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Owner of gay bar threatens to sue city

The owner of The Galley believes the Naples live entertainment law is burdensome and that the city is selectively enforcing laws against his business

BY GINA EDWARDS
gvedwards@naplesnews.com

In the face of pressure from city leaders, Naples' only gay bar, The Galley Lounge, halted its drag queen shows in December. The bar didn't have a live entertainment permit.

City enforcers questioned the bar managers about the DJ and whether patrons were unlawfully dancing. Next, city officials told the bar that karaoke — a practice where patrons sing their own versions of hit tunes — constitutes unlawful "live entertainment" without a

permit.

The Galley's owner and manager now are questioning whether City Hall has used a heavy hand against them because the downtown Fifth Avenue South bar is gay owned and operated.

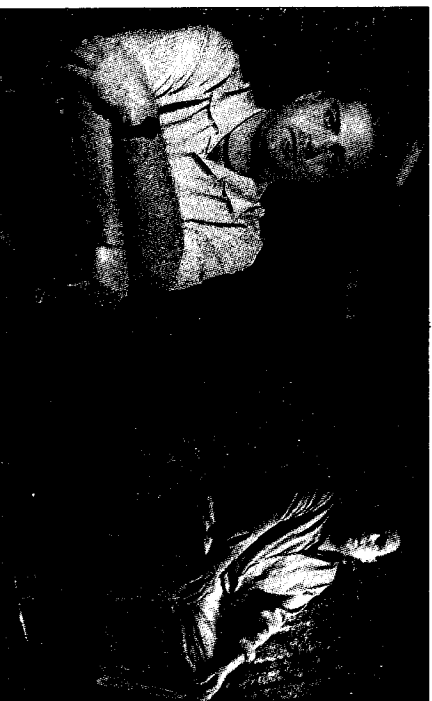
But the bar's landlord, who has lost multiple court battles to evict The Galley in recent years, complains that the city has treated The Galley with kid gloves precisely because the city doesn't want a gay-bashing tag.

Bar owner Michael Rodriguez and Manager Anthony

Zito in September asked for a meeting with Mayor Bonnie Mackenzie and threatened to sue the city for selectively enforcing laws against them. They believe the city's live entertainment law is burdensome and, worse yet, the city is imposing the rules to the detriment of businesses. That latest assertion came after the city deemed karaoke entertainment in need of a permit.

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See **GALLEY**, Page 11D



The Galley Lounge Manager Anthony Zito, left, and bar owner Michael Rodriguez feel their establishment is being unfairly singled out for code violations and scrutinized by city government in an attempt to close them down because the The Galley is a gay bar.
Michel Fortier/Staff

Galley

Continued from 1D

lawyer Tom Shanahan, a New York attorney who specializes in protecting the rights of gay and lesbian clients.

To call attention to The Galley's scuffle with City Hall, they've called on gay activists to help them put on a "Rally for The Galley" — an event scheduled for 8 p.m. Saturday, which they prefer to call a celebration rather than a protest. Those scheduled to attend include recording artist Carla Valenti; gay activist Allen Roskoff; Jeff Prang, former mayor of West Hollywood, Calif.; and James Dale, a gay activist and plaintiff in the recent U.S. Supreme Court case Dale versus the Boy Scouts of America.

City Manager Kevin Rambosk said the city didn't want to be perceived as discriminating against The Galley. Even so, he said the city couldn't ignore violations of the law that the landlord pointed out. The city has cited The Galley twice but took no further action because the bar stopped its drag entertainment.

"This has nothing to do with those who frequent the bar," Rambosk said. "They need to be in compliance with the code just like everybody else."

Michael Volpe, an attorney for landlord Michael Meftah, said the city has been reluctant to take action against the bar and given The Galley preferential treatment. "The law is the law is the law. Why should they not comply with the law? Because they're gay and lesbian?" Volpe asked.

In general, City Hall wields a big stick when it comes to live entertainment. The stick got even bigger in 1999. Groups of vocal Naples residents have long complained about late-night noise near neighborhoods.

And the Galley isn't the only local establishment that's had to jump through myriad hoops to get a live entertainment permit in the wake of the city's 1999 live entertainment ordinance change.

The ordinance makes it more difficult for restaurants and bars to get the permit and requires a permit renewal application each year. Seven city bars and restaurants have applied for the license this year. Most have been approved, although a number of them have had to make concessions.

