

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

MINUTES

WEDNESDAY, APRIL 3, 2002, 9:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 9:05 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver, Deputy City Clerks Christine English and Juanita Wesley.

II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. Gay Johnson's Incorporated dba Gay Johnson's, 333 North 1st Street, 3.2% Beer Off Premise

The application was found to be in order and approved.

2. Horizon Drive Texaco LLC dba Horizon Drive Texaco, 745 Horizon Drive, 3.2% Beer Off Premise

The application was found to be in order and approved.

3. Andrew and Marilouise Marion dba Hilltop Liquor Store, 1563 Highway 50 South, Retail Liquor Store

The application was found to be in order and approved.

4. Black Sam Incorporated dba Pantuso's Ristorante, 2782 Crossroads Blvd, Hotel and Restaurant

Chris Blackburn was present representing Black Sams Inc. and Genco Oil Inc.

The application was found to be in order and approved.

5. Genco Olive Oil Incorporated dba GB Gladstone's Restaurant & Bar, 2531 North 12th Street, Hotel and Restaurant

The application was found to be in order and approved.

6. Genco Olive Oil Incorporated dba The Winery Restaurant, 642 Main Street, Hotel and Restaurant

The application was found to be in order and approved.

7. Robert C. Miller dba Colorado Catfish Bar & Grill, 159 Colorado Avenue, Hotel and Restaurant

Robert Miller was present.

The application was found to be in order and approved.

III. APPLICATION FOR MODIFICATION OF PREMISES

1. Loco Incorporated dba Loco Food Store #15, 722 Horizon Drive, 3.2% Beer Off Premise

Replace old building with new building. Started January 1, 2002, approximate completion date June 30, 2002.

Rob Lipson representing Loco Inc. was present.

Ms. Wesley reported everything is in order. January 1, 2002 is when the destruction of the old building began and completion is expected at June 2002. Ms. English stated the way the City found out about the modification of premises was by a renewal letter that was returned as deliverable as there was no building. She contacted the applicant and informed them they needed to make application for modification of premises.

The application was found to be in order and approved.

IV. APPLICATION FOR CHANGE OF LOCATION

1. James A. Holmes Jr., dba Surplus City Liquor Discount Warehouse, 220 West Grand Avenue, Retail Liquor Store

Change of location from 200 West Grand Avenue to 220 West Grand Avenue.

Mr. Holmes requested this be continued until the May 1, 2002 meeting.

The request was granted.

V. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Application by B.P.O. Elks Lodge #575 for Malt, Vinous and Spirituous Special Events Permit for "Flea Market" on April 20, 2002 from 9:00 a.m. to 5:00 p.m. at 249 South 4th Street

Applicant: B.P.O. Elks Lodge #575, 249 South 4th Street, Grand Junction
Secretary: John Krizman, 3155 F Road, Grand Junction
Event Mgr: Harold Goodholm, 2028 W. Liberty Court, Grand Junction

Harold Goodholm and Mike West, House Committee Chairman, were present. Ms. Wesley read into the record the letter from the Elks Lodge requesting the special events permit. Mr. West believed there would be approximately 1,000 - 1,500 people attending the event.

Mr. Coebergh asked if there weren't any other facilities in Grand Junction available besides the four listed in their letter. Mr. Goodholm stated they only tried those four.

Mr. Shaver asked if this event would be opened to the public. Mr. Goodholm stated yes. Mr. Shaver then asked about the proceeds from the event and where these monies would go. Mr. Goodholm indicated the monies would be 100% donated to several charities in the community.

Mr. Shaver read the state statute into the records, "12-48-103 says that a special event permit may be issued only upon a satisfactory showing by an organization that other existing facilities are not available or inadequate for the needs of the organization and the existing licensed facilities are inadequate for the purposes of serving the numbers of guests of the organization and additional facilities are necessary by reason of nature of the special event being scheduled". Mr. Shaver is concerned that it is a typical inclination for special events not to meet the requirement and that it is not clear why the flea market could not be held inside of the building. It is truly the statutory compliance and if the need has been demonstrated.

Mr. Coebergh asked the reason for selling liquor in the parking lot. Mr. Goodholm stated to make more money.

Mr. Coebergh concurred with Mr. Shaver and that this does not meet the State Statute requirements for a Special Event and denied the application.

VI. RESOLUTION OF FINDINGS AND DECISION RE: APPLICATIONS FOR NEW LICENSES

1. GJ Fusion Incorporated dba Club Fusion, 490 28 ¼ Road, Tavern

Applicant: GJ Fusion Incorporated
President: Jason George, 517 A Estate, Grand Junction, CO 81504
Vice President: George Tabor, 730 26 ½ Road, Grand Junction, CO 81506

Mr. George was present. Ms. Wesley read into the record the results of the survey (see attached). Mr. Shaver questioned Mr. George concerning the survey, who conducted it, the time of day and if the results read into the record were true and accurate. Mr. George stated he and Mr. Tabor did the survey. Mr. George stated the results read into the record were true and accurate.

