

Local Licensing Authority

Agenda

**February 25, 2013
City Hall, Council Chambers
749 Main Street
7:00 PM**

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Action on Minutes – 01/28/13**
- V. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under "Authority Business". In such an event the item shall be removed from the "Consent Agenda" and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Authority minutes in their proper order.

- A. Renewal Application – Taj Mahal III, Inc d/b/a Taj Mahal III
– Hotel and Restaurant Liquor License – 1075 South Boulder Rd.
- B. Renewal Application – American Legion Walter Rhodes Post
No.0111 – Club Liquor License – 1150 Pine Street
- C. Renewal Application – Castellino Corp. d/b/a Via Toscana – Hotel and
Restaurant Liquor License – 356 S. McCaslin Blvd.
- D. Renewal Application – BCT, LLC d/b/a B.O.B.S Sandwich Shop –
Hotel and Restaurant Liquor License – 820 Main St. #100
- E. Renewal Application – Dillon Companies, Inc. d/b/a King Soopers – 3.2
Percent Beer Retail License (Off Premises) – 1375 South Boulder
Road

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- F. Renewal Application - The Alley Cat Bar, LLC d/b/a The Louisville Rex – Hotel and Restaurant Liquor License – 817 Main St.
 - G. Renewal Application - Jalisco Dos Amigos d/b/a Casa Alegre - Hotel & Restaurant Liquor License – 1006 Pine St.
 - H. Corporate Report of Changes – Down Under LLC d/b/a Down Under Liquor – Retail Liquor Store License – 1140 Pine St.
 - I. Manager Registration - ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill – Hotel and Restaurant Liquor License – 459 S. McCaslin Blvd., Suite 1
 - J. Manager Registration - MARSCO, LLC, d/b/a The Huckleberry – Hotel & Restaurant Liquor License – 700 Main Street
 - K. Renewal Application - Gibraltar, LLC d/b/a Café de Paris - Beer and Wine Liquor License – 908 Main St.
 - L. Modification of Premises – Clover Clan LLC d/b/a Old Louisville Inn – Hotel and Restaurant Liquor License – 740 Front St.
 - M. Modification of Premises – Hei Han Enterprises, Inc. d/b/a Henry's Bar & Grill – Tavern Liquor License – 935 Pine Street
- VI. Authority Business**
- A. Discussion/Direction – Ideas for Council consideration for 2014
- VII. Police Department Report**
- VIII. Secretary's Report**
- A. Authority member appointment
- IX. Authority Attorney's Report**
- X. Authority Comments**
- XI. Discussion Items for Next Meeting – March 25, 2013 @ 7:00 p.m.**
- XII. Adjournment**

Local Licensing Authority

Meeting Minutes

January 28, 2013
City Hall, Council Chambers
749 Main Street
7:00 PM

Call to Order – Chairperson Wilson called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

Authority Members Present: Marguerite Lipton, John Rommelfanger, Cecilia Wilson, Robert Gunning and Matthew Machado.

Authority Members Absent: John Carlson

Staff Members Present: Melinda Culley - Light, Harrington & Dawes, P.C.
Ben Redard – Police Officer
Carol Hanson, Deputy City Clerk

Approval of Agenda – Chairperson Wilson called for changes to the agenda. Lipton made a motion to approve the agenda. Machado seconded. All in favor. Agenda approved.

Approval of Meeting Minutes – 11/26/12 – Wilson called for any changes to the minutes. Gunning moved to approve the minutes. Lipton seconded. All in favor with Rommelfanger and Machado abstaining. Minutes approved.

Approval of Consent Agenda – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the “Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

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- A. Designation of Posting Places for Posting Notices for Public Meetings
- B. Renewal Application – Eat Drink LLC d/b/a Empire Restaurant & Lounge – Hotel and Restaurant Liquor License – 816 Main St.
- D. Renewal Application – LSL, LLC d/b/a The Melting Pot – Hotel and Restaurant Liquor License – 732 Main Street
- E. Renewal Application – Clover Clan LLC d/b/a Old Louisville Inn – Hotel and Restaurant Liquor License – 740 Front Street
- F. Renewal Application – LuLu’s BBQ, LLC d/b/a LuLu’s BBQ – Tavern License - 701Main St.
- G. Special Event Permit Application – Variety Arts of Louisville – 4/12/13 and 6/14/13 at Arts Center – 801 Grant Ave.
- H. Renewal Application and Tastings Permit – Second Growth LLC d/b/a Centennial Wine & Spirits – Retail Liquor Store License – 324 S. McCaslin Blvd.
- I. Renewal Application – Tri City Elks Lodge 2541 – Club Liquor License – 525 Main St.

