COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS – CITY HALL
107 NORTH NEVADA AVENUE
JANUARY 18, 2013 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Davis, Ms. Frias, Mr. Gorman, and Mr. Nemeth. Members Absent: Mr. Clauss, Ms. Holmes. Also present: Board Legal Advisor Kyle Sauer**.**

COMMUNICATIONS

1. License Enforcement Officer Lee McRae stated that application for item 9 has been withdrawn.

MINUTES

2. Motion by Frias, second by Nemeth, that the Minutes of the Board meeting of January 4, 2013 be approved as written. The motion unanimously carried. Absent: Mr. Clauss, Ms. Holmes.

CONSENT CALENDAR

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

A-1. Sportz Skillz, LLC dba Sportz Skillz Gold & Tennis Center, 2456 Montebello Square Drive:

North: South side of Avalanche Heights extended
South: North side of Diablo Valley Court extended
East: West side of El Capitan Drive extended
West: East side of Mansfield Court extended

A-2. Springs Total Wine & Liquor, Inc. dba Springs Total Wine & Liquor, 2713 South Circle Drive:

North: South side of Saint Claire Park Alley extended
South: North side of Cheyenne Meadows Road extended
East: West side of Springs Blossom Drive extended
West: East side of Commercial Boulevard extended

B-1. NYRCAN, Inc.
dba D & S Liquors
2535 Delta Drive

Motion by Nemeth, second by Frias, that the Consent Calendar be approved as written. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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TRANSFER APPLICATION

4. **Application of Savannah's Bar & Grill, LLC dba Savannah's Bar & Grill to transfer the Tavern Liquor License currently issued to The Script, LLC dba The Script, 2510 East Bijou Street.**

Derek Moore was sworn and stated that he is the 100% owner and member of the business; that he purchased the bar from the former owner and has invested $80,000 of which said funds were derived from $17,000 in personal savings and a $63,000 loan from the prior licensee; that he has no criminal history.

In response to questions from the Board, Mr. Moore stated that he has no criminal history; that he has no prior experience in this industry; that he and his staff have received formal alcohol training; that he has a 4 year lease for the 4600 square foot premises; that a 27 foot by 18 foot patio has camera surveillance and is fenced in; that there may be future live music; that there is a full kitchen that will serve food until bar closing.

Motion by Nemeth, second by Frias, that the application of Savannah's Bar & Grill, LLC dba Savannah's Bar & Grill to transfer the Tavern Liquor License currently issued to The Script, LLC dba The Script, 2510 East Bijou Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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MODIFICATION OF THE PREMISES

5. **Request by Rocky Mountain Restaurant Group, Inc. dba Sonterra Innovative Southwest Grill to Modify the Premises of the Hotel and Restaurant Liquor License at 28 South Tejon Street, #B.**

Attorney Kent Freudenberg entered his appearance on behalf of the applicant.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 72 favoring, 5 opposing, and 4 no opinion signatures

Randy Price was sworn and stated that he is the 100% owner and president; that he has a current 7 year lease with a related entity; that this modification is to combine the current

licensed area for both Sonterra Grill and the adjoining commonly owned space occupied by Over Easy; that once this modification is approved, the entire area including all patio areas will be under one license and the other license will be surrendered; that the second floor is licensed only in the stairwell and hallway areas for transporting alcohol to the new third floor area; that the added third floor area will be 1600 square feet and used for special events only; that no alcohol will be stored or served on the second floor; that there is internal access between the existing units.

Motion by Frias, second by Nemeth, that the request by Rocky Mountain Restaurant Group, Inc. dba Sonterra Innovative Southwest Grill to Modify the Premises of the Hotel and Restaurant Liquor License at 28 South Tejon Street, #B, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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6. **Request by 7-Eleven, Inc. dba 7-Eleven Store #35338 to Modify the Premises of the 3.2% Beer Off Premises License at 330 South Academy Boulevard.**

Kevin Coates entered his appearance on behalf of the applicant.

Christopher Nolte was sworn and stated that he is project manager for new 7-Eleven constructions; that this modification is a "scrape and rebuild" of the premises; that the new building will be approximately 130 square feet larger than the existing footprint of the licensed area; that the possession of the premises is by virtue of a special warranty deed.

David Rabb was sworn and stated that he is a Field Consultant for 7-Eleven, managing 10 stores in this district; that there is a training program for all employees, including annual re-certification of that training.

Carol Johnson, Esquire Petitioning, was sworn and stated her company conducted the petition survey which resulted in 170 favoring, 16 opposing, and 1 no opinion signatures.

Motion by Frias, second by Nemeth, that the request by 7-Eleven, Inc. dba 7-Eleven Store #35338 to Modify the Premises of the 3.2% Beer Off Premises License at 330 South Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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7. **Request by Triple Nickel Tavern, LLC dba Triple Nickel Tavern to Modify the Premises of the Tavern Liquor License at 26 South Wahsatch Avenue.**

John Grueter was sworn and stated that has been the owner of the business for seven years; that he has a 5 year lease; that modification is to expand into the adjacent unit, which he did have as a part of the licensed areas approximately four years; that at that time he modified the license to reduce the area, but is now expanding back again; that he conducted a survey of the neighborhood resulting in 50 signatures, all in favor of the expansion.

In response to questions from the Board, Mr. Grueter stated that the patio area will also be expanded by approximately 10 additional feet; that the patio is only accessible from within the bar; that he will amend the diagram to reflect the existing door to the patio and the correct proposed physical bar layout; that there are no anticipated changes to the entertainment; that there will be doormen at each entrance to the premises.

Motion by Frias, second by Nemeth, that the request by Triple Nickel Tavern, LLC dba Triple Nickel Tavern to Modify the Premises of the Tavern Liquor License at 26 South Wahsatch Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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8. **Request by Trinity Brewing Company dba Trinity Brewing Company to Modify the Premises of the Brew Pub Liquor License at 1466 Garden of the Gods Road.**

Jason Yester was sworn and stated that he is the 100% owner and president of business; that this modification is to expand into the 2000 square foot adjoining unit, primarily for brewing warehouse space and extending the patio by 23 seats which will be located in front of the expanded warehouse area; that he has possession of the expanded area by addendum to the original lease.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 69 favoring, 4 opposing, and 2 no opinion signatures.

In response to questions from the Board, Mr. Yester stated that the existing patio area is fenced, and the new patio area will also be fenced except for the entrance access from the parking lot.

Motion by Gorman, second by Frias, that the request by Trinity Brewing Company dba Trinity Brewing Company to Modify the Premises of the Brew Pub Liquor License at 1466 Garden of the Gods Road, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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CHANGE OF LOCATION

9. **Application of Gardner-Lanza, Inc. dba El Dorado Lounge, for a Change of Location of its existing Tavern Liquor License from 11 North Circle Drive to 2593 Airport Road, dba Tee's Sports Bar & Grill.**

See action earlier in the meeting.

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SUSPENSION/REVOCATION HEARING

10. **Suspension/Revocation Hearing concerning the 3.2% Beer Off Premises License issued to DC Wallace, Inc., and 7-Eleven, Inc., dba 7-Eleven Store #32747B, 6025 Constitution Avenue.**

Chief Prosecuting Attorney Anthony Moore stated that there is a proposed stipulated agreement of a seven day suspension with all days held in abeyance for one year for violations of sale to a minor and sale on an expired license.

Kevin Coates entered his appearance on behalf of the licensee and stated that David Wallace, store franchisee and co-licensee, and Allen Young, 7-Eleven area field consultant are present and support the stipulated agreement; that the employee who served to the minor was terminated; that new processes have been set up with the co-licensees to ensure timely license renewal application; that most of the existing employees have already been through the re-certification of the training, with the few remaining to be accomplished in the next few days.

In response to questions from the Board, Mr. Young stated that the previously submitted denial of allegation for sale to a minor was made without legal counsel, and that there have been no prior violations.

Motion by Nemeth, second by Frias, that the Stipulation and Admission of Violations, Finding and Conclusion of Order be adopted providing seven (7) days suspension, with all seven days to be held in abeyance for one year conditional on no future violations in that period, and that the licensee provide training certification to the City Clerk's Office within 60 days. The motion unanimously carried. Absent, Mr. Clauss, Ms. Holmes.

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At 10:38 A.M., there being no further business, the

BOARD ADJOURNED

Lee McRae
License Enforcement Officer