



City of Grand Island

Tuesday, September 9, 2014

Council Session

Item E-1

**Public Hearing on Request from The Cigarette Store Corp. dba
Smoker Friendly Liquor & Tobacco #018, 710 Diers Avenue for a
Class "C" Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 9, 2014

Subject: Public Hearing on Request from The Cigarette Store Corp. dba Smoker Friendly Liquor & Tobacco #018, 710 Diers Avenue for a Class "C" Liquor License

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

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

The Cigarette Store Corp. dba Smoker Friendly Liquor & Tobacco #018, 710 Diers Avenue 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 Jack Bailey, 2218 West 10th Street 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 The Cigarette Store Corp. dba Smoker Friendly Liquor & Tobacco #018, 710 Diers Avenue for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Jack Bailey, 2218 West 10th Street contingent upon completion of a state approved alcohol server/seller training program.

08/28/14
14:54

Grand Island Police Department
LAW INCIDENT TABLE

Page: 450
1

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City : Grand Island
Occurred after : 08:00:00 08/18/2014
Occurred before : 08:00:00 08/18/2014
When reported : 08:00:00 08/18/2014
Date disposition declared : 08/19/2014
Incident number : L14082009
Primary incident number :
Incident nature : Liquor Lic Inv Liquor Lic Inv
Incident address : 710 Diers Ave N
State abbreviation : NE
ZIP Code : 68803
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 : 18780
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
LW	L05122948	08/21/14	Liquor Lic Inv	Related
LW	L08061429	08/21/14	Liquor Lic Inv	Related
NM	194860	08/28/14	Smoker Friendly,	Business
NM	70124	08/18/14	Bailey, Jack D	Liquor Manager

LAW INCIDENT CIRCUMSTANCES:

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Se Circu Circumstance code      Miscellaneous
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1  LT17  LT17 Liquor Store

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IMAGE CODES FOR INCIDENT:

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Seq Imag Image code for a users description field
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1  DOC  DOCUMENT      mobile reports

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LAW INCIDENT NARRATIVE:

Liquor License Investigation

The Grand Island Liquor Mart is Selling its Business to Smoker Friendly Liquor & Tobacco which was issued a Temporary Operating Permit on 8/12/14. Smoker Friendly Liquor & Tobacco is Seeking a Class C Corporate Liquor License. Jack Bailey 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	15:12:04 08/21/2014

Grand Island Police Department
Supplemental Report

Date, Time: Thu Aug 21 15:12:15 CDT 2014
Reporting Officer: Vitera
Unit- CID

Grand Island Liquor Mart and Tobacco Row located at 710 Diers Avenue is selling its business to Smoker Friendly Liquor & Tobacco which is applying for a Class "C" (beer, wine, distilled spirits on & off sale) Corporate liquor license. Smoker Friendly already has a store in Grand Island located at 802 W. 2nd Street. They also have a store in North Platte, and two in Kearney. All of the corporate officers are from Colorado. Jack Bailey is applying to be the liquor manager, and he has lived in Nebraska for at least the last ten years. According to the application, Jack is not married.

I checked Jack through Spillman and NCJIS. He has a MIP charge listed in Spillman from 2003. The MIP charge shows a conviction in NCJIS. There is also a possession of marijuana (less than an ounce) conviction along with possessing drug paraphernalia conviction from 2008 that Jack had expunged through the Hall County Court on 5/2/14. Jack disclosed each of these convictions on his application. I didn't find any undisclosed convictions. I checked the Internet for information on Jack but couldn't pin down anything specifically to him. I also checked a paid law enforcement-only database on Jack. It appears he had a civil judgment against him in 2010 for \$149 that went to collections. I called the collections company and learned that they garnished his wages to satisfy the judgment. I did not visit with Jack and get his side of this.

Since all the corporate officers are from out of State, and I can't run NCIC criminal history checks for liquor license investigations; we will have to rely upon the State investigation and fingerprint submissions from the applicants.

In summary, Smoker Friendly Liquor & Tobacco already has a store in Grand Island with the same corporate officers and a few other stores in surrounding communities. In addition, the location of their new store already had a liquor license. As far as the liquor manager position goes, Jack Bailey didn't have any undisclosed convictions, and his MIP conviction was eleven years ago. The Grand Island Police Department has no objection to Smoker Friendly Liquor & Tobacco having a liquor license in the old Grand Island Liquor Mart or to Jack Bailey becoming the liquor manager.

