

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the May 5, 2011 Meeting

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, May 5, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
Member Karen Abowd
Member Shelly Aldean
Member Ken Furlong
Member John McKenna
Member Molly Walt

STAFF: Andrew Burnham, Acting City Manager
Alan Glover, Clerk - Recorder
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are part of the public record. These materials are on file in the Clerk's Office, and available for review during regular business hours.

11. CALL TO ORDER AND ROLL CALL (8:45:31) - Chairperson Crowell called the meeting to order at 8:45 a.m. Mr. Glover called the roll; a quorum was present.

12. ACTION ON APPROVAL OF MINUTES - November 4, 2010, March 17, 2011, and April 7, 2011 (8:45:46) - Member Aldean moved to approve the minutes of November 4, 2010. Member Walt seconded the motion. Motion carried 3-0-2, Members Abowd and McKenna abstaining. Member Aldean moved to approve the minutes of March 17, 2011 and April 7, 2011, as presented. Member Walt seconded the motion. Motion carried 5-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) ACTION TO APPROVE KRISTINE MEYERS AS THE LIQUOR MANAGER FOR SMITH'S FOOD AND DRUG STORE, LIQUOR LICENSE NO. 11-4042, LOCATED AT 599 EAST WILLIAM STREET, CARSON CITY (8:47:21) - Chairperson Crowell introduced this item, and Principal Planner Jennifer Pruitt reviewed the agenda materials. In response to a question, Ms. Pruitt advised that staff did not provide a recommendation, in lieu of the applicant addressing questions from the board.

At Chairperson Crowell's request, Smith's Food and Drug Store Liquor Manager Michael Cook and Kristine Meyers introduced themselves for the record. In response to a question, Mr. Cook and Ms. Meyers advised that they had not seen the staff report. Chairperson Crowell advised of concerns relative to Ms. Meyers' past legal issues. In response to a question, Ms. Pruitt advised that the agenda materials to be discussed at the meeting were provided to the applicant. In response to a question, Mr. Cook advised that deferring action on the subject item would not cause any economic problem to Smith's Food and Drug Store. At Mayor Crowell's request, Mr. Cook agreed to discuss the potential issues with Ms. Meyers and with Sheriff's Department and Business License Division staff. Mayor Crowell entertained a motion to table the item. **Member Walt moved to table liquor license number 11-4042 for the next board meeting. Member Abowd seconded the motion.** At Chairperson Crowell's request, **Member Walt**

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amended her motion to indicate that the matter would be tabled until re-agendized by staff. Member Abowd continued her second. Motion carried 6-0.

13(B) ACTION TO APPROVE KULVIR SINGH AS THE LIQUOR MANAGER FOR DISCOUNT BUY SMOKE N LIQUOR, LIQUOR LICENSE NO. 11-27262, LOCATED AT 500 HOT SPRINGS ROAD, CARSON CITY (8:52:47) - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda materials, noting staff's recommendation of approval. At Chairperson Crowell's request, Mr. Singh described the location of the establishment. Member Furlong described the subject background information as "problematic at best, partially due to a language ... barrier ... and trying to clarify information that just wasn't coming forward very adequately." Member Furlong provided further clarification regarding the location of the storefront, and expressed the opinion that it "brings this business to a great amount of light." He advised that "the City has invested tremendously along Hot Springs Road," approximately \$1.5 to \$2 million "on reconstruction in the area, developing the area to improve the appearances. Partnership Carson City and the Quality of Life Committee brought in Mobile Rec. We did some saturation enforcement in there, really intending to improve the environment and the quality of life amongst all of those folks that live in that area." Member Furlong expressed the opinion that "we have succeeded ... at least in the short term of doing this." He advised that Mr. Singh had assured Sheriff's Department staff that Surinder Preet had been removed from the liquor license application. "But he has also, in his interviews with the Sheriff's Department, indicated ... not an overwhelming desire to open this store but for his lease that he cannot get out of." Mr. Singh acknowledged the accuracy of the statement. Due to the previously stated considerations, Member Furlong advised of apprehension over supporting the liquor license application. "We've invested a lot in that area. We've made great inroads in that area." In consideration of all the recent investment, Member Furlong inquired as to Mr. Singh's intent to maintain and improve the quality of life in the area. Mr. Singh provided background information on the lease provisions. He acknowledged that he is being forced to open a business because he cannot break the lease.

