

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

APPROVED

Approved as circulated 2/20/2020.

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	January 2, 2020
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:55 p.m.
Present	Chair Paul Endo; Vice-Chair Shirley Akita; Members: William Gibson, Gerald Matsunaga, Gary Pacheco, Mary Ann Kusaka Also: Liquor Control Staff: Director Gerald Rapozo, Liquor Clerical Assistant Malia Marrotte; Deputy County Attorney Todd Jenson		
Excused	Jean Iida		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:00 p.m. with 6 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 6 members were present.	
Approval of Agenda		Mr. Pacheco moved to approve the agenda. Mr. Gibson seconded the motion. Motion carried 6:0.
Approval of Meeting Minutes	APPROVAL OF MEETING MINUTES Director Rapozo requested that the minutes be deferred to 1/16/2020.	Mrs. Akita moved to approve the deferral of minutes to 1/16/20. Mrs. Kusaka seconded the motion. Motion carried 6:0.
1. Public Hearing	a) <u>JIMMY'S GRILL</u> : Application No. 2020-006 was filed on August 6, 2019 by Kauai Bar LLC dba Jimmy's Grill for a New Dispenser General (Live entertainment, no dancing) license at 4-1638 Kūhi'ō Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2020-006 for publication and public hearing on August 15, 2019 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, November 13 & 20, 2019, scheduling the public hearing on January 2, 2020 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu'e Civic Center, Mo'ikeha Building, 4444 Rice Street, Līhu'e, Kauai, Hawaii.	

	<p>Director Rapozo advised that there was no letters of support or opposition for this application.</p> <p>James T Jasper II President, present to represent the applicant. Mr. Jasper received a copy of the Investigators report and had no comment.</p> <p>Chair Endo asked for comments on the investigator's report.</p> <p>There was no comments on the investigator's report.</p> <p>Chair Endo asked if there was anyone who wished to object to the application.</p> <p>No one objected the application.</p> <p>Chair Endo asked if there was anyone wishing to speak on behalf of the application.</p> <p>None</p> <p>Chair Endo asked if there was any questions for the applicant?</p> <p>Mrs. Kusaka asked, if this will this be a new building and how long did he anticipate it will take before it becomes viable to serve liquor, and if he has all of his permits?</p> <p>Mr. Jasper responded that it is correct it is a new building and he plans to open within a year and is working on getting permits.</p> <p>Mr. Gibson asked, if the location is next to Otsuka's? Will this premises be the total lot? How will you control the traffic between the other entities, beach and your premises, will you have someone responsible? Mr. Gibson stated his concern about purchasing alcohol and being able to step over the 1 foot boulders,as there have been incidences like that at the Coconut Market Place where people were going in and out.</p>	
--	---	--

Mr. Jasper answered, that yes the building is next to Otsuka's and will not be the total lot. He stated no, that there will not be someone responsible and that it will be hard to control like at JJ's. He added that people parking and using the beach, and customers be customers and beachgoers be beachgoers and they are aware of the challenges. Whether his staff is curtailing that kind of stuff, signage, ropes or fences it is an ongoing battle, it's very high on their agenda with underage drinking.

Mrs. Kusaka asked about the two tables outside as indicated on the map, how will they be getting the alcohol, will there be a server? So the customers will be carrying their liquor to the table. How do you control them from leaving thru the opening onto the beach walk? Our concern is underage drinking. Will there be signs?

Mr. Jasper responded that there will be patrolling of the premises and that they will be carding everyone, it will be ongoing. He added that they pay extremely high insurance in that regards and his family is good at not serving underage people and really good at not serving intoxicated people.

Chair Endo asked if there was any other questions for the applicant.

Hearing none. The Public Hearing for Application No. 2020-006 was closed.

- b) NOKA GRILL: Application No. 2020-042 was filed on October 18, 2019 by No Ka Grill, Inc. dba Noka Grill for a New Restaurant General (Live entertainment, no dancing) license at 3474 Rice Street, Līhu'e, Kauai, Hawaii. The Commission accepted Application No. 2020-042 for publication and public hearing on November 8, 2019 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, November 13 & 20, 2019, scheduling the public hearing on January 2, 2020 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu'e Civic Center, Mo'ikeha Building, 4444 Rice Street, Līhu'e, Kauai, Hawaii.

James T Jasper II, President were present to represent the applicant. Mr. Jasper received a copy of the Investigators report and had no comment.

