

CLERK'S OFFICE
PASSED AND APPROVED
Date: 1-30-01

Submitted by: Assemblymember TESCHE
Prepared by: Assembly Office
For Reading: JANUARY 9, 2001

**ANCHORAGE, ALASKA
AR NO. 2001-9**

A RESOLUTION OF THE ANCHORAGE ASSEMBLY WAIVING PROTEST OF RENEWAL OF A PACKAGE STORE LICENSE FOR OAKEN KEG #55 LOCATED AT 1650 W. NORTHERN LIGHTS BLVD. PROVIDED CERTAIN CONDITIONS ARE IMPOSED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD UNDER AS 04.11.480(C)

WHEREAS, an application for renewal of a package liquor license for the Oaken Keg #55 located at 1650 W. Northern Lights Blvd. has been received by the Alcoholic Beverage Control Board and forwarded to the Municipality of Anchorage for local review as allowed by AS 04.11; and

WHEREAS, as the Local Governing Body, the Anchorage Assembly may protest renewal of this license, waive protest, or waive protest provided conditions are placed on continued operation of this package liquor store; and

WHEREAS, the Anchorage Assembly finds: there are growing neighborhood concerns over the sale to and consumption of alcoholic beverages by minors and, as well, sales to and public consumption of alcohol by street inebriates in the Downtown, Fairview, and North Star Community Council areas; there is a growing community concern over DUI offenses as well as crimes of violence committed by or against inebriated persons; litter, refuse, and human waste generated by public inebriates; camping in public areas and parks in the downtown; property values in areas frequented by public inebriates are threatened as well as the quality of life enjoyed by residents of the downtown area; there is a growing awareness of and concern for the escalating societal cost of irresponsible use of alcohol; and

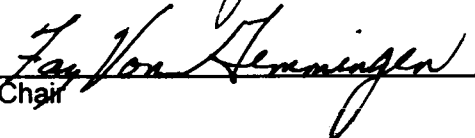
WHEREAS, the Anchorage Assembly finds that the public interest is best served if the licensee adheres to certain operating conditions that would reduce the harm to the public in general and surrounding neighborhoods associated with operation of a package liquor store at 1650 W. Northern Lights Blvd.

NOW THEREFORE, the Anchorage Assembly resolves:

Section 1: As the Local Governing Body, the Assembly hereby waives protest of renewal of the package store license for Oaken Keg #55 located at 1650 W. Northern Lights Blvd. provided the Operating Conditions incorporated by reference in Section 2 below and attached to this resolution as Exhibit A are approved and imposed by the State of Alaska Alcoholic Beverage Control Board in connection with renewal of this license and strictly followed by the applicant and its employees.

Section 2: As a condition of its decision to waive protest of renewal of this package store license, and as allowed by AS 04.11.480(c), the Operating Terms and Conditions set forth in Exhibit A attached hereto and incorporated by reference are recommended to the State of Alaska Alcoholic Beverage Control Board and shall be formally adopted as conditions governing continued operation of this establishment.

PASSED AND APPROVED by the Anchorage Assembly this 30th day of Jan, 2001.


Chair

ATTEST:


Municipal Clerk

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EXHIBIT A
OPERATING TERMS AND CONDITIONS
Store #1805 – Oaken Keg #55, 1650 W. Northern Lights Blvd.

(Clerk's Note: Conditions forwarded to State Alcoholic Beverage Control Board)

SECURITY

1. Will maintain detailed log of refusals of sales detailing reasons for refusals (minors, intoxicated person, ID, etc.)
2. Will maintain a log for police and Community Service Patrol calls to the store.
3. All transactions will be videotaped using a separate camera and dedicated videotape recorder for each cash register. The store will maintain a 30-day archive of each video tape.

PERSONNEL

1. Two clerks will be on duty for the first hour the store is open and after 4 p.m. until closing.
2. Formalize training and discipline program for employees involved in sale of alcohol, including standards for identification and trespass.
3. Train all employees involved in sale of alcohol in TIPS/TAMS with 18 month refresher/retraining courses.

GENERAL OPERATIONS AND SALES

1. Absolutely no sales to inebriates will be allowed at any time.
2. No shooters will be sold for less than \$1.99 [Revisit in 6 months with Assembly Public Safety Committee]
3. All alcohol products will be placed in a bag, where appropriate sizing will allow, containing the store's identification or logo. A sales receipt will be placed in the bag or attached to or inserted in the alcohol packaging.
4. Will not have single displays of 12 oz. or 16 oz. beer.
5. Will implement MOA fake ID program (AMC 10.50.020) and maintain records of false ID's seized and fines levied and prosecute violators.

COMMUNITY

1. Effect of conditions will be reviewed in six months with the Assembly Public Safety Committee.

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EXHIBIT B
OPERATING TERMS AND CONDITIONS
Store #1805 – Oaken Keg #55, 1650 W. Northern Lights Blvd

(Clerk's Note: Operations Agreement between Safeway/Carrs and Neighborhood as amended by the Assembly on 1-30-01)

SECURITY

1. [Revisit whether uniformed security guard will be on duty when alcohol is sold at six-month review with Assembly Public Safety Committee, but not required now.]
2. Will maintain radio contact with inside personnel and with appropriate Community Patrol if desired.
3. Maintain and extend "Cops in Shops" program subject to Municipality of Anchorage funding.
4. Review feasibility of driving parking lot patrol.

PERSONNEL

1. Employees who violate statutes for alcohol sales will be disciplined and/or terminated within the limits of the union contract and will be ineligible for rehire in an alcohol sales position.

GENERAL OPERATIONS AND SALES

1. The store will not open before 10:00 a.m. with two clerks on duty for the first hour. (see Exhibit A, Personnel, #1¹)
2. Close on New Year's Eve at 10:00 p.m.
3. Will not advertise or sell 1.00 liter or 1.75 liter liquor items under \$10.99.
4. Will not sell 200 ml vodka or canadian for less than \$2.99, nor 375 ml vodka or canadian for less than \$4.99.
5. Will not sell 750 ml hard alcohol (spirits) for less than \$7.99.
6. No malt beverage will be sold for less than \$4.99 a six-pack and no ice beer 12-pack will be sold for less than \$5.99.
7. No price point banners displayed to the exterior of the store and no ice beer in six-pack ads.
8. Will adopt and follow progressive warning/trespass program for intoxicated persons who attempt to purchase alcohol or violate standards or those persons known to Carrs/Safeway/Oaken Keg to buy for intoxicated persons, leading to subsequent trespass citations (whether drunk or sober) for periods of up to one year.

COMMUNITY

- At least weekly all alcohol related litter items identified as Carrs/Safeway/Oaken Keg within a block radius of the store shall be picked up by store personnel. In addition, will assist in periodic community organized clean-up.
- 2 Enter into partnership agreement with local school(s).

3. ~~Store management representative will regularly attend community council meeting.~~
4. ~~Carrs/Safeway/Oaken Keg will help fund community patrols.~~
5. Carrs/Safeway/Oaken Keg will send a representative to the (state) Denali Safety Council.
(Are encouraged to join and request help dealing with safety issues from a systematic public health perspective.)
6. Carrs/Safeway/Oaken Keg will send a representative to the Anchorage Safe Community/Alaska Injury Prevention Center meetings. Are encouraged to join and request help dealing with safety issues from a systematic public health perspective.

Replaced by new exhibits A and B on 1-30-01.

EXHIBIT A

OPERATING TERMS AND CONDITIONS

Oaken Keg # 55 1650 W. Northern Lights Blvd.

SECURITY

Will deploy a uniformed security guard for mostly outside duty when liquor is sold

Will maintain radio contact with inside personnel, and with Fairview Community Patrol if desired.

- Maintain and expand "Cops in Shops" program subject to MOA funding

Review feasibility of driving parking lot patrol.

- Will maintain detailed log of refusals of sales detailing reasons for refusal (minors, intoxicated persons, ID, etc).
- Will maintain a log for police and CSP calls to the store.
- All transactions will be videotaped using a separate camera and dedicated videotape recorder for each cash register. The store will maintain a 30-day archive of each videotape.

Will add additional exterior lighting at Gambell Street Store and install parking lot video camera.

PERSONNEL

Maintain minimum of two clerks on duty inside whenever alcohol is sold

- Formalize training and discipline program for Safeway/Carrs employees, including standards for identification and trespass.
- Train all employees in TIPS/TAMS with 18 mo. refresher/retraining courses.
- Employees who violate alcohol or drug laws will be terminated and will be ineligible for rehire.

GENERAL OPERATIONS AND SALES

Absolutely no sales to inebriates will be allowed at any time.

The store will not open before 11:00 a.m.

- No shooters (50 ml) will be sold.

Close on New Years' Eve at 10:00 p.m.

All alcohol products will be placed in a bag containing the store's identification or logo. Each sales receipt will be placed in a bag.

- Will not sell/advertise 1.00 or 1.50 liquor items will be sold under \$12.00.
- No "single" displays for beer.

No 200 MI vodka

- No 200 mil Canadian

No 375 Mil vodka

- No 375 MI Canadians

- No 750 MI for less than \$10.00

No malt beverage for less than \$4.99 per six pack

- No price point banners in the stores, no ice beer in 6-pack "ads" and no ice beer 12 pack sold for less than \$5.99
- Will adopt and follow progressive warning/trespass program for intoxicated persons who attempt to purchase alcohol or violate standards, leading to subsequent trespass citations (whether drunk or sober) for periods of up to one year.
- Will implement MOA fake ID program (AMC 10.75.250) and maintain records of false Id's seized and fines levied.

COMMUNITY

At least weekly all litter within a 4 block radius of the store and as pointed out by community councils shall be picked up by store personnel.

- Enter into Partnership agreement with local schools.

- Store management representative will attend regularly scheduled Community Council Meetings (North Star Community Council).

Oaken Keg will help fund community patrols.

- 6 months' review with Assembly Public Safety Committee.