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That meeting came after Meftah had initiated legal action against The Galley. The landlord tried to evict his tenant because the lounge was late notifying Meftah of its intent to renew the lease. The Galley's manager, Zito, said that happened because of a mix-up. Meftah sued. Almost a year later, a Collier County judge sided with The Galley.

But Rodriguez and Zito say the business has been damaged by more than \$100,000 in legal bills and lost revenue from the drag shows and other entertainment that the lounge has halted.

While Meftah complained to city leaders about his tenant, the lounge couldn't come into compliance and apply for a permit because it didn't have a valid lease, one of the permit requirements.

Shanahan said trouble with the landlord began after The Galley posted a gay pride sign in its window last year.

"It was a slippery slope that began at that point," Shanahan said.

Rents on Fifth Avenue South have leaped upward in recent years. The once depressed area is now a thriving Mecca for entertainment of tourists and locals.

The Galley owners and operators also believe Meftah wants new tenants so he can charge higher rents. Volpe said Meftah hasn't discriminated against the bar. And Volpe said Meftah hasn't made it a secret that he would prefer having retail clients in his building instead of a lounge. He said he offered assistance to help The Galley get its permit.

"It isn't a gay and lesbian issue," Volpe said. "It's about late night entertainment in a residential neighborhood."

Shanahan said the landlord should have recognized The Galley's right to renew its lease before he bought the building.

In August 2000, undercover police officers posted at The Galley caught on videotape a male dancer who exposed himself. The dancer and Zito were arrested. Zito was charged with engaging in an unlawful act at an establishment because the incident happened on his watch as manager.

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The city's response has nothing to do with the fact that The Galley is a gay bar, MacKenzie said. For MacKenzie, the issue is about noise.

"No business in the city of Naples can play music until 2 a.m.," MacKenzie said. She said other businesses have told the city they've felt singled out. But MacKenzie defended the ordinance as necessary.

"The standards the city has set up are the standards everyone has to live within," MacKenzie said.

That standard is pretty strict when it comes to what constitutes live entertainment requiring a permit.

"If you have a live body doing something entertaining, that's live entertainment," Rambosk said.

Shanahan calls that standard vague and ambiguous.

In the meantime, the fight with City Hall and Meftah has taken a toll. The Galley is working on its permit application for live entertainment. While the bar is in the process of complying, the city has allowed entertainment like karaoke to continue. But the application process is very burdensome and expensive, Zito said.

"You reach a point where the viability of the business will end," Zito said of all the restrictions by City Hall.

For now, The Galley hopes to stay put until 2003 when the lease is up.

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Naples gay bar claims city cracking down unfairly

Thursday, October 11, 2001

By GINA EDWARDS, gvedwards@naplesnews.com

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But the bar's landlord, who has lost multiple court battles to evict The Galley in recent years, complains that the city has treated The Galley with kid gloves precisely because the city doesn't want a gay-bashing tag.

Bar owner Michael Rodriguez and Manager Anthony Zito in September asked for a meeting with Mayor Bonnie MacKenzie and threatened to sue the city for selectively enforcing laws against them. They believe the city's live entertainment law is burdensome and, worse yet, the city is improvising the rules to the detriment of businesses. That latest assertion came after the city deemed karaoke entertainment in need of a permit.



The Galley Lounge Manager Anthony Zito, left, and bar owner Michael Rodriguez feel their establishment is being unfairly singled out for code violations and scrutinized by city government in an attempt to close them down because the The Galley is a gay bar. Michel Fortier/Staff



"Every time these guys tried to do the right thing, the standard went higher," said Galley lawyer Tom Shanahan, a New York attorney who specializes in protecting the rights of gay and lesbian clients.

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Rally at Naples gay bar promotes message of acceptance



Sunday, October 14, 2001

By **DIANNA SMITH**, Special to the Daily News

As the manager of a gay Naples bar scrambled to finish preparing for the establishment's first rally, he wiped sweat from his brow and mumbled that his nerves were at an all time high Saturday night.

The Galley Lounge Manager Anthony Zito was nervous for a reason — it was the first time he helped to organize a "Rally for the Galley" at Naples' only gay bar.

"I want everything to go smooth," he said, while straightening up the bar. "A lot of people are afraid to come here thinking it's just a gay bar. But we have people from all walks of life."