Mr. Matsunaga moved to approve Application No.2020-006 Jimmy's Grill for a New Dispenser General license. Mrs. Akita seconded the motion. Motion carried 6:0.

Chair Endo asked for comments on the investigator's report.

There was no comments on the investigator's report.

Chair Endo asked if there was anyone who wished to object the application?

Paul Pomroy, resident of 3332 Kahumoku Road, resides within the 500 ft. radius of NOKA Grill. Mr. Pomroy gathered 18 signatures of registered voters living within the 500 ft. radius. They are opposing the New Restaurant General license for NOKA Grill. Mr. Pomroy stated, that they have enough alcohol dispensers of various kinds in their area and don't see a need for another. He is in opposition of the General Liquor License. The letters which have been submitted are in opposition.

Chair Endo asked if there were any questions for Mr. Pomroy.

Vice Chair Akita clarified with Mr. Pomroy that the reason for this opposition is because he believes there are a sufficient number of alcohol establishments in the area and that this place is not necessary.

Mr. Pomroy confirmed.

Mr. Gibson asked, Director Rapozo, how many registered voters are in the area?

Director Rapozo recommended that after looking at the petition and all testimonies received today that they close the Public Hearing and give the department until the next meeting on 1/16/2020 to verify the signatures and the registered voters in the area.

Mr. Gibson thanked Director Rapozo.

Mr. Pomroy added that by their count and documentation they have 85% or 18 signatures which accounts for 85% of the registered voters. There was a discrepancy in which was found and there may be a couple more.

Mr. Matsunaga asked, if they had 36 signatures?

Mr. Pomroy responded that they have 18 signatures which accounts for 85% of the registered voters.

Mr. Matsunaga asked how many people within the 500 ft. radius.

Director Rapozo responded that they will need to verify the registered voters.

Mrs. Kusaka asked if the establishment is across the street from where he lives, and if it faces the ocean. She stated that the Jasper establishment has music and it faces the ocean and asked if he is able to hear the music.

Mr. Pomroy replied that he is not sure where the music is coming from in that area or where the source is. He stated that in the report there are two other business which is not listed, Café Portofino and Pietros that are within the 500 ft. radius.

Chair Endo asked, Mr. Pomroy if there had been any issue with rowdiness, drunkenness or something else associated with alcohol in the area.

Mr. Pomroy stated, that he did not get any report from the Police Department in regards to their responses to alcohol related incidents within the area. He added that they do have noise late at night and a lot of it involves people that are drunk, parked along the beach, stream, Pine Tree Tavern and by Kalapaki Tavern, they are in cars or standing around cars raising their voices and the sound carries to where he lives.

Mr. Gibson stated, that being that it is open how do you control consuming alcohol and constraining it, it's wide open.

Mrs. Kusaka indicated in Kenneth Herman's investigative report, there are 81 restaurant licenses issued in the County of Kauai. She added that it is so hard to control the noise and hard to pin point the area where they got the alcohol.

Mr. Pomroy commented that there were 81 restaurant licenses issued, with the two that was not on the list it makes it 8. In the tiny little area that is 10% of all the alcohol licenses that is within 500 ft. That is our concern with disturbance.

Chair Endo asked if there was any other questions.

Noelani Pomroy resident of 3332 Kahumoku Road, is in opposition of granting the Liquor license to NOKA Grill. Her husband spoke prior and she agreed with the saturated area of Nawiliwili. She testified that besides the eight establishments that are distributing alcohol, there are two other places that sell alcohol, ABC Store and Health & Go Market. Another concern Mrs. Pomroy indicated is that in the investigator's report the hours of operation tentatively from 7pm-10pm. She expressed concern that at any time he is granted this he may be able to change his hours of operation. She also stated that she was opposed to the open concept of his structure, formally Kalapaki Grill Hut which served sandwiches, soft drinks and French fries. Now it has been converted into a bar and has not made any changes, as far as to enclose it to contain any noise and is concerned that this will add to the other late night noise.

Chair Endo, are there any questions for Mrs. Pomroy?

None.

Christina Haines resident of 3354 Kahumoku Road, testified that they try to keep it as much of a community as we can. She stated that they are getting overwhelmed as a tourist area. She agreed with the Pomroy's that they have quite a few eating establishments and drinking in the area as well as the selling of liquor on premises and to take out. She stated that she has had drunks in her yard that she's had to yell at to leave her property and that the noise of live music can be problematic. Please put a limit on it.

Chair Endo, thanked her for her testimony. Is there anyone who would like to speak on behalf of the application?

