

TOWN OF AVON, COLORADO
LOCAL LIQUOR AUTHORITY MEETING FOR TUESDAY, DECEMBER 11, 2007
MEETING BEGINS AT 4:30 PM
AVON MUNICIPAL BUILDING, 400 BENCHMARK ROAD



PRESIDING OFFICIALS

CHAIRMAN	RON WOLFE
VICE CHAIRMAN	BRIAN SIPES
BOARD MEMBERS	RICHARD CARROLL, DAVE DANTAS, KRISTI FERRARO
	AMY PHILLIPS, TAMRA NOTTINGHAM UNDERWOOD

TOWN STAFF

TOWN ATTORNEY: JOHN DUNN	TOWN MANAGER: LARRY BROOKS	TOWN CLERK: PATTY MCKENNY
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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 MUNICIPAL BUILDING AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

1. CALL TO ORDER / ROLL CALL

2. PUBLIC HEARING FOR NEW HOTEL / RESTAURANT LIQUOR LICENSE

Applicant: Fork and Knife d/b/a Blue Plate
Address: 47 E. Beaver Creek Blvd., Avon, CO (Christie Lodge location)
Manager: Adam & Elizabeth Roustom

3. PUBLIC HEARING FOR SPECIAL EVENTS PERMIT

Applicant: Vail Junior Hockey Association d/b/a Vail Eagle Hockey
Address: Harry A. Nottingham Park
Event Manager: Andy Clark
Event Dates: January 19 and 20, 2008

4. RENEWAL OF LIQUOR LICENSES

- a. Applicant: Columbine Bakery, Inc. d/b/a Columbine Bakery
Address: 51 Beaver Creek Place, Avon, CO
Manager: Daniel Niederhauser
Type: Hotel and Restaurant Liquor License

- b. Applicant: Benchmark Liquors, Inc. d/b/a Beaver Liquors
Address: 110 E. Beaver Creek Blvd.
Manager: David Courtney
Type: Retail Liquor Store License

5. OTHER BUSINESS

6. CONSENT AGENDA

- a. Minutes from November 27, 2007 Meeting

7. ADJOURNMENT AT 5 PM

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
From: Patty McKenny, Town Clerk
Date: December 1, 2007
Re: **PUBLIC HEARING** for Fork and Knife d/b/a Blue Plate

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: Fork and Knife d/b/a Blue Plate
Manager: Adam Roustom
Location: 47 E. Beaver Creek Blvd.
Type: Hotel and 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 December 3, 2007 at the town clerk's office. 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.

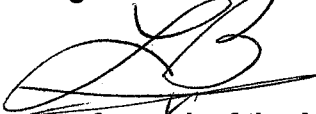
Discussion:

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 petition survey has been submitted; this information will assist in the determination of the "desires & needs of the neighborhood". Please note this location was formerly the Nepal Restaurant (Christie Lodge location), an establishment that held a hotel and restaurant liquor license until closing about a month ago. 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. Resolution
- C. Colorado Liquor License Application
- D. Financial Information noted on the application with question #12.
- E. Diagram of Premises
- F. Individual History Record & Report from Avon Police Department
- G. Articles of Organization
- H. Lease Agreement
- I. Description of Restaurant
- J. Petition



**LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF AVON, COLORADO**

RE THE APPLICATION OF)
FORK AND KNIFE D/B/A BLUE PLATE) REPORT OF FINDINGS
47 E. BEAVER CREEK BLVD.)
AVON, COLORADO)
FOR A HOTEL AND RESTAURANT LICENSE)

TO: THE APPLICANT ABOVE AND OTHER INTERESTED PARTIES
SUBMITTED BY: PATTY MCKENNY, TOWN CLERK, TOWN OF AVON
DATE: DECEMBER 1, 2007

PURSUANT to the Statutes of the State of Colorado, the Ordinances of the Town of Avon, and the Rules and Procedures of the Local Licensing Authority, you are hereby advised that with regard to the application for a Hotel and Restaurant License filed with the Town Clerk on November 8, 2007, an investigation has been made, and the Report of Findings is as follows:

1. The location of the new establishment, Blue Plate is 47 E. Beaver Creek Blvd, Avon, Colorado. The State or Local Licensing Authority has not denied an application at this proposed location within the last two years. Note this location was formerly Sherpa Café / Nepal Restaurant which held a hotel and restaurant liquor license as well.
2. From evidence submitted, the applicant is entitled to possession of the premises as documented by a lease dated November 2, 2007 and executed between The Christie Lodge Owners Association, Inc. and Fork and Knife d/b/a Blue Plate. The applicant has submitted a diagram of the premises which includes both inside and outside patio area.
3. The sale of liquor in the proposed location is in an area permitted under the applicable zoning laws of the Town of Avon. If approved, it should be noted that the applicant must obtain a retail sales tax license from the Town of Avon. The Avon Business License will be issued only upon confirmation from Avon's Community Development Department that a final Certificate of Occupancy have been issued. According to the applicant, Blue Plate has a target opening date of December 2007.
4. The proposed building in which the liquor is to be sold is not located within 500' of any public or parochial school or the principal campus of any college, university or seminary.
5. The appropriate documents, i.e. individual history records & fingerprints, required to conduct the background investigation have been submitted to the Colorado Bureau of Investigation and Avon Police Department. The reports on the principals from CBI are pending. The results of the criminal background investigation from the Avon Police Department showed no criminal history on managing member Elisabeth I. Roustom. A 2001 DUI arrest in Massachusetts showed for the background on Mr. Roustom. Issuance of the liquor license will be dependent on the final results of the CBI investigation.



