COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
APRIL 17, 2009 – 9:00 A.M.

The Board met in regular session.

There were present: Ms. Abrams, Mr. Clauss, Mr. Kouba, Mr. Nemeth and Mr. Wright. Absent, Chairman Turner and Ms. Tarrant. In the absence of Chairman Turner, Vice Chairman Nemeth conducted the meeting. Also present, Board Legal Advisor Marc Smith.

MINUTES

1. **Approval of the Minutes of the Board Meeting of March 20, 2009.**

Motion by Wright, second by Abrams, that the Minutes of the Board meeting of March 20, 2009 be approved as written. The motion unanimously carried. Absent, Chairman Turner and Ms. Tarrant.

COMMUNICATIONS

2. License Enforcement Officer Milan Foster stated a request has been received to postpone Item No. 4 to the Board meeting of May 1, 2009.

Attorney Vince Linden entered his appearance and requested postponement of this item due to a legal conflict that he was unaware of until yesterday; that he has notified Kent Freudenberg who represented the applicant at a previous meeting.

Motion by Kouba, second by Clauss, that Item No. 4 be postponed to the Board meeting of May 1, 2009. The motion unanimously carried. Absent, Chairman Turner and Ms. Tarrant.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued or extended for the following applications:

A-1. Application of All Flash and No Cash, Inc., dba Copperhead Road, 3330 North Academy Boulevard:

North: South side of Showhorse Court extended
South: North side of Chantilly Place extended
East: West side of Stonewall Heights extended
West: East side of Chelton Road extended

B-1. Lamchuong, LLC
dba South Liquor Mart
1701 South Academy Boulevard

Motion by Kouba, second by Wright, that the Consent Calendar be approved. The motion unanimously carried. Absent, Chairman Turner and Ms. Tarrant.

APPLICATION HEARINGS

4. **Application of Keum W., LLC, dba Happy Landing Bar and Grill, for a Hotel and Restaurant Liquor License at 1677 Jet Wing Drive.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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5. **Application of NY Boys, LLC, dba Borriello Brothers, for a Hotel and Restaurant Liquor License at 229 South 8th Street.**

Attorney Gary Dailey entered his appearance on behalf of the applicant and stated he is representing both Item Nos. 5 and 6.

Susan Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 148 favoring, 9 opposing, and 5 no opinion signatures.

Michael Clemente was sworn and stated he is one-third owner of the corporation; that he has approximately 26 years experience in the sale of alcoholic beverages and currently owns SODO; that training will be required of all employees; that $125,000 is being invested in the business of which said funds were derived from a loan; that he is familiar with the Liquor Code; that the lease term is seven years; that the establishment is 4650 square feet and seats 150 persons. He stated he will manage this location.

Motion by Wright, second by Clauss, that the application of NY Boys, LLC, dba Borriello Brothers, for a Hotel and Restaurant Liquor License at 229 South 8th Street, be approved as it appears all criteria has been met.

Ayes: Clauss, Kouba, Nemeth, Wright
Noes: Abrams
Absent: Tarrant, Turner

Vice Chairman Nemeth declared the motion carried.

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6. **Application of NY Boys, LLC, dba Borriello Brothers, for a Hotel and Restaurant Liquor License at 5490 Powers Center Point.**

Susan Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 117 favoring, 16 opposing, and 5 no opinion signatures.

Robert Raia was sworn and stated he is one-third owner of the corporation and will manage the Powers Center location; that $100,000 is being invested in the business of which said

funds were derived from a loan; that the establishment is 2000 square feet and seats 97 persons. He stated this establishment was previously Rotelli's restaurant; that orders are placed at the front counter; that delivery and take-out is available.

In response to questions from the Board, Mr. Raia stated there is a patio area and a manager will circulate through the establishment and patio area; that he is currently reading the Liquor Code but is not yet familiar with the laws; that alcoholic beverages will be served by a manager.

The Board expressed concern that the applicant was not prepared for the hearing; that he is not knowledgeable of the Liquor Code and the Board questions whether he would be able to operate the establishment in a lawful manner.

Mr. Dailey requested this matter be continued to the Board meeting of May 1, 2009.

Motion by Clauss, second by Kouba, that this matter be continued to the Board meeting of May 1, 2009. The motion unanimously carried. Absent, Chairman Turner and Ms. Tarrant.

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At 11:00 a.m., motion by Wright, second by Abrams, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk