



City of Grand Island

Tuesday, June 10, 2008

Council Session

Item E1

Public Hearing on Request from The Firehouse LLC dba The Firehouse, 418 West 4th Street for a Class "C" Liquor License

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: June 10, 2008

Subject: Public Hearing on Request from The Firehouse LLC dba
The Firehouse, 418 West 4th Street 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 Firehouse LLC dba The Firehouse, 418 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.

Also included with the application was a request from Sarah Spencer, 1823 West 3rd Street for a Liquor Manager designation. The background report from the Police Department showed a felony theft conviction and misdemeanor assault conviction on

Sarah Spencer's spouse, John. However, Mr. Spencer did sign an affidavit of non-participation.

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 The Firehouse LLC dba The Firehouse, 418 West 4th Street for a Class "C" Liquor License contingent upon final inspections and with the restriction there be no involvement of any kind by John Spencer.

Also approved is the request from Sarah Spencer, 1823 West 3rd Street for Liquor Manager designation, contingent upon Ms. Spencer completing a state approved alcohol server/seller training program.

**INTEROFFICE
MEMORANDUM**
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: May 20, 2008

TO: RaNae Edwards, City Clerk

FROM: Dave Vitera, Sergeant, Police Department

RE: Application for Class "C" Liquor License for Firehouse LLC dba
The Firehouse, 418 West 4th Street and a Liquor Manager Designation for
The Firehouse

The Grand Island Police Department has received an application for Class "C" Liquor License for The Firehouse LLC dba The Firehouse, 418 West 4th Street, Grand Island, Nebraska and for a Liquor Manager Designation for The Firehouse in the name of Sarah Spencer. Sarah is listed on the application for the liquor license. Sarah's husband, John Spencer, signed an affidavit of non-participation. The other applicant on the liquor license application is Jimmy Hopkins.

In the spot on the application that asks if any of the applicants have ever been convicted of any charge, all of the applicants listed convictions. Sara Spencer listed "insufficient funds check" in April of 2002 in Grand Island. Jimmy Hopkins listed a DUI conviction in January of 2006 in Grand Island. John Spencer listed the following convictions: Stop sign violation 6-12-96, Felony Theft by Exercising Control 2-3-98, two violations of protection order, third degree assault and terroristic threats all on 5-23- 2001.

NCJIS does not show any undisclosed violations for Sarah Spencer. NCJIS shows a couple of undisclosed minor traffic violations for Jimmy Hopkins. NCJIS shows one undisclosed minor traffic infraction conviction for John Spencer.

Jimmy and John's failure to disclose their traffic infraction convictions 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 traffic convictions would fall under state law or local ordinance. Either way, the convictions are 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.

John's felony theft conviction and misdemeanor assault conviction would automatically prevent The Firehouse from getting a liquor license. However, John doesn't have any ownership interest in the company, and he signed an affidavit of non-participation.

RE: Application for Class "C" Liquor License for The Firehouse LLC dba The Firehouse and an Application for Liquor Manager Designation in the name of Sarah Spencer.

I have personal knowledge that John Spencer previously worked at The Tank for awhile. With his experience in the bar business, it might be tempting for him to help his wife with the business.

The Grand Island Police Department recommends that the license be conditionally approved. We would request that a restriction is placed in the license that prohibits any involvement by John Spencer. The Police Department does not have any objections to Sarah Spencer being the Liquor Manager.

DV/rk 