



City of Grand Island

Tuesday, July 23, 2019
Council Session/Budget Work Session

Item E-1

Public Hearing on Request from EPS June, Co dba The Chocolate Bar, 116-118 West 3rd Street for a Class “CK” Liquor License

Council action will take place under Consent Agenda item G-5.

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 23, 2019

Subject: Public Hearing on Request from EPS June, Co dba The Chocolate Bar, 116-118 West 3rd Street for a Class “CK” 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

EPS June, Co dba The Chocolate Bar, 116-118 West 3rd Street has submitted an application for a Class “CK” Liquor License. A Class “C” Liquor License allows for the sale of alcohol on and off sale only inside the corporate limits of the city. The Class “K” allows for catering one day events. This request would allow The Chocolate Bar to deliver, sell or dispense alcoholic liquors, including beer, for consumption at a location designated on a Special Designated Liquor License (SDL).

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 Elizabeth Schutz, 1912 Illinois Avenue. Staff recommends approval of the liquor license contingent upon final inspections and liquor manager designation for Elizabeth Schutz contingent upon completing a state approved alcohol server/seller training program.

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 EPS June, Co dba The Chocolate Bar, 116-118 West 3rd Street for a Class "CK" Liquor License contingent upon final inspections and Liquor Manager designation for Elizabeth Schutz, 1912 Illinois Avenue contingent upon completion of a state approved alcohol server/seller training program.

Grand Island Police Department
Supplemental Report

Date, Time: Mon Jul 08 14:11:59 DT 2019

Reporting Officer: Vitera

Unit- CID

Perry and Elizabeth Schutz are applying for a Class C (beer, wine, distilled spirits, on and off sale) Corporate Retail liquor license with catering (Class K) for The Chocolate Bar. Elizabeth is also applying to become the liquor manager.

While looking through the application, I noticed that: Perry and Elizabeth each disclosed some traffic convictions, they filed for a Temporary Operating Permit (TOP), they've never had a liquor license before, Elizabeth has worked at The Chocolate Bar since 2012, and the Schutz's lived in Grand Island for a couple of years prior to spending a year in Portland before returning to Grand Island in 2012.

I checked on the Schutz's through Spillman and NCJIS. Spillman doesn't have much on the Schutz's. It looks like Perry and Elizabeth were each cited for a traffic violation. Other than that, Perry doesn't have many entires, and Elizabeth's entries are mostly in the capacity of being a victim or witness. Elizabeth doesn't have any criminal convictions listed in NCJIS. Perry only shows one conviction for a traffic violation. Neither Perry or Elizabeth have any outstanding arrest warrants, and they each have a valid Nebraska driver's license.

I also checked on the Schutz's through a paid online law enforcement-only database which tends to provide mostly personal identifying information and information about civil issues. I did not find anything out of the ordinary on Perry. Elizabeth shows five civil judgments against her under the last name of Frady. All of the judgments are at least seven years old. Three of the judgments are with Credit Management, and two are with General Collections. I called the Hall County Courthouse and was told that all of the judgments have been satisfied.

On 7/12/19, Nebraska State Patrol Investigator Joe Hansen and I met the Schutz's at The Chocolate Bar. I hadn't found the civil judgments against Elizabeth before we met, so I was unable to ask her about them at that time. Since I later found out that they have all been taken care of, I did not call her back and discuss it.

The Schutz's did a good job of filling out the application, and they basically have zero criminal history in the State of Nebraska; so I really didn't have many questions for them. Investigator Hansen went over his checklist of questions, and we toured the place before departing.

All in all, The Chocolate Bar has had a liquor license under different ownership, and the GIPD hasn't had any issues there. With Elizabeth being an employee and manager at The Chocolate Bar for several years, it seems like it will be a smooth transition. In addition, because of the Schutz's lack of criminal history coupled with the accurate and thorough job they did filling out the application, the GIPD has no objection to Perry and Elizabeth Schutz receiving a liquor license for The Chocolate Bar or to Elizabeth becoming the liquor manager.

Liquor License Application: Class "CK": The Chocolate Bar

