

TOWN OF AVON, COLORADO
REGULAR COUNCIL MEETING FOR TUESDAY, MAY 23, 2006
AVON MUNICIPAL BUILDING, 400 BENCHMARK ROAD
LIQUOR LICENSING AUTHORITY AGENDA
MEETING BEGINS AT 4:45 PM

1. CALL TO ORDER / ROLL CALL

2. PUBLIC HEARING ON SPECIAL EVENT PERMIT

- a. Applicant: Beaver Creek Resort Company
- Event: 2006 Beaver Creek Rodeo Series
- Dates: 6/22/06, 6/29/06, 7/6/06, 7/13/06, 7/20/06, 7/27/06, 8/10/06, 8/17/06, 8/24/06
- Manager: Mike Kloser
- Location: Village at Avon, Lot 1, Avon

3. RENEWAL OF LIQUOR LICENSES

Tabled from Meeting on 5/9/06:

- a. Applicant: Wal Mart Stores, Inc. d/b/a Wal Mart Supercenter #1199
- Manager: Steven Speights
- Location: 171 Yoder Avenue
- Type: 3.2% Beer (Off Premise) License

- b. Applicant: Dahlkais, Inc. d/b/a The Brass Parrott
- Manager: Ken Dahlkais
- Location: 100 W. Beaver Creek Blvd.
- Type: Hotel / Restaurant Liquor License

4. PUBLIC HEARING ON NEW HOTEL / RESTAURANT LIQUOR LICENSE

- a. Applicant: TCF I, LLC d/b/a Zacca Za
- Manager: Paul Ferzacca
- Location: 0101 Fawcett Avenue, Unit 100, Avon, CO
- Type: Hotel / Restaurant Liquor License

5. RESOLUTIONS

- a. Resolution No. 06-01, Series of 2006, Resolution Approving the Application of TCF I, LLC d/b/a Zacca Za for a hotel / restaurant liquor license (John Dunn, Town Attorney)

6. OTHER BUSINESS


7. CONSENT AGENDA

- a. Minutes from May 9, 2006 Meeting

8. ADJOURNMENT

Memo

To: Avon Liquor Board
Thru: Larry Brooks, Town Manager
Jacquie Halburnt, Asst. Town Manager
From: Patty McKenny, Town Clerk
Date: May 18, 2006
Re: Special Events Permits– PUBLIC HEARING



Summary:

The Town Council serving as the Local Liquor Authority will consider the following special event permit application at the May 23rd Liquor Board Meeting:

- a. Applicant: Beaver Creek Resort Company
- Event: 2006 Beaver Creek Rodeo Series
- Dates: 6/22/06, 6/29/06, 7/6/06, 7/13/06, 7/20/06, 7/27/06, 8/10/06, 8/17/06, 8/24/06
- Manager: Mike Kloser
- Location: Village at Avon, Lot 1, Avon

Background:

The past few years this event has been held on the Confluence property. This summer the event will be held on Lot 1, Village at Avon, adjacent to Chapel Square.

Discussion:

The following information as required by the State Liquor Enforcement Division & the Town of Avon is attached:

- ✓ Application for a Special Events Permit
- ✓ Map of Premises & Diagrams where liquor will be served
- ✓ Certificate of Good Standing
- ✓ Alcohol Management Plan
- ✓ Correspondence from Traer Creek LLC permitting use of this property for the event
- ✓ Fees for both State & Local agencies for processing of applications

The applicant has provided all appropriate materials. The Town has posted the premise for the public hearing. Event manager, Mike Kloser, will be at the meeting to answer any questions.

Financial Implications: There are local liquor licensing fees associated with the special event permits and the applicants have submitted those fees.

Town Manager Comments:

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
Jacquie Halburnt, Asst. Town Manager
From: Patty McKenny, Town Clerk
Date: May 17, 2006
Re: Liquor Licensing Applications for Renewal

Summary:

The following establishments have submitted applications for renewal of the liquor licenses:

- a. Applicant: Wal Mart Stores, Inc. d/b/a Wal Mart Supercenter #1199
Manager: Steven Speights
Location: 171 Yoder Avenue
Type: 3.2% Beer (Off Premise) License

- b. Applicant: Dahlkais, Inc. d/b/a The Brass Parrott
Manager: Ken Dahlkais
Location: 100 W. Beaver Creek Blvd.
Type: Hotel / Restaurant Liquor License

Background & Discussion:

Liquor licensed establishments renew the liquor licenses on an annual basis, submitting application materials first to the Local Licensing Authority. Once approved at this level, renewal applications are forwarded to the State of Colorado for review and issuance of the state license as well.

