

City of Littleton

Minutes of Proceeding

Littleton Licensing Authority

March 14, 2012

The Littleton Licensing Authority met in a regular session on Wednesday, March 14, 2012 at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Bill Bradish – Authority Member
Earl Gunia – Authority Member
Donovan O’Dell - Authority Member
Andrew Cole - Authority Member
Ann Mather – Authority Member

THOSE ABSENT: Christopher Forrest – Authority Member

ALSO PRESENT: Kirsten Crawford – City Attorney
Tricia McCarthy – Prosecuting Attorney
Kim Ferber – Police Lieutenant

1. **CALL MEETING TO ORDER**

Chairperson Bradish called the meeting to order at 7:00 p.m.

2. **ROLL CALL**

Upon a call of the roll, five members were present. Authority Member Forrest was absent. A quorum was declared. The following business was transacted.

3. **AGENDA**

Action: Approved as amended

4. **MINUTES**

(a) **Minutes of Regular Meeting December 14, 2011**

Action: Approved as submitted

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER COLE TO APPROVE THE MINUTES OF DECEMBER 14, 2011 AS SUBMITTED.

Ayes: Authority Members Bradish, O’Dell, Gunia, Cole and Mather

Nays: None

Absent: Authority Member Forrest

MOTION CARRIED: 5 to 0

(b) **Minutes of Email Poll - February 8, 2012**

Action: Approved as submitted

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER MATHER TO APPROVE THE MINUTES OF THE FEBRUARY 8, 2012 EMAIL POLL AS SUBMITTED.

Ayes: Authority Members Bradish, O'Dell, Gunia, Cole and Mather

Nays: None

Absent: Authority Member Forrest

MOTION CARRIED: 5 to 0

Authority Members discussed the resignation of Susan Price and thanked her for her service on the board.

LIQUOR LICENSE CASES:

5. **SETTING NEIGHBORHOOD BOUNDARIES AND SCHEDULING APPLICATION HEARINGS** – None

6. **LIQUOR LICENSE APPLICATION HEARING**

- a) THE CHOCOLATE THERAPIST INC.
DBA: THE CHOCOLATE THERAPIST
2560 WEST MAIN STREET

Attorney Crawford entered the following city exhibits into the record:

- Exhibit A - Waiver of hearing
- Exhibit B - Affidavit of posting of premises
- Exhibit C - Proof of publication
- Exhibit D - Licensing Authority Communication with Attachments
- Exhibit E - Petition Information
- Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER O'DELL, seconded by AUTHORITY MEMBER COLE to approve admittance of the above exhibits.

The waiver is corrected to reflect the correct address of the establishment.

Ayes: Authority Members Bradish, O'Dell, Gunia, Cole and Mather

Nays: None

Absent: Authority Member Forrest

MOTION CARRIED: 5 to 0

Julie Pech, applicant, addressed the Authority. Ms. Pech explained the business. Right now, they have snack foods like nuts, muffins and chocolate. They will add other snacks to their menu soon. Currently, their business hours are Monday – Friday, 8:00 am to 7:00 pm,

Saturday, 9:00 am to 7:00 pm, and Sunday 11:00 am to 7:00 pm. They will be extending business hours to 9:00 pm on weekends. There will be no renovations or changes to the existing structure. They are adding a surveillance system. Every person who orders alcohol will be carded, regardless of their age. Staff will be trained on alcohol service. There is one underage employee working there, but they will not be permitted to serve alcohol.

Carol Johnson, Esquire Petitioning, gave a description of the petitioning process. She stated there were 586 doorknocks, with 176 people signing the petition. There were 29 people that declined to sign, and 29 ineligible people. There were 143 residents and 32 businesses that signed in support, which is 99% in favor. There were two residents in opposition, even though the summary indicated one was opposed.

There was no one signed up to speak at the public hearing.

Authority Member Gunia was concerned that no one has formal training and feels there should be a contingency that at least one person be formally trained.

Authority Member Mather agrees it is a good idea that the license be issued on the contingency that at least one person be trained.

Authority Member Bradish stated that he thinks the sales from alcohol would be low and does not think there would be a situation where they will be serving intoxicated people. He does not object to Authority Member Gunia's request for formal training, but does not feel it is necessary.

Authority Member Cole agrees training is a good and then asked if they are willing to send someone to training.

City Attorney Crawford informed the authority that state liquor enforcement has taken the position that the authority cannot require the licensee take formal training, but can recommend that the licensee take training.

Ms. Pech stated that she would voluntarily commit to take alcohol training.

Authority Member O'Dell was concerned about the unlocked back door and the ability for someone to come in and take the alcohol out the back door.

Ms. Pech stated that the back door must be open for deliveries, but is locked at 5:00 pm. They will be installing four surveillance cameras and one of those will be on the back door.

It was moved by AUTHORITY MEMBER COLE seconded by AUTHORITY MEMBER BRADISH THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LICENSING AUTHORITY BE APPROVED WHICH GRANTS THE CHOCOLATE THERAPIST INC., DOING BUSINESS AS THE CHOCOLATE THERAPIST, 2560 WEST MAIN STREET, LITTLETON, COLORADO, A BEER & WINE LIQUOR LICENSE CONTINGENT UPON APPROVAL FROM THE COLORADO BUREAU OF INVESTIGATION AND THE COLORADO LIQUOR

ENFORCEMENT DIVISION AND BASED UPON THE FOLLOWING FINDINGS OF FACT: THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT NOW BEING MET; AND THAT IT IS THE DESIRE OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD THAT THE LICENSE BE ISSUED.

Ayes: Authority Members Bradish, O'Dell, Gunia, Cole and Mather

Nays: None

Absent: Authority Member Forrest

MOTION CARRIED: 5 to 0

Authority Member Gunia stated that the Authority did not make it a condition that the alcohol training be completed, but strongly suggests that it be done.

7. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR LIQUOR LICENSES** - None

8. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR LIQUOR CODE VIOLATIONS** - None

9. **PRELIMINARY HEARING OF LIQUOR CODE VIOLATIONS** - None

MEDICAL MARIJUANA LICENSE CASES:

10. **MEDICAL MARIJUANA CENTER APPLICATION HEARINGS** - None

11. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR MEDICAL MARIJUANA CENTERS** - None

12. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA CENTER VIOLATIONS** - None

13. **PRELIMINARY HEARING OF MEDICAL MARIJUANA CENTER VIOLATIONS** - None

14. **SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA CENTER VIOLATIONS** - None

15. **GENERAL BUSINESS**

- a) Discussion regarding Licensing Authority Guidelines
Attorney Crawford explained Council's adoption of goals & objectives and explained that there will be a mandatory training coming up for Board & Commission members and there will be a new handbook disseminated sometime in May. She briefly discussed the changes in the guidelines and stated they would be specifically trained at the training in May.

Authority Members inquired as to when new appointments would be made to Boards & Commissions.

Attorney Crawford stated that City Council would be doing another set of interviews on March 22 and making appointments on March 27.

16. REPORTS:

a) Staff – None

b) Authority members - Authority Member Gunia asked the status of the Cannamart license.

Attorney Crawford explained the establishment does not have a city or state license to operate. The litigation is still ongoing but should be resolved soon.

Authority Member Gunia asked about the status on the movie establishment in Aspen Grove.

Attorney Crawford stated that there has been no indication of what is going on and will look into it and update on the status.

Authority Member O'Dell asked about the procedure regarding having both a prosecuting attorney and counsel for advice present at show cause hearings.

Attorney Crawford stated that generally speaking, there will a city attorney present in addition to the prosecuting attorney when needed.

Authority Member Gunia asked about the change of corporate structure on Blue Sky Care Connection.

Deputy City Clerk Work stated it was an additional person being added to the license.

c) Chairman - None

17. **ADJOURNMENT** - There being no further business, Chairperson Bradish adjourned the meeting at 7:58 p.m. on March 14, 2012.



Richelle Work

Deputy City Clerk/Recording Secretary