

Local Licensing Authority

Agenda

**November 25, 2019
City Hall, Council Chambers
749 Main Street
7:00 PM**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Comments on Items Not on the Agenda**
- V. Action on Minutes – 10/2819**
- VI. 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. Corporate Report of Changes – Murphy’s Tap House LLC d/b/a
Murphy’s Tap House – Hotel and Restaurant Liquor License – 585
S. McCaslin Blvd.

- VII. Authority Business**

- A. Discussion/Direction – Holding December meeting

- VIII. Police Department Report**

- A. Incident Report – Mr. Sake Sushi and Grill – 9/172019
- B. Incident Report – Mile’s Sports Pub & Grub – 10/15/2019

- IX. Secretary’s Report**

- X. Authority Attorney’s Report**

- XI. Authority Comments**

- XII. Discussion Items for Next Meeting – December 16, 2019 @ 7:00 p.m.**

- XIII. Adjournment**

City of Louisville

Local Licensing Authority

Meeting Minutes

October 28, 2019
City Hall, Council Chambers
749 Main Street
7:00 PM

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

Roll Call was taken and the following members were present:

Authority Members Present: John Carlson, Matthew Machado, Marguerite Lipton, Bart Watson, Kyle Brown and Elizabeth Kaufman.

Staff Members Present: Melinda Culley – Kelly P.C.
Ben Redard, Police Sergeant
Carol Hanson, Deputy City Clerk

Approval of Agenda – Chairperson Machado called for changes to the agenda. Machado asked items B and C be switched so Item C is heard first. Carlson made a motion to approve the agenda with that change. Lipton seconded. Voice vote: 4-1 Lipton voting no. Agenda approved.

Approval of Meeting Minutes – 09/23/18 – Machado called for any changes to the minutes. Kaufman moved to approve the minutes. Carlson seconded. All in favor. 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. Special Events Liquor Permit Application – Community Food Share Inc. – 951 Spruce St. in conjunction with Turkey Trot – 11/28/19

City of Louisville

City Clerk's Office 749 Main Street Louisville CO 80027
303.335.4574 (phone) 303.335.4550 (fax) www.LouisvilleCO.gov

- B. Renewal Application/Manager Change – Apro LLC d/b/a My Goods Market 6526 – Fermented Malt Beverage Off – 510 McCaslin Blvd.
- C. Renewal Application – Spice China II Inc. d/b/a Spice China – Hotel and Restaurant Liquor License – 269 McCaslin Blvd.
- D. Report of Changes – Cinebarre LLC d/b/a Cinebarre – Hotel and Restaurant Liquor License – 1164 W. Dillon Road
- E. Renewal Application/Manager Registration – LSL LLC d/b/a Melting Pot Restaurant Louisville – Hotel and Restaurant Liquor License – 732 Main St.

Machado called for any changes to the consent agenda. Carlson moved the consent agenda be approved. Kaufman seconded. All in favor. Consent agenda approved.

Authority Business

- A. Petition for Fine in Lieu of Suspension – KCM Restaurant Holdings LLC d/b/a Mudrock's Tap and Tavern – 585 South Boulder Road

Adam Gollin, Special Prosecutor for the City and Dan Carr, attorney for the licensee, introduced themselves to the Authority. Mr. Carr presented a petition to pay a fine in lieu.

The Authority members went over the previously agreed upon stipulation and findings and order. They reviewed the proposed fine in lieu.

Lipton moved to accept the petition to pay a fine in lieu. Carlson seconded. All in favor.

- C. Show Cause Hearing – Hei Han Enterprises Inc. d/b/a Henry's – Tavern Liquor License – 935 Pine Street – 6/17/19 Incident

Special Prosecutor Gollin stated he was withdrawing this complaint. He noted the circumstances of the report did not support sanctions against the licensee.

Carlson moved to dismiss the show cause order in this case. Kaufman seconded. All in favor.

- B. Findings and Order – Hei Han Enterprises Inc. d/b/a Henry's – Tavern Liquor License – 935 Pine Street – 6/15/19 Incident

Special Prosecutor Gollin noted there have been a number of incidents at Henry's over the past five years. He recommended the Authority consider a 30 day suspension.

Authority members discussed the amount of suspension they would consider. Carlson moved the licensee serve an active suspension of the liquor license for a period of 21 days. Machado seconded. Roll Call Vote: passed 3-2 with Lipton and Brown voting no.

Machado moved the days to be served from November 9, 2019 at 12:01 am until November 29, 2019 at 11:59 pm. Lipton seconded. All in favor.

D. Show Cause Hearing – Cinebarre LLC d/b/a Cinebarre – Hotel and Restaurant Liquor License – 1164 W. Dillon Road – 8/6/19 Incident

Special Prosecutor Gollin and Attorney for the Licensee, Brian Proffitt, introduced themselves to the Authority. Mr. Gollin noted they had agreed upon an assurance of voluntary compliance. He noted this is a tool not often used by municipalities, but used by the State Liquor Enforcement Division.

