



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, NOVEMBER 8, 2011
MEETING BEGINS AT 5 PM
AVON TOWN HALL, ONE LAKE STREET

	PRESIDING OFFICIALS
CHAIRMAN	RICH CARROLL
VICE CHAIRMAN	KRISTI FERRARO
BOARD MEMBERS	DAVE DANTAS, CHRIS EVANS, TODD GOULDING AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.

TOWN STAFF

TOWN ATTORNEY: ERIC HEIL

TOWN MANAGER: LARRY BROOKS

TOWN CLERK: PATTY MCKENNY

ALL LIQUOR BOARD MEETINGS ARE OPEN TO THE PUBLIC EXCEPT EXECUTIVE SESSIONS
COMMENTS FROM THE PUBLIC ARE WELCOME DURING PUBLIC HEARINGS
PLEASE VIEW AVON'S WEBSITE, [HTTP://WWW.AVON.ORG](http://www.avon.org), FOR MEETING AGENDAS AND MEETING MATERIALS
AGENDAS ARE POSTED AT AVON TOWN HALL AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

1. ROLL CALL

2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA

3. RENEWAL OF LIQUOR LICENSES

- a. Applicant: Nova Entertainment LLC d/b/a Loaded Joe's
Address: 82 E. Beaver Creek Blvd, Suite 104
Manager: Kent Beidel
Type: Tavern Liquor License

4. REPORT OF CHANGES: CHANGE OF MANAGER


- a. Applicant: TCF 1 d/b/a Zacca Za
New Name: TCF 1 d/b/a Castle Peak Grille
Address: 0101 Fawcett Road, Suite 100
Former Manager: Paul Ferzacca
New Manager: Dan Leary
Type: Hotel and Restaurant Liquor License

5. CONSENT AGENDA:

- a. Minutes from October 11, 2011
- b. Resolution No. 11-03, Series of 2011, Resolution approving the Application of Northside Coffee & Kitchen LLC d/b/a Northside Coffee & Kitchen for a Hotel and Restaurant Liquor License (Address: 20 Nottingham Road, Units A & C, Manager: James Pavelich)

6. ADJOURNMENT

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Patty McKenny, ATM Management Services 
Date: November 03, 2011
Re: Renewal of Liquor Licenses

Summary:

The Town Council serving as the Avon Liquor Licensing Authority will consider the following liquor license applications for renewal at its board meeting next week:

- a. Applicant: Nova Entertainment LLC d/b/a Loaded Joe's
Address: 82 E. Beaver Creek Blvd, Suite 104
Manager: Kent Beidel
Type: Tavern Liquor License

Background & Discussion:

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the applications submitted referenced above and the materials are in order. The Police Report results are summarized below:

- a. Loaded Joe's had numerous calls for service involving fights and one damage to property. Officers noted in the reports that individuals involved were intoxicated. Also noted were efforts by Loaded Joe's staff to remove these disruptive patrons. It is not known whether or not the level of intoxication was consumed at Loaded Joe's or elsewhere.

The Liquor Authority Board has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. There have been various types of behavior, such as failure to pay taxes and fraud that have been held in the courts as valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority's ability to hold a hearing on the application for renewal.

Kent Beidel, manager from the Loaded Joe's respectively, has been invited to attend the Liquor Board meeting.

Financial Implications:

There are local and state liquor licensing fees associated with renewal applications that have been submitted to the Town.

Town Manager Comments:

Attachments:

- State of Colorado Forms for Liquor License Renewals
- Avon Police Department Background Memo & Incident / Investigation Report

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Date: November 2, 2011
Re: Report of Changes for Castle Peak Grille: Change in Manager

Summary:

The Avon Liquor Licensing Authority is asked to consider approving a Change in Manager for the following establishments:

- a. Applicant: TCF I, LLC, d/b/a Castle Peak Grille
Address: 101 Fawcett Road Suite 100
New Manager: Daniel J. Leary
Former Manager: Paul Ferzacca
Type: Hotel & Restaurant License
Action: Change in manager

Discussion:

The applicant completed a Report of Change form for the Change in Manager as follows:

Daniel J. Leary, new manager at the Castle Peak Grille has been invited to attend the Liquor Board meeting to answer any questions the Authority may have. The Colorado Bureau of Investigation completed the background investigation on Mr. Leary; there were no problems and or areas of concern on his background.

