

Meeting Minutes

Public Protection Committee

Monday, May 8, 2006, 6:00 P.M.

City Water Department, 300 Bliss Avenue Present: Ald. Sevenich, Barber, Robinson, Trzebiatowski, Slowinski.

Also Present: Mayor Wescott, C/T Schlice, Clerk Moe, City Attorney Molepske, Alderpersons Hanson, Stroik, Moore, Robinson, Walther, Wiza, Chief Morris, Capt. Dowling, Chief Barnes, Director Gardner, Director Halverson, Director Schrader, Director Euclide, Personnel Specialist Jakusz, Peggy Rentz, Rhody Mallick, Reid Rocheleau, Faye Tetzloff, Greg Reedy, Pete Ananiadis, Mary Ann Laszewski, Nancy Schultz, Randy Bradley, Bobbi Bradley, Doug Henderson, Jami Gebert, Greg Diekroeger, Gene Kemmeter (Gazette), Heather Clark (Journal)

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4. Request to hold events at Stevens Point Brewery: A. June 10, 2006, Concert. B. August 18 and August 19, 2006, Brews, Brats and Bands Festival.
5. Request to hold Special Olympics from Thursday, June 8, 2006 through Saturday, June 10, 2006.
6. Recommendation of the April 2006 Inspection Report: A. Construction Starts. B. Violations.
7. Adjournment.

1. Recommendation on License List.

Ald. Trzebiatowski moved, Ald. Robinson seconded, approval of the license list. Ayes, all; nays, none. Motion carried.

Requests for License Premise Description Change/Extension of Premise:

Point Bowl, 2525 Dixon Street, Stevens Point, WI to extend license premise description to include the west side of the parking lot to include a set of horseshoe pits.

Ald. Sevenich noted that this request has been denied by the City Plan Commission.

Ald. Sevenich moved, Ald. Barber seconded to deny this request for extension of license. Ayes, all; nays, none. Motion carried.

Kristen's at Middletown Food and Spirits, 2301 Church Street, Stevens Point, WI to extend license premise description to include a deck on the south and east side of the building for outside dining.

Capt. Dowling stated that the plans have changed and the Police Department does not have a problem with it. He stated that the only issue they may have some concern about is amplified music outside because it affects a residential area.

Rhody Mallick said that they plan on having some music but it would be dinner music, mood music and that it would be done at 9:30 P.M.

Ald. Barber asked if there would be an exit from the fence back to the parking lot and if it would be handicap accessible.

Rhody Mallick stated that there would be and that it would be handicap accessible.

Ald. Robinson moved, Ald. Slowinski seconded, approval of license extension for Rhody's at Middletown. Ayes, all; nays, none. Motion carried.

Pete's Sports Bar, 200 Division Street, Stevens Point, WI. The tavern portion only of the building. (Not the Olympic Restaurant).

City Attorney Molepske stated that the issue before the Committee is whether to reduce the premise, the outside patio needs to go to the City Plan Commission.

Ald. Trzebiatowski asked if the premise is changed does that also restrict alcohol only to the tavern. People would not be able to take drinks from the tavern into the restaurant area.

City Attorney Molepske said that is right.

Ald. Trzebiatowski asked about the prospect of a future patio.

Pete Ananiadis stated that the patio needs to be approved by the Planning Commission. The patio will be enclosed with entrance and exit from indoors.

Ald. Trzebiatowski moved, Ald. Barber seconded redefinition of the premise of Pete's Sports Bar.

Ald. Stroik asked why you would want to downgrade your premises from the entire premises to just the tavern.

Pete Ananiadis stated that according to the smoking ordinance, if he changes his premise then smoking would only be allowed in the bar.

Faye Tetzloff, County Health Officer, stated that she was a member of the Mayor's work group that drafted the clean indoor air ordinance and she has concerns that businesses now are coming up with ways to get around the ordinance as it currently exists. She said that one of the key issues that they were looking at was equity for everybody in the community. She stated that they talked about separate walls and separate air handling kind of things and they had concerns about them. In other communities that have gone that way, businesses ended up spending money and as laws progressed, that money was not well spent because in the long run they ended up being smoke free anyway. That was an expense that they wanted to avoid.

