

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the March 16, 2017 Meeting

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A regular meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, March 16, 2017 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
Member Karen Abowd
Member Brad Bonkowski
Member Lori Bagwell
Member John Barrette
Member Ken Furlong

STAFF: Nick Marano, City Manager
Sue Merriwether, Clerk - Recorder
Adriana Fralick, Chief Deputy District Attorney
Kathleen King, Chief Deputy Clerk

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 available for review, in the Recording Secretaries Division of the Carson City Clerk's Office, during regular business hours.

11. CALL TO ORDER AND ROLL CALL (8:53:02) - Chairperson Crowell called the meeting to order, noting the presence of a quorum, including Sheriff Ken Furlong.

12. PUBLIC COMMENT(8:53:13) - Chairperson Crowell entertained public comment; however, none was forthcoming.

13. POSSIBLE ACTION ON APPROVAL OF MINUTES - February 2, 2017 and February 16, 2017 (8:53:26) - Chairperson Crowell entertained a motion relative to the February 2, 2017 minutes. **Member Bonkowski moved to approve the minutes of the Carson City Liquor and Entertainment Board for February 2, 2017, as presented. Member Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote. **Motion carried 6-0.** Chairperson Crowell entertained a motion relative to the February 16, 2017 minutes. **Member Bonkowski moved to approve the minutes of the Carson City Liquor and Entertainment Board for February 16, 2017, as presented. Member Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote. **Motion carried 6-0.** Chairperson Crowell passed the gavel to Chairperson *Pro Tem* Abowd at 8:54 a.m., and stepped away from the dais.

14. COMMUNITY DEVELOPMENT DEPARTMENT, BUSINESS LICENSE DIVISION

14(A) POSSIBLE ACTION TO APPROVE THE LIQUOR CATERING LICENSE TRANSFER FROM 2811 SOUTH CARSON STREET TO 701 SOUTH CARSON STREET FOR SCOTTY'S FAMILY RESTAURANT, INC. DBA A CATERED AFFAIRE, LIQUOR LICENSE NO. 17-31743 (8:54:15) - Chairperson *Pro Tem* Abowd introduced this item. Senior Permit Technician Lena Reseck reviewed the agenda materials. (8:54:59) John Hurzel advised of the potential sale of his building, and of his plans to moving the catering operation to another business "that I already operate."

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Chairperson *Pro Tem* Abowd entertained questions or comments of the board members and, when none were forthcoming, a motion. **Member Bagwell moved to approve the liquor catering license transfer, from 2811 South Carson Street to 701 South Carson Street, for Scotty's Family Restaurant, Inc. dba A Catered Affaire, liquor license number 17-31743. Member Barrette seconded the motion.** Chairperson *Pro Tem* Abowd entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0 - 1]
MOVER:	Member Lori Bagwell
SECOND:	Member John Barrette
AYES:	Members Bagwell, Barrette, Bonkowski, Furlong, and Chair <i>Pro Tem</i> Abowd
NAYS:	None
ABSENT:	Chairperson Robert Crowell
ABSTAIN:	None

Chairperson Crowell returned to the dais, and Chairperson *Pro Tem* Abowd passed the gavel.

14(B) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 13, LIQUOR BOARD AND LIQUOR LICENSE AND SALES, BY AMENDING SECTION 4.13.010, DEFINITIONS, TO MODIFY EXISTING DEFINITIONS FOR "BEER", "BUSINESS LICENSE DIVISION", "DIRECTOR", AND "WINE", AND TO ADD DEFINITIONS FOR "BREW PUB", "BREWERY", "CRAFT DISTILLERY", "INTOXICATING LIQUOR", "LICENSE", "ON-PREMISE", AND "WHOLESALE DEALER"; AMENDING SECTION 4.13.020, MEETINGS OF BOARD - QUORUM - VOTING - COMPENSATION - CHAIRMAN - CLERK, TO STATE THAT THE MAYOR SHALL SERVE AS THE BOARD CHAIR; AMENDING SECTION 4.13.030, POWERS AND DUTIES OF THE BOARD, TO ALLOW FOR THE APPOINTMENT OF A HEARINGS OFFICER TO GRANT OR DENY APPLICATIONS AND TO CONSIDER APPEALS OF HEARINGS OFFICER DECISIONS; ADDING SECTION 4.13.035, POWERS AND DUTIES OF THE HEARINGS OFFICER, TO SET FORTH DUTIES FOR THE HEARINGS OFFICER; AMENDING SECTION 4.13.040, LICENSE REQUIRED, TO STATE THAT FAILURE TO OBTAIN A LICENSE IS A MISDEMEANOR; ADDING SECTION 4.13.045, FEES, TO IDENTIFY THE RIGHT TO SET CERTAIN FEES AND ESTABLISH A FEE SCHEDULE; AMENDING SECTION 4.13.050, CLASS OF LICENSES - SEPARATE ENTITY, TO ADD BREW PUB, BREWERY, AND CRAFT DISTILLERY LIQUOR LICENSES; AMENDING SECTION 4.13.060, APPLICATION FOR A LICENSE, TO CHANGE THE APPLICATION FOR A LICENSE FROM THE BOARD TO THE HEARINGS OFFICER AND TO REQUIRE A SWORN AFFIDAVIT BY THE LIQUOR MANAGER THAT ALL EMPLOYEES WILL COMPLETE SERVER TRAINING; AMENDING SECTION 4.13.070, INVESTIGATION - FEES, TO EXEMPT WHOLESALE DEALERS FROM THE BACKGROUND INVESTIGATION REQUIREMENT AND TO REMOVE SPECIFIC FEE AMOUNTS; AMENDING SECTION 4.13.080, INVESTIGATIONS - DUTIES OF SHERIFF, TO CHANGE THE REPORTING OF BACKGROUND INVESTIGATIONS FROM THE BOARD TO THE BUSINESS LICENSE DIVISION; AMENDING SECTION 4.13.100, LICENSE - PROCEDURE, TO CHANGE THE CONSIDERATION OF LICENSES FOR

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APPROVAL AND DENIAL FROM THE BOARD TO THE HEARINGS OFFICER AND TO EXEMPT WHOLESALE DEALERS FROM THE APPEARANCE REQUIREMENT; ADDING SECTION 4.13.102, APPEALS, TO SET FORTH PROVISIONS FOR THE APPEAL OF HEARINGS OFFICER DECISIONS TO THE BOARD; AMENDING SECTION 4.13.105, LICENSE - APPLICATION FEES, TO REMOVE SPECIFIC FEE AMOUNTS, TO ALLOW FOR THE REFUND OF THE APPLICATION FEE IN THE EVENT OF LICENSE DENIAL AND TO ALLOW A 50 PERCENT REFUND IF THE APPLICANT DOESN'T GO INTO BUSINESS; AMENDING SECTION 4.13.110, LICENSE - FEES, TO REMOVE SPECIFIC FEE AMOUNTS, TO STATE THAT LICENSE FEES WILL BE PRORATED AND TO MODIFY PROVISIONS FOR PENALTIES RELATED TO NON-PAYMENT OF LICENSE FEES; AMENDING SECTION 4.13.115, DEATH OF OR CHANGE TO PERSON LISTED ON A LICENSE, TO REQUIRE THAT AN UPDATED APPLICATION BE FILED WHEN THE LIQUOR MANAGER CHANGES AND THAT A CHANGE IN LIQUOR MANAGER REQUIRES APPROVAL BY THE HEARINGS OFFICER; AMENDING SECTION 4.13.120, LICENSE - TRANSFERABILITY, USE AND REACTIVATION, TO ALLOW FOR CERTAIN CHANGES TO EXISTING LICENSE, TO ALLOW FOR THE SERVING, SALE, AND DISPENSING OF ALCOHOL IN THE PUBLIC RIGHT-OF-WAY WITH AN ENCROACHMENT PERMIT, TO ALLOW FOR REACTIVATION OF EXISTING LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO REMOVE SPECIFIC FEE AMOUNTS; AMENDING SECTION 4.13.125, ISSUANCE OR DENIAL OF LICENSE, TO CHANGE THE GRANTING OR DENYING OF LICENSES FROM THE BOARD TO THE HEARINGS OFFICER, TO STATE THAT CONDITIONS OF APPROVAL MAY INCLUDE, BUT NOT BE LIMITED TO, THE PAYMENT OF DELINQUENT CITY FEES, FINES, OR TAXES PRIOR TO THE ISSUANCE OF THE LICENSE, TO ADD TWO ADDITIONAL OFFENSES WITHIN THE LAST FIVE YEARS WHICH WOULD MAKE A PERSON UNSUITABLE FOR A LIQUOR LICENSE AND TO ALLOW FOR PROOF OF AN APPROVED PAYMENT PLAN OR SIMILAR ARRANGEMENT WHEN A PERSON IS IN ARREARS IN CHILD SUPPORT PAYMENTS; CHANGING SECTION 4.13.135, REACTIVATION OF A PRIOR EXISTING LICENSE, TO SECTION 4.13.135, ENFORCEMENT AUTHORITY, AND TO OUTLINE VARIOUS ENFORCEMENT DUTIES; AMENDING SECTION 4.13.140, GROUNDS FOR DISCIPLINARY ACTION, TO STATE THAT GROUNDS FOR DISCIPLINARY ACTION WILL INCLUDE THE SELLING OR DISPENSING OF LIQUOR NOT PURCHASED FROM A STATE-LICENSED WHOLESALE DEALER, PURSUANT TO NRS, TO ADD A PROVISION CONSISTENT WITH NRS THAT THE BOARD HAS THE POWER TO RECOMMEND TO THE STATE DEPARTMENT OF TAXATION SUSPENSION OR REVOCATION OF A LICENSE; AMENDING SECTION 4.13.150, DISCIPLINARY ACTION PROCEDURE AND PENALTIES, TO ALLOW THE SHERIFF TO RECOMMEND INVESTIGATION OF THE CONDUCT OF ANY LICENSEE, TO ALLOW THE DIRECTOR TO INVESTIGATE THE CONDUCT OF ANY LICENSEE, TO CHANGE THE TIMEFRAME IN WHICH A PENALTY MAY BE IMPOSED FOR CRIMINAL CITATIONS FROM SIX MONTHS TO 12 MONTHS, TO REDUCE THE FINE FOR A THIRD OFFENSE FOR CRIMINAL CITATIONS RELATED TO THE SALE OF LIQUOR FROM \$1,500.00 TO \$1,000.00, TO ADD A PROVISION CONSISTENT WITH NRS THAT THE BOARD HAS THE RIGHT TO SUSPEND OR REVOKE SUMMARILY ANY LICENSE UNDER CERTAIN CIRCUMSTANCES AND TO CHANGE THE ANNUAL ACTIVITY REPORT DUE DATE FROM DECEMBER TO JANUARY; AND DELETING SECTION 4.13.210, POSSESSION OF OPEN LIQUOR AND CONSUMPTION OF LIQUOR IN PUBLIC PROHIBITED; AND 14(C) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS ADOPTION OF

