



Las Vegas

Agenda Item No.: 50.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 20, 2015

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO, ACTING

Consent Discussion

SUBJECT:
Discussion for possible action to review and reinstate the Non-Operational Non-Profit Club General License, AMERICAN LEGION POST #10, INC. dba AMERICAN LEGION POST #10 at 1905 H Street - Ward 5 (Barlow)

Fiscal Impact

- No Impact
- Budget Funds Available
- Augmentation Required

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

For discussion and possible action to review and reinstate the Non-Operational Non-Profit Club General License.

RECOMMENDATION:

Recommend denial. If the City Council decides to approve the license, the following conditions are recommended:

1. Manager and Board Members must participate in the Las Vegas Metropolitan Police Departments First Tuesday Program.
2. Security Plan for establishment must be approved by the Director prior to the license approval being released. Approved security plan must be maintained and any changes in the security plan must be pre-approved by the Director prior to implementation.
3. Any arrests and citations on the premises shall be reported in writing to Business Licensing within 48 hours of the incident.
4. No rental or leasing of facilities to the public authorized under this license.

BACKUP DOCUMENTATION:

1. Ownership
2. Location Map
3. Submitted at Meeting Letter from American Legions Peter Gunn by Joe Neal

Motion made by RICKI Y. BARLOW to Deny

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 1; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, STAVROS S. ANTHONY, BOB BEERS; (Against-BOB COFFIN, CAROLYN G. GOODMAN); (Abstain-None); (Did Not Vote-STEVEN D. ROSS); (Excused-None)

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Minutes:

KAREN DUDDLESTEN, Deputy Planning Director, reported that the subject license was before the Council in December 2014 when the City Council allowed the transfer of this nonprofit license, for nonoperational purposes only, to the current applicant before them. Business Licensing had concerns, not with the individuals, but with operations being proposed to be conducted at the location. Prior to this applicant taking over the license, there were 188 calls for Metro service during a two-year time period and that organization was brought before the Council for disciplinary action. That organization eventually closed its operation and American Legion Post 10 has come forward to operate the same operation at the same location. She provided the limited hours previously imposed on the location. She reviewed the concerns staff noted, especially with the renting out of facilities to the public, which was a problem with the previous licensee. Three of the current operators are the same individuals that ran the facility unsuccessfully in the past, no security or operational plan had been received, and the applicant was not proposing to limit their hours. She reiterated staffs concerns did not lie with the individuals but rather with the proposed operation of utilizing a nonprofit liquor license for revenue generating purposes which was not the intended purpose of this type of license. Under the code, it was the applicants duty to explain to the Council their suitability and the reasons the license should be granted.

SENATOR JOE NEAL appeared on behalf of Post 10 and provided the history of the building. The American Legion, which consists of former Veterans of Foreign Wars, took over the building approximately 30 years ago and has done an excellent job in terms of their participation in the community and keeping the property viable. Although the Legion was told that individuals in the community objected to the liquor license, SENATOR NEAL pointed out that there was no one present in opposition. He stated that the license would be for those members that were part of the legion; they were not proposing to open a club for the general population. He noted that Post 10 would be agreeable to having their guests sign in, which was a requirement for the Elks organization that was issued a license.

SENATOR NEAL emphasized the control measures by describing the fencing around the location and the egress points. All activities other than a fundraising barbecue take place within the establishment. He stressed that all the members are vets, and they should be given the respect they are due when appearing before a body such as this. Veterans should be able to sit down and share stories with those individuals that have similar experiences. He noted the other organizations that the City has granted licenses to and asked that the same be done for black veterans in the communities in which they serve. ABBOTT RICHARDS security firm will be providing security at the location but noted that veterans have experience in handling various situations and know what to do. The legion could understand if the problem was a matter of the Council not wanting any more licenses in that area, but he did not believe that to be the case.

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MAYOR GOODMAN thanked the veterans for their service. SENATOR NEAL asked those veterans in the audience to stand.

COUNCILMAN BARLOW wanted it known that this was not an assault on veterans or a race but a matter of what was good for community. He salutes all vets, as his family had been a part of many wars. He shared that his office had received many calls in opposition and, therefore, disagreed with SENATOR NEALS statement that there was no opposition. He has had seven meetings with the members, where he shared his, the residents and Metros concerns regarding oversaturation in the area. It was a difficult situation for him because he supported the group but had a responsibility to support the constituents he represented.

COUNCILMAN BARLOW noted that there were seven liquor establishments within a one-half mile radius of this location. Ward 5 was the only ward where this occurred, with the exception of Fremont Street. Disparity studies talked about education, health, economics and unemployment, all which center around areas where liquor was oversaturated. These areas have the highest number of dropouts, unemployment, health issues, arrests and alcohol establishments, which was not good for any community. When reviewed from a statistical standpoint, there were issues that needed to be addressed. COUNCILMAN BARLOW noted that later this year the Council would be considering a city-wide moratorium on packaged liquor licenses because of all the issues. He noted that within the last 30-60 days, more liquor license applications have come before the Council than ever before. This had to be addressed not only as a City but as a representative of Ward 5 because of the issues taking place throughout his ward.

COUNCILMAN BARLOW named the establishments in the surrounding area that currently hold a liquor license and noted that this was not a matter of veterans having an opportunity to meet with each other but a matter of saturation that the community had asked him to protect them against.

COUNCILMAN BARLOW offered his assistance to Post 10 in finding an appropriate location within Ward 5 outside of this one-half-mile radius. Although he had suggested it to the Post that they host a neighborhood meeting to gain support, they did not. Business Licensing, neither Metro nor the neighbors supported this. He reiterated that he was not against the American Legion or Veterans of Foreign Wars, but he had to represent the areas of concern within the community.

As far as the suggestion to re-locate ROBERT SWIFT, American Legion member, stated that the current building was paid for and there was no money to re-locate. He noted that he had petitions with no opposition, but did not have them with him to submit for the record.

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WILLIAM MCCURDY asked what the City's distance requirements were for a liquor license in relation to a school or church. MS. DUDDLESTEN noted that most protected uses require a 400-foot distance separation, but after researching noted that for fraternal organizations, there was no distance separation required from schools or any other protected uses.

HORACE ATKINSON stated that this organization represented the 89106 and 89108 ZIP codes and this was the only veteran organization in these ZIP codes. He mentioned that they were the only veteran organization that he was aware of in the State who had a home and no canteen. Their motto was For Community, State and Nation. They serve not only veterans but all parts of this community. They have worked diligently to get the post up and running. This was their home and without a liquor license, they could not maintain that home.

COUNCILMAN BARLOW asked what the premise was behind the upcoming moratorium. MS. DUDDLESTON clarified that the moratorium related to packaged liquor, which is off-sale. Discussion took place between MAYOR GOODMAN and MS. DUDDLESTEN regarding special events. MS. DUDDLESTEN stated that if there was a special event where the public was invited, the organization would have to obtain a special event permit and a one-day liquor license. If they wished to hold private events, the organization could hire a liquor caterer; each liquor caterer was allowed to pull up to 16 permits per month. The liquor caterer would be responsible for the liquor, for the serving of the liquor, the serving personnel and security at the location. MAYOR GOODMAN suggested that might be a good idea for a trial period.

COUNCILMAN BARLOW asked how MAYOR GOODMAN'S suggestion would work with this applicant. MS. DUDDLESTEN informed COUNCILMAN BARLOW that the organization was currently allowed to hire a liquor caterer. She noted that Council could either take no action, in which the applicant would have to come back before the Council at a future time, or deny the application, and the applicant would not be able to come back for consideration of the nonprofit liquor license for one year.

In relation to the comments made regarding veterans getting together to have a drink, COUNCILMAN BARLOW asked what was preventing them from bringing in a bottle of alcohol and sharing it and stories amongst the members. MS. DUDDLESTEN informed COUNCILMAN BARLOW that alcohol was not permitted to be on the premises without a proper liquor license. The license being requested from the Council was to open a bar within their facility to sell drinks to their members. COUNCILMAN BARLOW asked how many members the organization must have. MS. DUDDLESTEN stated that 100 bona fide members were required to be eligible for this type of license. The first list provided was insufficient, and staff was working on verifying the second list.

COUNCILMAN BARLOW stated that at this time, he was going to honor the residents that opposed the liquor license but would work with the American Legion in finding an alternate

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location or working out future opportunities for special events.

MS. DUDDLESTEN confirmed for MAYOR GOODMAN that, if denied, the applicant could not request a new liquor license for one year. MAYOR GOODMAN asked if there was some other way to approach this, as one year was a long time. COUNCILMAN BARLOW wished to go forward with his motion for denial.