

LIQUOR ADVISORY BOARD
Wednesday, November 5, 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

Others: Applicants and Interested Parties

The meeting started at 6:00 P.M. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the October 21, 2008 meeting as submitted. The **MOTION** was **SECONDED** by Alicia DiBenedetto and **CARRIED** by a vote of 5-0 with Julio Salgado absent

08-LAB-029 310 South Church Street

Applicant Jay Gesner and Rebecca Yates / d/b/a Hawks Nest
Ward 5 Sale of liquor by the drink in conjunction with a Sport's Bar and
 Grill within indoor and outdoor dining area in a C-4, Urban Mixed-Use District

The subject property is currently a vacant building, previously known as Gaspo's Auto Inn, a restaurant and bar. Attorney Robert Calgaro, Jay Gesner and Rebecca Yates were present. Attorney Calgaro reviewed the request for the sale of liquor. He requested that condition #2 of conditions of approval be removed, stating the Applicants would like the freedom to decide what the definition of a "special event" is.

Attorney Cacciapaglia wished to make the Board aware that the Applicant has stated they will not hire private security if the Mayor requests them to. Mr. Gesner stated he would not like to see a "blanket deal" on hiring security.

Staff Recommendation was for Approval with 3 conditions. No Objectors or interested parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a Sport's Bar and Grill within indoor and outdoor dining area in the name of Jay Gesner and Rebecca Yates, d/b/a/ Hawks Nest in a C-4, Urban Mixed-Use District at 310 South Church Street, with the removal of condition 2. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. That the property shall not operate as a night club and shall not charge a cover charge.

08-LAB-030 **6876 Spring Creek Road, Suite #132**
Applicant Cherri Rittenhouse / d/b/a Artale Wine Company
Ward 1 Sale of alcohol by the package in conjunction with a liquor store in a C-3, General
Commercial Zoning District

The subject property is located on the northwest corner of Spring Creek Road and Ashwin Boulevard and is currently a vacant tenant space. Anthony Artale reviewed the request for the sale of alcohol. He explained that approximately 50% of sales will be upscale wine with special orders.

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

A **MOTION** was made by Alicia DiBenedetto to **APPROVE** the sale of alcohol by the package in conjunction with a liquor store in the name of Cherri Rittenhouse d/b/a/ Artale Wine Company in a C-3, General Commercial Zoning District at 6876 Spring Creek Road, Suite #132. The Motion was **SECONDED** by Craig Sockwell 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 9:00 AM to 10:00 PM Monday through Saturday.
4. The hours of operation will be limited to 11:00 AM to 6:00 PM Sunday.
5. The sale of alcohol shall be limited to the interior site plan that was submitted.
6. This liquor license includes wine tasting.

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

The subject property is located at the southwest corner of the intersection of 7th Street and 11th Avenue, in the most northerly unit of the building. The current use is a convenience store with the sale of packaged liquor. This business is being purchased by the Applicants, and therefore requires an application for the sale of liquor.

Attorney Robert Torbert, Muammar Elzofri, Salah Elzofri, and Gamil Elzofri were present. Attorney Torbert, representing the Applicants, reviewed the request. The Applicants are under contract to purchase this existing business of a convenience store with the sale of packaged liquor. He emphasized that the layout of this store will be the same as is existing as far as liquor sales is determined. Liquor will be located behind the counter, as will non-prescription drugs. The change in extended hours are for early morning only, not later hours. Based on information provided by the Applicants on their application, Staff report indicated that one of the applicants, Salah Elfonzi was the current owner/operator of Broadway Food & Liquor. However, there was no listing of this individual owning this business. Staff concern was with the number of police service calls to the Broadway location might be an indication of how Mr. Elfonzi would run the 7th Street business. Attorney Torbet stated Mr. Sala Elzofri did not own Broadway Food & Liquor, but was an employee. He felt the Broadway store has problems because of its location, rather than the business itself.

Attorney Cacciapaglia wished to clarify the percentage of alcohol sales to food sales. Both Applicants stated it would be 50% to 50%. She further wished to clarify to the Board that it is not an accurate statement that there are no problems at the current location. This location received a notice from the liquor commission for the sale of alcohol after hours. Attorney Torbert presented photos of the current interior of the store.

Staff Recommendation was for Denial.

Attorney Cacciapaglia stated qualifications of a liquor store would constitute approximately 95% liquor sales as opposed to the Applicant's proposed ratio of 50% to 50%. She further explained that some convenience stores sell products that are not illegal when separate, but when combined can be used for illegal drug purposes, such as crack pipes etc., and felt this convenience store should comply with the City's request not to sell these products as well. She stated the city has requested other convenience stores not sell these products.

Mr. Sanders felt that if the Applicants were not tied into ownership of Broadway Food and Liquor he questions the purpose of bringing in those calls to service. Attorney Cacciapaglia stated it was unclear by the information provided on the application as to the ties to Broadway Food and Liquor and if the Board wished to discount this report that would be reasonable. She suggested this item could be Laid Over if the Board wished Staff to provide police calls to the current location. Dan Roszkowski felt more information would be helpful to the Board.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of packaged liquor in conjunction with a convenience store in the name 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. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

With no further business to report, the meeting was adjourned at 6:30 PM

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