

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

MINUTES

WEDNESDAY, March 2, 2005, 9:00 A.M.

- I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Jim Majors, City Attorney John Shaver and Deputy City Clerk Juanita Peterson.

- II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**
 1. The Vineyard Wine & Fine Dining, LLC dba The Vineyard, 359 Colorado Ave., Ste. 102, Hotel/Restaurant

Mr. Scotland Willis was present. The application was found to be in order and approved.

 2. Metro Movie Playhouse LLC, dba Metro Movie Playhouse, 1224 N. 25th Street, Tavern

Ms. Peterson stated that the City Clerk's office is still waiting for additional information on one of the corporate members and asked for a continuance until April 6, 2005. Mr. Majors and Mr. Shaver concurred.

- III. **APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH REGISTRATION OF NEW MANAGER AND CORPORATE NAME CHANGE**
 1. Johnny Carino's Country Italian dba Johnny Carino's, 2480 Highway 6 & 50, Hotel & Restaurant

Matthew C. Gregory, 796 Josily Ct., Grand Junction CO replaces Jason Rhines

Mr. Matthew Gregory was present. Ms. Peterson stated the paperwork is in order but still pending C.B.I. report on the new manager. Mr. Majors approved the renewal, registration of the new manager and the corporate name change.

- IV. **APPLICATION FOR TRANSFER OF OWNERSHIP**
 1. Fiesta of Grand Junction Inc., dba Fiesta Guadalajara, 710 North Avenue, Hotel/Restaurant to SAL Inc., dba Fiesta Guadalajara-GJ, 710 North Avenue

President/Secretary - Salvador Sanchez , 1145 Lucky Ln, Ontario, OR 97914
VP/Treasurer – Romelia Sanchez, 1145 Lucky Ln. Ontario, OR 97914
Operating Manager – Jose Nunez, 1705 N. 21st, Grand Junction, CO 81501

Mr. Rick Livingston and Mr. Alex Sanches were both present. Ms. Peterson stated all the paperwork was in order, all of the reports came back fine, but C.B.I. is still pending on the new owners and manager. Mr. Majors found the application for the transfer of ownership to be in order and approved.

- V. **CONTINUATION FROM FEBRUARY 16, 2005 HEARING**
 1. N.N.C. Inc., dba Bourbon Street, 525 North Avenue, Tavern

Hearing Officer Jim Majors introduced into the record the summary of the neighborhood meeting with the citizens and Ms. Nunnery and staff of Bourbon Street.

Mr. Dan Wilson, Attorney, introduced himself on behalf of his client, the applicant and asked to be able to give an opening statement. Mr. Wilson stated Ms. Nunnery and staff were unaware of the problems before the first hearing. Mr. Wilson stated that the continuance was asked for so that we were able to obtain copies of the police records for which the statistics were presented at the first hearing. Mr. Wilson had copies of some of these and referred to several that were not related to Bourbon Street in his opinion but because they were in the area or needed an address to relate the incident to 525 North Avenue was used. The numbers of incidents include the ones which were phoned in by the establishment.

Mr. Wilson also said that since the neighborhood meeting the music has been turned down, Ron Nunnery the owner of the building is the technical person and has worked on the volume and bass by installing a governor. At the meeting, the managers gave out their business cards to the neighbors who attended the meeting. Since then, they have not received any calls. Staff has picked up trash around the bar, 5th and 6th Streets, Belford and Teller Avenues. Mr. Wilson had Mr. Shaver send him a copy of the Conditional Use Permit to address the parking issue and they provide 50 spaces along with additional parking to the east and the south. Mr. Wilson believes that all the neighborhood concerns are falsely connected to Bourbon Street.

Ms. Nunnery was asked to give her opinion of the neighborhood meeting. She felt the meeting was successful. They have tried really hard to keep the music low. She has not received any complaints or no feedback from the neighborhood. Ms. Nunnery stated they have a front door girl who will call the police immediately if anything happens in the parking lot. All of the bouncers wear headphones and are in immediate contact with each other. Also the parking lot is equipped with video cameras and they are on all of the time. Ms. Nunnery stated that she cleans the establishment and has never seen any indication of drug use at the establishment. Ms. Nunnery stated that 1:30 a.m. is when the music is turned down and the last beverages served. Ms. Nunnery stated the parking lot to the east has approximately 30 spaces, but is unmarked parking and the property to the south has 40.

Mr. Wilson asked Ms. Nunnery how many spaces Bourbon Street has. Ms. Nunnery stated around 50. Mr. Wilson stated the CUP was approved at 46. Mr. Wilson also asked Ms. Nunnery how much of a drop in volume of music has occurred.

Ms. Nunnery stated that you can't hear the music outside of the business, but could still feel the base at 5th and Belford, so they dropped the base also.

