

## ***Local Licensing Authority***

### ***Agenda***

**July 25, 2016**

**City Hall, Council Chambers**

**749 Main Street**

**7:00 PM**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Action on Minutes – 06/27/16**
- V. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under "Authority Business". In such an event the item shall be removed from the "Consent Agenda" and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Authority minutes in their proper order.

- A. Renewal Application – Carrabbas Italian Grill LLC d/b/a Carrabbas Italian Grill #608 – Hotel and Restaurant Liquor License – 575 S. McCaslin Blvd.
  - B. Renewal Application - Albertson's LLC d/b/a Albertson's Food Center #2812 - 3.2% Beer License (Off Premises) - 910 W. Cherry Street.
- VI. Authority Business**
  - A. Set Boundaries of the Neighborhood and Public Hearing – Moxiebrot Baking Unlimited d/b/a Moxie Bread Co. – Hotel and Restaurant Liquor License – 641 Main Street.
- VII. Police Department Report**
  - A. Incident Report – Henry's – 4/14/16
- VIII. Secretary's Report**

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***City of Louisville***

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- A. Attendees at June 26, 2016 Seller/Server Training
- IX. Authority Attorney's Report**
- X. Authority Comments**
- XI. Discussion Items for Next Meeting – August 22, 2016 @ 7:00 p.m.**
- XII. Adjournment**

# ***Local Licensing Authority***

## ***Meeting Minutes***

**June 27, 2016**  
**City Hall, Council Chambers**  
**749 Main Street**  
**7:00 PM**

**Call to Order** – Chairperson Tennessen called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

Authority Members Present: Tom Tennessen, Marguerite Lipton, Tim Hervey and Bart Watson.

Absent: John Carlson, Matthew Machado

Staff Members Present: Melinda Culley – Light Kelly P.C.  
Ben Redard, Police Sergeant  
Meredyth Muth, City Clerk

**Approval of Agenda** – Chairperson Tennessen called for changes to the agenda. Lipton made a motion to approve the agenda. Watson seconded. All in favor. Absent: Carlson and Machado. Agenda approved.

**Approval of Meeting Minutes** – 05/23/16 – Tennessen called for any changes to the minutes. Lipton moved to approve the minutes. Hervey seconded. All in favor. Absent: Carlson and Machado. Minutes approved.

**Approval of Consent Agenda** – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Renewal Application – Sanabria Enterprises, Inc. d/b/a Abo’s  
Pizza – Hotel and Restaurant Liquor License – 1355 South  
Boulder Road

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- B. Renewal Application – Lucky Pie LLC d/b/a Lucky Pie Pizza – Hotel and Restaurant Liquor License – 637 Front Street
- C. Renewal Application – Seafood & Chophouse Inc. d/b/a Seafood & Chophouse – Hotel and Restaurant Liquor License – 328 McCaslin Blvd.
- D. Renewal Application/Manager Change - Cinebarre LLC d/b/a Cinebarre – Hotel and Restaurant Liquor License – 1164 W. Dillon Road
- E. Renewal Application – Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill – Hotel and Restaurant Liquor License – 459 S. McCaslin Blvd. Unit 1
- F. Renewal Application – The Noodle Shop Co – Colorado, Inc., D/B/A Noodles & Company - Hotel& Restaurant Liquor License – 1100 W. Dillon Road, Suite 1.
- G. Renewal Application – Hei Han Enterprises, Inc. D/B/A Henry's Bar & Grill – Tavern Liquor License – 935 Pine St.

Tennessee called for any changes to the consent agenda. Lipton moved the consent agenda be approved. Watson seconded. All in favor. Absent: Carlson and Machado. Consent agenda approved.

### **Authority Business**

- A. Public Hearing – New Application for Hotel and Restaurant Liquor License – OYSY, Inc. d/b/a Sushi Yoshi Restaurant – 917 Front Street Suite 100

Chairperson Tennessee opened the public hearing on the hotel and restaurant liquor license application. Secretary Muth stated the application was complete and included in the Authority packet. Background checks were conducted and showed no criminal history. The hearing had been posted and published in accordance with state law. There was no reason found to require denial of the application.

Chairperson Tennessee called for any member disclosures, hearing none, he called for any objections to the boundaries of the neighborhood being the current city limits of the City of Louisville. Hearing no objections, he moved the entire application be made a part of the record of this hearing. Lipton seconded. All in favor.

Tennessee called for an applicant presentation.

