

Approved

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Approved as circulated 11/7/19

Board/Commission	LIQUOR CONTROL COMMISSION	Meeting Date	September 19, 2019
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:29 p.m.
Present	Chair Paul Endo; Vice-Chair Shirley Akita; Members: Jean Iida, William Gibson, Gary Pacheco Also: Liquor Control Staff: Liquor Control Director Gerald Rapozo, Boards and Commissions Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti; Deputy County Attorney Todd Jenson		
Excused	Maryanne Kusaka, Gerald Matsunaga		
Absent			

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Endo called the meeting to order at 4:00 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 5 members were present, 2 excused.	
Approval of Agenda		Ms. Iida moved to approve the agenda. Mr. Pacheco seconded the motion. Motion carried 5:0.
Approval of Minutes	<u>APPROVAL OF MEETING MINUTES:</u> a) Closed Session minutes of August 1, 2019 b) Open Session minutes of August 15, 2019 c) Open Session minutes of September 5, 2019	Mr. Gibson moved to approve the Closed Session minutes of August 1, 2019. Ms. Iida seconded. Motion carried 5:0 Mr. Gibson moved to approve the Open Session minutes of August 15, 2019. Mr. Pacheco seconded. Motion carried 5:0 Mr. Gibson moved to approve the Open Session minutes of September 5, 2019. Mr. Pacheco

		seconded the motion. Motion carried 5:0.
<p>1.. Public Hearings</p>	<p>a) <u>KENJI BURGER</u>: Application No. 2020-004 was filed on July 10, 2019 by ET&WT LLC dba Kenji Burger for a New Restaurant Beer & Wine (No live entertainment and dancing) license located at 4-788 Kuhio Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2020-004 for publication and public hearing on July 18, 2019 and ordered to print notice of public hearing in The Garden Island on Wednesdays, July 24 & 31, 2019, scheduling the public hearing on September 19, 2019 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> <p>All legal requirements for today’s public hearing has been met. Notices were sent to 229 property owners or leases of record.</p> <p>Up until the time of the public hearing, the department has not received any letters of support or opposition to the application.</p> <p>Eric Tanigawa and Brittney Tanigawa, Owners, were present to represent the applicant.</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>None.</p> <p>Chair Endo asked if there was anyone who wished to speak on behalf of the application.</p>	

	<p>Mr. Tanigawa commented that they are excited to start serving beer and wine at their establishment and that they are a small family owned restaurant. Mr. Gibson asked about controlling the outdoor area.</p> <p>Mr. Tanigawa explained that they have ample amount of staff to monitor that area.</p> <p>The public hearing for Application No. 2020-004 was closed.</p> <p>Chair Endo entertained a motion.</p> <p>b) <u>KENJI</u>: Application No. 2020-005 was filed on July 10, 2019 by ET&WT LLC dba Kenji for a New Restaurant General (No live entertainment and dancing) license located at 4454 Nuhou Street, Lihue, Kauai, Hawaii. The Commission accepted Application No. 2020-005 for publication and public hearing on July 18, 2019 and ordered to print notice of public hearing in The Garden Island on Wednesdays, July 24 & 31, 2019, scheduling the public hearing on September 19, 2019 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Lihue Civic Center, Mo'ikeha Building, 4444 Rice Street, Lihue, Kauai, Hawaii.</p> <p>All legal requirements for today's public hearing has been met. Notices were sent to 7 property owners or leases of record.</p> <p>Up until the time of the hearing, the department did not receive any letters in support or opposition to the application.</p>	<p>Mr. Pacheco moved to approve Application No. 2020-004 filed on July 10, 2019 by Kenji Burger located at 4-788 Kuhio Hwy., Kapaa. Mr. Gibson seconded the motion. Motion carried 5:0</p>
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	<p>Eric Tanigawa and Brittney Tanigawa, Owners, were present to represent the applicant.</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>None.</p> <p>Chair Endo asked if there was anyone who wished to speak on behalf of the application.</p> <p>Mr. Gibson asked the location of the establishment.</p> <p>Mr. Tanigawa stated that they are in-between Subway and Supercuts, next to Verde in Hokulei Village facing the roadside. Small location, 900 sq. ft. Mr. Tanigawa asked if they were to expand seating area of the restaurant would they need to reapply for a liquor license.</p> <p>Mr. Rapozo answered that as long as it's continuous with what currently applying for, they could just submit a permanent increase of premises.</p> <p>The public hearing for Application No. 2020-005 was closed.</p>	<p>Mr. Pacheco moved to approve Application No. 2020-005 filed on July 10, 2019 by Kenji located at 4454 Nuhou Street, Lihue. Ms. Iida seconded the motion. Motion carried 5:0</p>
2.	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATORS' REPORTS:</u></p>	

