



City of Grand Island

Tuesday, March 11, 2014

Council Session

Item E-1

Public Hearing on Request from Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite 4 for a Change of Location for Class “C-88739” Liquor License to 3333 Ramada Road

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 11, 2014

Subject: Public Hearing on Request from Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite 4 for a Change of Location for Class “C-88739” Liquor License to 3333 Ramada Road

Item #'s: E-1 & I-1

Presenter(s): RaNae Edwards, City Clerk

Background

Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite 4 has submitted an application for a Change of Location for their Class “C-88739” Liquor License to 3333 Ramada Road.

In June 2012, Denny’s requested and received a liquor license which did not include the Convention Center area. Starting in December 2012 we began receiving requests for Special Designated Liquor (SDL) Licenses for the Convention area. We approved four SDLs in a two month period and began discussions with the owner and applicants that the intent of the Liquor Control Commission was not to use SDLs in place of a permanent license.

Numerous discussions were held with the owner regarding building and fire code requirements for a permanent liquor license. Approval was given by the City Council on May 9, 2013 to Denny’s for a Liquor License for the area of the Convention Center pending code compliance, which was never attained and subsequently the application was withdrawn. The current applicant is requesting the same location and convention center area.

Discussion

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. Attached is the Police Department’s background investigation and recommendation.

New discussions with the building owner concerning life safety compliance followed this current application. By the February 11, 2014 Council Meeting, these discussions and a time certain schedule of code compliant actions had not been completed. Further discussion has subsequently taken place. The compliancy issues have been identified and are still incumbent upon the owner of the location. A meeting with the owner and architect has now satisfied the fire and building code officials' concerns for a reasonable timetable to bring the building into full compliance and at the same time allow for conditions that will provide an equivalent or acceptable standard of safety in the interim with a target completion date of July 2014.

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

City staff recommends that the Council **approve** the application of licensure for the convention area of the facility under the following conditions:

- 1) Any event with 100 or more people must have a fire watch. 2 security personnel present if attendance is over 200 people; and 3 security personnel present if over 300 people. This condition is in place until such time as all necessary changes to the building are made and completion and passing of final inspections has occurred according to time certain completion dates agreed upon by owner.
- 2) The owner of the building will meet with building and fire code officials and discuss his commitment to and understanding of the life safety plans under development by his architect and will submit a signed letter of intent.
- 3) The owner of the building will fulfill obligations to provide an approved schedule and remodel plan to meet code compliance.

Sample Motion

Move to **approve** the application for a change of location requested by Full Circle Venue LLC dba Full Circle Venue, 1010 Diers Avenue, Suite 4 to 3333 Ramada Road for the Class "C-88739" Liquor License with conditions listed above.



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February 14, 2014

To Chuyen Ngo, Dan Thayer, Craig Lewis, RaNae Edwards:

After discussing the meeting with Craig Lewis, I felt like I needed to also put in writing the intent of the words used and any explanations; and to allow for any rebuttals if there is not agreement on what I am about to write in conclusion of the meeting. Thank you Dan for your list and hopefully any change or additions to your list and remarks will be understood and acceptable to all.

On Feb 25th Casey Williams could approach the city council with his existing application for approval of a transfer of liquor license to the Howard Johnson Convention area.

- We actually had discussed that there would be two pending actions for council's approval. (Approved pending the following actions)
 - May 1st – Courtyard Egress Completed
 - May 31st – Sprinkler System in Convention area completed
- I don't believe the above is the intent of the conversation. I believe the wording we should have used is "approved under conditions" not "pending" the above two deadlines.

So...the license could be recommended for approval to the Council and the Fire Marshal could recommend approval to the Liquor Commission on Feb. 25, under the following conditions:

- The convention center may be used for numbers up to OL. but any event over 100 must have fire watch. 2 security personnel if over 200 people and 3 security personnel if over 300. (Until such time as the entire changes to the building necessary for and completion of final inspections is approved)
- The owner of the building will fulfill obligations to an approved schedule and remodel plan to meet code compliance.

If City and Fire Marshal approvals are acceptable to the Commission, a license could be issued at that time.

- Owner Obligations: (This list of obligations will not be included in the Council memorandum rather summarized in the one condition above and are not the responsibility of the applicant of the liquor license)
 - Rooms with no secondary egress from the unit are not to be used and are to be "signed". (already a standing order)
 - 3/17/14-Plan for Secondary Egress from rooms with windows or doors to the courtyard submitted (Marv Webb) (the 15th is a Saturday, so I propose we move the date to the 17th)
 - 3/31/14-Plan for Entire facility (Concept Plan Life Safety) - Plan will include locations of fire walls, sprinkler systems etc. (Marv Webb)
 - 4/15/14-Submitted plans to be approved by Fire and Building Plan reviews

