

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET**

MINUTES

WEDNESDAY, MAY 19, 1999, 8:00 A.M.

Hearing Officer Phil Coebergh

I. CALL TO ORDER

The meeting was called to order at 8:00 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and City Clerk Stephanie Nye. Staff Attorney Stephanie Rubenstein was also present.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Rocky Mountain C Stores Incorporated dba Texaco Food Mart, 459 Pitkin Avenue, 3.2% Beer

The application was in order and approved.

2. Rockslide Brew Pub Incorporated dba Rockslide Brew Pub, 401 Main Street, Brew Pub

Three critical violations were reported by the Health Department. All violations were corrected. The application was otherwise in order and approved.

3. Martinez Family Corporation dba Chupiro's Place, 122 South 5th Street, Tavern

Alfredo Martinez, corporation president, and Cindy Enos-Martinez were present. Clerk Nye reported that the individual history on Mr. Martinez had not been received but the rest of the application was in order. Ms. Enos-Martinez stated the error on the renewal was her error and in speaking with City Attorney Wilson thought the matter had been rectified. Clerk Nye stated she had not had that communication. Ms. Enos-Martinez said she would bring in a corrected form. Assistant City Attorney Shaver advised the renewal could be approved subject to filing of the individual history form on Mr. Martinez.

Hearing Officer Coebergh approved the renewal subject to the aforementioned condition.

4. Good Pastures Incorporated dba Good Pastures Restaurant, 733 Horizon Drive, Hotel-Restaurant

Richard Talley, owner, was present. Clerk Nye reported the Health Department inspection identified three critical violations. Two follow-up inspections had to be conducted before all were corrected. Mr. Talley stated the violations were relative to some refrigeration calibrations.

The application was in order otherwise and approved.

5. FJ40 of Colorado Incorporated dba Cruisers Southwestern Grill, 748 North Avenue, Hotel-Restaurant

No one was present on the application. The application was in order, however, upon Health Department inspection, three critical violations were identified, with only one being corrected at the time of inspection. A follow-up inspection is scheduled for May 27, 1999.

Hearing Officer Coebergh approved the renewal contingent on correction of Health Department violations.

III. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Genco Olive Oil Incorporated dba G.B. Gladstones Restaurant & Bar, 2531 North 12th Street, Hotel-Restaurant

Transfer of Ownership of a Hotel-Restaurant liquor license from Granber Incorporated dba G.B. Gladstones to Genco Olive Oil Incorporated dba G.B. Gladstones, located at 2531 North 12th Street,

President: Christopher M. Blackburn, 922 North 8th Street, Grand Junction

Christopher M. Blackburn, corporate officer for Genco Corp., was present. Clerk Nye stated the application was in order except there were four critical violations noted at the time of Health Department inspection, all of which have been corrected. Mr. Blackburn stated for the record that he was not the owner at the time of the violations.

Hearing Officer Coebergh approved the transfer of ownership.

IV. APPLICATION FOR NEW LICENSE

1. Thrifty Payless Incorporated dba Rite Aid #6258, 2992 F Road, 3.2% Beer Off Premise

President: Charles Kibler, 120 Woodridge Drive, Harrisburg, PA
V. President: Frank M. Bergonzi, 1150 Stoney Run Drive, Hummelstown, PA.
Secretary: I. Lawrence Gelman, 1420 Appletree Drive, Harrisburg, PA
Treasurer: Joseph S. Speaker, 7 Wayside Court, Dillsburg, PA
Director: James. E. Krahulec, 781 Dogwood Terrace, Boiling Springs, PA.
Director: Elliot Gerson, 538 Bridgeview Drive, Lemoyne, PA

Jon Stonbraker, Dill, Dill, Stonbraker and Hutchins, representing Thrifty Payless Inc. was present. Clerk Nye stated the application was in order and she then read a report on the application into the record (attached).

Mr. Stonbraker called Mr. Arie DeGroot, operations manager for the Rite Aid store at 2992 F Road, to the podium. Upon questioning by Mr. Stonbraker, Mr. DeGroot stated he has been in this business 34 years and in Grand Junction two years. They have another store in Grand Junction that sells 3.2% beer and have had no violations. The new store is a retail drug store that also sells general merchandise including pop, pharmaceuticals and hopefully 3.2% beer. The store is 12,000 square feet and is open Monday through Saturday, 9am till 9 pm, Sunday, 10 to 6. Beer sales would be for off-premise consumption only. The clerks card anyone that looks under the age of 35 years old. Employees are required to watch Rite Aid's training video and sign off. The training is reinforced every six months. If anyone is caught selling to underage persons, they are immediately terminated. The reason for the application is that they have had requests

for 3.2% beer at the store and with the growing population they feel the demand is there. He asked that the license be granted.