LOCAL LIQUOR LICENSING AUTHORITY
TOWN OF AVON, COLORADO

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
Managing Member	Adam R. Roustom	PO Box 243 Minturn CO	970-827-5325
Managing Member	Elisabeth I. Roustom	PO Box 243 Minturn CO	970-827-5325

6. The applicant has submitted the appropriate application fees to the Town Clerk for costs associated with a new application. If the Hotel and Restaurant License is approved by Avon's Local Liquor Authority, the appropriate executed paperwork will be forwarded to the Liquor Enforcement Division for its approval and issuance of the State license. The Town Clerk will only issue both liquor licenses upon notification from Community Development that the applicant has been issued a final Certificate of Occupancy. A review of the pending results from the Colorado Bureau of Investigation return will be made once received in the Town Clerk's office.

7. The public hearing on this application will be held on December 11, 2007 at 4:30 P.M. in the Council Chambers of the Avon Municipal Building, Avon, Colorado. Public Notice was given regarding said application and scheduled hearing date was published in the Vail Daily on November 30, 2007 and posted on premises of the proposed location the week of November 12th. At said hearing, the applicant shall have an opportunity to be heard regarding all matters related to the application, including all matters set forth herein.

9. The "Neighborhood" has been established by the Avon Liquor Licensing Authority with the adoption of Resolution No. 04-04 on November 23, 2004, defining it as "the neighborhood to be served by any applicant for liquor license of any kind shall be the Town of Avon, including residents of the Town, persons working in the Town and visitors to the Town".

10. At the public hearing, the applicant has the burden of proving he/she is qualified to hold the license applied for, and that his character, record and reputation are satisfactory. The applicant also has the burden of proving that the reasonable requirements of the neighborhood and the desires of the inhabitants of the neighborhood require the granting of the license. And finally, the applicant is required to file with the Town Clerk documentary evidence, thereof, including any surveys and petitions, no later than seven days before the date of the hearing; these petitions are included as a part of these findings.

11. The applicant is advised to obtain and read a copy of the State of Colorado Liquor and Beer Codes and Regulations and the Town Code Section on Liquor Licenses (Title 5, Chapter 5.08). These regulations can be found on the following websites:

http://www.revenue.state.co.us/liquor_dir/home.asp
http://www.colocode.com/avon/avon_05.pdf

Hand Delivered on December 3, 2007

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

**RESOLUTION NO. 07-08
SERIES OF 2007**

**A RESOLUTION APPROVING THE APPLICATION OF FORK AND KNIFE D/B/A
BLUE PLATE FOR A HOTEL / RESTAURANT LIQUOR LICENSE**

WHEREAS, on the 11th day of December 2007, the Liquor Licensing Authority of the Town of Avon (“the Authority”) did receive and consider the application of Fork and Knife d/b/a Blue Plate, whose mailing address is PO Box 243, Minturn, Colorado 81645, for a hotel/restaurant liquor license at 47E. Beaver Creek Blvd., Avon, Colorado; and

WHEREAS, the Authority finds that Notice of Application was published in the Vail Daily 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 signed by 73 persons, of whom 73 were in favor and 0 were opposed; 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 DOTH 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 11th day of December 2007.

TOWN OF AVON, COLORADO

Ronald C. Wolfe, Chairman

Patty McKenny, Secretary

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
From: Patty McKenny, Town Clerk
Date: December 4, 2007
Re: Liquor Licensing Applications

Summary:

The following establishments have submitted an application for consideration by the Avon Liquor Licensing Authority as follows:

PUBLIC HEARING FOR SPECIAL EVENTS PERMIT

Applicant: Vail Junior Hockey Association d/b/a Vail Eagle Hockey
Address: Harry A. Nottingham Park
Event Manager: Andy Clark
Event Dates: January 19 and January 20, 2008

This permit is for the Rocky Mountain Pond Hockey Tournament the weekend of January 19 and 20, 2008 between the hours of 10 AM and 4 PM. The applicant has provided all appropriate materials. The Town has posted the premises, Harry A. Nottingham Park, for notification of the public hearing. Andy Clark will be present to answer any questions. 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, Fees for both State & Local agencies for processing of application.

RENEWAL OF LIQUOR LICENSES

- a. Applicant: Columbine Bakery, Inc. d/b/a Columbine Bakery
Address: 51 Beaver Creek Place, Avon, CO
Manager: Daniel Niederhauser
Type: Hotel and Restaurant Liquor License

- b. Applicant: Benchmark Liquors, Inc. d/b/a Beaver Liquors
Address: 110 E. Beaver Creek Blvd.
Manager: David Courtney
Type: Retail Liquor Store 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 application submitted; 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.

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 Renewal Applications, Memos from Avon Police Department