



City of Grand Island

Tuesday, June 25, 2013

Council Session

Item E-2

Public Hearing on Request from KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street for a Class “C” Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 25, 2013

Subject: Public Hearing on Request from KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street for a Class “C” Liquor License

Item #'s: E-2 & I-2

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

KERJAC, Inc. dba Stix Billiard Center, 811 West 4th 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.

Also submitted with the application was a request from Laura Cole, 819 N. Howard Avenue for a Liquor Manager Designation.

Alternatives

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

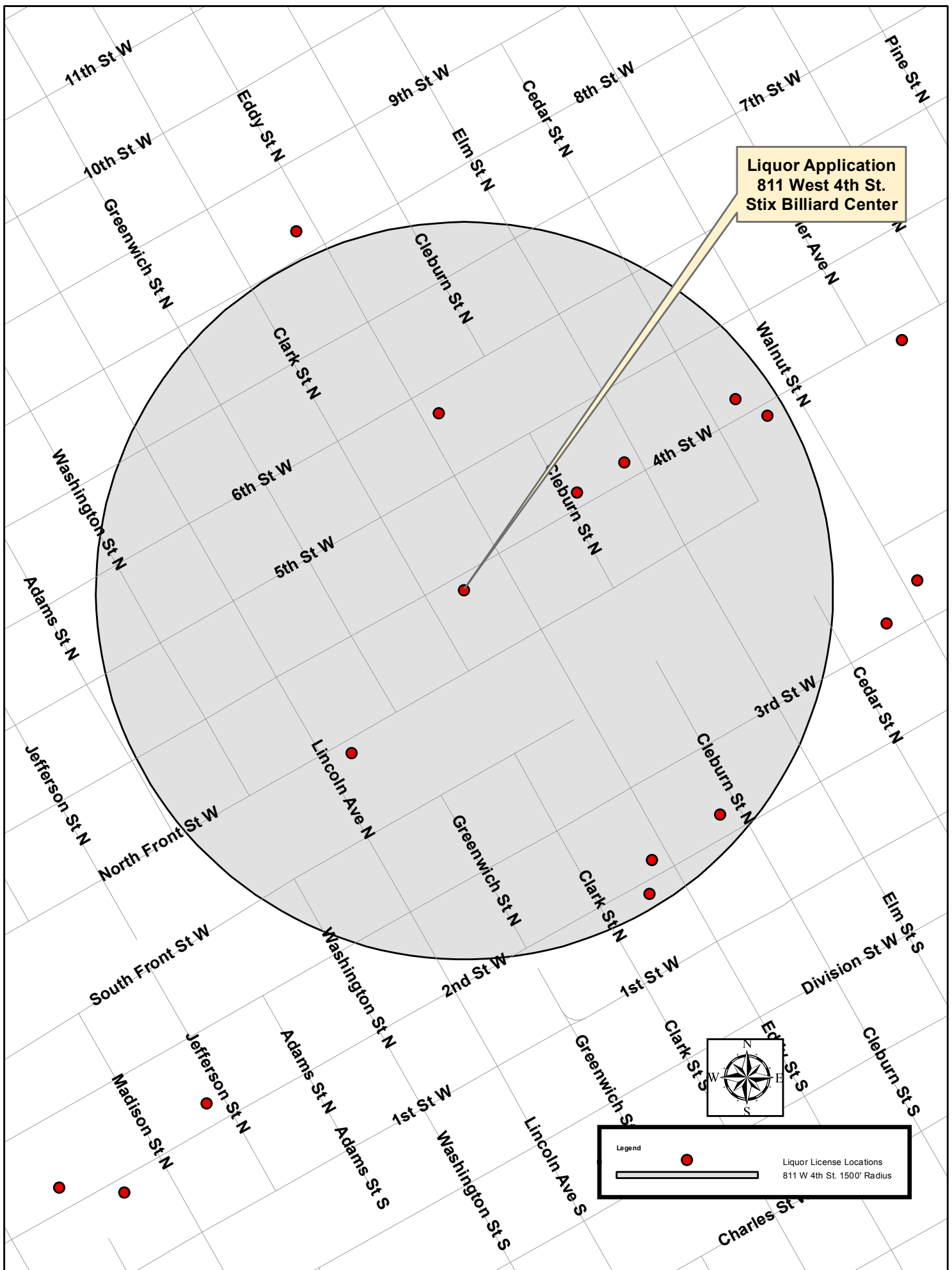
1. Approve the application.
2. Forward to the Nebraska Liquor Control Commission with no recommendation.
3. Forward to the Nebraska Liquor Control Commission with recommendations.
4. Deny the application.

