel they can get away with doing things that would not be allowed because they have a friendship with in-house security.

Attorney Cacciapaglia stated the experience of SPI Security mentioned previously was with restaurants and other events but not with night clubs. She asked if they had any experience in night club situations. Joe Rinaldo, Director of Operations for SPI Security was present and came forward to address Attorney Cacciapaglia's question. Mr. Rinaldo stated he had retired from the Rockford Police Department 6 months ago after 43 years of service. He will supervise the officers who work this detail. Mr. Rinaldo stated he had met with the Applicants to discuss their security measures, type of music, age of clientele, informing the Applicant they must be 21 years of age and over, that they will establish a no tolerance system, and will have a radio communication system. There will be 6 SPI Security officers on premises working in groups of 2. Security officers will not leave the parking lot until the last car has gone. SPI has worked the Aragona Club, Franchescos, and Giovannis for private club events. Mr. Rinaldo has been with SPI for 5 months. Attorney Cacciapaglia pointed out that the Aragona is a private club and is not open to the public as a night club would be. She further stated the difference in skills between a professional security person and a bouncer. She asked for clarification on how much training SPI Security personnel had in containing situations. Mr. Rinaldo responded security will also be inside the building, at the door to be certain I.D.'s are checked properly, and walking around as spotters.

Scott Sanders asked hours of operation – Attorney Prorok stated from 8:00 PM to 2:00 AM. Mr. Sanders further asked if parking agreements were now signed and in place. Attorney Prorok provided Attorney Cacciapaglia with the amended parking agreement that shows it is an agreement for 50 parking spaces for a one-year term and renewable annually. Mr. Cagnoni stated Staff did receive this agreement and it appears it is renewable for each year, but because both parties did not initial the amendments Staff cannot say if Mr. Olson, the Lessor, is agreeable to this. Only Mr. Macias' initials were on the amendments. Mr. Macias stated he had a letter from Mr. Olson regarding this agreement and presented

same to Mr. Cagnoni. The actual agreement itself, however, needs to contain Mr. Olson's initials to show his agreement to the amendments. Attorney Cacciapaglia stated there is no agreement with the Miracle Mile Association. Mr. Macias stated he has spoken with someone from the Miracle Mile and their only concern was security.

Staff Recommendation remains at Denial until further information is obtained. Interested Parties were present.

Jennifer Hall, representing the Miracle Mile was present as an Interested Party. Ms. Hall stated they wanted the same 10 standards applied to this business and approved by City Council as applied to Tabu, the previous owners. She stated Mr. Macias has been a good neighbor with his restaurant business; however, the Miracle Mile does have great concerns with the proposed night club situation because of past experiences. Mr. Cagnoni explained the ten standards referred to by Ms. Hall were the 10 conditions applied to the previous request and approved by City Council.

Alderman Frank Beach, was present. He expressed his appreciation of the Board's due diligence. Alderman Beach stated he patronized the Applicant's restaurant and commented that he has done a fine job in running this business and in bringing customers to this area. His concern is not with the Applicant, but with the problems of a night club in general and this area in specific. He expressed his passion to protect the businesses that are in existence. He stated although the night club will be after hours of the other businesses, he has seen as many as 11 police cars at one time at this location. He stated the challenges for a night club are greater these days, even in this area.

In response, Attorney Prorok stated the Applicants have no problem with the original ten conditions applied to this property. He reminded the Board that the Applicant also has a business in this area and if troubles come to the Cultural Center, then it also comes to the Applicant's restaurant across the street as well. He further stated Mr. Macias and his family will do everything they can to make this business viable, successful, and secure.

Mr. Sanders felt information has filtered in to Staff as recently as the afternoon of this meeting. Mr. Cagnoni verified this was correct. Mr. Sanders asked if any information came in that would alter Staff's recommendation of Denial. Mr. Cagnoni explained the information received thus far has been relatively minor and Staff stands by their recommendation of denial. He further explained there are two things that allow a night club in the City of Rockford: 1) Nightclub approval and 2) a Liquor license. The Special Use Permit (SUP) for a nightclub was approved in 2009. The present Applicant has been advised that if his plan does not agree with the SUP approved in 2009, he would essentially be modifying the SUP. Mr. Cagnoni reviewed the original ten conditions for clarification. It was Staff's determination that the Applicant was attempting to modify his plan to meet the original SUP, but plans are not complete as yet. Staff is not comfortable at this point that the two requests completely line up. Staff recognizes the success Mr. Macias has had with his restaurant and they recognize the need for recognition of special events. The plan discussed prior to this application was for a full cultural center which included wedding activities, Quinceneras and other family events.

Mr. Sanders was concerned that the exact same plan and rules the Applicant would be required to follow still resulted in failure of the business even though the previous owner did follow those conditions. Mr. Cagnoni stated sometimes things do get out of control beyond the ability of the business operator. Attorney Cacciapaglia was concerned with the low number of trained security proposed in dealing with a nightclub of this size. She stated the 5 in-house employees are basically bouncers and they are not trained with security issues. She further stated the Industry standard counts 9 in-house security guards, plus two in the parking lot. Mr. Roszkowski pointed out that if this item were approved, regardless of what the Board felt, those ten conditions would still only require 9 security personnel. Mr. Cagnoni stated his discussion with Attorney Prorok when they met this afternoon was to Lay Over this item to work further on a more detailed plan.

Mr. Sanders stated he also would feel more comfortable with laying over this item. He felt the Applicant may wish to consider applying for a Modification of Special Use Permit to help resolve Staff's concerns.

Dan Roskowski stated he would like to see police records of the time Tabu was in operation to determine if the night club created a hardship on the community. Attorney Cacciapaglia stated she can provide police records; however, it is her belief that there were no calls that required action against the owners of the previous business.

A **MOTION** was made by Scott Sanders to **LAY OVER** the request for sale of liquor by the drink in conjunction with a night and dance club in the name of Nancy M. Macias d/b/a San Jose Cultural Center, LTD in a C-2, Limited Commercial District. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

10-LAB-006

Applicant
Ward 9

2921 City View Drive

Chawn Scanlan d/b/a Scanlan's

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-1, Limited Office Zoning District

Laid Over from April, May, June, and July meetings

Attorney James Rodriguez, representing the Applicant, was present. This item has been laid over from the April, May, June and July meetings. Attorney Rodriguez requested another Lay Over, stating his request at this time is for one month, but the Applicant is actually asking for a Lay Over to May, 2011. He stated there has been an issue with code requirements regarding the ratio of food sales to liquor sales. The Applicant is attempting to sell more food than liquor and has been working towards that end for the last three months.

Mr. Sanders felt it was unusual to lay an item over that long and asked Staff's opinion. Mr. Cagnoni stated Staff would support this request should the Board choose to grant it.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the request for Sale of Liquor by the drink in conjunction with an outdoor seating area in the name of Chawn Scanlan d/b/a Scanlan's at 2921 City View Drive until the September 21st meeting. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 7:05 PM.

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