Town Manager Comments:

**TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
HELD OCTOBER 25, 2011**

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5 PM at the Avon Town Hall, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Rich Carroll as Chairperson, and Board members Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds. Dave Dantas was absent.

RENEWAL OF LIQUOR LICENSES

Chairman Carroll presented the following renewals, and it was noted that applications were in order:

- a. Applicant: R&E Enterprise LLC, d/b/a Gondola Pizza
Address: 240 Chapel Place, #113
Manager: Claudiu Popa
Type: Hotel & Restaurant Liquor License

Board member Ferraro moved to approve the renewal of the Hotel & Restaurant Liquor License for R&E Enterprise LLC, d/b/a Gondola Pizza; Board member Evans seconded the motion and it passed unanimously by those present (Dantas absent).

- b. Applicant: Duong, Inc. d/b/a Panda City
Address: 222 Beaver Creek Place
Manager: Thanh Quy Duong
Type: Hotel & Restaurant Liquor License

Board member Ferraro moved to approve the renewal of the Hotel & Restaurant Liquor License for Duong, Inc. d/b/a Panda City; Board member Reynolds seconded the motion and it passed unanimously by those present (Dantas absent).

- c. Applicant: Avon Properties Leasing, LLC, d/b/a Village Warehouse Wines
Address: 101 Fawcett Road
Manager: Peter Cuccia
Type: Retail Liquor Store License

Board member Phillips moved to approve the renewal of the Retail Liquor Store License for Avon Properties Leasing, LLC, d/b/a Village Warehouse Wines; Board member Ferraro seconded the motion and it passed unanimously by those present (Dantas absent).

REPORT OF CHANGES: CHANGE OF TRADE NAME

- b. Applicant: TCF 1 d/b/a Zacca Za
New Name: TCF 1 d/b/a Castle Peak Grille
Address: 0101 Fawcett Road, Suite 100
Manager: Dan Leary
Type: Hotel and Restaurant Liquor License

Town Clerk Patty McKenny noted that the application was in order. Cody Kennedy representing the applicant Dan Leary, spoke about the remodel of the premises and the new name. Board Member Phillips moved to approve the Change of Trade Name for TCF 1 d/b/a Zacca Za to d/b/a Castle Peak Grille. Board member Evans seconded the motion and it passed unanimously by those present (Dantas absent).

PUBLIC HEARING FOR NEW HOTEL AND RESTAURANT LIQUOR LICENSE

- a. Applicant: Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen
Address: 20 Nottingham Road, Units A & C
Manager: James Pavelich
Type: Hotel & Restaurant Liquor License

Chairman Carroll presented the agenda item noting that the Authority would be considering a new hotel and restaurant liquor license for Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen located at 20 Nottingham Road. Town Clerk Patty McKenny noted that all the materials were in order. Jim Pavelich, owner, spoke on behalf of the application noting that the establishment housed a bakery and would serve lunches and eventually dinner. Chairman Carroll opened the public hearing, no comments were made, and the hearing was closed. Board member Evans moved to approve the Hotel & Restaurant Liquor License for Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen; Board member Reynolds seconded the motion and it passed unanimously by those present (Dantas absent).