Mr. Stonbraker then called Max Scott, of Oedipus Inc., 2902 5th Street, Boulder, Co. Mr. Scott stated upon questioning by Mr. Stonbraker that his company does needs and desires surveys for beer and liquor license applications. He has been in the business for 31 years and has performed surveys for about 3,000 3.2% beer applications. When his company is contracted for this purpose, the contract clearly states that they do not guarantee survey results. In preparation for conducting the survey, he contacts the local municipal clerk to verify the local rules. He develops a map based on the neighborhood defined and statistical sheets. He divides the neighborhood up into areas and instructs his surveyors to do sample areas. For this survey, 216 people were contacted and 46% agreed to respond to the survey. Of that 46%, 82% were in favor. He concluded that a need for the license has been shown. He filed the petition with the City Clerk's office on May 6.

Mr. Stonbraker entered the survey into the record and asked that the license be granted.

Hearing Officer Coebergh noted there was no one else present to speak to the application. Assistant City Attorney recommended that in light of there being no opposition and not significant or legal opposition stated in the report that the license be issued. Hearing Officer Coebergh approved the application. Clerk Nye said she would prepare a resolution to that effect for the Hearing Officer's signature.

V. HEARINGS ON VERIFIED COMPLAINTS

1. In the Matter of JV Entertainment dba Cheers, 201 Colorado Avenue, Regarding Violation 12-47-901(5)(a)(I) C.R.S. UNLAWFUL ACTS AND Colorado Liquor Regulation 47-900

There was no one from Cheers present. Stephanie Rubenstein, City Staff Attorney advised that a Stipulation and Agreement has been reached on this matter. The Stipulation includes a seven-day license suspension with a fine in lieu of suspension being required along with all employees attending the Liquor Awareness Training in order to suspend two of the days. The amount of fine in lieu is \$836.09

It was noted that Jim Majors, the alternate Hearing Officer is the attorney for Cheers and he has waived any conflict of interest.

Clerk Nye inquired as to the time period Cheers has for employees to attend the Liquor Awareness training (LAT) as there is not another one scheduled at this time. Ms. Rubenstein said they have 30 days and noted that only three Cheers employees attended the LAT the previous Monday. Since another LAT is not scheduled in the next thirty days, the employees will need to get other training elsewhere. They have contacted Police Officer Bob Culver about getting training and have been referred to TIPS training.

2. In the Matter of The Pour House LLC. dba The Pour House, 715 Horizon Drive Regarding Violation of 12-47-901(5)(a)(I) C.R.S. UNLAWFUL ACTS and Colorado Liquor Regulation 47-900; and 12-47 901(5)(e) C.R.S. UNLAWFUL ACTS AND Colorado Liquor Regulation 47-900

City Staff Attorney Rubenstein advised the matter has been continued to June 2. The Pour House is being represented by Attorney Tom Volkman.

VI. **ADJOURNMENT**

The meeting adjourned at 8:40 a.m.

Report to: Local Licensing Authority

From: Christine English, Acting City Clerk

Date: May 6, 1999

Subject: Application by Thrifty Payless Incorporated for a 3.2% Beer License at 2992 F Road under the trade name of Rite Aid #6258

Thrifty Payless Incorporated, a corporation, filed an application with the Local Licensing Authority on April 2, 1999, for a 3.2% Beer license, for the sales of 3.2% beer in sealed containers for consumption off the premises at 2992 F Road under the trade name of Rite Aid #6258. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for May 19, 1999. The Notice of Hearing was given by posting a sign on the property on May 7, 1999 and by publishing a display ad in The Daily Sentinel on May 7, 1999.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey and defined the neighborhood as the area bounded by F ½ Road on the north, Orchard Avenue on the south, 30 ½ Road on the east and 29 ½ Road on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. If you favor and support this application for a retail 3.2% fermented malt beverage (3.2% beer) license (off premise consumption) because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood are not now being adequately served by existing 3.2% beer off-premise licensed businesses now doing business in the defined neighborhood, and it is your desire this new 3.2% beer off-premise license be issued, please sign and check the favor column to grant the requested license.

YES: 132

2. If you oppose and do not support this application for a retail 3.2% fermented malt beverage (3.2% beer) license (off-premise consumption), please sign and check the oppose column and please write in your reason why you oppose this license application.

NO: 80

Of those opposing the application, some of the reasons given were: children, other outlets close by (a liquor store), too many outlets all ready, too close to neighborhood, opposed to alcohol, it enhances crime, when it (Rite Aid) was built, they (the neighborhood) were told there would be no liquor, too close to schools.

No letters of opposition or counterpetitions have been filed to date.

The applicant, Thrifty Payless Incorporated, is a corporation. Local criminal history was not found any of the corporate officers. Since the corporation has a Master File in Denver no further processing through C.B.I. was necessary.

The City Code Enforcement Department will be inspecting the premises to ensure compliance with the diagram submitted.

The number of similar-type outlets in the survey area is as follows:

3.2% Beer - 1 (Loco Food Store #14)

The number of similar type outlets in a one mile area in addition to the above are:

3.2% Beer - 3 (Super Mart Convenience Store, Bookcliff Gas & Groceries and C & F Food Store)

That concludes this report.

cc: Applicant
John Shaver, Assistant City Attorney
Julia Marston, Grand Junction Police Department