

**LIQUOR ADVISORY BOARD**  
**Wednesday January 19, 2011**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

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

**Staff:** Kerry Partridge – City Attorney  
Todd Cagnoni, Deputy Director - Construction Services Division  
Jon Hollander, City Engineer - Public Works  
Marcy Leach – Public Works  
Jessica Roberts – Planner II

**Others:** Kathy Berg, Stenographer  
Applicants and Interested Parties  
Alderman Elyea

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Jessica Roberts 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 representatives 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 supporters and then objectors. 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, January 31, at 4:45 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 Jessica Roberts 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 is listed on the agenda as well.

The meeting was called to order at 6:05PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the December 21, 2010 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

A request was submitted to staff to lay over item 10-LAB-015 810 S. Main Street. A **MOTION** was made by Aaron Magdziarz to lay the item over. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

**110-LAB-024**

Applicant  
Ward 5

**623 Kishwaukee Street**

Mayra Gisela Fernandez d/b/a Isla Del Mar Restaurant  
**Sale of Liquor by the drink** in conjunction with a sit  
down restaurant in a C-2, Limited Commercial District

The sale of liquor by the drink in conjunction with a sit down restaurant in a C-2, Limited Commercial District. The property is located 112 feet south of College Avenue and on the northwest corner of Kishwaukee Street and Union Street. The staff recommendation was for approval.

Attorney Andrew Vella was in attendance for the applicant. He made a request to lay the item over for a month. Scott Sanders ask for what reason. Attorney Vella stated that the applicant wanted to speak with some of the residents in the area about the application.

Todd Cagnoni stated that staff had no objection to that.

A **MOTION** was made by Scott Sanders to lay the item over. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

**10-LAB-023**

Applicant  
Ward 11

**1312 7<sup>th</sup> Street**

Saleh Thabet d/b/a M.T. Rockford  
**Sale of liquor by the drink** in conjunction with a tavern  
**Sale of package liquor** in conjunction with a liquor store  
in a C-2, Limited Commercial District  
**Laid Over from December meeting**

The sale of alcohol by the drink in conjunction with a tavern and the sale of package liquor in conjunction with a liquor store in a C-2, Limited Commercial District. Staff recommendation is for denial of the sale of alcohol by the drink in conjunction with a tavern and the sale of liquor in conjunction with a liquor store in a C-2, Limited Commercial District.

The applicant, Saleh Thabet was present along with his Attorney Tim Whitham and the previous business owner Becky Conley.

Attorney Whitham stated that the business has been at that location since early 1960. The liquor store and tavern has remained as is since that time.

Dan Roszkowski asked whether legal council had any questions of the applicant.

Kerry Partridge said no.

Scott Sanders asked staff if the recommendation for denial was mostly due to the operation of the past business. Mr. Sanders asked if the security were better addressed would staff recommend otherwise.

Todd Cagnoni stated that due to the history of the business staff questions whether it is a beneficial use to the properties in the neighborhood. He added that 99 police calls were made in the last three years. He added that the security plan has issues as well.

Mrs. Conley stated that she took over the business in 2003. She added that as far as the police calls, they are not all coming from the bar. She added that they are from outside and around the neighborhood. She added that there is a bus stop in the neighborhood. As far as security in the bar and liquor store, we did not have trouble when we ran the business. She added that they did not sell any singles and the smallest amount for sale was from a 40 oz.

Alicia Neubauer asked Mrs. Conley if she had the tavern too.

Mrs. Conley stated yes and any packaged liquor that was sold was done on the retail side, never at the bar.

Saleh Thabet stated that the security would include cameras around the store and the hours would only be until midnight.

Alicia Neubauer asked if the hours would be limited even on Friday and Saturday.

Saleh Thabet stated that Friday and Saturday would be later.

Scott Sanders asked if the staff denial was for both uses.

Todd Cagnoni stated yes.

Alicia Neubauer asked if staff would be more comfortable with a refined security plan.