City officials, he said, have targeted the bar for the past year. In December, they forced the bar to cease entertainment, such as male drag queen shows. The ban was lifted in July because the city recognized the bar was working to apply for a live entertainment permit, allowing them to hold such entertainment.

Zito said landlord Michael Meftah stepped in and tried to evict the tenant because the lounge was late notifying Meftah of its intent to renew the lease. Then, Zito said, they were being picked on because of noise blaring from the bar.

Zito and Galley owner Michael Rodriguez say they are targeted for discrimination because the bar is gay owned and operated. They believe the city wants them out. So Saturday's message was clear: The Galley isn't going anywhere.

"This is very insulting, it's just stupid. Dirty politics upsets me very much," Rodriguez said. "But we are here to stay. With a fight or without a fight, we will still have The Galley."

Zito said "Rally for the Galley" was held so the public would know that gays and lesbians are people, people who have to put up with close-minded city officials. The downtown Fifth Avenue South bar has been in existence for 26 years and has been gay-oriented for more than 10 of those years, Rodriguez said.

Featured Saturday was New York City drag diva Big Blanche and nationally known gay activist Allen Roskoff and Jeff Prang, an openly gay West Hollywood, Calif. councilman.

Roskoff plans to spend a few days in Naples talking with the gay community before heading back to New York. He said he wants to stir the gay community so members will come out and be heard.

Right now, he said, they're scared. Roskoff said Naples might be a national battleground for gay rights because the city does not have gay and lesbian protection rights.

Roskoff, who was involved in the gay rights movement in the 1970s, is simply angry. He's angry at Mayor Bonnie MacKenzie, whom he said refuses to meet with Galley management. He claims she is homophobic.

"We will do what we have to," Roskoff said. "This community will be made to welcome gays."

MacKenzie could not be reached for comment late Saturday. But City Manager Kevin Rambosk said last week that the city didn't want to be perceived as discriminating against The Galley. He said the city simply can't ignore violations of the law.

Tom Shanahan, a New York attorney who specializes in protecting the rights of gay and lesbian clients, believes city officials are discriminating against The Galley because each time the bar tried to comply with ordinances, management was shot down again.

An example, he said, was when they city said the bar needed a permit to offer karaoke.

"Everything becomes against the law," Shanahan said.

All agreed that the bottom line is simply acceptance. Acceptance of gays, lesbians, whites, African-Americans. Acceptance of everyone. Once that happens, discrimination should stop, Zito said.

"We're here, we're queer, and we're your neighbors, your brothers, your sisters, your dentists. We don't discriminate against anyone," Zito said.

"I'm not angry that I'm gay. I'm angry that people are ignorant."

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Editorial: The Galley ... Naples dispute centers on money, not karaoke

Tuesday, October 16, 2001

The Naples Daily News

Patrons of The Galley in downtown Naples are passionate about their favorite bar and the city of Naples' efforts to strangle it with rules and regulations.

It is the city's only gay bar and homosexual rights activists from across the country arrived over the weekend to rally patrons' support for The Galley and anger at City Hall.

While it is easy to understand these or any other people's frustration with city rules on entertainment — which seem prudish and confound those who try to follow them — they ought to be directing their lobbying efforts at The Galley's landlord.

That landlord wants The Galley out, to make way for higher rents more befitting the neighborhood. That is the bottom line.


The Galley, at Third Street South around the corner from Fifth Avenue South, is part of a commercial landmark that also hosts The Paddle clothing store. Downtown's renaissance is passing it by on all sides, especially with an elegant, Palm Beach-style hotel now across Third.


The landlord makes no secret about wanting a new tenant, even trying in vain at least once to get out of The Galley lease that runs for two more years. It is the landlord who is instigating the city scrutiny.

Plus, it appears to be coincidental that the tenant in question is a gay bar. The Galley's previous incarnation as a diner-style eatery serving up fried oyster sandwiches would be getting the bum's rush too.

Though gay rights is a headline-grabber, it's all about money — same as with a straight nightspot dispute on Marco Island. The Bombay Club, which some on Marco Island City Council say is too loud and wild, is

promising to calm down on nights when under-21s are allowed to come and dance but not drink. The club will keep out underage young men, not underage young women.

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[Editorial: The Galley ... Naples dispute centers on money, not karaoke](#)

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