



City of Grand Island

Tuesday, March 25, 2008

Council Session

Item E1

Public Hearing on Request from West Garden GI, Inc. dba Old Fashioned Garden Cafe, 3333 Ramada Road for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: March 25, 2008

Subject: Public Hearing on Request from West Garden GI, Inc.
dba Old Fashioned Garden Café, 3333 Ramada 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

West Garden GI, Inc. dba Old Fashioned Garden Café, 3333 Ramada 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.

Also included with the application was a request from Clifford Roper, 14919 Borman Street, Omaha, Nebraska for a Liquor Manager designation.

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.

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 from West Garden GI, Inc. dba Old Fashioned Garden Café, 3333 Ramada Road for a Class "C" Liquor License contingent upon final inspections and the request from Clifford Roper, 14919 Borman Street, Omaha, Nebraska for Liquor Manager designation contingent upon Mr. Roper completing a state approved alcohol server/seller training program.

INTEROFFICE
MEMORANDUM
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: March 10, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Class "C" Liquor License – West Garden GI Inc.
Liquor Manager Designation – Clifford Roper

A Liquor License application and a Liquor Manager Designation application for the Old Fashioned Garden Café located at 3333 Ramada Road, Grand Island, Nebraska were received. The following people are listed on the liquor application: Brent and Carrie Ganey, Stephen and Stacey Tweedy, and Clifford and Kristine Roper. No affidavit of non-participation from was included for any of the spouses.

Spillman was checked for each of them. With the exception of the spouses, the applicants attached NSP criminal histories and Nebraska DMV driving history sheets to the application. Two of the three spouses did not have any undisclosed violations. Carrie Ganey had an undisclosed conviction for not having a valid registration. Stephen Tweedy disclosed an assault conviction.

Carrie's failure to disclose her no valid registration conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). 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 valid registration conviction would fall under state law or local ordinance. Either way, the conviction is either an infraction or a misdemeanor that does not rise to the level of a Class I Misdemeanor in a specified crime under Nebraska State Statute Chapter 28 that would automatically nullify the liquor license. However, Stephen's assault conviction is a Class I Misdemeanor and does fall under one of the specified statutes that would prohibit the issuance of liquor license.

I called Lorri Rogers with NSP. She advised that the Old Fashioned Garden Café has filed an amended application that makes Stephen Tweedy a shareholder with less than twenty-five percent of the shares. The amendment would clear the way for the issuance of a liquor license.

Based on the information that Lorri received, the Grand Island Police Department has no objection to the issuance of a liquor license to the Old Fashioned Garden Café or the liquor manager designation for Clifford Roper.

DV/rk *Dave Vitera*

03/07/08
14:42

Grand Island Police Dept.
LAW INCIDENT TABLE

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Page: 1

City : Grand Island
Occurred after : 11:02:22 03/05/2008
Occurred before : 11:02:22 03/05/2008
When reported : 11:02:22 03/05/2008
Date disposition declared : 03/07/2008
Incident number : L08030597
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
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 Grand Island Police Department
Responsible officer : Vitera D
Offense as Taken :
Offense as Observed :
Disposition : CLO Closed Case
Misc. number : pritned
Geobase address ID : 14250
Long-term call ID :
Clearance Code :
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	133003	03/05/08	Ganey, Brent M	President
NM	133004	03/05/08	Ganey, Carrie J	Brent's Spouse
NM	133005	03/05/08	Tweedy, Stephen M	Vice President
NM	133006	03/05/08	Tweedy, Stacey	Stephen's Spouse
NM	133007	03/05/08	Roper, Clifford M	Liquor Manager
NM	133008	03/05/08	Roper, Kristine J	Clifford's Spouse

LAW INCIDENT NARRATIVE:

Liquor License Investigation for the Garden Cafe & a Liquor Manager Designation for Clifford Roper

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

1 Vitera D 318 Vitera D

03/07/08
14:42

Grand Island Police Dept.
LAW INCIDENT TABLE

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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	11:52:42 03/05/2008

Grand Island Police Department
Supplemental Report

On 3/4/08, I received a copy of a liquor license application for the Old Fashioned Garden Cafe. I also received a copy of an application for Clifford Roper to be the liquor manager at the Old Fashioned Garden Cafe. The following people are listed on the liquor application: Brent and Carrie Ganey, Stephen and Stacey Tweedy, and Clifford and Kristine Roper. I did not see an affidavit of non-participation form for any of the spouses.

I checked all of the names through Spillman and did not find an entry for any of them. With the exception of the spouses, the applicants attached NSP criminal histories and Nebraska DMV driving history sheets to the application. Two of the three spouses did not have any undisclosed violations. Carrie Ganey had an undisclosed conviction for not having a valid registration. Stephen Tweedy disclosed an assault conviction.

Carrie's failure to disclose her no valid registration conviction technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). 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."

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I called Lorri Rogers with NSP. She advised that the Old Fashioned Garden Cafe has filed an amended application that makes Stephen Tweedy a shareholder with less than twenty-five percent of the shares. The amendment would clear the way for the issuance of a liquor license.

Based on the information that Lorri received, the GIPD has no objection to the issuance of a liquor license to the Old Fashioned Garden Cafe or the liquor manager designation for Clifford Roper.

Date, Time: Thu Mar 06 09:27:36 CST 2008
Reporting Officer: Vitera
Unit #: 865