



City of Grand Island

Tuesday, March 27, 2007

Council Session

Item E1

**Public Hearing on Request of Valentino's of Lincoln, Inc. dba
Valentino's, 2245 North Webb Road for a Class "C" Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 27, 2007

Subject: Public Hearing on Request of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road 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

Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road 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. Attached is the Police Department's background investigation and recommendation.

Also included with this application is a request from James Scott, 3720 State Street Apt. H9 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 the application.

Sample Motion

Move to approve the application of Valentino's of Lincoln, Inc. dba Valentino's, 2245 North Webb Road for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for James Scott, 3720 State Street Apt. H9 with the stipulation that Mr. Scott complete a state approved alcohol server/seller training program.



**INTEROFFICE
MEMORANDUM**
Police Department

*Working Together for a
Better Tomorrow. Today.*

DATE: March 2, 2007

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Class "C" Liquor License/Liquor Manager Designation Applications
James Scott/Valentino's, 2245 North Webb Road

The Grand Island Police Department has received application for Liquor Manager Designate and Class "C" Liquor License for Valentino's, 2245 North Webb Road, Grand Island, Nebraska, 68801.

An investigation has been completed. The application for Liquor License is technically inaccurate, thus a false application. If the conviction had been declared it would not have risen to the level of a Class I misdemeanor, thus disqualifying the applicant.

It is the Police Department's recommendation to accept this Liquor License Application and the Liquor Manager Designation for Valentino's, 2245 North Webb Road, Grand Island, Hall County, Nebraska.

DV/rkk

A handwritten signature in cursive script that reads "Dave Vitera".

02/28/07
11:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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City : Grand Island
Occurred after : 14:47:50 02/27/2007
Occurred before : 14:47:50 02/27/2007
When reported : 14:47:50 02/27/2007
Date disposition declared : 02/28/2007
Incident number : L07023303
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 2245 Webb Rd 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 : T Telephone
Agency code : GIPD Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number :
Geobase address ID : 4498
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	93903		Scott, James E	Criminal History
NM	121814		Messineo, Anthony O Jr	Criminal History
NM	121815		Messineo, Carmen J	Criminal History
NM	121816		Alesio, A. Michael	Criminal History
NM	121817		Alesio, Donna F	Criminal History
NM	26352		Valentinos,	Business
NM	93903		Scott, James E	Proposed manager
NM	121814		Messineo, Anthony O Jr	CEO
NM	121815		Messineo, Carmen J	CEO's wife
NM	121816		Alesio, A. Michael	Vice President
NM	121817		Alesio, Donna F	Vice Pres' wife

LAW INCIDENT NARRATIVE:

Class C Liquor License Application and Liquor Manager Designation Investigation

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
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02/28/07
11:26

Grand Island Police Dept.
LAW INCIDENT TABLE

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1 Vitera D 15:52:33 02/27/2007

Grand Island Police Department
Supplemental Report

Valentino's of Lincoln Inc. dba Valentino's requested a Class C Liquor License for their Valentino's restaurant located at 2245 N. Webb Rd. in Grand Island, NE. The application lists Anthony O. Messineo Jr, Carmen J. Messineo, A. Michael Alesio, and Donna F. Alesio as "officers" in the corporation on the "Application for liquor license corporation/LLC insert- form 3a." James Scott was listed on the "Corporate manager form 3b."

James Scott was listed in Spillman. He had no violations. The Messineo's and the Alesio's were not listed in Spillman. A check of NCJIS revealed that none of the applicants except A. Michael Alesio had any traffic-related charges on their record. A. Michael Alesio had a speeding conviction in Sarpy County on 8/10/05. I also checked the "Patrol Criminal History" in NCJIS. I could not find a criminal history for any of the applicants. My last check was a criminal history check through NCIC. The results were negative for all of the applicants.

The application clearly asks, "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge?" It further states that a charge includes federal, state, "local law, ordinance, or resolution." The "No" box was checked. A. Michael's speeding conviction should cause the "Yes" box to be checked since it would be a violation of a local law or ordinance. The failure to disclose the traffic violation conviction causes the application to be false, according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). However, the conviction is less than a Class I Misdemeanor and does not automatically disqualify him and the application.

Out of five people, the failure to disclose one speeding ticket doesn't seem to be that significant. A. Michael Alesio should be reminded to carefully read the application in its entirety and answer every question completely. It's the Police Department's recommendation to approve the liquor license for Valentino's and to approve James Scott for the "Liquor Manager Designation."

Date, Time: Wed Feb 28 11:24:24 CST 2007
Reporting Officer: Vitera
Unit #: 835