Jennifer Jasper spoke on behalf of the applicant. She stated that they run Anchor Cove very well, have security, and when necessary close early. She added that what people are referring to is not from Anchor Cove. She added that ABC closes early, people come up with their cars and leave. She stated that they do monitor what happens out near the ocean and the park as it affects them. She added that they have a great management team and have been in business for over 50 years and take pride in their work. They have strict rule and do not serve people who are intoxicated or are at that point of being intoxicated. The burger stand we are really excited to open it. When there is a disturbance go and see where it is coming from and handle it. We are not responsible for the Oar House, I mean Tavern. I can't be blamed for that or for the loud music that is coming from that. We haven't had live music in our establishment for years. I do not know where they are hearing music but it is not from us. When it is slow we close, we are not a raging restaurant. We just work every day, we know perimeters, underage drinking. All of our staff is certified and we have a strict guidelines. If you are upset come and talk with us on how we run things. By not granting us a liquor license what about the hotel. Saturated we are in a tourist industry. I live close their, we are there. We can show you what we are doing and very proud of what we are doing, safety is our #1 priority and we run a tight ship.

Mrs. Kusaka requested that the Jasper's explain the schematics and premises of the existing building.

Mr. Jasper explained that where it is dog tails to the right is the bar area. This is all burgers and grill it is exactly how Steve had it. He had a little shave ice stand hut here. We just proposed to serve alcohol, like my family has for the last fifty-two years on this island.

Mrs. Kusaka, asked what will be happening in this two story building?

Mr. Jasper responded prepping of food, it is exactly what the prior guy had going on. Upstairs would be where customers would be able to drink and watch the ocean.

	<p>Mrs. Kusaka asked if this area will be licensed or the whole place.</p> <p>Mr. Jasper, thought that Ken made a map of the premises. This is not the premises just the floor plan.</p> <p>Director Rapozo asked to explain the license premise area.</p> <p>Mr. Jasper explained a deck, is what we are premising upstairs to enjoy the beautiful view. The front or the counter. For some reason don't know why Ken did not put this in his report.</p> <p>Mrs. Kusaka recommended that Mr. Jasper bring to the Commissioners a description of the premises and the schematics of the building. That is the responsibility of the applicant. She also asked where the entertainment is going to be.</p> <p>Mr. Jasper explained in the back of the building. Speakers out to the sea. We do not do Reggae only local music.</p> <p>Mr. Gibson stated that it says Contemporary Hawaiian Music and Reggae.</p> <p>Mr. Jasper stated for the record, that he was part of the Mayor's Crime Fighting task force with Chief Darryl Perry and together at 3:00 am deconstructed the Pine Tree Inn due to the malarkey that the place brought. We fight the battle all the time. The drunks/crackheads needed a place to stay dry, and was unable to congregate and be a part of the social decay.</p> <p>Mrs. Kusaka recommended that Mr. Jasper bring to the Commissioners a description of the premises and the schematics of the building. This will be deferred to next Commissioner meeting set for January 16, 2020.</p> <p>The Public Hearing for Application No. 2020-042 was closed.</p>	<p>Mrs. Kusaka moved to close the Public hearing for Application 2020-042 for NOKA Grill and to defer to January 16, 2020 that the applicant provide description of premises and allow time for verification of signatures from the opposing parties. Mr. Pacheco second the motion. Motion carried 6:0.</p>
--	---	--

<p>2. Director's Report</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>1) From Jackson Family Wines, Inc., Re: Kendall-Jackson Wine Country Getaway sweepstakes</p> <p>2) Disturbance Reports from Troy's</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>1) To Jackson Family Wines, Inc., Re: Kendall-Jackson Wine Country Getaway sweepstakes</p> <p>2) To All Wholesale Licensees, Re: Cancellation of Liquor License Kauai Pasta; New Liquor License Kauai Sea Tours (Imiola)</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment "A"</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>1) <u>BEACH HOUSE RESTAURANT:</u> Approval of special request for temporary increase of premises to include the patio lawn space (30' x 80'), per diagram submitted, for special event on January 1, 2, 3, 4, 5, 6,, 9, 11, 19, 20, 21,25 & 27, 2019.</p> <p>2) <u>FOODLAND PRINCEVILLE:</u> Approval of special request to conduct tasting of 4 varieties of distilled spirits, per list, in designated tasting area, per diagram submitted, on December 21, 2019 from 4:00 p.m. to 7:00 p.m. and sampling of 1 variety of beer on December 28, 2019 from 11:00 a.m. to 2:00 p.m.</p> <p>3) <u>KILAUEA MARKET + CAFÉ:</u> Approval of special request to conduct tasting of 4 varieties of distilled spirits, per list, in designated tasting area, per diagram submitted, on December 20, 2019 from 4:00 p.m. to 7:00 p.m.</p>	
--	---	--