Discussion:

The Town Clerk, Town Attorney, and Avon Police Department have reviewed the applications submitted. It is noted that all application materials are in order. A report from the Police Department is attached for each license; this report addresses a background investigation on the applicant, an update on whether or not there have been any incidents reported at this location and any smoking related violations. The applicants have been asked to attend this meeting and have been informed that they will need to provide an update to the Liquor Authority regarding any incidents with the newly adopted smoking ban legislation. The questionnaires were completed by the applicants and are attached as well. Also attached is a response from Jim Renfrow, representative from Wal-Mart A.T.F. Compliance office, addressing the incorrect alcohol violations report included in the last packet.

Financial Implications: There are local liquor licensing fees associated with renewal applications that have been submitted to the Town.

Town Manager Comments:



Attachments: State of Colorado Renewal Applications, Memo from Avon Police Department, No Smoking Ordinance Compliance Self-Assessment Form

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
Jacquie Halburnt, Asst. Town Manager *JH*
From: Patty McKenny, Town Clerk
Date: May 17, 2006
Re: New Liquor License Application – **PUBLIC HEARING**

Summary:

Town Council acting as the Local Liquor Licensing Authority is asked to consider the liquor license application for the following new license:

- a. Applicant: TCF I, LLC d/b/a Zacca Za
Manager: Paul Ferzacca
Location: 0101 Fawcett Avenue, Unit 100, Avon, CO
Type: Hotel / Restaurant Liquor License

A Public Hearing is required for this agenda item.

Background on the Role of Liquor Licensing Authority in Consideration of New Licenses:

The Avon Town Council acting as the Local Liquor Licensing Authority has the duty to conduct hearings and make findings of fact as to whether to grant or deny a new local liquor license. The State Licensing Authority cannot grant or issue any "new license" until the Authority has first approved the application by conducting a hearing for such license. If the Authority denies the application, the Executive Director of the State of Colorado cannot override its decision. If the Authority approves a license, the State Licensing Authority cannot refuse to issue the license except upon hearing with a 15-day notice to the applicant and the Authority. Once the state license is received by the Town Clerk's Office and the Certificate of Occupancy has been received from the Building Department, the Town and State licenses can be issued.

The Town Clerk, Town Attorney and Police Department handle the review of the liquor license applications administratively. A "Report of Findings" is completed by the Town Clerk & provided the applicants five days prior to the hearing. The Authority members are provided the application materials when it appears on the Liquor Board Agenda. A public hearing is conducted for all new applications. The Local Authority's decision is usually given at the conclusion of the hearing although it may be delayed. The decision must be given in writing within 30 days after the date of the hearing and may follow in the form of a resolution. The motion to approve or disapprove should be explicit stating the exact reasons for denial or approval. A motion to deny a license must be based on evidence presented at the hearing.

The Liquor Code of Colorado provides that in making any decision, the Local Licensing Authority must consider the following before approving or denying the application:

- Facts and evidence resulting from the investigation and any facts brought to the attention of the Authority.
- The reasonable requirements of the neighborhood
- The desires of the inhabitants of the neighborhood.
- The number, type and availability of liquor outlets located in or near the neighborhood under consideration.

- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Requests for licenses may be denied for various reasons such as the applicant is not of good moral character, the applicant's character, record, or reputation is unsatisfactory, or the proposed outlet is within 500 feet of any school.

Background on Applications:

Attached is the "Report of Findings" for this application; this report was hand delivered to the applicants on May 17, 2006 to the Traer Creek Offices. This report provides the results of the investigation conducted on the application. The Town Clerk and Town Attorney have reviewed the applications for complete information and notice was posted on the premise and published in the Vail Daily. The Avon Police Department has conducted the background investigations on the principals for each of the applications and a report is attached.

Discussion:

The information in the report addresses how the applicant has met the criteria outlined in Section 5.08 Liquor Licenses of the Avon Municipal Code and the State Liquor and Beer Code. The report indicates that the applicant has the burden of proving he/she is qualified to hold the license. The applicant also has the burden of proving that the reasonable requirements of the neighborhood and the desires of the community require the granting of the license. A survey has been submitted and is included as part of the "Report of Finding". This information will assist in the determination of the "desires & needs of the neighborhood". The persons listed on the application will be present at the public hearing. If the Authority decides to approve the application, a resolution is attached which if adopted takes this action.

Financial Implications:

The application fees have been submitted for both the Town liquor license fees and for the State liquor license fees. There are also renewal fees the party pays at the time the license is renewed on an annual basis. Sales tax revenue will be also be submitted by the establishment.

Town Manager Comments:



Attachments for each of the Applications are as follows:

- A. Report of Findings
- B. Petition/Surveys
- C. Resolution
- D. Colorado Liquor License Application
- E. Diagram of Premises
- F. Individual History Record & Report from Avon Police Department
- G. Lease Agreement
- H. Financial Information / Promissory Note
- I. Operating Agreement
- J. Articles of Organization

**TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
HELD MAY 9, 2006**

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 4:45 PM at the Avon Municipal Building, 400 Benchmark Road, Avon, Colorado. A roll call was taken and Board members of the Authority present were Ron Wolfe as Chairperson, and Board members Kristi Ferraro, Mac McDevitt, Amy Phillips, Brian Sipes and Tamra Underwood. Board member Debbie Buckley was absent.

PUBLIC HEARING ON SPECIAL EVENT PERMITS

- a. Applicant: Team Evergreen Bicycle Club
Event: 2006 Triple Bypass Bicycle Tour
Date: July 8, 2006 / 11 AM to 9 PM
Manager: Leslie Caimi
Location: Nottingham Park, Avon

It was noted that all application materials were in order. Leslie Caimi was present to answer questions and commented on the maximum numbers allowed to participate in the race. The public hearing was opened, no comments were made, the hearing was closed. Board member Ferraro moved to approve the special events permit for Team Evergreen Bicycle Club. Board member McDevitt seconded the motion and it passed unanimously by those members present (Buckley absent).

- b. Applicant: Eagle Valley Humane Society
Event: Salute to U.S.A.
Date: July 3, 2006 / 4 PM to 10:30 PM
Manager: Char Quinn
Location: Nottingham Park, Avon

It was noted that all application materials were in order. Char Quinn was present to answer questions and a brief discussion was held on the smoking ban legislation. The public hearing was opened, no comments were made, the hearing was closed. Board member Sipes moved to approve the special events permit for Eagle Valley Humane Society. Board member McDevitt seconded the motion and it passed unanimously by those members present (Buckley absent).

RENEWAL OF LIQUOR LICENSES

- a. Applicant: Finnegan's Wake Irish Pub
Manager: Margaret Parker
Location: 82. E. Beaver Creek Blvd.
Type: Hotel / Restaurant Liquor License

It was noted that all application materials were in order. Restaurant representative Rodney Johnson was present to answer questions and a brief discussion was held regarding the recently adopted smoking ban legislation. Board member Phillips moved to approve the hotel/restaurant liquor license for Finnegan's Wake Irish Pub. Board member Sipes seconded the motion and it passed unanimously by those members present (Buckley absent).

- b. Applicant: Mt. Everest Restaurant, LLC d/b/a Narayan Thai Restaurant
Manager: Shyam Shrestha
Location: 48 E. Beaver Creek Blvd
Type: Hotel / Restaurant Liquor License

It was noted that all application materials were in order. No one was present from this establishment. Board member Ferraro moved to approve the hotel/restaurant liquor license for Mt. Everest Restaurant, LLC d/b/a Narayan Thai Restaurant. Board member McDevitt seconded the motion and it passed unanimously by those members present (Buckley absent).

- c. Applicant: Outback /Denver I LP Outback Steakhouse #0623
- Manager: Lamar Gentry
- Location: 240 Chapel Place, Bldg B
- Type: Hotel / Restaurant Liquor License

It was noted that all materials were in order. Lamar Gentry, Restaurant Manager, was present to answer questions. A brief conversation was held regarding the smoking ban legislation. Board member Underwood moved to approve the hotel/restaurant liquor license for Outback /Denver I LP Outback Steakhouse #0623. Board member McDevitt seconded the motion and it passed unanimously by those members present (Buckley absent).

- d. Applicant: Wal Mart Stores, Inc. d/b/a Wal Mart Supercenter #1199
- Manager: Steven Speights
- Location: 171 Yoder Avenue
- Type: 3.2% Beer (Off Premise) License

It was noted that all materials were in order. A Wal-Mart representative was present to address some of the policies the store implemented addressing the new smoking ban legislation. Mayor Pro Tem Underwood noted that the "Alcohol Violations Report" was incorrect and asked that this is researched as to why that was the case. Board member Underwood moved to table the renewal application for Wal Mart Stores, Inc. d/b/a Wal Mart Supercenter #1199. Board member Sipes seconded the motion and it passed unanimously by those members present (Buckley absent).

A motion was made by Board member Sipes to approve the minutes from April 11th and April 23rd; minutes that were not included as part of the liquor board packet materials. The motion was not seconded. It was asked that the minutes be added to the Regular Meeting Agenda so that all board members would have a chance to review them. It was agreed.

There being no further business to come before the Board, the meeting adjourned at 5:10 PM.

RESPECTFULLY SUBMITTED:

 Patty McKenny
 Recording Secretary for the Local Liquor Licensing Authority

APPROVED:

- Debbie Buckley _____
- Kristi Ferraro _____
- Mac McDevitt _____
- Amy Phillips _____
- Brian Sipes _____
- Tamra Underwood _____
- Ron Wolfe _____