



SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY
REGULAR MEETING HELD
SEPTEMBER 13, 2018

1. CALL TO ORDER – By Chairman Daly at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Kevin Bonich, David Caulder, Daniel Daly and Ronnie Kaiser

Also present were: Aaron Jacks, Assistant City Attorney; Teri Colvin, Deputy City Clerk; and Catalina Colon, Liquor Investigator.

Chairman Daly made a motion to excuse Sheryl Williams.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly and Kaiser

Those absent: Williams

The motion carried.

4. APPROVAL OF MINUTES

Chairman Daly accepted the Summary Minutes of the regular meeting of August 23, 2018.

5. OLD BUSINESS – none
6. NEW BUSINESS

- A. Application for Transfer of Ownership of the Hotel and Restaurant Liquor License of Restaurant Properties Management, Inc. d/b/a The Eggshell - Arvada to Flying Pig Bacon Inc d/b/a Flying Pig Bacon CO, at 5777 Olde Wadsworth Blvd.

Applicant Linda Shotton was present, explained how she plans to train the employees and answered questions from the Liquor Authority.

Members of the Authority stated that the Liquor Investigator's report satisfied the requirement to prove the applicant is of good moral character.

Authority Member Caulder moved that the Application for Transfer of Ownership of the Hotel and Restaurant Liquor License of Restaurant Properties Management, Inc. d/b/a The Eggshell - Arvada to Flying Pig Bacon Inc d/b/a Flying Pig Bacon CO, at 5777 Olde Wadsworth Blvd., be approved.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly and Kaiser

Those absent: Williams

The motion carried

- B. Application to Change, Alter or Modify the licensed Premises of the On/Off Premise Consumption 3.2% Fermented Malt Beverage License of Walmart Inc., d/b/a Walmart #4734, located at 9400 Ralston Road

Chair Daly made a motion to approve the application to Change, Alter or Modify the licensed Premises of the On/Off Premise Consumption 3.2% Fermented Malt Beverage License of Walmart Inc., d/b/a Walmart #4734, located at 9400 Ralston Road.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly and Kaiser

Those absent: Williams

The motion carried.

7. PUBLIC HEARING

- A. Application for the Hotel and Restaurant Liquor License of Sticky Fingers House of Smoke, LLC d/b/a Sticky Fingers House of Smoke, located at 5495 Marshall Street

The public hearing was opened.

The Applicant presented the following exhibits:

Exhibit 1 Posting Log and Posting Affidavit

Exhibits 2-7 Petition packets

The City presented the following exhibits:

Exhibit A Licensing Investigator's Clearance Memo

Exhibit B Publisher's Affidavit

Exhibit C Pictures of posted signs

Sworn Testimony: Owner Tim Gangestad

Chairman Daly accepted the exhibits into the record.

Mr. Gangestad provided an overview of the petitioning process and shared the results and an overview of the facility and the applicant's plans for serving alcohol and answered questions from the Authority about company policies and how they plan to train employees as it relates to alcohol service.

No one was present wishing to speak against the application.

Liquor Authority Members stated that they felt the petition results proved that the needs and desires of the neighborhood are not being met by the existing hotel and restaurant licenses in the area and felt that the applicant was of good moral character.

A public hearing on the Application for the Hotel and Restaurant Liquor License of Sticky Fingers House of Smoke, LLC d/b/a Sticky Fingers House of Smoke, located at 5495 Marshall Street, was held on September 13, 2018, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of Ralston Road and extensions thereof
On the East by the centerline of Sheridan Boulevard and extensions thereof
On the South by the centerline of West 52nd Avenue and extensions thereof
On the West by the centerline of Wadsworth Boulevard and extensions thereof

2. The City Clerk's Results of Investigation dated August 22, 2018, is incorporated herein and made a part hereof.
3. Representatives of the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there are 13 similarly licensed outlets presently existing within the applicant's delineated boundary.
5. A representative of the applicant submitted petitions containing the signatures of approximately 97 persons, 15 of which were deleted. Based on the needs and desires of the petition signers, 82 support the issuance of the proposed license and none oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.
6. No persons testified in support of the proposed license regarding the needs and desires of the neighborhood.

7. The Authority finds the applicant's file is complete.
8. City Zoning permits the use of the subject property for the proposed outlet.
9. No petition in opposition was received and no person spoke in opposition. The Authority finds there was an adequate showing to detail that the outlets in and near the neighborhood were not meeting the needs and desires of the adult inhabitants at the time of the issuance of the original license.
10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.
 - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
 - C. The character, record and reputation of the individuals involved in the application are satisfactory.

Chairman Daly moved that the Application for the Hotel and Restaurant Liquor License of Sticky Fingers House of Smoke, LLC d/b/a Sticky Fingers House of Smoke, located at 5495 Marshall Street, be approved.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly and Kaiser

Those absent: Williams

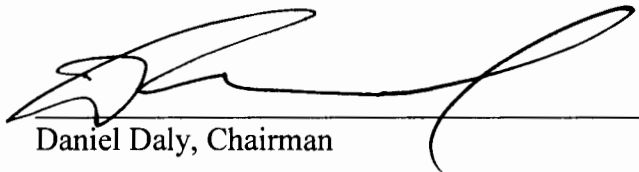
The motion carried.

The public hearing was closed.

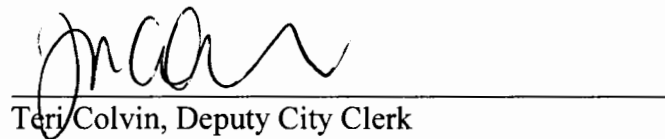
8. OTHER AUTHORITY ITEMS – none
9. STUDY SESSION – none

10. REPORT FROM CITY ATTORNEY'S OFFICE – none
11. REPORT FROM CITY CLERK'S OFFICE – none
12. REPORT FROM POLICE DEPARTMENT – none
13. ADJOURNMENT – 5:58 p.m.




Daniel Daly, Chairman

ATTEST:


Teri Colvin, Deputy City Clerk