There was no opposition present. The application was found to be in order and approved.

2. Carino's Italian Kitchen Incorporated dba Johnny Carino's Country Italian, 2480 Highway 6 & 50, Hotel and Restaurant

Applicant: Carino's Italian Kitchen Incorporated
20308 Highway 71 West, Suite 5, Spicewood, TX 78669
COB/CEO/Director: Creed L. Ford III, 16106 Chateau, Austin TX 78734
COO/Director/President/
Treasurer: Norman J. Abdallah, 411 Mountain Crest Drive, Wimberly, TX 78676
CFO/Secretary: Roy C. Turner, III, 1515 Resaca Blvd #2, Austin, TX 78730
Shareholder: Kona Restaurant Group Incorporated, 20308 Highway 71 West, Suite 5, Spicewood, TX 78669

Mr. Adam Stapen, attorney for the applicant was present. Ms. Wesley read into the record the results of the survey (see attached). Max Scott, Oedipus Incorporated, was present to answer any questions in regards to the survey. Mr. Shaver asked Mr. Scott if the results that were read into the record were true and accurate account and who conducted the survey. Mr. Scott stated the results were true and accurate and an employee of Oedipus conducted they survey. Mr. Scott further stated that it took longer to conduct this survey as most had questions regarding the type of restaurant and menu it would offer.

There was no opposition present. Mr. Shaver recommended approval and Mr. Coebergh concurred. The application was found to be in order and approved.

VII. REVIEW OF STIPULATION AND AGREEMENT

1. In the Matter of Wigout Productions Incorporated dba Mesa Theater and Club, 538 Main Street, Tavern

Review of Stipulation and Agreement entered into on August 1, 2001 between the Local Licensing Authority and Wigout Productions Incorporated dba Mesa Theater and Club

Mr. Tom Volkman, attorney representing Wigout Productions. Mr. Volkman is asking to amend the restrictions of the stipulation and agreement entered into on August 1, 2001. Mr. Volkman made note of the letter that addresses their concerns.

Mr. Coebergh stated he had just reviewed the stipulation recently as Hearing Officer Jim Majors heard the case before. Mr. Coebergh addressed Ms. Rubenstein, City Staff Attorney, regarding the option of Mr. Coebergh hearing the case or rescheduling and having Mr. Majors back in as the Hearing Officer.

Mr. Volkman stated they would like to resolve this as soon as possible due to the financial strains this has caused his client.

Ms. Rubenstein gave an brief overview for Mr. Coebergh regarding the stipulation. There has not been a problem since August 1, 2001 when the stipulation was enacted. Ms. Rubenstein believed that the stipulation was not being followed that there has been "college night" since the stipulation. The Police Department has not been called in since the August 1, 2001 stipulation. Lieutenant Mike Nordine gave testimony regarding his evaluation of this and his inspections of Mesa Theater during this time.

Mr. Coebergh called for a break at 10:00 a.m. The meeting reconvened at 10:04 a.m.

Mr. David Prather gave an overview of what they have tried since the "college night" has been discontinued. They have held other special events similar to "college night" without incident as he believed they were able under the current stipulation. Mr. Prather believed they have lost about \$70,000 in revenue in 4 months. Their numbers have dropped from 300-500 people to less than 100. Mr. Prather believes that "college night" will never be the same as it once was.

Mr. Coebergh asked for an occupancy level of the building and for a number they would propose to keep the incidents after hours in line. Mr. Prather believed 500 would be their maximum number. Mr. Volkman asked Mr. Prather how they kept track of the number of people. Mr. Prather described the counters they have for people who enter and exit and they come to a total. This is the same procedure they do when they give the number to the Police Department when they do the inspections for occupancy numbers.

Ms. Rubenstein believes that the stipulation was violated according to the agreement. Both Mr. Coebergh and Mr. Shaver interpreted the stipulation to allow "special events". Ms. Rubenstein submitted into evidence advertising for "over and under nights – college nights". Mr. Coebergh asked Mr. Prather regarding this and Mr. Prather indicated that they were not held on a Thursday night and that is what he believed the stipulation to say. Mr. Coebergh asked Officer Nordine if they had trouble on any of those nights. Officer Nordine stated they did not and on October 31st they had about 250 people in attendance. The other events were not attended as well, with less than 100.

Mr. Shaver and Mr. Coebergh concurred that the stipulation does not relate to other events.

