



City of Grand Island

Tuesday, March 8, 2016

Council Session

Item E-1

**Public Hearing on Request from Heritage Hospitality, LLC dba
Mainstay Suites, 3051 South Locust Street for a Class “I” Liquor
License**

Council action will take place under Consent Agenda item G-18.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 8, 2016

Subject: Public Hearing on Request from Heritage Hospitality, LLC dba Mainstay Suites, 3051 South Locust Street for a Class "I" Liquor License

Presenter(s): RaNae Edwards, City Clerk

Background

Section 4-2 of the Grand Island City Code declares the intent of the City Council regarding liquor licenses and the sale of alcohol.

Declared Legislative Intent

- It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:
- (A) To express the community sentiment that the control of availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety, and welfare;
 - (B) To encourage temperance in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and
 - (C) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

Discussion

Heritage Hospitality, LLC dba Mainstay Suites, 3051 South Locust Street has submitted an application for a Class "I" Liquor License. A Class "I" Liquor License allows for the sale of alcohol on sale only inside the corporate limits of the city.

City Council action is required and forwarded to the Nebraska Liquor Control Commission for issuance of all licenses. This application has been reviewed by the Clerk, Building, Fire, Health, and Police Departments.

Also submitted with the application was a request from Crystal Carr-Sherman, PO Box 266, Alda, NE for a Liquor Manager Designation.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

Recommendation

Based on the Nebraska Liquor Control Commission's criteria for the approval of Liquor Licenses, City Administration recommends that the Council approve this application.

Sample Motion

Move to approve the application for Heritage Hospitality, LLC dba Mainstay Suites, 3051 South Locust Street for a Class "I" Liquor License contingent upon final inspections and Manager Designation for Crystal Carr-Sherman, PO Box 266, Alda, NE contingent upon completion of a state approved alcohol server/seller training program.

02/29/16
13:52

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

City : Grand Island
 Occurred after : **:**:** **/**/****
 Occurred before : **:**:** **/**/****
 When reported : 10:53:00 02/11/2016
 Date disposition declared : 02/12/2016
 Incident number : L16020823
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 3051 Locust St S
 State abbreviation : NE
 ZIP Code : 68801
 Contact or caller :
 Complainant name number :
 Area location code : PCID Police - CID
 Received by : Vitera D
 How received :
 Agency code : GIPD GIPD Grand Island Police Dept
 Responsible officer : Vitera D
 Offense as Taken :
 Offense as Observed :
 Disposition : ACT Active
 Misc. number : RaNae
 Geobase address ID : 45496
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status :

=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	61160	02/12/16	Carr-Sherman, Crystal L	Liquor Manager
NM	102882	02/12/16	Milton-Klimek, Sandy	Owner
NM	113104	02/12/16	Delaet, Nathan J	Owner
NM	132474	02/12/16	Delaet, Melissa J	Nathan's
Spouse				
NM	207584	02/12/16	Mainstay Suites,	Business
Involved				

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT14 LT14 Hotel/Motel/Etc.

IMAGE CODES FOR INCIDENT:

Seq Imag Image code for a users description field

 1 DOC DOCUMENT mobile report

LAW INCIDENT NARRATIVE:

Liquor License Investigation

Mainstay Suites is seeking a Class I (Beer, Wine, Distilled Spirits, on Sale only) Retail Corporate Liquor License. Crystal Carr-Sherman is applying to be the liquor manager.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson	Dama
1	AOFF	AOFF Alcohol Offense		0.00

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	09:50:56 02/17/2016

Grand Island Police Department
Supplemental Report

Date, Time: Wed Feb 17 09:51:09 CST 2016
Reporting Officer: Vitera
Unit- CID

I received a copy of a Retail Class I (beer, wine, distilled spirits, on sale only) Corporate liquor license application from Heritage Hospitality which is doing business as Mainstay Suites. A business plan is included with the application. Under "Opportunities," it says, "Mainstay Suites will provide hotel services including alcohol sales for banquets and room service."

