



City of Grand Island

Tuesday, December 20, 2011

Council Session

Item E1

**Public Hearing on Request from GMRI, Inc. dba The Olive
Garden Italian Restaurant #4416, 1010 Allen Drive for a Class "I"
Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: December 20, 2011

Subject: Public Hearing on Request from GMRI, Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive for a Class "I" 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

GMRI, Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive has submitted an application for a Class "I" Liquor License. A Class "I" Liquor License allows for the sale of alcohol on 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.

Also submitted with the application was a request from Becky Janes, 2236 West 11th Street for a Liquor Manager designation.

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 GMRI, Inc. dba The Olive Garden Italian Restaurant #4416, 1010 Allen Drive for a Class 'T' Liquor License contingent upon final inspections and Liquor Manager designation for Becky Janes, 2236 West 11th Street contingent upon Ms. Janes completing a state approve alcohol server/seller training program.

12/12/11
450

Grand Island Police Department

14:34

LAW INCIDENT TABLE

Page:

City : Grand Island
Occurred after : 12:18:07 12/05/2011
Occurred before : 12:18:07 12/05/2011
When reported : 12:18:07 12/05/2011
Date disposition declared : 12/05/2011
Incident number : L11120560
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 1010 Allen Dr
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 : 475
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	46198	12/08/11	Janes, Becky L	Liquor Manager
NM	108559	12/08/11	Janes, Daniel L	Becky's Spouse
NM	172165	12/08/11	Olive Garden,	Business

LAW INCIDENT CIRCUMSTANCES:

Se Circu Circumstance code Miscellaneous

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1 LT21 Restaurant

LAW INCIDENT NARRATIVE:

I Received a Copy of a Liquor License Application for the Olive Garden and a

Copy of a Liquor Manager Application from Becky Janes.

LAW INCIDENT RESPONDERS DETAIL:

Se Responding offi Unit n Unit number

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1 Vitera D 318 Vitera D

12/12/11 Grand Island Police Department
450

14:34 LAW INCIDENT TABLE Page:
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LAW SUPPLEMENTAL NARRATIVE:

Seq Name Date

1 Vitera D 15:44:18 12/08/2011

318

Grand Island Police Department

Supplemental Report

Date, Time: Thu Dec 08 15:45:39 CST 2011

Reporting Officer: Vitera

Unit #: CID

The Olive Garden Italian Restaurant is applying for a Class I (beer, wine, &

distilled spirits on sale only) corporate license. Becky Janes is the proposed

liquor manager. She is married to Daniel Janes who signed a Spousal Affidavit

of Non Participation form.

The application lists seven corporate officers, five of whom have spouses. All

twelve people currently reside in Florida. The "No" box was checked on the

application where it asks if any of the applicants have ever been convicted of

any charge. Since I can't run criminal history checks for liquor license

investigations, and all of the applicants live out of state, this investigation

will have to rely on the fingerprint submissions, NSP investigation, and the

NLCC decision. With all of the Olive Garden restaurants around the United

States, I can't imagine that any of the officers on the application would be

ineligible to receive a liquor license. Local input is very difficult when none

of the people listed on the application are local.

I will focus more on the manager application. Becky Janes and her husband

(Daniel) have lived in Grand Island since 1984. They also checked the "No" box

indicating that they haven't been convicted of any charge. I noticed that I did

an investigation on Becky for being a liquor manager for Red Lobster back in

2008. I didn't find anything then that would exclude her. I checked on Becky

again through Spillman and NCJIS. She still has nothing in Spillman that would

indicate any violations. She doesn't have any convictions listed in NCJIS.

Daniel Janes doesn't have anything in Spillman that would indicate that he's

been convicted of anything. A check of NCJIS confirmed that Daniel doesn't have

any convictions in Hall County, and he doesn't have any in the State of Nebraska.

From reading the liquor license application, it appears that The Olive Garden

and Red Lobster are both owned by Darden Restaurants, Inc.

Assuming that the liquor license application doesn't run into any roadblocks at

the State level, the GIPD doesn't have any objections to the Olive Garden receiving a liquor license. We would also recommend that Becky Janes receives

local approval for her liquor manager designation.