

## Meeting Minutes

### Public Protection Committee

Monday, June 9, 2008, 8:19 p.m.

Lincoln Center, 1519 Water Street Present: Alderpersons: Stroik, Trzebiatowski, Slowinski, Heart, Brooks.

Also Present: Mayor Halverson; Clerk Moe; C/T Schlice; City Attorney Molepske; Alderpersons: Myers, Walther, Hanson, Wiza, Molski, and Moore; Chief Morris; Chief Barnes; Director Gardner; Director Halverson; Reid Rocheleau; Mary Ann Laszewski; Peter Ananiadis; Rick Whipp; Cathy Dugan; Ryan Cordy; LeRoy Cordy; John Zinda; Jason Glisczynski; Terry Goodermuth; Larry Stuczynski; Wayne Bushman; Gene Kemmeter (Gazette)

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1. Recommendation on license lists: A. New and Renewal Operator's (Bartender's) Licenses. B. Recommended Rejection of Operator's license. C. Special Class "B" / "Class B" Retailer's License: i) Msgr. John R. McGinley Council 1170 Knights of Columbus, for the Knights of Columbus Family Picnic on Sunday, June 22, 2008 at Bukolt Park Lodge. (Lodge and surrounding area.) John Schlice, licensed operator on the premises. ii) Boys and Girls Club of Portage County, for the Latino Festival on Sunday, June 29, 2008 at the Noel Hangar, 4501 Hwy. 66, Stevens Point, WI. (Entire building.) Azaelia Garcia, Mgr. of the event. iii) Stevens Point Area Catholic Schools, for Panacea on September 5, 6, 7, 2008 at Pacelli High School, 1301 Maria Drive, Stevens Point, WI. (Beer tent immediately outside of the building to the northeast corner of the exit, under a tent.), Jim Dyer, Mgr. of the event. D. Request for Extension of Premises: Stevens Point Brewery, for the annual Brews, Brats and Bands Festival on Friday, August 15, 2008 and Saturday, August 16, 2008 to include the Brewery Park. E. Consideration of Applications for Combination Beer and Liquor Licenses: i) Jason Glisczynski, 1920 Adams Street, Plover, WI at Player's Lounge, 2124 Rice Street, Stevens Point, WI. ii) Pete Ananiadis, 5441 Walter Street, Stevens Point, WI at the Olympia Restaurant, 200 A Division Street, Stevens Point, WI.
2. Request to Hold Events and for Street Closings: A. University of Wisconsin - Stevens Point for annual Homecoming Celebration Events: Car Push event on October 10 and Homecoming Parade on October 11. B. Stevens Point Brewery for the annual Brews, Brats and Bands Festival on August 16 & 17. C. Association of Downtown Businesses for the annual Crazy Days on July 11 & 12. D. Old Main Neighborhood Association to hold a Block Party on a portion of Briggs Street on July 12, 2008 from 4:00 p.m. to 9:00 p.m. (Rain date of July 13, 2008).
3. Request to Permit Outdoor Solid Fuel Burning Furnaces.
4. Proposed Ordinance Amendment - Licenses/Permits - Sec. 12.14(18) - On File Period for Temporary (Picnic) License applications.
5. Amend Building Permit Fees.
6. Recommendation of the Monthly Inspection Report: A. Construction Starts. B. Violations.
7. Adjournment.

#### 1. Recommendation on license lists:

A. New and Renewal Operator's (Bartender's) Licenses.

Ald. Brooks moved, Ald. Trzebiatowski seconded, to approve the 28 New and 41 Renewal Operator's (Bartender's) Licenses. Ayes, all; nays, none; motion carried.

B. Recommended Rejection of Operator's license.

Ald. Stroik moved, Ald. Slowinski seconded, to deny an operator's license to Jacob Calhoun, 1717 Main Street, Stevens Point because he does not meet the guidelines set by the Council to hold a license. Ayes, all; nays, none; motion carried.

C. Special Class "B" / "Class B" Retailer's License:

i) Msgr. John R. McGinley Council 1170 Knights of Columbus, for the Knights of Columbus Family Picnic on Sunday, June 22, 2008 at Bukolt Park Lodge. (Lodge and surrounding area.) John Schlice, licensed operator on the premises.

ii) Boys and Girls Club of Portage County, for the Latino Festival on Sunday, June 29, 2008 at the Noel Hangar, 4501 Hwy. 66, Stevens Point, WI. (Entire building.) Azaelia Garcia, Mgr. of the event.

iii) Stevens Point Area Catholic Schools, for Panacea on September 5, 6, 7, 2008 at Pacelli High School, 1301 Maria Drive, Stevens Point, WI. (Beer tent immediately outside of the building to the northeast corner of the exit, under a tent.), Jim Dyer, Mgr. of the event.

