



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item E1

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

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 14, 2009

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

Item #'s: E-1 & I-2

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

Firehouse Bar, LLC dba Firehouse Bar 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.

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 was a Liquor Manager Designation for Michelle Sheehan, 317 South Plum Street.

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 Firehouse Bar, LLC dba Firehouse Bar, 418 West 4th Street for a Class "C" Liquor License contingent upon final inspections and the request from Michelle Sheehan, 317 South Plum Street for a Liquor Manager Designation contingent upon Mr. Sheehan completing a state approved alcohol server/seller training program.

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
1

```

City : Grand Island
Occurred after : 14:45:01 06/26/2009
Occurred before : 14:45:01 06/26/2009
When reported : 14:45:01 06/26/2009
Date disposition declared : 07/05/2009
Incident number : L09063944
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License Investigation
Incident address : 418 4th St W
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 :
Geobase address ID : 12876
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

```

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	17866	06/26/09	Sheehan, Mitchelle M	Liquor Manager
NM	40763	06/26/09	Cargill, Ruby Mae	Owner
NM	137332	06/26/09	Firehouse Bar,	Bar

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

Liquor License Investigation for a New Liquor License at the Firehouse Bar and Liquor Manager Investigation on Mitchelle Sheehan.

LAW INCIDENT RESPONDERS DETAIL:

Se	Responding offi	Unit n	Unit number
1	Vitera D	318	Vitera D

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
2

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:11:26 06/26/2009

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

450
Page: 3

Grand Island Police Department
Supplemental Report

I received a copy of a liquor license application for the Firehouse Bar. Sarah and John Spencer are the current owners, and they are selling the bar to Ruby Cargill. Mitchelle Sheehan is listed as the proposed liquor manager under Cargill's ownership.

On 6/5/09, I received a copy of a liquor license application where Sarah and John Spencer were trying to sell the Firehouse Bar to Mitchelle Sheehan. I called Sheehan, and he said that he couldn't come up with the funds to buy the bar. During that investigation, I checked on Sheehan through Spillman and NCJIS. I found that he has two traffic citations listed in Spillman. NCJIS shows the following convictions: 1. stop sign or traffic signal in '97 2. speeding in '98 3. speeding in '99 4. speeding in 2000 5. speeding in 2004 6. speeding in 2008.

Sheehan listed all of the convictions listed in NCJIS with the lone exception of a speeding conviction in 2000. At the bottom of Sheehan's disclosure statement, he added "various traffic violations over 20 years ago." It appears that he attempted to be accurate.

But at the same time, Mitchelle's failure to disclose his speeding conviction in 2000 technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic conviction would fall under state law or local ordinance

On the application, it clearly asks "Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law, a violation of a local law, ordinance or resolution."

However, 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 exclude him from being the liquor manager.

Cargill disclosed a DUI conviction in 1976 and a DUI arrest in May of this year. I could not find any additional convictions through Spillman or NCJIS.

On 6/25/09 at 1548 hours, I called the number listed for Ruby and got her voicemail. I asked her to call me and set up a time next week Wednesday through Friday when she would be able to meet with me.

I met with Ruby at the Firehouse Bar on 7/3/09. We discussed expectations of her business from a law enforcement perspective. I stressed to her that cooperation with law enforcement personnel is vital to her business. I also shared with her some common problems we've had with other bars. I suggested that she check the Nebraska Liquor Control Commission's web site for information on liquor laws and regulations.

I told Ruby that I didn't see any law enforcement problems with her obtaining a liquor license at this time. I told her that I would most likely recommend that the City Council recommend an approval of the license.

All in all, the Grand Island Police Department doesn't object to Ruby Cargill obtaining a liquor license for the Firehouse Bar and to Mitchelle Sheehan being

07/06/09
13:26

Grand Island Police Dept.
LAW INCIDENT TABLE

Page: 450
4

the liquor manager.

Date, Time: Fri Jul 03 15:11:19 CDT 2009
Reporting Officer: Vitera