Mr. Wilson asked about the governors that were installed to reduce the decibel readings in the music. Ms. Nunnery indicated she is not a technical person and there was really no way to determine the difference.

Mr. Wilson asked if they monitor the parking lot after the bar is closed. Ms. Nunnery stated yes, they have someone outside, usually 2-3 bouncers until everyone is cleared out which is usually around 2:30 – 2:45 a.m. determining how busy the establishment was. Ms. Nunnery stated they remind the patrons leaving the establishment to keep their music down in their own vehicles.

Mr. Wilson asked Ms. Nunnery which are the busiest nights. Ms. Nunnery stated Saturday night is the busiest, then Friday and then the busiest night during the week is Wednesday.

Mr. Majors asked if the volume is turned up louder on Friday and Saturday nights. Ms. Nunnery stated yes, the volume is turned up with more people in the establishment.

Mr. Rich Lamont, Assistant to Ms. Nunnery said he believed the community meeting went well, as a team they are able to address the problems brought up at the meeting and he is a certified TIPS trainer and their staff attends all of the trainings offered by the City Clerk's office. They try to identify the problem before it happens. Mr. Lamont stated they even watch the front door to see if patrons come by taxi and if they are intoxicated when they come to the door, and if so, they refuse to let them in. If a patron won't leave when asked, they will call the police. Mr. Lamont stated that on Friday and Saturday nights since the meeting with the neighbors they pick up trash around the 5th and 6th Street blocks and down Belford and Teller Avenues.

Mr. Shaver asked Mr. Lamont if he was the only manager. Mr. Lamont stated no, there is another manager, they are actually co-managers, they share the responsibilities and both work 5 nights a week.

Mr. Majors asked about before the neighborhood meeting if they picked up trash in the area. Mr. Lamont said only in their parking lot.

Mr. Wilson asked Mr. Lamont to describe how much trash he believed was related to Bourbon Street patrons. Mr. Lamont stated that about 95% of the trash picked up is not related, Taco Bell and McDonalds paper, misc. discarded clothing.

Mr. Wilson presented information from the existing police reports he got from the Police Department and explained that even a call around Bourbon Street could indicate their address of 525 North Avenue.

Mr. Majors asked Ms. Keane who submitted the outline of the neighborhood meeting to give from her point of view how the meeting went. Ms. Keane stated she believed the meeting went well; business has been substantially slower, the noise better, less vehicles in the parking lot since the meeting. Her concern is that in a few weeks after the fact the noise level will go back up.

Mr. Major addressed the audience that he was not going to take any additional testimony today.

Someone from the audience stated Ms. Keane she was not voted as the neighborhood spokes person, that a petition was going around. Ms. Keane stated she would encourage the Hearing Officer to listen to the citizens present.

Mr. Wilson asked Ms. Keane what time of night she observes Bourbon Street. Ms. Keane stated in the four years since they have been open it has been different times of night as she is a poor sleeper. Since the neighborhood meeting she believes the noise is less. She did find a Seagrams bottle in her yard.

Mr. Wilson asked how Ms. Keane believed that related to Bourbon Street. Ms. Keane said it did not get there by itself and was not from her family.

Ms. Keane said that parking in front of her house has been less but has witnessed people parking, drinking in their cars and then going into Bourbon Street.

Mr. Majors explained that testimony was taken at the first hearing and the applicant has a chance for rebuttal. Mr. Majors stated he believed he has heard enough testimony but will take a 5 minute recess to look over the police reports provided by Mr. Wilson.

Hearing recessed at 9: 47 a.m.

Hearing reconvened at 9:55 a.m. Mr. Majors thanked everyone for being patient. Mr. Majors said he is most concerned about the neighbors and not being able to sleep that maybe this is a time when the noise ordinance should be enforced. The trash can't be established if it is coming from Bourbon Street. The number of calls to the police department are not all related to Bourbon Street but many are. The testimony from Ms. Nunnery that she has qualified staff and that they do the appropriate action when they can not control patrons. The licensee has the responsibility to do a proper job but wants to make sure they continue to do that. Mr. Majors stated he appreciates the concerns of the neighborhood and this isn't the first time the hearing officer has heard from the neighborhood on complaints. The minutes from the renewal hearing in January of 2002, there were concerns made by the police department. February 2003 a neighbor objected to the renewal. February 2004 again concerns were brought to the attention but there was no evidence there were directly related to the bar. Mr. Majors said he would grant the renewal with conditions and he would like to see the continuance of the excellent communication with the neighbors calling the bar direct when they have a problem or the police department. Mr. Majors stated another condition is that the applicant will be reviewed quarterly and the next hearing will be set for June 1, 2005 and Bourbon Street employees attend the liquor training provided by the City Clerk's Office. At this time he will open the hearing to hear from the neighbors and the establishment. The other condition will be the noise to be turned down and kept down. Mr. Majors is concerned that there is no baseline for the noise but does not want to see it creep up in volume as time goes on. Mr. Majors applauded Ms. Nunnery and her staff and asked that they voluntary continue to take care of the trash issue but will not make this a condition as he is not convinced it is coming from the bar. Mr. Majors stated this authority can not address the parking unless it is shown that the occupancy level is more than 299; this should be address with the fire department.