Ald. Trzebiatowski moved, Ald. Brooks seconded to approve of the Special Class "B" / "Class B" Retailer's Licenses for Msgr. John R. McGinley, Council 1170 Knights of Columbus, for the Knights of Columbus Family Picnic on Sunday, June 22, 2008 at Bukolt Park Lodge. (Lodge and surrounding area.) John Schlice, licensed operator on the premises; the Boys and Girls Club of Portage County, for the Latino Festival on Sunday, June 29, 2008 at the Noel Hangar, at the airport, Azaelia Garcia, Mgr. of the event; and the Stevens Point Area Catholic Schools, for Panacea on September 5, 6, 7, 2008 at Pacelli High School, 1301 Maria Drive (Beer tent immediately outside of the building to the northeast corner of the exit, under a tent.), Jim Dyer, Mgr. of the event. Ayes, all; nays, none; motion carried.

D. Request for Extension of Premises: Stevens Point Brewery, for the annual Brews, Brats and Bands Festival on Friday, August 15, 2008 and Saturday, August 16, 2008 to include the Brewery Park.

Capt. Dowling said the Police Department did not have any problems with the event but did want the same parking restrictions as last year.

Ald. Slowinski moved, Ald. Brooks seconded, approval of the Request for an Extension of Premises for the Stevens Point Brewery, for the annual Brews, Brats and Bands Festival on Friday, August 15, and Saturday, August 16, 2008 with the additional parking restrictions. Ayes, all; nays, none; motion carried.

E. Consideration of Applications for Combination Beer and Liquor Licenses:

i) Jason Glisczynski, 1920 Adams Street, Plover, WI at Player's Lounge, 2124 Rice Street, Stevens Point, WI.

ii) Pete Ananiadis, 5441 Walter Street, Stevens Point, WI at the Olympia Restaurant, 200 A Division Street, Stevens Point, WI.

Ald. Stroik noted that the City only has two licenses left so, after listening to testimony, the Committee can choose to issue both, one or neither.

Jason Glisczynski said that they received a recommendation for a Conditional Use Permit from the Plan Commission in May and the main concern brought up was noise because of the proximity to the neighbors. Terry Goodermuth from Arrow Audio is with him to discuss their plans to address this issue.

Terry Goodermuth, General Manager for Arrow Audio, said his company was hired to analyze the acoustics both internally and externally. He explained the process they used to test the building and said that with the recommended modifications, local residents should not have any issues with annoyance noise.

Ald. Trzebiatowski raised a concern about noise resonating from the roof of the building.

Mr. Goodermuth said in order to have the structure resonate enough to reach the neighbors it would need a great deal of power. The lower concrete wall is a good start, and by finishing the rest, it will create a large curtain that will block most of the sound. He said that if you had a fan on in your room you would not hear any sound from the building.

LeRoy Cordy said he lives directly across from the building. He noted that many of the homes in the area have dogs that start to bark when they hear noise coming from the building and that it will create a problem. He asked how it would be resolved. He also raised concern about activity in the back of the building with the loading and unloading of equipment as well as the location of bands within the building.

Jason Glisczynski stated that they would not be using the back doors for loading and unloading.

Mr. Goodermuth said that it was his understanding that any bands playing in the building would be on the opposite side by the cemetery.

Mr. Cordy asked what the effect would be in the summer time when people have their doors open.

Mr. Goodermuth said that the nature around the house would be more prevalent.

Mr. Cordy noted that it is a quiet neighborhood. Last weekend there was a carnival on the location and there were many problems including kids getting into trouble. He asked if there was going to be additional policing of the area.

Chief Morris said they cannot do extra enforcement in this area. This has to be self sustaining just like any other business. Mr. Glisczynski has done what he can with the building but it is still near McKinley School and in a residential area.

Attorney Molepske said that in discussing this with the Police Chief and Director Gardner, the City Planning Commission did not know that because this has an indoor volleyball court that is 18 by 9 meters wide anyone under 21 can frequent the area due to the way the statutes are written. Mr. Gardner was under the impression that the license was for the tavern area but the applicant has the entire building as the premises.

