



City of Grand Island

Tuesday, July 26, 2011

Council Session

Item E1

**Public Hearing on Request from Aloha Investments, LLC dba
Afternooners, 3773 Sky Park Road, Suite 5 for a Class “C” Liquor
License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: July 26, 2011

Subject: Public Hearing on Request from Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5 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

Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5 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 the application was a Liquor Manager Designation for Terry Brown, 4017 Anna Maria 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 this application.

Sample Motion

Move to approve the application for Aloha Investments, LLC dba Afternooners, 3773 Sky Park Road, Suite 5 for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for Terry Brown, 4017 Anna Maria Street upon completion of a state approved alcohol server/seller training program.

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Grand Island Police Department

LAW INCIDENT TABLE

Page:

City : Grand Island
 Occurred after : 09:26:56 07/11/2011
 Occurred before : 09:26:56 07/11/2011
 When reported : 09:26:56 07/08/2011
 Date disposition declared : 07/11/2011
 Incident number : L11071640
 Primary incident number :
 Incident nature : Liquor Lic Inv Liquor License

Investigation
 Incident address : 3773 Skypark Rd; Suite 5
 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 : ACT Active
 Misc. number : RaNae
 Geobase address ID :
 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	119937	07/11/11	Brown, Terry	Owner-
Afternooners				
NM	119938	07/11/11	Brown, Douglas	Owner-
Afternooners				
NM	167798	07/11/11	Afternooners,	Business
Involved				

LAW INCIDENT CIRCUMSTANCES:

Se	Circu	Circumstance code	Miscellaneous
1	LT01	Air/Bus/Train Terminal	

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application from Afternooners and a Copy of a Liquor Manager Application from Terry Brown.

LAW INCIDENT RESPONDERS DETAIL:

Seq	Responding offi	Unit n	Unit number	
1	Vitera D	318	Vitera D	
	07/14/11		Grand Island Police Department	
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	10:21		LAW INCIDENT TABLE	Page:
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LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date	
1	Vitera D	15:15:14 07/11/2011	
	07/14/11		Grand Island Police Department
	450		
	10:21		LAW INCIDENT TABLE
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Grand Island Police Department
Supplemental Report

Date, Time: Mon Jul 11 15:15:35 CDT 2011
Reporting Officer: Vitera
Unit- CID

I received a copy of a Class C liquor license application for Afternooners at the Central Nebraska Regional Airport and a copy of a liquor manager application from Terry Brown. Douglas Brown (Terry's husband) is an equal partner in the business. Information on the application indicates that the Brown's have lived in Grand Island since 2005. They moved here from Spring Valley, California where they lived since 1991.

On the spot on the application where it asks about convictions, Douglas disclosed four traffic convictions. Three of them occurred in Grand Island back in 1975. The other one occurred in California in 1997. No convictions were

disclosed by Terry Brown. I checked the Brown's through Spillman and NCJIS and didn't locate any undisclosed convictions. I also checked the Brown's through Entersect (paid police intelligence database) but didn't find anything out of the ordinary. Their names are too common to narrow down on facebook. I also called the San Diego County Sheriff's Department since they serve Spring Valley and inquired about a records check on the Brown's. I faxed a request and was told that I should have results within ten days which may not be in time for this report to go into the council packet. A recording advised that their records are only kept for seven years.

On 7/13/11, I received a faxed response from the San Diego County Sheriff's Department. The information confirmed that their records only go back seven years and don't include traffic convictions, sex registrants, warrants, protection orders, and information sealed by the courts. The response said that Terry and Douglas brown have "No local arrest record."

On 7/12/11, I went to Afternooners and spoke to Terry. Terry said she was encouraged by the airport board to seek a liquor license. She advised that there are plans to expand the terminal which would include the restaurant. She advised that they don't plan to serve hard liquor even though they are applying for a Class C license. She doesn't think distilled spirits and potentially irate passengers are a good combination. I explained a little bit of the application process to Terry. She didn't have any questions. She was busy, and I didn't have a lot of questions; so the interview was short.

I spoke to Douglas over the phone on 7/13/11. He was at the airport in Minneapolis. Terry told Douglas that I had spoken to her. Douglas assured me that he has never had any problems with the law other than the minor traffic incidents he disclosed on the application. He went on to say that he had high level security clearance in the military and also has some security clearance through the TSA. Douglas thinks it would be good for the airport if

Afternooners has a liquor license. He said that a lot of passengers currently check in and then leave to go drink at the closest bar before boarding the plane. The license could cut down on the number of impaired drivers.

All in all, the Grand Island Police Department has no objection to Afternooners receiving a liquor license or to Terry Brown being their liquor manager.

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LAW INCIDENT TABLE

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