In response to a question, Detective Dan Gonzales advised that the background investigation revealed no negative actions against Mr. Singh's Reno liquor license. Detective Gonzales expressed the understanding that Mr. Singh is in the process of closing the business due to lack of income. Member Aldean noted that the lease is a private transaction between Mr. Singh and his landlord. Mr. Singh acknowledged a desire to have the liquor license approved. Member Walt expressed concern over the sale of alcohol and cigarettes to minors, noting that two school buses drop off in the area of the store. In response to a question, Mr. Singh advised of the intent to have one or two employees, in addition to himself, to manage the cash register. In response to a further question, he advised that he has a "clean record for the last seven years." He acknowledged a willingness to attend the Sheriff's Office alcohol servers training. He further acknowledged that he will be operating the store.

Chairperson Crowell noted the sensitivity associated with allowing a liquor store "right where there's a whole lot of young people who are going to be there at least twice a day." He expressed concern over "hands-on ability to control that, not only from the alcohol standpoint, but from a litter standpoint, from sale of tobacco products to minors." In response to a question, Mr. Singh advised that the lease has an additional 18 months. He was uncertain as to whether he would extend the lease after its expiration in 18 months. Chairperson Crowell requested Mr. Singh to assure the board that he wouldn't be "just an absentee tenant running a business that has alcohol and tobacco right where kids get off a bus." Mr. Singh reiterated a willingness to attend the Sheriff's Office alcohol server training. Chairperson Crowell emphasized the importance of the City not "go[ing] backwards" on the improvements made in the area.

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In response to a question, Ms. Pruitt advised that the property's zoning designation allows the store. She was unaware of any interactions or calls from the public. Member Furlong advised of having received no complaints. He further advised of having reviewed the crime statistics for the area. "We are doing remarkably well right now before the store opens." Member Abowd suggested considering "how many liquor and cigarette shops we need in Carson City. It becomes an issue after a while." Mr. Singh responded to questions regarding the provisions of his lease agreement relative to the liquor license. In response to a question, Mr. Munn reviewed the applicable provisions of the ordinance relative to a suitable applicant.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member McKenna moved to approve Kulvir Singh as a liquor manager for Discount Buy Smoke and Liquor, liquor license number 11-27262, located at 500 Hot Springs Road, Carson City. Member Aldean reluctantly seconded the motion.** Member McKenna expressed uncertainty over the board's latitude in consideration of a viable liquor license holder who has assured the board he will follow the law. Member Aldean agreed that the Code fairly well circumscribes the board. Chairperson Crowell entertained public comment on the motion and, when none was forthcoming, a vote. **Motion carried 5-1.**

Member Aldean noted the evolving nature of the Hot Springs Road area due, in part, to the City's substantial investment. She suggested considering the area zoning "to make it more consistent with how [it] has evolved over time to eliminate this sort of thing from happening in the future." Member McKenna thanked Mr. Singh for being a very good naturalized citizen, for his investment in Carson City, and expressed the hope that he will follow the law and take extraordinary measures to prevent the sale of alcohol and tobacco products to minors. He expressed the further hope that Mr. Singh will work with the Sheriff to get his employees trained and that there is never a violation. He noted the "marginal" nature of the liquor license and the location of the business. He requested Mr. Singh to re-evaluate the situation in consideration of a more appropriate location for the business. Chairperson Crowell concurred, and emphasized the importance of Mr. Singh being "very careful." Member Aldean pointed out that but for Mr. Singh's exemplary record, the application could have been denied.

13(C) ACTION TO APPROVE JINNY SUAREZ AS THE LIQUOR MANAGER FOR THE OLIVE GARDEN ITALIAN RESTAURANT, LIQUOR LICENSE NO. 11-27562, LOCATED AT 4253 SOUTH CARSON STREET, CARSON CITY (9:15:35) - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda materials, noting staff's recommendation of approval. (9:16:20) Jinny Suarez advised that the Olive Garden Restaurant is scheduled to open June 27th. In response to a question, Ms. Suarez advised the Olive Garden employees go through extensive training relative to the sale of alcohol. She further advised that she will be contacting the Sheriff's Office to schedule alcohol server training. "It's mandatory that we card anyone ... that looks under the age of 30, but it's even now we card almost everybody. ... there's no option at all at our restaurant." In response to a further question, Ms. Suarez advised that the hiring process will begin June 8th; that approximately 72 servers and 10 bartenders will be hired. "We have six days to hire 165 people." Ms. Suarez distributed informational materials to the board members and the Clerk.

Member Aldean commended the building design, welcomed Ms. Suarez to the neighborhood, and wished her well. Chairperson Crowell commended the professionalism exemplified by the informational materials. He entertained questions or comments and, when none were forthcoming, a motion. **Member Walt moved to approve Jinny Suarez as the liquor manager for The Olive Garden Italian Restaurant, liquor license number 11-27562, located 4253 South Carson Street, Carson City. Member Abowd seconded the motion. Motion carried 6-0.**

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13(D) DISCUSSION ON PROPOSED MODIFICATIONS RELATING TO THE LIQUOR LICENSE ORDINANCE AND POSSIBLE DIRECTION TO STAFF TO BRING FORTH AMENDMENTS TO THE MUNICIPAL CODE (9:19:03) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Planning Division Director Lee Plemel provided background information on the proposed ordinance modifications, as outlined in the April 14, 2011 memo included in the agenda materials. Extensive discussion took place regarding the criteria for requiring a temporary liquor license, and consensus of the board was to add a question to the business license application relative to serving alcohol as part of the daily operation. Mr. Munn suggested that the proposed ordinance amendment could be drafted in such a way as to restrict the amount of complimentary alcohol served. Additional discussion followed, and Chairperson Crowell entertained public comment. None was forthcoming, and Chairperson Crowell summarized the discussion as direction to staff to draft language for review by the board at a future meeting.

Member Furlong provided background information on the issues surrounding City employees responsible for overseeing the rules and regulations associated with liquor licenses being involved with owning establishments which primary nature is serving, selling, or dispensing alcohol. Chairperson Crowell entertained board member and public comments; however, none were forthcoming. He requested staff to draft language to preclude employees responsible for enforcement of liquor license regulations from owning liquor establishments. In response to a question, Member Furlong advised that Jimmy G's Cigar Bar is owned and operated by Mrs. Melvin, who is married to a Sheriff's Department lieutenant. "That's when we first became aware of this conflict. Lieutenant Melvin is not in a position within the corporation ..., he's not on the liquor license, and as a result of that and some considerable conversation, we all agreed that there should be some rules governing that." Member Furlong advised that there are no current establishments which would violate the provisions of the proposed ordinance amendment.

Detective Dan Gonzales distributed informational materials on the Responsible Vendor Program and the Pacific Institute for Research and Evaluation to the board members and the Clerk, and reviewed the same. Discussion followed regarding the importance of positive enforcement. Detective Gonzales responded to questions of clarification relative to the program elements, program fees, and tracking new employees' participation in alcohol server training. In response to a further question, he discussed a portion of Sheriff's Office alcohol server training program which addresses impairment. At Member Abowd's suggestion, he agreed that consideration should be given to amending the training program to address drugs which can be added to alcoholic beverages.

Mr. Munn discussed statutory provisions relative to fines, and advised that the proposed ordinance amendment would have to comply with existing statutes. In response to a question, he advised that structure of the responsible vendor program would determine its designation as a board policy or as part of the ordinance. Detective Gonzales explained the process by which penalties would be imposed under the current ordinance structure. Member Furlong suggested that the ordinance "would note a program and that whatever is required to be in that code be there, but this program be a separate policy and the details of that policy are separate from the ordinance. ... that the ordinance allows for the program." Chairperson Crowell entertained public comment and, when none was forthcoming, summarized the discussion to direct staff to develop the program and discuss with the District Attorney the method by which to integrate it with the ordinance. Chairperson Crowell thanked Detective Gonzales for his presentation.

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14. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (9:53:24) - Chairperson Crowell adjourned the meeting at 9:53 a.m.

The Minutes of the April 7, 2011 Carson City Liquor and Entertainment Board meeting are so approved this 5th day of May, 2011.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder