



**TOWN OF AVON, COLORADO**  
**AVON LIQUOR AUTHORITY MEETING FOR TUESDAY JUNE 12, 2012**  
**MEETING BEGINS AT 5:15 PM**  
**AVON TOWN HALL, ONE LAKE STREET**

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

**TOWN STAFF**

**TOWN ATTORNEY: ERIC HEIL**

**INTERIM TOWN MANAGER: PATTY MCKENNY**

**DEPUTY TOWN CLERK: CATHERINE MYTHEN**

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

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- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. RENEWAL LIQUOR LICENSES**
  - a. Applicant Name: Yerf, Inc. d/b/a Ticino Italian Restaurant  
Address: 100 W. Beaver Creek Blvd. Unit 127  
Manager: Charles E. Frey  
Type: Hotel and Restaurant Liquor License
  - b. Applicant: Y&Z, Inc. d/b/a Nozawa Sushi & Kitchen  
Address: 240 Chapel Place, BC 115  
Manager: Jennifer Brosch  
Type of License: Hotel and Restaurant Liquor License
- 4. CONSENT AGENDA:**
  - a. Minutes from May 22, 2012
- 5. ADJOURNMENT**

**Memo**

**To: Avon Liquor Licensing Authority**  
**Thru: Patty McKenny, Interim Town Manager**  
**Eric Heil, Town Attorney**  
**From: Debbie Hoppe, Deputy Town Clerk**  
**Date: June 7, 2012**  
**Re: Renewal of Liquor Licenses**

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**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 Name: Yerf, Inc. d/b/a Ticino Italian Restaurant  
Address: 100 W. Beaver Creek Blvd. Unit 127  
Manager: Charles E. Frey  
Type: Hotel and Restaurant Liquor License
  
- b. Applicant: Y&Z, Inc. d/b/a Nozawa Sushi & Kitchen  
Address: 240 Chapel Place, BC 115  
Manager: Jennifer Brosch  
Type of License: Hotel and Restaurant 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. Ticino Italian Restaurant did not have any negative liquor enforcement contacts in the past year.
- b. Nozawa Sushi & Kitchen did not have any negative liquor enforcement contacts in the past year.

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.

Charles Frey, Ticino Italian Restaurant, and Jennifer Brosch, Nozawa Sushi & Kitchen, have 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

**TOWN OF AVON, COLORADO  
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING  
HELD MAY 22, 2012**

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The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5:20 PM at the Avon Town Hall, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds. (Carroll Absent)

**INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**

**PUBLIC HEARING ON SPECIAL EVENTS PERMIT**

- a. Applicant Name: Beaver Creek Resort Company  
Event Name: 2012 Beaver Creek Rodeo Series  
Event Date: June 28, 2012 / July 5, 12, 19, 2012 / August 2, 9, 16, 2012; 4 pm – 10 pm  
Event Manager: Jean Dennison  
Event Location: Traer Creek Lot 1

Chairwoman Ferraro asked if the application materials were in order; Interim Town Manager Patty McKenny noted that all materials were submitted. Jean Dennison, Beaver Creek Resort Company Event Manager, reviewed the annual special event noting that a few extra rodeo nights were added. Chairwoman Ferraro opened the public hearing no comments were made and the public hearing was closed. Board member Phillips moved to approve Special Events Permit for Beaver Creek Resort Company for the 2012 Beaver Creek Rodeo Series, Board member Evans seconded the motion and it passed unanimously by those present. (Carroll Absent)

- b. Applicant Name: Team Evergreen Bicycle Club  
Event Name: Triple Bypass Bicycle Tour  
Event Date: July 14, 2012  
Event Manager: Taylor Buzbee  
Event Location: Harry A. Nottingham Park

Chairwoman Ferraro asked if the application was in order; Interim Town Manager Patty McKenny noted that all materials were submitted. Taylor Buzbee, Team Evergreen Bicycle Club Event Manager, was present to comment on the event and thank the town for its support over the years. The public hearing was opened, no comments were made, and the hearing was closed. Board member Evans moved to approve the Special Events Permit for Team Evergreen Bicycle Club, Inc.; Board member Goulding seconded the motion and it passed unanimously by those present. (Carroll Absent)