	<p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>1) Disturbance Reports from Opakapaka Grill & Bar and Kauai Marriott Resort.</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></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>THE WINE SHOP:</u> Approval of special request for tasting of 4 varieties of wine, per list, on September 7, 2019 from 2:00 p.m. to 8:00 p.m. and 3 varieties of wine, per list on September 9, 2019 from 2:00 p.m. to 8:00 p.m.</p> <p>2) <u>WAIPA FOUNDATION:</u> Approval of Application No. Free 2020-24 filed on September 3, 2019 by Waipa Foundation for a Free One-Day Special Dispenser General license on September 28, 2019 at the Waipa Foundation Grand Lawn, 5-5785A Kuhio Highway, Hanalei, Kauai, Hawaii.</p> <p>3) <u>SHOUJIKI ENTERTAINMENT LLC:</u> Approval of Application No. 2020-013 filed on September 3, 2019 by Shoujiki Entertainment LLC for a Special Dispenser General license on September 8, 2019 at the Kauai Veterans Center, 3215 Kauai Veterans Memorial Highway, Lihue, Kauai, Hawaii.</p> <p>4) <u>CRAZY ROOSTER PRODUCTIONS, LLC:</u> Approval of Application Nos. 2020-015 and 2020-016 filed on September 3, 2019 by Crazy Rooster Productions LLC for a Special Dispenser General license on September 28 & 29, 2019 at the Grove Farm Museum, 4050 Nawiliwili Road, Lihue, Kauai, Hawaii.</p> <p>5) <u>WALDRON NORTON LILLY INTERNATIONAL, INC.:</u> Approval of Application No. 2020-007 filed on August 20, 2019</p>	
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for a Transient Vessel license for the vessel Carnival Legend at Nawiliwili Harbor on October 5, 2019.

- 6) WALDRON NORTON LILLY INTERNATIONAL, INC.:
Approval of Application No. 2020-008 filed on August 20, 2019 for a Transient Vessel license for the vessel Carnival Miracle at Nawiliwili Harbor on January 25, 2020.
- 7) WALDRON NORTON LILLY INTERNATIONAL, INC.:
Approval of Application No. 2020-009 filed on August 20, 2019 for a Transient Vessel license for the vessel Carnival Miracle at Nawiliwili Harbor on April 21, 2020.
- 8) WALDRON NORTON LILLY INTERNATIONAL, INC.:
Approval of Application No. 2020-010 filed on August 20, 2019 for a Transient Vessel license for the vessel Carnival Spirit at Nawiliwili Harbor on April 14, 2020.
- 9) WALDRON NORTON LILLY INTERNATIONAL, INC.:
Approval of Application No. 2020-011 filed on August 20, 2019 for a Transient Vessel license for the vessel Crystal Harmony at Nawiliwili Harbor on January 21, 2020.
- 10) WALDRON NORTON LILLY INTERNATIONAL, INC.:
Approval of Application No. 2020-012 filed on August 20, 2019 for a Transient Vessel license for the vessel Crystal Symphony at Nawiliwili Harbor on December 28, 2019.
- 11) INTERCRUISES SHORESIDE & PORT SERVICES: Approval of Application No. 2020-014 filed on September 3, 2019 for a Transient Vessel license for the vessel Radiance of the Seas at Nawiliwili Harbor on September 17, 2019.
- 12) PRINCESS CRUISE LINES, LTD.: Approval of Application No. 2020-019 filed on September 9, 2019 for a Transient Vessel license for the vessel Sea Princess at Nawiliwili Harbor on September 15, 2019.
- 13) HOLLAND AMERICA LINE N.V.: Approval of Application No. 2020-017 filed on September 3, 2019 for a Transient Vessel