Wilson called for any changes to the consent agenda. Lipton moved the consent agenda be approved. Gunning seconded. All in favor. Consent agenda approved.

Authority Business

A. Election of Officers

Wilson called for nominations for Chairperson for 2013. Wilson nominated John Rommelfanger. Lipton seconded. Rommelfanger accepted the nomination. Roll Call Vote: Lipton – yes, Gunning – yes, Rommelfanger – yes, Machado – yes and Wilson – yes. Carlson absent. John Rommelfanger will serve as Chairperson for 2012. Lipton nominated John Carlson for Vice-Chairperson for 2013. Rommelfanger seconded. Roll Call Vote: Lipton – yes, Gunning – yes, Rommelfanger – yes, Machado – yes and Wilson – yes. Carlson absent John Carlson will serve as Vice-Chairperson for 2013.

Chairperson Rommelfanger took over the meeting.

- B. Transfer Application – Onyx Corporation d/b/a Bistro 4 – Hotel and Restaurant Liquor License – 1156-4 West Dillon Road

Nicholas Franke, owner of Bistro 4, introduced himself to the Authority. He stated the restaurant will be an American/French Bistro serving breakfast and lunch. He said the transfer of the liquor license would give them the opportunity to offer adult beverages, but the alcohol would not be the focus of the menu. He stated they are not planning to open in the evening, but might consider hosting special events. When asked about the gazebo nearby and using it, Mr. Franke said it is considered community space and would not be part of his premises. There is a patio space in front of the establishment included in the licensed premises.

Wilson moved to approve the transfer of the liquor license to Onyx Corporation d/b/a Bistro 4 from La Buena Vida. Machado seconded. Roll Call Vote: Machado – yes, Rommelfanger – yes, Lipton – yes, Wilson – yes and Gunning – yes.

C. 2012 Annual Report

Authority members thanked Chairperson Wilson and Secretary Hanson for compiling the information for the report. Lipton moved the Authority approve the 2012 Annual Report and forward it to City Council. Machado seconded. All in favor.

Police Department Reports

A. Incident Report – Chili's – 10/26/12

This incident involved the police being dispatched to the establishment on report of a possible Driving Under the Influence.

Officer Redard gave each Authority member a statement from the manager of the establishment not previously included in the packet. He felt the documentation of this incident was lacking and apologized.

Authority members discussed the incident and concluded there was not a need to order a show cause hearing. Lipton moved the Authority send a letter to the establishment. Rommelfanger seconded. Members discussed what the letter should address. Roll Call Vote: Machado – yes, Rommelfanger – yes, Wilson – no, Gunning – yes and Lipton – yes. Members asked Secretary Hanson to draft a letter.

B. Incident Report – Ralphie's – 11/25/2012

Police investigated a suspicious vehicle with an occupant who seemed to have been drinking. The officers were told alcohol had been consumed at Ralphie's. A bar tab was provided by the establishment and the bartender reported the party included about five people.

Authority discussion centered on the amount of alcohol reported to have been consumed and whether there was any indication of service to a visibly intoxicated person.

Lipton moved the Authority order a show cause hearing for serving to a visibly intoxicated person. Motion died due to lack of a second. Authority members concluded there was no further action to be taken on this incident.

C. Incident Report – Ralphie’s –12/13/2012

This incident involved police observation of a suspicious, stopped but occupied vehicle. Upon contact, the occupant reported having left a party at Ralphie’s.

Because of the timeline, the Authority members concluded no further action could be taken on this report.

Secretary’s Report

Hanson pointed out the 2013 Open Government and Ethics Pamphlet was included in the packet. She congratulated Matthew Machado on his appointment to another term as Associate Member of the Authority. She announced Council will begin their discussion of Amendment 64 and the impact on the sale of marijuana at their Study Session on Tuesday, January 29.

Authority Attorney’s Report

No report.

Authority Comment

Rob Gunning reported he had just received notice of receiving a position as Magistrate with the District Court and would have to resign his position on the Authority. Authority members congratulated Mr. Gunning on his new position and wished him all the best.

Chairperson Rommelfanger reported reading about stipulations another municipality had imposed on a licensee after a show cause. He wondered if the Authority would have the option of imposing ID restrictions and drink limits. Authority Attorney Culley stated she would have to do some research to determine if the Authority could impose such sanctions. Authority members decided they would have her do the research if it became an issue for them.

Adjourn – Lipton moved to adjourn. Rommelfanger seconded. All in favor. The meeting was adjourned at 7:51 p.m.

SUBJECT: RENEWAL APPLICATION – TAJ MAHAL III, INC. - HOTEL & RESTAURANT LIQUOR LICENSE – 1075 S. BOULDER RD.

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Taj Mahal III, Inc., has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 1075 S. Boulder Rd.

The lease for the licensed premises is current and on file.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents in the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for a Hotel & Restaurant License for Taj Mahal III, Inc. – 1075 S. Boulder Rd.

Alternatively, the Authority may set a hearing on this renewal application, which hearing may be held after proper notice.

SUBJECT: RENEWAL APPLICATION – AMERICAN LEGION WALTER RHODES POST NO. 0111 – CLUB LIQUOR LICENSE – 1150 PINE STREET

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, American Legion Walter Rhodes No. 0111 has submitted an application for renewal of its Club Liquor License at 1150 Pine Street.

The premises are owned by the licensee.

Certificate of Good Standing is current and on file.

There was one employee who attended liquor training over the past year.

There was one incident requiring police attention since the previous application for renewal. No action was taken by the Authority.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approves the renewal application for a Club Liquor License for American Legion Walter Rhodes Post No. 0111 – 1150 Pine Street.

Alternatively, the Authority may set a hearing on this renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – CASTELLINO CORP. D/B/A VIA
TOSCANA – HOTEL & RESTAURANT LIQUOR LICENSE –
356 S. MCCASLIN BLVD.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Castellino Corp. d/b/a Via Toscana, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 356 S. McCaslin Blvd.

The premises are leased and the current agreement is valid.

Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There have been no liquor incidents over the past year which required police reports to be issued.

City sales tax is current.

RECOMMENDATION:

Authority approve the renewal application for Hotel & Restaurant License for Castellino Corp. d/b/a Via Toscana – 356 S. McCaslin Blvd.

Alternatively, the Authority may set a hearing on this renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – BCT, LLC D/B/A BOB’S
SANDWICH SHOP – HOTEL & RESTAURANT LIQUOR
LICENSE – 820 MAIN STREET #100.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, BCT, LLC d/b/a Bob’s Sandwich Shop, has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 820 Main Street #100.

The premises are leased and the lease is current and on file.

There was one employee who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report. The establishment was cited by the State for service to an underage person.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for a Hotel & Restaurant Liquor License for BCT, LLC d/b/a Bob’s Sandwich Shop.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION - DILLON COMPANIES, INC.,
D/B/A KING SOOPERS #13, - 3.2% RETAIL BEER LICENSE
(OFF PREMISES) - 1375 S. BOULDER ROAD**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Dillon Companies, Inc., d/b/a King Soopers #13 has submitted an application for renewal of its 3.2 Beer License (Off Premises) Liquor License located at 1375 S. Boulder Road.

There were 2 employees who attended liquor training in the past year.

The lease for the premises is current and on file.

The Corporate Certificate of Good Standing is current and on file.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax is current.

RECOMMENDATION:

Authority approve the renewal application for a 3.2% Retail Beer License (Off Premises) for Dillon Companies, Inc., d/b/a King Soopers #13, Inc., - 1375 S. Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – THE ALLEY CAT BAR, LLC
D/B/A THE LOUISVILLE REX – HOTEL AND RESTAURANT
LIQUOR LICENSE – 817 MAIN ST.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, The Alley Cat Bar, LLC d/b/a The Louisville Rex has submitted an application for renewal of its Hotel and Restaurant Liquor License located at 817 Main Street.

The lease for the licensed premises is current and on file.

There were eleven employees who attended city liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for Hotel and Restaurant Liquor License – The Alley Cat Bar, LLC d/b/a The Louisville Rex – 817 Main Street.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION - JALISCO DOS AMIGOS D/B/A
CASA ALEGRE - HOTEL & RESTAURANT LIQUOR
LICENSE – 1006 PINE ST.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Jalisco Dos Amigos d/b/a Casa Alegre, has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 1006 Pine St. The Authority attorney has reviewed the application.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for a Hotel & Restaurant Liquor License for Jalisco Dos Amigos d/b/a Casa Alegre.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

SUBJECT: CORPORATE REPORT OF CHANGES – DOWN UNDER LLC
D/B/A DOWN UNDER LIQUOR – RETAIL LIQUOR STORE
LICENSE – 1140 PINE STREET, #1

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Down Under LLC d/b/a Down Under Liquor, has submitted a Corporate Report of Changes for its Retail Liquor Store License at 1140 Pine Street #1.

Gwen Ide now owns 95% of the LLC with Terrence Ide staying on as manager.

RECOMMENDATION:

For informational purposes.

**SUBJECT: MANAGER REGISTRATION - ZRC OPERATIONS
COMPANY, INC. D/B/A QDOBA MEXICAN GRILL – HOTEL
AND RESTAURANT LIQUOR LICENSE – 459 S. MCCASLIN
BLVD., SUITE 1**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, ZRC Operations Company, Inc. d/b/a Qdoba Mexican Grill, has submitted a Change of Manager/Manager Registration for its Hotel and Restaurant Liquor License located at 459 S. McCaslin Blvd., Suite 1.

Victor Duran replaces Pat Depentino as manager.

RECOMMENDATION:

For informational purposes.

**SUBJECT: MANAGER REGISTRATION – MARSCO LLC D/B/A THE
 HUCKLEBERRY – HOTEL AND RESTAURANT LIQUOR
 LICENSE – 700 MAIN ST.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, MARSCO LLC d/b/a The Huckleberry, has submitted a Change of Manager/Manager Registration for its Hotel and Restaurant Liquor License located at 700 Main Street.

Steven Lembke replaces Priscilla Scott as manager.

RECOMMENDATION:

For informational purposes.

**SUBJECT: RENEWAL APPLICATION – GIBRALTAR LLC D/B/A CAFÉ
DE PARIS – BEER AND WINE LIQUOR LICENSE – 908
MAIN STREET**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Gibraltar, LLC d/b/a Café de Paris has submitted an application for renewal of its Beer and Wine Liquor License located at 908 Main St.

The lease for the licensed premises is current and on file.

There were two employees who attended city liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for a Beer and Wine Liquor License for Gibraltar, LLC d/b/a Café de Paris - 908 Main St.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: MODIFICATION OF PREMISES – CLOVER CLAN LLC D/B/A
 OLD LOUISVILLE INN – HOTEL AND RESTAURANT
 LIQUOR LICENSE – 740 FRONT ST.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Clover Clan LLC d/b/a Old Louisville Inn, has submitted a modification of premises application to include the basement area of the premises. A recent inspection by the State Liquor Enforcement determined this area needed to be added to the licensed premises.

RECOMMENDATION:

Authority approve the addition of the basement area to the licensed premises.

**SUBJECT: MODIFICATION OF PREMISES – HEI HAN ENTERPRISES,
INC. D/B/A HENRY’S BAR & GRILL – TAVERN LIQUOR
LICENSE – 935 PINE ST.**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Hei Han Enterprises, Inc. d/b/a Henry’s Bar & Grill, has submitted a modification of premises application to include the basement area of the premises. A recent inspection by the State Liquor Enforcement determined this area needed to be added to the licensed premises.

RECOMMENDATION:

Authority approve the addition of the basement area to the licensed premises.

**SUBJECT: DISCUSSION/DIRECTION – IDEAS FOR COUNCIL
CONSIDERATION IN 2014**

DATE: FEBRUARY 25, 2013

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

As a part of their 2014 goal setting process, the City Council has asked for each board and commission to provide a list of 2-3 policy goals and/or projects each board would like the Council to consider for 2014. These do not need to be long or detailed (no specific budget amount is required), but rather a general idea of some of the things the Authority feels to be important considerations for 2014.

This will be background information (along with a list of staff goals/projects) used to prepare the Council goals for the 2014 budget. There is no guarantee any board's suggestions will make it through to the final list of Council goals, but it will get the information to the Council at the beginning for consideration as they move through the 2014 budget process.

RECOMMENDATION:

Discuss and give direction to Authority Secretary for ideas to forward to City Council.