	<p>4) <u>SAFEWAY LIHUE</u>: Approval of special request to conduct tasting of 1 variety of distilled spirits, per list, on December 20, 2019 from 3:00 p.m. to 5:00 p.m.; and on December 28, 2019 from 10:00 a.m. to 2:00 p.m.</p> <p>5) <u>WRANGLER’S RESTAURANT</u>: Approval of special request for temporary increase of premises to include the area fronting the restaurant, per diagram, on December 21, 2019 from 11:00 a.m. to 11:00 p.m.</p> <p>6) <u>NATIONAL TROPICAL BOTANICAL GARDEN</u>: Approval of Application No. Free 2020-048 filed on December 19, 2019 by National Tropical Botanical Garden for a Free One-Day Special Dispenser Beer & Wine license on January 2, 2020 at Allerton Estate and Queen Emma’s Cottage located at 4081 Lāwa’i Road, Kōloa, Kauai, Hawaii.</p> <p>7) <u>PIETRO’S PIZZA</u>: Approval of special request for alteration of premises to include replacing a metal railing with a short partitioned wall fronting the main entrance, per diagram submitted.</p> <p>f) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to approve Items 2a through f. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
<p>3.</p>	<p><u>OFF-PREMISE WAREHOUSING</u>:</p> <p><u>NAPALI SEA TOURS, INC.</u>: Request approval for Off-Premises Warehousing at the Port Allen Harbor Warehouse Shed located at TMK No. (4) 3-2-003:006 (Portion)</p>	<p>Mr. Pacheco moved to approve Off-Premise Warehousing for Na Pali Sea Tours. Mrs. Akita seconded the motion. Motion carried 6:0.</p>
<p>4.</p>	<p><u>NEW LIQUOR LICENSE</u>:</p> <p><u>THE ODOM CORPORATION</u>: Application No. 2020-068 was filed on December 9, 2019 by The Odom Corporation dba The Odom Corporation for a New Wholesale Dealer General license in the Līhu’e Industrial Complex located at 3141 Oihana Street, Līhu’e, Kauai, Hawaii. Deposited \$450.</p>	<p>Mrs. Akita moved to approve Publication and Public Hearing application 2020-068 New wholesale dealer general license for Odom Corporation. Mr. Pacheco second the motion. Motion carried 6:0</p>

5.	<p><u>CHANGE IN FIRM NAME:</u></p> <p><u>ALOHA GOLF GROUP, LLC:</u> Change of firm name on Restaurant General license No. 2G-069 from “Hookipa Café at Puakea” to “Puakea Grill”.</p>	<p>Mrs. Akita moved to approve change in firm name from Hookipa Café to Puakea Grill. Mr. Pacheco seconded the motion. Motion carried 6:0</p>
6.	<p><u>DISCUSSION AND POSSIBLE DECISION MAKING ON DIRECTOR OF LIQUOR CONTROL JOB DESCRIPTION</u></p> <p>Ellen Ching, Administrator Boards and Commission, passed out drafts for Director of Liquor Control job description. Recommended that the Commissioners consider and look at it and defer to January 16, 2020.</p>	<p>Mr. Gibson approved to defer the Director of Liquor Control job description to January 16, 2020. Mr. Pacheco second the motion. Motion carried 6:0</p>
7.	<p><u>ELECTION OF CHAIR AND VICE-CHAIR FOR 2020</u></p>	<p>Mr. Matsunaga moved to nominate Shirley Akita for the position of chair. Mr. Pacheco seconded the motion. Motion carried 5:1</p> <p>Mrs. Akita moved to nominate Mrs. Kusaka for Vice Chair for 2020. Mrs. Kusaka accepted the nominaton. Motion carried 6:0</p>
Announcements	<p>Next Scheduled Meeting: Thursday, January 16, 2020 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.</p>	
Adjournment		<p>Chair Endo adjourned the meeting at 4:55 p.m.</p>

Submitted by: _____
Malia Marrotte, Liquor Clerical Assistant

Reviewed and Approved by: _____
Paul Endo, Chair

- Approved as circulated.
- Approved with amendments. See minutes of _____ meeting.