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A RESOLUTION MOVING SPECIFIC FEE AMOUNTS FOR LIQUOR LICENSE FEES, FROM THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, CHAPTER 13, LIQUOR BOARD AND LIQUOR LICENSE AND SALES, TO A SEPARATE FEE SCHEDULE WHICH WILL BE MAINTAINED BY THE BUSINESS LICENSE DIVISION, AND WHICH MAY BE AMENDED WITH APPROVAL OF THE BOARD OF SUPERVISORS (8:56:16) - Chairperson Crowell introduced these item. Special Projects Manager Susan Pansky provided background information and reviewed the agenda materials in conjunction with displayed slides. Ms. Pansky, Member Furlong, and Community Development Director Lee Plemel responded to questions of clarification, and discussion ensued.

Chairperson Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, Supervisor Bagwell requested staff's assurance that the proposed ordinance doesn't affect the moratorium on marijuana. Mr. Plemel acknowledged the proposed ordinance has no effect on the moratorium.

Chairperson Crowell entertained additional questions or comments and, when none were forthcoming, a motion for item 14(B). **Member Bonkowski moved to recommend to the Board of Supervisors approval of an ordinance amending Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor Licensing and Sales, as published on the agenda. Supervisor Abowd seconded the motion.** Chairperson Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [6 - 0]
MOVER:	Member Brad Bonkowski
SECOND:	Member Karen Abowd
AYES:	Members Bonkowski, Abowd, Bagwell, Barrette, Furlong, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Chairperson Crowell entertained a motion for item 14(C). **Member Bagwell moved to recommend to the Board of Supervisors adoption of a resolution moving specific fee amounts for liquor license fees, from the Carson City Municipal Code, Title 4, Licenses and Business Regulations, Chapter 13, Liquor Board and Liquor License and Sales, to a separate fee schedule which will be maintained by the Business License Division and which may be amended with the approval of the Board of Supervisors. Member Abowd seconded the motion.** Chairperson Crowell entertained discussion on the motion. Member Barrette expressed appreciation for the public process associated with the proposed ordinance and the subject resolution. Chairperson Crowell entertained additional discussion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [6 - 0]
MOVER:	Member Lori Bagwell
SECOND:	Member Karen Abowd
AYES:	Members Bagwell, Abowd, Bonkowski, Barrette, Furlong, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

15. PUBLIC COMMENT (9:06:59) - Chairperson Crowell entertained public comment; however, none was forthcoming.

16. ACTION TO ADJOURN (9:07:04) - Chairperson Crowell adjourned the meeting at 9:07 a.m.

ROBERT L. CROWELL, Chairperson

ATTEST:

SUSAN MERRIWETHER, Clerk - Recorder