Authority members discussed the terms of the assurance. It requires employees to be educated on what rises to the level of disturbance and the police being called and payment of reimbursement of costs of the investigation. Brown was concerned this only required them to follow the law, which they should be doing anyway.

Authority Attorney Culley noted if there were subsequent incidents, the Authority could consider this incident when imposing sanctions.

Carlson moved to approve the assurance of voluntary compliance. Lipton seconded. All in favor.

E. Show Cause Hearing – Courtyard by Marriott Louisville – Hotel and Restaurant Liquor License – 948 W. Dillon Road 7/12/19 Incident

Brandon Sandberg, attorney for the licensee, introduced himself to the Authority. Mr. Gollin, Special Prosecutor, noted a stipulation and findings and order were available for the Authority to review. The stipulation called for a suspension period of 3 days with 2 days held in abeyance. It called for all employees to attend training within 60 days. The licensee also presented a petition to pay a fine in lieu of the one day to be served.

Carlson moved to accept the petition to pay a fine in lieu. Watson seconded. All in favor.

Mr. Sandberg noted the fine would be paid soon.

F. Transfer Application – Ganga LLC d/b/a Busaba – Hotel and Restaurant Liquor License – 133 McCaslin Blvd. H

Machado called the item. No applicant was present. Brown moved to approve the transfer application for Ganga LLC d/b/a Busaba. Lipton seconded. All in favor.

G. Public Hearing – New Retail Marijuana Store License - 5 Eyed Jack LLC – 1411 Hecla Way

Chairperson Machado opened the public hearing.

Secretary Hanson noted the application was for a retail marijuana license. The Planning Department has determined the property is zoned Planned Community Zone District – Commercial which is an eligible zone district for retail and/or medical marijuana sales and the property is not currently located within any buffer from a restricted property or within any buffer from an existing retail or medical marijuana sales location. She provided copies of the application for each Authority member and stated public notice had been published. Notice was posted at the premises 10 days prior to the hearing per State law. The sign did blow down briefly, but was re-posted in a reasonably prompt timeframe once the issue was realized. The State Liquor Enforcement Division reported everything checked out during the background investigation. Hanson was not aware of any reason that would require the Authority to deny the application.

Machado called for any authority disclosures and hearing none moved the application be made a part of the record of the hearing. Lipton seconded. All in favor.

Brandon Banks, applicant, and Jessica Gillespie, contractor for the building, took the oath. Mr. Banks presented a power point for the Authority.

He noted the mission of 5 Eyed Jack LLC. It is a Colorado based company committed to serving customers and patients within Louisville. They have set forth these objectives in establishing its organization:

- A compliant operation in good standing with state and local regulations
- Safe, consistent, and effective cannabis and cannabis products of the highest quality
- Commitment to serving and educating customers, patients and caregivers and
- Commitment to scientific research and development.

Project Proposal

- Adult use marijuana retailer, also serving patients
- New use of approximately 2,500 sf of new construction in free standing building at 1411 Hecla Way.
- Proposed hours: Monday to Sunday 8am-10pm

Mr. Banks shared who he is: Brandon Banks is the Founder and Chief Operating Officer of 5 Eyed Jack in Northglenn Colorado. After years of working for several fortune 500 companies including McDonald's Co, JP Morgan Chase and Philip Morris, Brandon moved to Colorado and transitioned to the medical marijuana industry. Beginning his career as a master grower he cultivated several award winning cannabis strains during his time at Green Man Cannabis including High Times Cannabis Cup winning genetics. Originally from Chicago IL, this University of Illinois alum now lives in Denver CO.

He showed the location of the proposed business on a map and gave an overview of the building plan.

He noted they intend to design the facility based on the principles of Crime Prevention Through Environmental Design (CPTED) Concentric Circles of Protection and Integrated Design.

- Natural Access Control: Use of doors, fences, landscaping, and other man-made and natural obstacles to limit access into the building or other defined interior space
- Natural Surveillance: Increasing visibility by occupants and observers (security and staff) to increase the detection of unauthorized individuals or misconduct within a facility.
- Natural Boundary Definition: Establishing a sense of ownership by occupants to increase vigilance in identifying intruders. This sends the message that would-be-offenders will be identified

Integrated Design Security

- Architectural Security measures address items such as perimeter barriers, lighting, critical building services, spatial adjacencies, and control barriers.
- Operational Security measures address items such as staff and public access control, staffing, monitoring and administration of systems.
- Electronic Security measures address items such as access control and alarm monitoring, video surveillance, and security communications.