Mr. Shaver stated it would be possible to address enforcement of the parking issue through the City Attorney's office.

A woman from the audience asked how it will be recorded if calls are to staff and not police.

A disgruntle gentleman from the audience voice his opinion that he felt this was a atrocity in a public venue that the neighbors should have a chance to be heard. Mr. Majors told the gentlemen he needed to show a little more respect.

Mr. Majors again thanked the audience for their opinion. This authority is not the forum to address the issue with the parking lot to the south.

Mr. Shaver stated after the hearing he would be willing to talk to anyone and they might try and contact their City Council members.

Mr. Majors adjourned the meeting at 10:15 a.m.

VI. **ADJOURNMENT** – 10:15 a.m.

NEXT REGULAR MEETING – April 6, 2005 (March 16, 2005 Meeting cancelled)

**NEIGHBORHOOD MEETING OF CITIZENS IMPACTED BY OPERATION OF
BOURBON STREET BAR.**

Date: 02-07-05

Time: 1800

Location: Bourbon St. Bar 525 North Ave

GJPD REP. KEITH WILSON – NEIGHBORHOOD OFFICER

BOURBON STREET REPS: DALLAS NUNNERY – (OWNER)

LUCAS MIGNEAULT (ASSISTANT MGR)

RICH LAMONT (ASSISTANT MGR)

Problems:

- I. Parking issues created by patrons at Bourbon street**
 - a. Patrons take all available parking in the surrounding neighborhood and businesses
 - b. Patrons making noise as they arrive and leave.
 - c. Patrons fighting, leaving trash, loud music, smashing bottles, having sex, urinating, vomiting, damaging property, etc when leaving.
 - d. Drunkenness of patrons adding to the problem.
 - e. Should Bourbon Street be required to have adequate parking in its lot or be constrained to only use their lot?

 - II. Occupancy of Bourbon Street Bar**
 - a. Does Bourbon Street comply with occupancy restrictions on their building.
 - b. What is the capacity of the building (seems to be conflicting information as to what it is) 299 per GJFD

 - III. Employee education**
 - a. Are all employees properly trained to address problem patrons and help control problems before they get out of hand? (Bartenders, door staff, security).

 - IV. Noise**
 - a. Music is too loud in the club and spills out into surrounding neighborhood. (bass is the biggest problem as it vibrates neighboring homes)
 - b. Patrons yelling, talking loud as they come and go from Bourbon Street and getting in their vehicles.
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V. Business practices

- a. Patrons appear to be intoxicated as they leave Bourbon Street (over service).
- b. This is probably adding more than anything to the problems
- c. Bourbon Street is using business practices that encourage drunkenness (free drinks, language on advertisements that insinuates unruly behavior, ladies night)
- d. Demographics (college age) target most problematic group for problems related to alcohol consumption.
- e. Staff feels that if problem is pushed outside the doors it is no longer their problem.
- f. Bourbon Street is only establishment of its kind in a residential neighborhood in the City; Nightclub that has a DJ, very powerful stereo equipment, Dance floor. Cruisers for example at 7th and North, has a juke box, TV's, pool tables, no dance floor, no DJ and does not have the capacity or clientele that Bourbon Street does.
- g. Residents feel that Bourbon Street (owners) used deceptive practices to get a nightclub at that location; using a petition to get a liquor license as a restaurant (Crab Shack) and then quietly changing the nature of the business and license with the liquor board without any notice to the residents, with an expansion immediately following the change.
- h. Because of g above, how much responsibility does the city have in creating the problem.

VI Safety and Security

- a. Neighbors don't feel safe
- b. Neighbors and family feel threatened to try and react to problems outside their homes because of incidents that have occurred in the past. Murder, shootings, knife attacks.
- c. Is the operation of Bourbon St to take precedence over the resident's right to quiet enjoyment of their property and lives.

Recommendations / Contingencies

1. Bourbon Street occupancy should be re evaluated to more realistically reflect the available parking in their lot and surrounding area. Occupancy is currently at 299 per the GJFD.
 2. Announcements to patrons about parking on surrounding streets.
 3. Barrier preventing exiting out onto Belford
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4. Bourbon Street should provide some "professional uniformed security personnel"; not staff to monitor parking, security and safety, on their property and surrounding neighborhood.
5. Turning down stereo and keeping it down.
6. Earlier police intervention when they have identifiable problems.
7. Clean up trash left by patrons in the area / neighborhood.