

TOWN OF AVON, COLORADO
AVON LIQUOR AUTHORITY MEETING FOR TUESDAY, JANUARY 27, 2009
MEETING BEGINS AT 5 PM
AVON TOWN HALL, ONE LAKE STREET



	PRESIDING OFFICIALS
CHAIRMAN	RON WOLFE
VICE CHAIRMAN	BRIAN SIPES
BOARD MEMBERS	RICHARD CARROLL, DAVE DANTAS, KRISTI FERRARO
	AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.


TOWN STAFF

TOWN ATTORNEY: ERIC HEIL	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. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. PUBLIC HEARING ON NEW LIQUOR LICENSE APPLICATION**
 - a. Applicant: 7-Eleven, Inc. d/b/a 7-Eleven
Address: 008 Nottingham Road, Avon, CO
Manager: Joseph De Pinto
Type of License: Retail 3.2% Off-Premises Beer License
- 4. RENEWAL OF LIQUOR LICENSE**
 - a. Applicant: Bob's Place LLC d/b/a Bob's Place
Address: 100 W. Beaver Creek Blvd.
Manager: Robert Doyle
Type of License: Hotel and Restaurant Liquor License
- 5. OTHER BUSINESS**
- 6. CONSENT AGENDA**
 - a. Minutes from January 13, 2009
- 7. ADJOURNMENT AT 5:20 PM**

Memo

To: Avon Local Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Patty McKenny, Director of Administrative Services 
Date: January 21, 2009
Re: **PUBLIC HEARING** for Retail 3.2% Beer Off-Premises License

Summary:

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

Applicant: 7-Eleven, Inc. d/b/a 7-Eleven 34209
Address: 008 Nottingham Road, Avon, CO
Manager: Joseph De Pinto
Type of License: Retail 3.2% Beer Off-Premises 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 emailed to Christine Fontenot, Dill Dill Carr Stonebraker & Hutchings PC (as the applicant's representatives) on January 21, 2009 from 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 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". Esquire Petitioning Services, LLC completed the petition process and submitted the attached "Summary Report of Petition Circulation Methods and Results" for this application. Also enclosed are the petitions for your review. The results reflect that 252 contacts were made with 135 signatures in support of the application out of 142 signatures received. This information will be discussed at the hearing as well.

The applicant has submitted a diagram of the premises. The following persons will attend the public hearing: Attorney Alan Dill, 7-Eleven Field Consultant David Paquette, 7-Eleven Store Manager William Briggs, Petitioner Kelly Pietrs. Please note the clerk's office received on January 20th the documents for the registration of the recently hired store manager William Briggs; this information will be processed for the local authority to consider at a later meeting. If the Authority decides to approve the application, a resolution is attached, which if adopted takes this action.

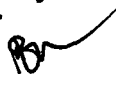
Financial Implications:

The application fees have been submitted for both the Town liquor license fees and for the State liquor license fees. A concurrent review of the application by the State of Colorado has been requested; those fees have been paid as well. 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 the Application are as follows:**

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

Memo

To: Avon Liquor Licensing Authority
Thru: Larry Brooks, Town Manager
From: Patty McKenny, Town Clerk 
Date: January 21, 2009
Re: Liquor Licensing Applications

Summary:

The following establishments have submitted **Renewal Applications** for consideration by the Avon Liquor Licensing Authority as follows:

- a. Applicant: Bob's Place LLC d/b/a Bob's Place
Address: 100 W. Beaver Creek Blvd.
Manager: Robert Doyle
Type of License: Hotel and 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; 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
- Memo from Avon Police Department

**TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
HELD JANUARY 13, 2009**

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5:15 PM at the Avon Municipal Building, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Ron Wolfe as Chairperson, and Board members Rich Carroll, Dave Dantas, Kristi Ferraro, Amy Phillips, Buz Reynolds, and Brian Sipes.

RENEWAL LIQUOR LICENSES

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

The Town Clerk noted that all materials were in order. Board member Ferraro moved to approve the Hotel and Restaurant Liquor License for Columbine Bakery; Board member Carroll seconded the motion and it passed unanimously.

- b. Applicant: Joe's Liquors
Address: 1060 W. Beaver Creek Blvd.
Manager: Scott Seitz
Type of License: Retail Liquor Store License

The Town Clerk noted that all materials were in order for the application. Board Member Dantas moved to approve the Retail Liquor Store Liquor License for Joe's Liquors; Board member Sipes seconded the motion and it passed unanimously.

CONSENT AGENDA

There were some questions and discussion on the Resolution approving the Saltwater Cowboy liquor application; action was taken to approve this application at the December 9th meeting. It was noted that the resolution was the formal action taken on such applications. Town Attorney Eric Heil reviewed a memo he distributed to the Liquor Authority which addressed questions about whether or not the authority could consider evidence that supports a change in the good character of a licensee as a basis for suspending or revoking a liquor license. The memo was reviewed in detail. Board member Phillips moved to approve the consent agenda; Board member Sipes seconded the motion and it passed unanimously.

- a. Minutes from December 9, 2008
- b. Resolution No. 09-01, Series of 2009, Resolution approving New Hotel and Restaurant Liquor License for Saltwater Cowboy, LLC d/b/a Saltwater Cowboy

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
Kristi Ferraro
Amy Phillips
Albert "Buz" Reynolds
Brian Sipes
Ron Wolfe