Jason Glisczynski said that came up at the last meeting he attended. He was very clear at that meeting when he used the example of a bowling alley where 16 and 17 year olds are bowling a couple of lanes down from guys who are having a beer. He said that he would put in place other controls such as wrist bands for persons of age so that they can be easily identified. He said he would do whatever is necessary to control it.

Ryan Cordy asked if there was a provision in the state statutes that prohibited the sale of alcohol and tobacco within a certain distance from a school.

Clerk Moe said the statute says that the distance from the main entrance of a church, school or hospital had to be at least 300 feet from the main entrance of premises but that the Council has the ability to override that if they so deem fit.

Ald. Stroik said that since there are no further comments, the Committee was moving to the next agenda item.

Peter Ananiadis said the Olympia Restaurant had a liquor license from 1992 until three years ago when they had to move it to Pete's Sports Bar in the back due to the smoking ordinance. The restaurant then obtained a beer and wine license for the front portion of the building. He is now applying for this license due to the restaurant's clientele.

Ald. Stroik asked for clarification that they are asking to have a second liquor license since Pete's Sports Bar already has a license.

Mr. Ananiadis replied yes that is for their clientele who do not want to be in the bar where smoking is allowed.

Ald. Heart asked if it is only beer and wine in the front of the restaurant as she was at a table with someone who ordered a mixed drink and received it.

Mr. Ananiadis said it is only supposed to be beer and wine in the front.

Ald. Slowinski asked if there was a way to have a license for the entire establishment.

Mr. Ananiadis replied that according to the City Attorney the bar would have to be smoke free.

Ald. Trzebiatowski asked the City Attorney if he was correct that the City has a finite number of liquor licenses but unlimited number of beer and wine licenses.

Attorney Molepske said that is correct.

Ald. Trzebiatowski said it seems that the decision to move the liquor license back to the bar was more of a business decision and not one caused by statute.

Attorney Molepske said if that is the basis for denial then the fact that he originally had one should be stated.

Mayor Halverson said in his opinion the desire for a second liquor license due to the smoking ban does not rise to the threshold of granting another license. As the City only has two remaining licenses they should go to projects that demonstrate some level of growth, new jobs or redevelopment of an old site.

Ald. Brooks agrees with the Mayor and will vote to deny the license.

Mary Ann Laszewski noted that these are two different businesses which are owned by one person.

Reid Rocheleau asked for an explanation on the limits of licenses.

City Attorney Molepske said that it goes back to the 1930's after prohibition. The number of licenses that may be granted is based on population and as the city grows so does the number that are available. Currently, we are over the quota under the new law. We would have to add thousands in population in order to catch up with what the City has now.

Mr. Rocheleau asked where these two licenses came from that are now available.

Ald. Stroik replied that the City can be selective in what licenses it is willing to grant and reviewed the criteria for denial in the statute. He also noted that a business who wanted to locate in the city may not do so if they didn't have any more liquor licenses available.

Mr. Rocheleau asked if the Council could put a restriction on the license that if the state adopted a statewide smoking ban then the Olympia

Restaurant would have to surrender the license.

Attorney Molepske replied that they do not place restrictions on liquor licenses.

Director Gardner said that there are currently three applications for the two licenses that are available at this time. There may be a third license that becomes available if they deny a renewal in the downtown area.

Ald. Walther said that to him it seems they would be stretching the denial guidelines if this request was denied.

Ald. Meyers said that this would be a convenience for the customers.

Police Chief Morris said that for the Rice Street project they want the liquor to be kept in bar. As for Mr. Ananiadis that is a decision for the Council. Already two aldermen have said that they are not controlling the liquor in violation of the license.

Mayor Halverson said that this is an attempt by Mr. Ananiadis to get around the smoking ban that the City has in place. He is a business owner who has made a business decision. The City needs to weigh the potential of new businesses coming to the area versus Mr. Ananiadis wanting to having smoking in his bar as well as serving alcohol in his restaurant.

Mr. Ananiadis said that it is two different businesses.

Ald. Trzebiatowski moved, seconded by Ald. Heart, to approve the application of the Combination Beer and Liquor License for Jason Glisczynski, at Player's Lounge, located at 2124 Rice Street, Stevens Point, WI with the stipulation that it is for the bar area only.

Ald. Brooks asked if he could apply for a temporary license for a singular event like a wedding.