- c. Applicant Name: Eagle Valley Humane Society  
Event Name: Salute to U.S.A.  
Event Date: July 3, 2012  
Event Manager: Char Quinn  
Event Location: Harry A. Nottingham Park

Chairwoman Ferraro asked if the application materials were in order; Interim Town Manager Patty McKenny noted that all materials were submitted. Char Quinn, Salute to USA Event Manager, reviewed the annual special event noting that she had been doing this for many years. Chairwoman Ferraro opened the public hearing no comments were made and the public hearing was closed. Board member Phillips moved to approve Special Events Permit for Eagle Valley Humane Society, Board member Evans seconded the motion and it passed unanimously by those present. (Carroll Absent)

### **Report Of Changes In Corporation, Limited Liability company and partnership**

- a. Applicant: Wal-Mart Stores, Inc. d/b/a Wal-Mart #1199  
Address: 171 Yoder Avenue  
Manager: Jeremy Rank  
Type: Retail 3.2% Off-Premises Beer License

Chairwoman Ferraro presented the item and noted that all the materials were in order. Board member Dantas moved to approve the Report Of Changes In Corporation, Limited Liability Company and Partnership. Board member Phillips seconded the motion and it passed unanimously by those present. (Carroll absent)

### **Transfer of Ownership**

- a. Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Address: 126 Riverfront Lane  
Manager: John Evans (Interim)  
Type: Joint License for Resort Complex Liquor License

It is noted that Board member Ferraro left the room at this time due to a conflict of interest with this agenda item. Councilor Phillips presented the item and Interim Town Manager McKenny noted all materials were in order, and that the Assignment document was presented as the final document required for their transfer of ownership. She explained that with the State's review of the transfer materials, there was a question raised about the "possession" of the "Public Plaza" property for the applicant. The attached packet documents were executed in July 2010 and provided the required permission from the Metro Districts & the Town to East West Resorts, LLC and Riverfront Village Restaurant, LLC to use the easement as a public plaza for food and beverage operations. The matter is before the Authority, because there was an oversight in reassigning this use to the new resort's structure. She noted that Jon Stonbraker, Dill Dill, representing the applicant, drafted the attached "Assignment (#1)" that would transfer the use of these premises from East West Resorts, LLC & Riverfront Village Restaurant, LLC to East West Resorts, LLC & Avon Riverfront Restaurant, LLC. The Town Attorney has reviewed this document as well. Liquor Authority materials included the following:

1. Assignment
2. **Exhibit A:** An Agreement By and Between the Town of Avon and East West Resorts, LLC and Riverfront Village Restaurant, LLC for the Grant of a Revocable Encroachment License to Install, Construct, and Maintain Food and Beverage Service Operations on a Town Owned Non-Exclusive Easement for Pedestrian Access
3. **Exhibit B:** An Agreement by and Between the Confluence and Avon Station Metropolitan Districts and East West Resorts, LLC and Riverfront Village Restaurant, LLC for the Grant of a Revocable Encroachment License to Install, Construct, and Maintain Food and Beverage Service Operations on District-Owned Rights of Way

She noted that the document would receive consideration by the Confluence and Avon Station Metro Districts as well, and upon execution of the document by all parties, the Assignment would be forwarded to the State of Colorado Liquor Enforcement Division for processing.

Board Member Goulding moved to approve the transfer of Ownership for Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima, Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima. Board Member Evans seconded the motion and it passed unanimously. (Carroll absent)

**CONSENT AGENDA:**

Chairwoman Ferraro asked for a motion on the consent agenda. Board member Evans moved to approve the consent agenda; Board member Phillips seconded the motion and it passed unanimously by those present. (Carroll absent)

- Minutes from May 8, 2012

There being no further business to come before the Board, the meeting adjourned at 5:30 PM.

**RESPECTFULLY SUBMITTED:**

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Catherine Mythen, Secretary

**APPROVED:**

Rich Carroll \_\_\_\_\_  
Dave Dantas \_\_\_\_\_  
Chris Evans \_\_\_\_\_  
Kristi Ferraro \_\_\_\_\_  
Todd Goulding \_\_\_\_\_  
Amy Phillips \_\_\_\_\_  
Albert "Buz" Reynolds \_\_\_\_\_