



City of Grand Island

Tuesday, October 23, 2012

Council Session

Item E1

**Public Hearing on Request from Wilmar Realty LLC dba Wilmar,
620 West State Street, Suite B for a Class “C” Liquor License**

Staff Contact: RaNae Edwards

Council Agenda Memo

From: RaNae Edwards, City Clerk

Meeting: October 23, 2012

Subject: Public Hearing on Request from Wilmar Realty, LLC
dba Wilmar, 620 West State Street, Suite B for a Class
“C” Liquor License

Item #'s: E-1 & I-5

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

Wilmar Realty, LLC dba Wilmar, 620 West State Street, Suite B 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 request from James Goodman, 2716 Apache Road 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 Wilmar Realty, LLC dba Wilmar, 620 West State Street, Suite B for a Class "C" Liquor License contingent upon final inspections and Liquor Manager Designation for James Goodman, 2716 Apache Road contingent upon completion of a state approved alcohol server/seller training program.

10/09/12
10:30

Grand Island Police Department
LAW INCIDENT TABLE

450
Page: 1

City : Grand Island
Occurred after : 10:45:18 10/08/2012
Occurred before : 10:45:18 10/08/2012
When reported : 10:45:18 10/08/2012
Date disposition declared : 10/08/2012
Incident number : L12100944
Primary incident number :
Incident nature : Liquor Lic Inv Liquor License
Investigation
Incident address : 620 State St W; Suite B
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 :
Long-term call ID :
Clearance Code : CL Case Closed
Judicial Status : NCI Non-criminal Incident
=====

INVOLVEMENTS:

Px	Record #	Date	Description	Relationship
NM	27711	10/08/12	Martin, William C	Applicant
NM	27713	10/08/12	Martin, Donna R	Applicant
NM	43382	10/08/12	Martin, Laura J	LLC Member
NM	80707	10/08/12	Goodman, Tracy D	James' Spouse
NM	98360	10/08/12	Goodman, James D	Liquor Manager
NM	180160	10/08/12	Wilmar,	Business

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 from Wilmar and a Copy of a Liquor Manager Application for James Goodman.

LAW INCIDENT OFFENSES DETAIL:

Se	Offe	Offense code	Arson Dama
1	AOFF	Alcohol Offense	0.00

LAW INCIDENT RESPONDERS DETAIL:

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

LAW SUPPLEMENTAL NARRATIVE:

Seq	Name	Date
1	Vitera D	15:41:26 10/08/2012

Grand Island Police Department
Supplemental Report

Date, Time: Mon Oct 08 15:41:37 CDT 2012
Reporting Officer: Vitera
Unit- CID

From looking at the application packet, it appears that Wilmar is applying for a Class C LLC liquor license at the Skagway Banquet Center. James Goodman has applied to be the liquor manager. Wilmar company members are listed as: William and Donna Martin, James and Tracy Goodman, Ben W. and Mary Herring, Benjamin J. and Gwendolyn Herring, Collin Herring, Laura Martin, Sara Burghardt, and Randal and Emily Winfrey.

The two applicants listed on the Retail Liquor license application are William and Donna Martin. They didn't disclose any convictions, and I didn't find any in Nebraska. According to the application, they have lived in Nebraska since 1977. I did a liquor license investigation on Skagway North about three and one half years ago. William and Donna Martin were listed on that application as well. There were no problems.

James Goodman is applying to be the liquor manager. He has a wife named Tracy who is also one of the LLC members. They didn't disclose any convictions, and I didn't find any in Nebraska. They have lived in Nebraska since the 1970's. I did a liquor manager investigation involving the Goodman's at Skagway North about one and a half years ago. There were no issues then, and nothing seems to have changed.

I checked on the rest of the people who are listed as members of the LLC. I couldn't find any Spillman or NCJIS entries for Mary and Ben Herring, Benjamin and Gwendolyn Herring, Collin Herring, Emily and Randal Winfrey, and Sarah Burghardt. Laura Martin is the only other LLC member listed that I haven't discussed. She has an entry in Spillman and six speeding convictions listed in NCJIS.

The Skagway Banquet Center is going to be for special events. According to Wilmar's application, they have been open since August 1st and have held events and used SDL's to bring in alcohol. The hours of operation will depend upon the event being held there.

In summary, the applicants (William & Donna Martin) have lived in Grand Island for thirty-five years and have no criminal history in the State of Nebraska. The liquor manager and his wife (James & Tracy Goodman) have lived in Grand Island for at least thirty-five years and have no criminal history in the State of Nebraska. In conjunction with Skagway, the Martin's and Goodman's have recently submitted other liquor license application. No problems were encountered at the time of the applications, and I'm not aware of any problem since. Other than the Martin's, no other members of the LLC were required to submit fingerprints because they don't own 25% or more of the company.

Strictly speaking from a law enforcement perspective, the Grand Island Police Department has no objection to Wilmar receiving a liquor license for the Skagway Banquet Center or to James Goodman becoming the liquor manager.