Sandra Klimek-Milton is the President of the corporation and owns 500 shares while Nathan Delaet is the Secretary of the corporation, and he owns 500 shares as well. Sandra doesn't have a spouse listed on the application. Nathan's spouse is listed as Melissa Delaet. Crystal Carr-Sherman is applying to be the liquor manager. Rodney Sherman is listed as Crystal's husband. He signed a Spousal Affidavit of Non-Participation form. According to the application, all of the applicants have lived in the Grand Island area for at least the last ten years.

I checked all of the applicants through Spillman and NCJIS. Sandra is listed in Spillman but doesn't show any potential convictions. She has no

convictions listed in NCJIS. Nathan appears to have a speeding conviction listed in Spillman. NCJIS shows four traffic convictions. However, they are all listed on the application. According to the application, Melissa's convictions are supposed to be attached to the application, but I couldn't find them. Through Spillman, it appears that Melissa has a conviction for speeding. NCJIS doesn't show any convictions. There are a lot of contacts in Spillman for Crystal, but I didn't see any potential convictions. NCJIS doesn't show any convictions for Crystal.

I checked all of the applicants for warrants and driver's license information and found that they all have a valid driver's license and none of them have any outstanding warrants for their arrest. I also checked the applicants through a paid law enforcement-only database. I didn't find anything out of the ordinary on any of the applicants except that Crystal may have had a couple of financial issues 10-15 years ago. I did a general Internet search on all of the applicants. I found Facebook pages for all of the applicants, but there was little to no information on any of them.

Nebraska State Patrol Investigator Joe Hansen and I met with Nathan Delaet at the Mainstay Suites on 2/26/16 at 1100 hours. Nathan showed us around the hotel. Directly beside the front desk is a place called "The Marketplace." The Marketplace contains some shelves with snacks and two coolers which contained beverages, candy, and more food. Nathan said they plan on dedicating a shelf in one of the coolers to some beer and possibly some wine. The extra alcohol will be stored in one of two locked rooms near the front desk. Guests wanting something from The Marketplace will have to pay for it at the front desk.

While someone working the front desk can easily monitor The Marketplace in person, it can also be monitored by video. There is a surveillance camera covering The Marketplace. The computer screen with the video footage is in an office which is connected to the front desk. The front desk is staffed 24/7 by employees who are at least 19 years old or older. I'm not concerned about people coming from outside the motel, but the guests will have easy access to the coolers. At the same time, Nathan advised their typical guest is a business person. Liquor license violations might not be as much of a worry as theft. Nathan discussed the possibility of locking the cooler or containing and locking a shelf or two in the cooler. While I would like to see the cooler with the alcohol locked, it seems that the 24/7 staffing and video surveillance should be sufficient to prevent underage drinking or after hours access.

The hotel also contains a small banquet room which contains about a half dozen small round tables and chairs. The banquet room has an outside door which leads to a patio with a table and chairs. I told Nathan that I can foresee people exiting the banquet room with alcoholic beverages to enjoy the outdoors and smoke while having a drink. Nathan said he would make sure there are signs by the door telling guests that alcohol is prohibited from leaving the building. Nathan said at some point, they would like to build some sort of enclosure for the patio and get that area licensed.

He also said they will eventually have a manager's reception where guests can enjoy a few complimentary alcoholic beverages. As it stands now,

Nathan said guests who purchase alcoholic beverages at The Marketplace will be encouraged to consume the beverages in their room. There are only two chairs in the lobby by the front desk. However, a breakfast area with tables and chairs is also near the front desk. Nathan said he would probably allow guests to sit there and consume alcoholic beverages, but he foresees most guests taking the alcohol back to their room.

All in all, I don't see any problems with the written application or the applicants. According to Nathan, alcohol sales and consumption should be minimal. A locked alcohol cooler would be preferable but other safeguards are in place to deter and detect liquor license violations. The Grand Island Police Department has no objection to the Mainstay Suites receiving a liquor license or to Crystal Carr-Sherman becoming the liquor manager.