Todd Cagnoni stated then when doing the research for the report they had inquired with the police department as to how the business has operated in the past. The Police Department felt it was a concern. An increased level of detail and better security would have been helpful but he stated that he wasn't convinced that it would change the overall recommendation.

Scott Sanders asked whether any discussion was made with the applicant on these issues.

Todd Cagnoni stated not by him but he was not sure whether Attorney Cacciapaglia had.

Attorney Whitham stated that there was limited contact.

Craig Sockwell asked whether the applicant had experience with the type of business.

Saleh Thabet stated that he owns the liquor store on Kishwaukee.

Craig Sockwell asked whether the applicant had problems at the Kishwaukee store and whether the store on Kishwaukee was a tavern as well.

Saleh Thabet stated in the last three years, no and added that it is just a liquor store.

Dan Roszkowski stated that there is a difference between a liquor store and a liquor store with a tavern.

Aaron Magdziarz asked staff if there had been problems with the other liquor license.

Todd Cagnoni stated that he did not know and asked Mr. Thabet whether he held the liquor license.

Mr. Thabet stated yes.

**Objectors Present:**

Alderman Karen Elyea stated that she was there on behalf of her Ward, the County Board member and community services officer. She stated that there were a number of calls for service for Rockford Market on Kishwaukee and it was recently served a federal search warrant. She is afraid of the same activity at this location as well. She added that based on police calls of a significant number as well as the number at the Kishwaukee location she is concerned with the drain on public taxes and she is against the liquor license.

Boyd Glovier an objector residing on Parmele Street stated that they have campaigned to clean up the community. He added that enough alcohol exists on the Broadway and 7<sup>th</sup> Street area. We don't need any more. He added that there is a well documented problem with alcohol.

Toby Haldeman of 1413 Parmele Street stated that he is a member of the Take Watch neighborhood group. He stated that if you drive by the building it has small windows, you cannot see anything that is going on inside at all. If the board does grant the use there should be landscaping, lighting, and he would like to see the windows replaced with bigger windows and allow for only 30 percent signage coverage. They also should have some stipulation that they police their own garbage.

Laurie McLain of 1525 Parmele stated that she has an issue with the business opening up again as a liquor store, we have enough package liquor establishments and we also have a prostitute issues in that area, when you bring the bar in you also bring in the prostitutes. At one time there were over 12 bars in that area and we have a sufficient amount already.

Isidro Barrios a Winnebago County Board Member for the district stated that he is happy when we have more buildings coming but he has a concern with the way existing buildings are being run. He stated that a business like this scares away other businesses.

Attorney Whitham stated that the allegation for Rockford Food and Liquor on Kishwaukee was a raid and the raid was on a sublease not the applicant. He added that neither the liquor license nor the business was in question. He stated that the City had building violations against a subtenant at the location. He added that they are still allegations that are pending.

Mrs. Conley stated that when she first took over the business the neighborhood was horrible The Stoop never had a problem with prostitution, no pan handlers were allowed, and there were cameras in front and back. As far as issues with windows, they changed out the windows when she took over so that you can see in and out now. They also added extra lighting.

Saleh Thabet stated that he is more concerned with the liquor store. He added that if the tavern is a problem he would just keep the liquor store.

Scott Sanders asked with the proposed changes would staff consider a different recommendation.

Todd Cagnoni stated that it would require a modification of liquor license to do that. He added that he can't say whether staff recommendation would change. He added that the same issues would remain with or without the tavern.

Alicia Neubauer stated that she would hate to see a building go vacant but it is the duty of the board to listen to the people that have testified today.

A **MOTION** was made by Scott Sanders to **DENY** the sale of alcohol by the drink in conjunction with a tavern and the sale of package liquor in conjunction with a liquor store in a C-2, Limited Commercial District. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

A **MOTION** was made by Alicia Neubauer to adjourn. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

With no further business to report, the meeting was adjourned at 6:35 p.m.

Respectfully submitted,  
Jessica Roberts, AICP, Planner II  
Construction Services Division