Attorney Molepske replied that it could be taken care of under the conditional use.

Ald. Heart said that she hopes that this project will add to the south side area.

Ald. Stroik said that some of the neighbors are concerned about noise and activities and if it would it be possible to put in a one year sunset clause.

Attorney Molepske replied yes that it will be part of the conditional use grant.

Call for the Vote on the motion by Ald. Trzebiatowski. Ayes, all; nays, none; motion carried.

Ald. Brooks moved, Ald. Slowinski seconded, to deny the application for Peter Ananiadis, the Olympia Restaurant, 200 A Division Street on the basis that it was his choice when the smoking ban came into effect to allow his establishment to still have smoking. Ayes, all; nays, none; motion carried.

2. Request to Hold Events and for Street Closings:

A. University of Wisconsin - Stevens Point for annual Homecoming Celebration Events: Car Push event on October 10 and Homecoming Parade on October 11.

B. Stevens Point Brewery for the annual Brews, Brats and Bands Festival on August 16 & 17.

C. Association of Downtown Businesses for the annual Crazy Days on July 11 & 12.

D. Old Main Neighborhood Association to hold a Block Party on a portion of Briggs Street on July 12, 2008 from 4:00 p.m. to 9:00 p.m. (Rain date of July 13, 2008).

Ald. Stroik moved, Ald. Slowinski seconded, to approve the events and street closing requests from the University of Wisconsin - Stevens Point for annual Homecoming Celebration Events: Car Push event on October 10 and Homecoming Parade on October 11; the Stevens Point Brewery for the annual Brews, Brats and Bands Festival on August 16 & 17; the Association of Downtown Businesses for the annual Crazy Days on July 11 & 12; and the Old Main Neighborhood Association to hold a Block Party on a portion of Briggs Street on July 12, 2008 from 4:00 p.m. to 9:00 p.m. (Rain date of July 13, 2008). Ayes, all; nays, none; motion carried.

3. Request to Permit Outdoor Solid Fuel Burning Furnaces.

Fire Chief Barnes explained that the current ordinance was put in place in 2006. At the time of adoption there was one outdoor furnace in existence in the city. Since that time an additional outdoor furnace was installed by the person asking for their consideration tonight. If it is their desire to change the ordinance, the Fire Department would be willing to work with them but he encouraged the Council not to drop the ban.

Mayor Halverson felt that there was a reasonable way to make some of these work in certain areas.

Ald. Trzebiatowski was against changing the ordinance.

Ald. Trzebiatowski moved, Ald. Brooks seconded, to deny the change to the ordinance.

Reid Rocheleau was in favor of the change and asked the City to look into the matter further.

Ald. Hanson, Ald. Molski, Ald. Walther were also against changing the ordinance.

Wayne Bushman said that he thought he had gone to a reliable source regarding the wood burning furnace and that information was not correct. He was not aware of the ordinance banning the furnace. He had a broad permit for the renovation of the complex and it is expensive to keep the 15,000 square foot building heated.

Ald. Heart noted that with fuel costs increasing this is something that may need to be looked at in the near future and suggested this be an issue given to the Eco-Municipality Task Force to investigate.

Ald. Stroik asked that action on this matter be postponed.

Mayor Halverson feels this is a zoning issue and that it should go to the Inspection Department for further review and asked for a postponement.

Ald. Trzebiatowski withdrew his motion to deny.

Ald. Trzebiatowski moved, Ald. Brooks seconded, to postpone action until the August Public Protection meeting and return this matter to the Inspection Department for further consideration. Ayes, all; nays, none; motion carried.

4. Proposed Ordinance Amendment - Licenses/Permits - Sec. 12.14(18) - On File Period for Temporary (Picnic) License applications.

Ald. Stroik moved, Ald. Slowinski seconded, to approve the Ordinance Amendment. Ayes, all; nays, none; motion carried.

5. Amend Building Permit Fees.

Ald. Slowinski moved, Ald. Trzebiatowski seconded, to approve the Amendments to the Building Permit Fees. Ayes, all; nays, none; motion carried.

6. Recommendation of the Monthly Inspection Report:

A. Construction Starts.

B. Violations.

Ald. Trzebiatowski moved, Ald. Brooks seconded, to approve the Monthly Inspection Report and Place it on File. Ayes, all; nays, none; motion carried.

7. Adjourned at 10:05 p.m.

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