



City of Grand Island

Tuesday, May 8, 2018

Council Session

Item E-1

Public Hearing on Request from Night Moods, LLC. dba The Upper Deck, 2110 West 2nd Street for a Class “C” Liquor License

Council action will take place under Consent Agenda item G-4.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: May 8, 2018

Subject: Public Hearing on Request from Night Moods, LLC dba
The Upper Deck, 2110 West 2nd Street for a Class “C”
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

Night Moods, LLC dba The Upper Deck, 2110 West 2nd Street has submitted an application for a Class “C” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale 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. See attached Police Department report.

Also submitted was a request for Liquor Manager Designation for Grover Camp, 415 West 14th Street. Mr. Camp has completed a state approved alcohol server/seller training program. Staff recommends approval contingent upon final inspections.

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 Night Moods, LLC dba The Upper Deck, 2110 West 2nd Street for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Grover Camp, 415 West 14th Street.

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Grand Island Police Department
LAW SUPPLEMENTAL NARRATIVE

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Grand Island Police Department
Supplemental Report

Date, Time: Thu Apr 26 10:44:05 CDT 2018
Reporting Officer: Vitera
Unit- CID

The Upper Deck is applying for a Class C (beer, wine, distilled spirits, on and off sale) LLC Retail Liquor License, and Grover Camp is applying to become the liquor manager. AJ's Roaring Donkey currently has a liquor license where the proposed Upper Deck will be. The Upper Deck received a Temporary Operating Permit (TOP) so it can sell alcohol off of AJ's Roaring Donkey's license. The bar at this location was called the Upper Deck prior to AJ's Roaring Donkey and was run by someone other than Grover Camp.

While perusing the application, I noticed that Grover and Pamela Camp are the only two people listed on the application. They are married. Grover has lived in Grand Island since 2010 while Pamela has lived in Grand Island since 1995. Grover disclosed three traffic convictions, and Pamela disclosed two traffic convictions. The business is planning on being open seven days a week from 4 PM until 1 AM. It's described as a sports bar with recorded and some live music.

I searched Grover and Pamela through Spillman and NCJIS. They each have an entry in Spillman but nothing that piqued my interest. NCJIS didn't show any undisclosed convictions for either one. They each have a valid Nebraska driver's license, and neither one has any outstanding arrest warrants. I also checked Grover and Pamela through a paid online law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. It appears that Grover has filed for Chapter 7 bankruptcy three times ('92, '05 & '14). He also has eight judgments against him in Nebraska and Missouri between 2004 and 2011. Pamela has three judgments against her under the last name of Holmes between 2004 and 2011.

I called Grover on 4/26/18 in an attempt to set up an interview with him. I was unable to reach him, so I left a voicemail asking him to call me back. Grover called back later and set up an appointment to meet at the Upper Deck on 4/30/18 at 1300 hours.

Nebraska State Patrol Investigator Joe Hansen and I met with Grover at the agreed upon time and location. Grover reaffirmed that the business will be open seven days a week from 4 PM until 1 AM. He said he plans on opening up sooner on Husker football game days if it's an early game. Grover said that he had been playing (DJ) music at that bar since he was sixteen years old. Grover is adding more food to their menu and said that the percentage of food sales has increased from about 10% to around 22%. He's been cleaning and painting and said he wants to attract the young business crowd. Grover estimated that he would spend 70 to 80 hours a week at the bar.

I told Grover that I was concerned how the Upper Deck had been operated in the past. Our patrol officers used to respond to numerous disturbances and assaults there. Grover acknowledged the past problems because he worked for the Upper Deck between 2011 and 2012 and saw firsthand the problems I described. Grover said he is going to be strict and not let people into his establishment who have been previously kicked out. He also said he is familiar with the security

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system and will be able to assist officers in viewing it and making copies.

I also spoke to Grover about some of his past financial issues. Grover confirmed that he has filed for bankruptcy on three separate occasions. He said filings were centered around medical expenses and his wife running up credit card debt. After the interview, I was able to call the collection agencies involved with the judgments against Grover and Pamela. All of the judgments have been satisfied through payment or bankruptcy.

All in all, Grover has a clean criminal record (at least in Nebraska), he has some management experience and experience working in bars, pledged cooperation with law enforcement, has taken care of his financial issues, and seems to be making a sincere effort to run a good business at the Upper Deck. The Grand Island Police Department has no objection to the Upper Deck receiving a liquor license or to Grover Camp becoming the liquor manager.

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Class "C" Liquor License Application: The Upper Deck