6. REVIEW OF LIQUOR LICENSE VIOLATION AND ACTION ON WHETHER OR NOT TO ISSUE A NOTICE OF HEARING AND ORDER TO SHOW CAUSE

- a. Avon Police Incident Case Report No. 2011-000740 dated August 26, 2011 (Greg Daly, Lieutenant)
Establishment Name: East West Resort, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa
Address: 126 Riverfront Lane
Manager: Bob Trotter
Type: Hotel and Restaurant Liquor License

Chairman Carroll and Board member Ferraro recused themselves from the meeting due to a conflict of interest. Board member Reynolds served as the Acting Chairman for this agenda item. The report was presented to the Liquor Authority. Bob Trotter, General Manager for the Westin, was present to make some comments about the matter. The Town Attorney noted that the matter would be set for a show cause hearing; Town Clerk Patty McKenny suggested November 22, 2011 as the date. With no further discussion, a motion was made by Board Member Phillips to approve Resolution No. 11-02, Series of 2011, Resolution Finding Probable Cause To Believe That East West Resort, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa Has Violated A Law, Rule Or Regulation With Respect To The Operation Of Its Licensed Premises; Setting A Hearing With Respect Thereto; And Directing The Issuance And Service Of A Notice Of Hearing And Order To Show Cause As To Why The Hotel and Restaurant Liquor License Of Such Licensee Should Not Be Suspended Or Revoked or Renewed. Board member Evans seconded the motion and it passed unanimously by those voting and present (Carroll & Ferraro recused; Dantas absent).

CONSENT AGENDA:

Board member Evans moved to approve the consent agenda; Board member Reynolds seconded the motion and it passed unanimously.

- a. Minutes from October 25, 2011

There being no further business to come before the Board, the meeting adjourned at 5:20 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Secretary

APPROVED:

Rich Carroll

Dave Dantas

Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Patty McKenny, ATM Management Services
Date: November 4, 2011
Re: Resolution No. 11-03

Summary:

The Town Council serving as the Avon Liquor Licensing Authority approved the new hotel and restaurant liquor license for Northern Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen with a motion at the last meeting on October 25, 2011. This Resolution is part of the consent agenda and was drafted in order to memorialize the approval of the new license.

Financial Implications:

Not applicable.

Town Manager Comments:

Attachments:

- Resolution No. 11-03, Series of 2011, Resolution Approving the Application of Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen for a Hotel and Restaurant Liquor License

**PROCEEDINGS OF THE LIQUOR LICENSING AUTHORITY OF THE
TOWN OF AVON, COUNTY OF EAGLE AND
STATE OF COLORADO**

**RESOLUTION NO. 11-03
SERIES OF 2011**

A Resolution Approving the Application of Northside Coffee & Kitchen LLC d/b/a Northside Coffee & Kitchen for a Hotel and Restaurant Liquor License

WHEREAS, on the 18th day of September 2011, the Liquor Licensing Authority of the Town of Avon ("the Authority") did receive and consider the application of Northside Coffee & Kitchen LLC d/b/a Northside Coffee & Kitchen whose mailing address is PO Box 99, Vail, CO 81658, for a hotel and restaurant liquor license at 20 Nottingham Road, Units A & C, Avon, Colorado; and

WHEREAS, the Authority finds that Notice of Application was published in the Vail Daily on October 14, 2011 and proof of publication by the publisher of the Vail Daily was received and made a part of the record; and

WHEREAS, the Authority finds that the application was in proper form and accompanied by the necessary supplementary evidentiary matter required by law, the regulations of the State of Colorado and the Authority; and

WHEREAS, the application was supported by petitions with signatures that supported the application in full with 100% in favor; and

WHEREAS, the neighborhood to be served by the proposed licensee has heretofore been determined to be the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town;

**NOW, THEREFORE, THE LIQUOR LICENSING AUTHORITY OF THE TOWN OF
AVON DOES FIND:**

1. The applicant is of good moral character and reputation.
2. The neighborhood to be served by the applicant is the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town.
3. There does exist a reasonable requirement in such neighborhood for the type of license for which application is made.
4. The adult inhabitants of the Town desire that the license be granted.

ADOPTED THE 8TH DAY OF NOVEMBER 2011.

TOWN OF AVON, COLORADO

Rich Carroll, Chairman

Patty McKenny, Secretary