Preventing Diversion

5 Eyed Jack understands the high risk associated with cultivating and dispensing cannabis. We are committed to preventing any incidents of diversion by implementing the following measures:

- Building a strong employee culture with a shared commitment to anti-diversion policies.
- Enforcing strict chain of custody and inventory control procedures.
- Implementing and patrolling state-of-the-art surveillance system.

Chain of Custody

The plan is to use Flow Hub's inventory control system that tracks plants from seed to final product via a chain-of-command barcode system.

- Highly compliant with the regulations defined by state and local authorities
- Incorporates technology to provide tracking mechanisms for each plant in a harvest, raw materials, finished products and byproducts as well as policies and protocols for chain of custody
- This inventory system will chronicle every step, ingredient, activity, transaction, and dispensary agent, registered qualifying patient, or personal caregiver who handles, obtains, or possesses the product.

Benefits to the City of Louisville

- Local Job Creation
- Enhancing security of the area
- Community Engagement
- Sales Tax Revenue
- Charitable Contributions to local causes

Mr. Banks concluded his presentation.

Machado called for members of the audience to speak in favor of the application. Anna Cohen noted she is a medical marijuana card holder and was glad to see a retail marijuana store in this location.

Machado called for anyone wishing to speak against the application. Each speaker took the oath.

Scott McElroy, 1873 Sweet Clover, noted he had previously sent an email and wanted it be made a part of the record. He said this was a bad location for a marijuana store, notice was not properly given to neighbors, the application was missing a ventilation plan, site plan and signage plan. He asked the Authority deny the license.

Chairperson Machado noted the Authority had in front of them several emails sent by neighbors. He moved the power point presentation by the applicant

and the emails received be made a part of the record. Carlson seconded. All in favor.

Brian Topping, 1550 White Violet, was concerned about the close proximity to the neighborhood and the traffic the store might generate.

Lazar Gintchin, 1491 Hecla Way, noted he has children and lives very close to the store lot. He was concerned about access for minors.

Other residents who attended the meeting were concerned about the impact to neighborhood children and how close this would be to public trails. They asked what was being approved tonight.

Chairperson Machado explained this was for the retail marijuana license. He noted the zoning and distance requirements were set by City Council and were all met for this location. The Authority's role was only approval of the retail store marijuana license. The Authority bases their approval on the character of the applicant. He noted the presentation by Mr. Banks was the more sophisticated than any others the Authority has seen. Machado noted he understood the concern of the residents near this store. He noted the Planning Commission and the City Council will be considering the site plan.

Machado closed the public hearing.

Brown noted he understood the concerns of the residents and thanked them for voicing them. Authority members agreed.

Lipton asked the applicant how soon he could submit the ventilation plan to the Authority. He replied within one week.

Carlson moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, all City and state law requirements have been met and that, based on these findings, the Local Licensing Authority approve the issuance of a Retail Marijuana Store license for 5 Eyed Jack, LLC conditioned upon the Licensee providing a ventilation plan. Seconded by Machado. Roll Call Vote: Machado – yes, Carlson – yes, Brown – yes, Lipton –yes, Watson – yes.

H. Findings and Order – Por Wine House – Hotel and Restaurant Liquor License – 701 Main Street

Authority Attorney Culley noted the Authority had agreed to this findings and order at the last meeting and allowed the licensee to pay a fine in lieu. This formalizes those decisions. Secretary Hanson noted the licensee had paid the fine in lieu.

Police Department Reports

No reports.

Secretary's Report

Hanson noted the attendance at the September 22 seller/server training.

Authority Attorney's Report

No report.

Authority Comment

Adjourn – Machado moved to adjourn. Lipton seconded. All in favor. The meeting was adjourned at 8:45 p.m.

**SUBJECT: CORPORATE REPORT OF CHANGES – MURPHY’S TAP
HOUSE LLC D/B/A MURPHY’S TAP HOUSE – HOTEL AND
RESTAURANT LIQUOR LICENSE – 585 SO. MCCASLIN BLVD.**

DATE: NOVEMBER 25, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Murphy’s Tap House LLC d/b/a Murphy’s Tap House, has submitted a corporate change for its Hotel & Restaurant Liquor License at 585 So. McCaslin Blvd..

Doug VanRiper owns 45% - no change
Adam Perkins now owns 45% and replace Stephan Frye
Brett Barbarow now owns the 10% Adam Perkins owned previously.

RECOMMENDATION:

For informational purposes.

SUBJECT: DISCUSSION/DIRECTION HOLDING DECEMBER MEETING

DATE: NOVEMBER 25, 2019

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The next Local Licensing Authority meeting is scheduled for Monday, December 16, 2019. Staff would like the Authority members to discuss and decide if they will be available and want to hold a December meeting.

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**MR. SAKE SUSHI & GRILL
(9/17/19)**

AGENDA ITEM
VIII-A

**LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORTS**

**MILE'S SPORTS PUB AND GRUB
(10/15/19)**

AGENDA ITEM

VIII-B