



City of Grand Island

Tuesday, September 09, 2008

Council Session

Item E1

**Public Hearing on Request from Harold E. & Kathy D.
Carmichael, Jr. dba OK Liquor, 305 West Koenig Street for a
Class “D” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: September 9, 2008

Subject: Public Hearing on Request from Harold E. and Kathy D. Carmichael, Jr. dba OK Liquor, 305 West Koenig Street for a Class “D” 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

Harold E. and Kathy D. Carmichael, Jr. dba OK Liquor, 305 West Koenig Street have submitted an application for a Class “D” Liquor License. A Class “D” Liquor License allows for the sale of alcohol off sale only 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.

On June 8, 2008, OK Liquor License D-15914 was cancelled by the Nebraska Liquor Control Commission. After review of the Police Department report (see attached) it is recommended that the City Council look at the totality of the circumstances surrounding the application of Harold E. and Kathy D. Carmichael, Jr. taking into consideration the past history of the Carmichael's.

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 does not make a recommendation.

Sample Motion

Move to either approve or deny the application from Harold E. and Kathy D. Carmichael, Jr. dba OK Liquor, 305 West Koenig Street for a Class "D" Liquor License.

INTEROFFICE
MEMORANDUM
Police Department



*Working Together for a
Better Tomorrow. Today.*

DATE: August 27, 2008
TO: RaNae Edwards, City Clerk
FROM: Dave Vitera, Sergeant Police Department
RE: Application for Class "C" Liquor License – OK Liquor
Harold E & Kathy D Carmichael, Jr.

The Grand Island Police Department has received an amendment to the liquor license application for OK Liquor. The amendment listed Kathy's undisclosed violations. From a law enforcement perspective, there are no other problems with the actual application. However, there is some concern since there is some history of selling to minors, and the license was just recently revoked. The dilemma is that there are no established guidelines that I'm aware of that spell out what's acceptable and what's unacceptable as to the number of violations an establishment has in relationship to the number of years they have been in business.

On August 26, 2008, I spoke to Harold Carmichael in my office. Harold said that he will be the sole person running the business, and he assured me that he is going to do everything in his power to prevent the sale of alcohol to minors. As always, the Council will have to look at the totality of the circumstances and make a recommendation.

DV/rk *Dave Vitera*