Mr. Coebergh asked that the two parties get together before the next hearing of April 17, 2002 and work out an agreeable amendment to the stipulation and if that could not be done, Mr. Coebergh would make the decision.

VIII. ADJOURNMENT

Meeting was adjourned at 10:55 a.m.

NEXT REGULAR MEETING – April 17, 2002

Memo to: Local Licensing Authority
From: Christine English, Deputy City Clerk
Date: March 26, 2002
Subject: Application by GJ Fusion Incorporated for a Tavern liquor license at 490 28 ¼ Road under the trade name of Club Fusion

GJ Fusion Incorporated filed an application with the Local Licensing Authority on March 1, 2002, for a new Tavern liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 490 28 ¼ Road under the trade name of Club Fusion. The application and supplementary documents were reviewed, found to be in order and accepted. The application has been forwarded to the state for a concurrent review. The hearing date was set for April 3, 2002. The Notice of Hearing was given by posting a sign on the property on March 22, 2002 and by publishing a display ad in The Daily Sentinel on March 22, 2002.

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 Texas Avenue on the north, the I70 Business Loop on the south, Melody Lane on the east and 23 Road (if extended) on the west and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

1. As an owner of property in the neighborhood, an employee of or business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by existing outlets.

| | |
|------|----|
| YES: | 1 |
| NO: | 37 |

2. As an inhabitant residing in the neighborhood more than six months each year, it is my desire that the license be issued.

| | |
|-----------------|----|
| YES: | 35 |
| NO: | 0 |
| NOT APPLICABLE: | 0 |

Two (2) signatures were businesses that answered question #2 which is for residents only.

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

The Grand Junction Police Department has investigated the corporate officers for local criminal history and none was found. The fingerprints have been forwarded to CBI for further processing. The premises have been inspected by the Grand Junction Fire Department, for compliance with Life and Safety codes, and the Mesa County Health Department for compliance with health codes and has passed final inspections. The Code Enforcement Division reports the premises were posted in a timely manner and that the diagram submitted matches the actual layout of the premises.

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

Tavern - 2 (Brass Rail Lounge and Fast Eddy's)

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

Tavern – 1 (Freeway Bowl)

That concludes this report.

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

Memo to: Local Licensing Authority
From: Christine English, Deputy City Clerk
Date: March 22, 2002
Subject: Application by Carino's Italian Kitchen Incorporated for a Hotel and Restaurant Liquor License at 2480 Highway 6 & 50 under the trade name of Johnny Carino's Country Italian

Carino's Italian Kitchen Incorporated filed an application with the Local Licensing Authority on February 20, 2002, for a new Hotel and Restaurant liquor license, for the sales of malt, vinous and spirituous liquors by the drink for consumption on the premises at 2480 Highway 6 & 50 under the trade name of Johnny Carino's Country Italian. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for April 3, 2002. The Notice of Hearing was given by posting a sign on the property on March 22, 2002 and by publishing a display ad in The Daily Sentinel on March 22, 2002.

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 Patterson Road on the north, Dike Road on the south, 25 ½ Road on the east and 24 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 hotel & restaurant license because it is your opinion the reasonable requirements of the adult inhabitants of the defined neighborhood (see map) are not now being adequately served by existing businesses that hold the same or similar type of liquor license now doing business in the defined neighborhood, and it is your desire this new hotel & restaurant liquor license be **ISSUED**, please sign and check the **FAVOR (*)** column to **GRANT** the requested license. Please write in the reason you support this license application.

FAVOR: 125

2. If you **OPPOSE AND DO NOT SUPPORT** THIS Application for a hotel & restaurant liquor license, please sign and check the **OPPOSE (**)** column, and please write in your reason why you oppose this license application.

OPPOSE: 4

Six (6) signatures could not be counted: five (5) had no address and one (1) address was outside the survey area.

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

The Grand Junction Police Department has investigated the corporate officers for local criminal history and none was found. Since the applicant maintains a Master File in Denver, no further processing is necessary. The Grand Junction Fire Department will conduct a final inspection for compliance with Life and Safety codes upon completion of the building. The Mesa County Health Department reports that plans have been filed with them and approved. They will conduct a final inspection upon completion of the building to insure compliance with health codes. A Certificate of Occupancy from the Mesa County Building Department will need to be filed in this office prior to the issuance of the approved license.

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

Hotel and Restaurant - 8 (Bennett's Bar B Que, Chelsea's London Pub, Outback Steakhouse, Red Lobster, The End Zone Eatery & Pub, Chili's Grill & Bar, Boston's The Gourmet Pizza and Westside Deli)

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

Hotel and Restaurant – 0

That concludes this report.

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