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- 5/01/14-Physical corrections compliant to the approved (March 17) plans are to be completed. (including window installation of room 187)
- 5/31/14-Sprinkler system in the convention center installed and in service. (Rooms above the convention by this time must either be sprinklered or have egress windows installed)
- 6/16/14-A plan for those 4 rooms (5 rooms minus room 187 = 4) that need secondary escape needs to be submitted and a discussion of completion date and phases in a meeting (I have added this to the conditions as I believe this is a very good time to revisit the progress and commitments)
- 7/30/14-Entire project according to the April 15th reviewed plan is to be completed according to such plan. (Firewalls, sprinkler systems, etc.)
- If any one condition is not met on the dates listed (unless dates are granted to change)
 - The Fire Marshal (myself) will withdraw his approval from the State Liquor Commission and it is anticipated that the Liquor Commission would then hold a hearing in which I have no doubt the license would be pulled after discussing this yesterday with the commission. I suspect it might even be pulled administratively.
 - A re-evaluation of the occupancy of the building will take place between building and fire departments and if no more extension of time is considered the appropriate course, all uses within the entire building will be ordered to desist. (Please don't assume that a simple request for more time will be considered reasonable. There is little room for variance)

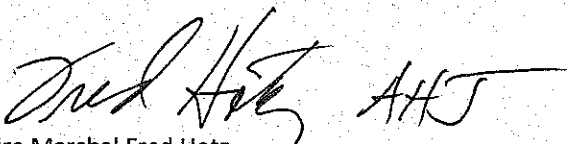
Re-cap

- 1) Rooms without windows (secondary means of escape) cannot be used. Once a window is installed in any unit, that unit can be placed in service up to July 30 (completion date of entire project). Call Fire Marshal to confirm and inspect if you wish to put in service.
- 2) The convention center may be used for numbers up to the current permitted OL (Occupancy Load), but any event over 100 must have fire watch. 2 security personnel if over 200 people and 3 security personnel if over 300 (regardless of whether the convention center only is sprinklered).

Final Comment:

I would still like to have a conversation with and signed written commitment from Chuyen prior to the 25th of February where we can discuss the commitment level and the ability to follow through. Without this conversation and written commitment a positive recommendation for a liquor license would not be forthcoming nor occupancy of the building be allowed past the original March 1 deadline.

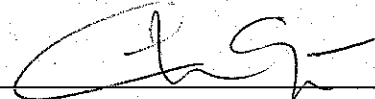
Also, I need to send Shayne Murphy (fire inspector) out to do a general inspection. Due to the fact that we are conceding to a time frame to complete code compliance, I think it is important that we keep up with the general inspections. Please expect him any day now or call for an appointment if it works out better for you to do that.


 Fire Marshal Fred Hotz
 Division Chief Grand Island Fire



Life Safety Division

I have reviewed and agree to the conditions identified above.



02/04/14
09:50

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
 Occurred after : 15:37:59 02/03/2014
 Occurred before : 15:37:59 02/03/2014
 When reported : 15:37:59 02/03/2014
 Date disposition declared : 02/03/2014
 Incident number : L14020259
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor Lic Inv
 Incident address : 3333 Ramada Rd
 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 GIPD Grand Island Police Dept
 Responsible officer : Vitera D
 Offense as Taken :
 Offense as Observed :
 Disposition : ACT Active
 Misc. number : RaNae
 Geobase address ID : 14250
 Long-term call ID :
 Clearance Code : CL CL Case Closed
 Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	56540	02/03/14	Williams, Misti A	Owner
NM	64076	02/03/14	Williams, Casey J	Owner
NM	69835	02/03/14	Howard Johnson Riverside Inn,	Establishment
NM	156454	02/03/14	Full Circle Venue,	Establishment

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code : Miscellaneous

 1 LT14 LT14 Hotel/Motel/Etc.

LAW INCIDENT NARRATIVE:

Full Circle Venue is Requesting a Change of Location for Their Liquor License.

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 15:58:29 02/03/2014

318

Grand Island Police Department
Supplemental Report

Date, Time: Mon Feb 03 15:58:40 CST 2014
Reporting Officer: Vitera
Unit- CID

Full Circle Venue is trying to change the location of their liquor license from 1010 N. Diers Ave. Suite 4 to 3333 Ramada Road. I did the original investigation when Full Circle Venue received its license over three and one half years ago. Since then, we have had very few problems with Full Circle Venue.

I did a quick check on the owners (Misti and Casey Williams) to see if their criminal history had significantly changed. I looked up Misti and Casey in Spillman and NCJIS. Casey had nothing new in NCJIS. Misti had an alcohol sale to a minor on 12/9/11. They each had a couple of new entries in Spillman but nothing too damaging to their liquor license.

It is my understanding that the Fire Department and the Building Department have serious concerns about the building located at 3333 Ramada Road and have been trying to work with the manager and owner of the building to address their concerns. SDL requests have recently been denied due to their safety concerns. Since the SDL's have been denied, a permanent license is also out of the question until the safety issues are resolved.

In summary, from strictly a law enforcement perspective that is concerned with criminal activity of the owners/applicants of Full Circle Venue and the business itself, the Grand Island Police Department would normally not object to this change of location due to the lack of such activity. However, knowing that the Fire Department and the Building Department will not approve of a liquor license at this location until corrective action is taken or at least planned, the Police Department will acknowledge their concerns and yield to their position and not give a positive recommendation until one is given by them.