Ayumi Shiuchi and Yoshikatsu "Yoshi" Shiuchi, 917 Front Street, Suite 100, Louisville, CO (business address) introduced themselves to the Authority and were sworn in. Mrs. Shiuchi noted Mr. Shiuchi had extensive apprenticeship training in Japan. He has worked in restaurants in many different places. He has over thirty years of experience serving Japanese food. Together, the Shiuchis operated the Sushi Yoshi restaurant in Superior, CO for the last ten years. There was one liquor violation in the last ten years, the person responsible was dismissed and everyone at the restaurant took alcohol service classes. Identification is now checked on every customer who orders alcohol. They are looking for the opportunity to serve great Japanese food in Louisville. They passed out the menus. The restaurant will employ 9 or 10 people. They will serve lunch Tuesday through Friday and dinner Tuesday through Sunday. The patio will be marked with posts and tape along with warning signs.

Max Scott, owner of Oedipus, Inc., introduced himself to the Authority and took the oath. He reported his company had done the needs and desires survey which he had submitted for review. His company has been in business for many years. He provided an Affidavit of Posting and certificates noting the server training the employees and owners took and all passed. He pointed to the map in the report which showed the sampling of the neighborhoods and businesses which were part of the survey. He explained the survey materials presented to each signer which included an explanation of the concept, a menu and a signature page giving an opportunity to favor or oppose and a place for comments. He reviewed the results and presented the results which he pointed out were in favor of the application. The survey clearly pointed to a need and desire for another hotel and restaurant liquor license in this area.

The applicant was asked if the restaurant in Superior was closing. The answer was yes. Lipton commented the presentation was well done.

Tennessee asked for any comments in favor of or in opposition to the application. Hearing none, he asked for the applicant's closing remarks. The applicant had no closing remarks.

Tennessee thanked the applicant, closed the public hearing and asked for Authority comment.

Watson moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, the inhabitants of the neighborhood desire the license be granted, the license will meet the reasonable requirements of the neighborhood, all City and State law requirements have been met and, based on these findings, the Local Licensing Authority approve issuance of a hotel and restaurant liquor license for OYSY, Inc. doing business as Sushi Yoshi Restaurant. Lipton seconded. All in favor. License approved.

**B. Proposed Expansion of the Recreation/Senior Center and Upgrades to Memory Square Pool**

Tennessee stated he sits on the Recreation Center Expansion Task Force. The Task Force has been meeting since September and held a number of open houses to understand what residents want to see in an expanded Recreation Center. He noted the current Center is overcrowded and in need of additional space. The current Center was built 25 years ago when there were only 10,000 residents.

He noted some of the improvements being recommended including site improvements and an expanded facility with a new leisure pool, a lap pool, new youth area, new fitness center, new family changing rooms, and a new turf gymnasium. It also includes improvements to Memory Square Pool with a redesigned clubhouse, improved pool deck, and shade structures.

He noted the proposed costs are estimated to be between \$28 - \$30 million to build plus an estimated \$500,000 annually for operations and maintenance. This proposed expansion is being considered by the City Council for a question on the November ballot to finance a new property tax and sales tax for operations and maintenance.

**C. Conversation with Chief Hayes**

Tennessee welcomed Chief Hayes for his quarterly visit. Chief Hayes reported the Police will be going to 10-hour shifts starting this month, down from the 12-hour shifts, which will be more conducive to better police work. In terms of staffing, there are only two positions currently available with two excellent candidates starting the police academy soon.

Chief Hayes stated the police have started producing a timeline for liquor violations as requested by the Authority.

Tennessee stated a few pages are missing from the packet. Sergeant Redard stated there was some information listed on ancillary reports so not everything is included in the packet. He stated the Police can include any related reports if they are available and don't release any information that is not public. Tennessee asked the complete reports be included in the Authority meeting packets. Chief Hayes stated the Police can add reports and redact any information as necessary.

Tennessee stated he had heard from residents they are happy officers are doing walk-throughs in liquor establishments. Chief Hayes agreed and also noted his officers are dealing with a lot of issues related to alcohol and mental health holds are up significantly from last year. He was unsure why they are seeing such an

increase but it does have an impact on time the Police have to deal with all of their duties and how they respond to incidents.

Chief Hayes stated most of the liquor violations they handle are not in liquor establishments, but rather found in homes or between homes and establishments. If the police can trace the problem back to a liquor establishment they will follow that trail and try to determine if there was a liquor violation in a restaurant or bar which would then come to the Authority as a police report.

Lipton was concerned about the increase in alcohol incidents and asked if the Police are certified in CPR. Chief Hayes stated yes they are all certified in CPR and use of the APD machines. In addition, all Louisville officers will be trained to carry and use Narcan for drug overdose cases.

Watson stated the police reports are much more detailed and he appreciated the work on those.

Tennessee stated he liked that the reports are being given to the Authority in a timelier manner.

