



City of Grand Island

Tuesday, April 12, 2011

Council Session

Item E1

**Public Hearing on Request from Whitey's, Inc. dba Whitey's
Sports Bar & Grill, 2118 North Webb Road for a Class "C"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: April 12, 2011

Subject: Public Hearing on Request from Whitey's, Inc. dba
Whitey's Sports Bar & Grill, 2118 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

Whitey's, Inc. dba Whitey's Sport Bar and Grill, 2118 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.

Also submitted with this application was a Liquor Manger Designation request from Jeffrey Richardson, #47 Kuester Lake.

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 this application.

Sample Motion

Move to approve the application for Whitey's, Inc. dba Whitey's Bar & Grill, 2118 North Webb Road for a Class "C" Liquor License contingent upon final inspections and Liquor Manager designation for Jeffrey Richardson, #47 Kuester Lake contingent upon Mr. Richardson completing a state approved alcohol server/seller training program.

04/04/11
450
11:30
1

Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island
 Occurred after : 15:38:00 04/01/2011
 Occurred before : 15:38:00 04/01/2011
 When reported : 15:38:00 04/01/2011
 Date disposition declared : 04/01/2011
 Incident number : L11040079
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License
 Investigation
 Incident address : 2118 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 : ACT Active
 Misc. number : RaNae
 Geobase address ID : 20364
 Long-term call ID :
 Clearance Code : CL Case Closed
 Judicial Status : NCI Non-criminal Incident

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INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	41107	04/04/11	Richardson, Jane J	Jeffrey's
Spouse				
NM	62508	04/01/11	Richardson, Jeffrey S	Owner/Manager

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT03	Bar/Night Club	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for Whitey's Sports Bar & Grill and a Copy of a Liquor Manager Application from Jeff Richardson.

LAW INCIDENT RESPONDERS DETAIL:

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

04/04/11 Grand Island Police Department
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Page:

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	10:19:59 04/04/2011

318

Grand Island Police Department
Supplemental Report

Date, Time: Mon Apr 04 10:20:12 CDT 2011
Reporting Officer: Vitera
Unit- CID

Jeffrey Richardson is the current owner of Balz Sports Bar & Grill and Balz Banquet & Reception Hall. He is leasing the location of the former Bullwinkle's and applying for a Class C Liquor License. The new business will be called Whitey's Sports Bar & Grill. Jeffrey said the business plan will be very similar to Balz Sports Bar & Grill. He also mentioned that he has owned Balz for eleven years and not had a single violation. I looked on the NLCC's web site and confirmed that Balz has had no violations.

I checked Jeffrey and Jane each through Spillman and NCJIS. Jane didn't have any violations. Jeffrey had three undisclosed convictions for speeding.

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."
The "No" box was checked.

Jeffrey's failure to disclose his traffic convictions technically makes the application false according to the Nebraska Liquor Control Act (Part II Chapter 2 Section 010.01). The traffic convictions would fall under state law or local ordinance.

Either way, the convictions are an infraction or a misdemeanor that do 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.

The applicant should be cautioned about reading and filling out the application completely, but the Grand Island Police Department has no objection to the issuance of a liquor license for Whitey's Sports Bar & Grill and no objection to Jeffrey Richardson becoming the liquor manager.