	<p>license for the vessel MS Eurodam at Nawiliwili Harbor on October 8, 2019.</p> <p>14) <u>HOLLAND AMERICA LINE N.V.</u>: Approval of Application No. 2020-018 filed on September 5, 2019 for a Transient Vessel license for the vessel MS Amsterdam at Nawiliwili Harbor on November 5, 2019.</p> <p>f) <u>INFORMATIONAL MATTERS</u></p>	<p>Mr. Pacheco moved to accept Items 2(a) through f. Mr. Gibson seconded the motion. Motion carried 5:0.</p>
<p>3.</p>	<p><u>OFF-PREMISES WAREHOUSING:</u></p> <p><u>LBD COFFEE LLC:</u> Request approval for Off-Premises Warehousing at their property at 5907 Kawaihau Road, Unit C, Kapaa, Kauai, Hawaii.</p> <p>Mr. Rapozo explained that they are applying for an extension of their current license for wholesale dealer. This would allow them to store what they are not able to store at their location up the road to this location.</p> <p>Mr. Gibson asked for clarification on different options.</p> <p>Tai Erum, Manager for LBD Coffee, explained that there are three options. 1. 5600 sq. ft. building that is not built yet, 2. 40 ft. metal container on land, 3. 500 sq. ft. building near the front. If approve all three they would be able to make a decision for the company.</p> <p>Mr. Rapozo informed the Commissioners that what they plan to do has been cleared with Planning, it's permitted to have the storage at that location, but either of the three plans require building permits. Issuing of permit from Liquor would be after they receive permits from other County Agencies.</p>	

Les Drent, Owner LBD Coffee, interjected contingency approval. He has spent hundreds of thousands of dollars on the distillery plan that was denied. Spent a lot of money and time on that.

Todd Jenson, Deputy County Attorney, interjected that what is being considered is the location of the warehouse right now.

Mr. Drent confirmed that this is contingent on getting approval from building and other various departments.

Mr. Erum clarified that what they are doing is getting approval before spending money.

Mr. Gibson asked if the Commission is allowed to grant all three options.

Mr. Rapozo answered that they can do each option individually or all three together.

Mr. Drent said that they would only deal with one once approved. They are going to get an idea of how much storage they need and currently the wholesale license is at a warehouse that is 240 sq. ft., which is small, they'll see how much product they will be moving, then will determine what their needs will be.

Mr. Drent submitted a document identifying approximately 95% of properties are illegally living in farm dwellings.

Mr. Rapozo asked if the Commission wanted to read it. No reply.

Ms. Akita clarified that by approving request now that the applicant would have the option of anyone of the three choices.

	<p>Mr. Jenson understands that they are working with Planning and are seeking pre-approval from the Liquor Commission. The Commission as he understands it, can grant contingent approval upon the other County Agencies giving approval so that once they have that they already have Liquor Commission. Part of the condition can be that they begin to use the planned use within one year of getting approval from other agencies.</p> <p>Mr. Drent explained that one year may not be enough time and clarified that he could request an extension.</p> <p>Mr. Jenson confirmed that he could request an extension.</p> <p>Ms. Akita clarified that the contingent plan would be part of the approval.</p> <p>Mr. Drent invited Commission to visit for coffee and expressed his dismay with how he was treated.</p> <p>Chair Endo entertained a motion.</p>	<p>Ms. Akita moved to approve request of LBD Coffee LLC for Off-Premises Warehousing located at 5907 Kawaihau Rd, Unit C, Kapaa, contingent upon approval from all County departments. Ms. Iida seconded the motion. Motion carried 5:0</p>
<p>4.</p>	<p><u>VIOLATION REPORT:</u></p> <p><u>OPAKAPAKA BAR & GRILL:</u> Violation of Rule 7.13 Fight and Disturbance Reports.</p> <p>Mr. Rapozo noted that this is to call Opakapaka Bar & Grill in for a violation meeting.</p>	<p>Ms. Akita moved that Opakapaka Bar & Grill be brought in for a violation hearing. Mr. Pacheco seconded. Motion carried 5:0</p>

	Commission recessed at 4:21 pm and reconvened at 4:24pm	
5.	<p><u>ANNUAL EVALUATION OF DIRECTOR:</u></p> <p>Ellen Ching, Administrator Boards & Commission, updated the Commission. She sent out the evaluation to the staff and compiled the responses (on file) which she handed to the Commissioners. She has also asked the Director to complete his self-evaluation for the next meeting. She asked for approval for her to schedule the staff and Director to come in to talk directly with the Commission at the next meeting and then they will have the written and verbal assessments to complete the evaluation. She noted there are no names on the report. A responses are all the same person, B as well, and so forth.</p> <p>Chair Endo clarified that they will come back next meeting.</p> <p>Ms. Ching will discuss with the Director scheduling.</p>	No action
Announcements	Next Scheduled Meeting: Thursday, October 3, 2019 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
Adjournment		Mr. Pacheco moved to adjourn the meeting. Mr. Gibson seconded. Motion carried 5:0. Chair Endo adjourned the meeting at 4:29 p.m.

Submitted by: _____
 Anela Segreti, Administrative Specialist

Reviewed and Approved by: _____
 Paul Endo, Chair

Liquor Control Commission
Open Session
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Approved as circulated.

Approved with amendments. See minutes of _____ meeting.