Tennessee asked if the longer open hours for the marijuana facilities has seen any increase in problems. Chief Hayes stated the Police have very few problems with the dispensaries, but he will report any problems they have. The Police are working to get better informed on marijuana issues in general to be prepared to handle enforcement.

Hervey asked if the officers are trained to tell the difference between a person having a mental health problem versus an intoxicated person. Chief Hayes stated yes, that is part of the officers' training.

Tennessee thanked the Chief for his report.

### **Police Department Reports**

#### **A. Incident Report – Murphy's Taphouse and Old Santa Fe Mexican Grill – 05/18/16**

This report was a follow up to an intoxicated person found in a parking lot. Watson stated the bigger problem seems to have come from Old Santa Fe, not Murphy's. Tennessee asked if anyone would like to have a show cause hearing. Members agreed it was difficult to know how much was served and consumed in the course of events. Lipton noted she was served a great deal at Old Santa Fe. There was consensus not to have a show cause hearing because there was not enough evidence she was visibly intoxicated when served at Old Santa Fe. Lipton asked if the Authority could write a letter to Old Santa Fe stating their

concerns of overserving. Authority Attorney Culley stated yes, the Authority can write a letter. Members were in agreement to send a letter to Old Santa Fe.

**B. Incident Report – Murphy’s Taphouse – 05/22/16**

An investigation is launched when an intoxicated person is found outside the establishment. Tennessen stated it looks like the receipt shows the person was drinking with a group, she was not alone. Lipton noted there was not enough information to know exactly what happened. Watson noted there was an hour and a half between the receipt time and when the officer made contact, leaving too much time to know what happened for sure. Members did not find enough evidence to have a show cause hearing but would like to send a letter to Murphy’s regarding overserving.

**C. Incident Report – Henry’s – 06/05/16**

Police respond to a report of an intoxicated person. Members were in consensus there was not enough evidence for a show cause hearing.

**Secretary’s Report**

No report.

**Authority Attorney’s Report**

No report.

**Authority Comment**

None.

**Adjourn** – Tennessen moved to adjourn. Hervey seconded. All in favor. The meeting was adjourned at 8:25 p.m.

**SUBJECT: RENEWAL APPLICATION – CARRABBA’S ITALIAN GRILL  
LLC D/B/A CARRABBA’S ITALIAN GRILL – HOTEL AND  
RESTAURANT LIQUOR LICENSE – 575 MCCASLIN BLVD.**

**DATE: JULY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Carrabba's Italian Grill LLC d/b/a Carrabba's Italian Grill, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 575 McCaslin Blvd.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There was one incident over the past year that required filing of police reports. No action was taken by the Authority.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– Carrabba's Italian Grill LLC d/b/a Carrabba's Italian Grill – Hotel & Restaurant Liquor License – 575 McCaslin Blvd.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – ALBERTSON’S LLC D/B/A  
ALBERTSON’S FOOD CENTER #2812 - 3.2% BEER  
LICENSE (OFF PREMISES) - 910 W. CHERRY STREET.**

**DATE: JULY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Albertson’s LLC d/b/a Albertson’s Food Center #2812, has submitted an application for renewal of its 3.2% Beer License (Off Premises) located at 910 W. Cherry Street.

The premises are owned by the licensee.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for a 3.2% Beer License (Off Premises) for Albertson’s LLC d/b/a Albertson’s Food Center #2812 – 910 W. Cherry Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: SET PUBLIC HEARING DATE – SET BOUNDARIES OF THE NEIGHBORHOOD – NEW HOTEL AND RESTAURANT LIQUOR LICENSE – MOXIEBROT BAKING UNLIMITED D/B/A MOXIE BREAD CO – 641 MAIN STREET**

**DATE: JULY 25, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

An application has been submitted for a new Hotel and Restaurant Liquor License.

**RECOMMENDATION:**

Authority motion is required to establish Boundaries of the Neighborhood and set a Public Hearing Date for a new Hotel and Restaurant Liquor License – Moxiebrot Baking Unlimited d/b/a Moxie Bread Co. Boundaries have traditionally been established as the boundaries of the City of Louisville.

Staff recommends the public hearing be set for August 22, 2016 at 7:00 PM.

**LOUISVILLE POLICE DEPARTMENT  
CRIME & INCIDENT REPORTS**

**HENRY'S  
(04/14/16)  
#16-724**

Police follow up on a report of a Hit and Run.

AGENDA ITEM  
**VII-A**

# *Secretary's Report*

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AGENDA ITEM

**VIII**

## Attendees at June 26, 2016 Seller/Server Training

There were a total of 45 attendees with 30 from Louisville establishments.

Brass Monkey – 2  
Mudrock's – 2  
Parma Trattoria – 8  
Phuket – 1  
Union Jack – 9  
Waterloo - 8