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 KERJAC, Inc. dba Stix Billiard Center, 811 West 4th Street for a Class "C" Liquor License contingent upon final inspections and Manager Designation for Laura Cole, 819 N. Howard Avenue contingent upon completion of a state approved alcohol server/seller training program.



06/20/13
08:17

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : **:**:** **/**/****
Occurred before : **:**:** **/**/****
When reported : 08:00:00 06/12/2013
Date disposition declared : 06/13/2013
Incident number : L13061752
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 811 4th St W
State abbreviation : NE
ZIP Code : 68801
Contact or caller :
Complainant name number :
Area location code : PCID Police - CID
Received by : Vitera D
How received : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : ACT Active
Misc. number : RaNae
Geobase address ID : 18188
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident
= = = = =

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	15207	06/18/13	Cole, Kerry P	Applicant
NM	98082	06/18/13	Cole, Laura Jayne	Applicant

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for "Stix" and a Manager's Application from Laura "Jayne" Cole.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	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	15:03:32 06/17/2013

Grand Island Police Department
Supplemental Report

Date, Time: Mon Jun 17 15:03:45 CDT 2013
Reporting Officer: Vitera
Unit- CID

Stix Billiard Center is applying for a Class C (Beer, wine, distilled spirits, on & off sale) corporate liquor license, and Laura "Jayne" Cole is applying to be the liquor manager. Kerry Cole is listed as the president of the corporation.

While perusing the application, I noticed that money will be borrowed to establish and/or operate the business, but a decision hadn't been made at the time of completing the application as to where the money is coming from. A bank or financial institution for the business account and who may have access to it is not listed. I will clarify these issues when I meet with the applicants.

I also saw that the proposed location is within 150 feet of a church at 803 W. 4th called La Cueva De Adulam. The following state statute applies. 53-177. Sale at retail; restrictions as to locality.

(1) Except as otherwise provided in subsection (2) of this section, no license shall be issued for the sale at retail of any alcoholic liquor within one hundred fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives or children. This prohibition does not apply (a) to any location within such distance of one hundred fifty feet for which a license to sell alcoholic liquor at retail has been granted by the commission for two years continuously prior to making of application for license.

According to the NLCC's web site, Gibby's Pool Hall currently has a liquor license and has had one at the proposed location of Stix since 1996. Therefore, the church is not a determining factor as to whether Stix should be licensed for alcoholic beverage sales.

I checked on Kerry and Jayne Cole in Spillman and NCJIS. I didn't find any undisclosed convictions or anything that would preclude them from

receiving a liquor license. I also researched Kerry and Jayne through a law enforcement only database which provides criminal and civil information. I did not find anything out of the ordinary that would adversely affect their application. Kerry has lived in Grand Island since 1973, and Jayne has lived here since 1991. Jayne has some experience in the bar business, and Kerry and Jayne have family and friends who are or have been in the bar business.

I met with Kerry and Jayne on 6/19/13 at the proposed location. I was advised that Home Federal will provide the financing and the business account. Kerry and Jayne will be the only two people to have access to the account. I believe the business plan speaks volumes about the kind of business Stix wants to be.

In summary, Kerry and Jayne have no recent convictions of any kind and nothing criminal that would automatically preclude them from getting a liquor license. The location of their proposed business has had a liquor license for several years. Jayne has worked in bars before, and she and Kerry have family and friends who have worked in bars who can help them with this endeavor. Their business plan is one of the most detailed and comprehensive plans attached to a liquor license that I've seen. The Grand Island Police Department has no objection to Stix Billiard Center getting a liquor license or to Laura "Jayne" Cole becoming the liquor manager.