She went on to say that the bigger issue here was equity. It was clear that there are some businesses here in town where it is relatively easy for them to change their footprint to - this is my tavern and this is my restaurant, while there are many businesses in Stevens Point that cannot do this. So when they looked at the issue of equity, the way to keep a level playing field was to say that it was not going to be allowed. She concluded that she believes Wisconsin will follow other states that have gone 100% smoke free. There are many businesses in the community that do not have the means, the footprint of their establishment does not allow this to happen easily. So her concern is if you take those places where this was

convenient and allow this to happen, what happens to the equity, one of the ground rules. If this was a competition thing, how are we treating those other folks equitably because they do not have the means to build walls, come up with two premises, have two licenses and therefore be two separate establishments? She also raised concern with law enforcement problems.

Reid Rocheleau, stated that he felt they are perhaps changing the intent of the smoking ordinance. It is to be a health issue, now it seems it's being stretched into an equity issue.

Ald. Robinson asked what the past precedence has been on premises changes.

City Attorney Molepske stated that it has happened many times before including one here tonight. Most of the time it is to increase the size of the premises to include such areas as patios. He didn't know if we ever decreased one, but the same principle applies, if you think it is good policy to do it or not.

Ald. Trzebiatowski noted that he could have push bar doors that could not be opened from the outside.

Ald. Robinson stated that looking at this establishment there are two very different areas, two very different set of clients. If we are considering equity, it is in our best interest to ensure that this is a measure taken because he believes it is equitable when you look at other establishments in the community that have two very different entities within.

Ald. Barber said that when they first went through the smoking ordinance he brought up the fact of how big is a door. This is not only a doorway but it has a door on it and you can shut it. There is no reason he should not have it separate, it is two separate rooms.

Ald. Stroik asked why would we put this gentleman through shrinking his establishment and then having him take out a second license. If we have a flaw in the ordinance then we, as the Council, have the right to amend the ordinance and bring it back for public debate.

Ald. Sevenich called for the vote: Ayes, all; nays, none. Motion carried.

Stevens Point Brewery, 2617 Water Street, Stevens Point, WI to extend license premise description on June 10, 2006 to the Brewery Park for Rock the Brewery concert and on August 18 and 19, 2006 for the annual Brews, Brats and Bands Festival.

This request was moved to agenda item number four for consideration.

2. Recommendation on 2006-2007 renewal license list - beer and liquor.

Ald. Trzebiatowski moved, Ald. Robinson seconded approval of "Class B" Beer and Liquor, "Class A" Liquor and Class "A" Fermented, Class "B" Beer, Class "B" Beer and Class "C" Wine, Class "B" Beer - 6 Month License, Class "A" Fermented, Wholesalers and Class "A" Fermented, and Wholesalers Licenses. Ayes, all; nays, none. Motion carried.

3. Consideration of David Zagrzebski's "Class B" license - non-renewal for non-use.

David Zagrzebski stated that he has four individuals interested in his license and that his license is paid up through June. He stated that one prospect is the new Holiday Inn, but the individual that he needs to speak with is on vacation until Wednesday. One person already wants the license.

City Clerk Moe stated the reason this item is on the agenda is that the city ordinance reads that any person applying for a "Class B" combination intoxicating liquor license shall have a premises at the time the application is made or within that year. At this time the application given to the Clerk's office stated the address as 101 Division Street, which he sold in December. He has been in contact with the Clerk's office several times over the phone, as well as the City Attorney.

David Zagrzebski disagreed with the City Clerk in regards to the number of contacts.

Ald. Sevenich asked if he had some prospects for the license.

David Zagrzebski said he did.

Ald. Sevenich said that he had a certain amount of time to have this happen.

Ald. Robinson asked how long has this license not been in use and what is the process for non-renewal.

David Zagrzebski stated that it had not been in use for six months.

City Attorney Molepske stated that actually the license had not been in use for a very long time, notwithstanding that, the statute requires us when we do not intend to renew a license, to give him a notice. The notice that he would be receiving is what we are talking about tonight, of a hearing at the Council in June at which time you would determine whether you wish to renew this license. First of all, statute 125.04 provides that you describe the premises. Well, he does not have one, so you could not issue one anyway. The purpose was to request the committee to indicate to the Common Council, if in fact this license does not have a premise by the time of the June meeting, that they move to non-renew.

David Zagrzebski said that he is still involved with the property as well as having several prospects for the license, the Council meeting is next month, don't worry about it.

Ald. Trzebiatowski stated that he believed that his last tenant was the Paradise Family Restaurant.

David Zagrzebski stated that it was.

Ald. Trzebiatowski asked if they closed down in March or April of last year.

David Zagrzebski said that he finely got the license back in May but he thought that it (when the last business closed) was around October.

Ald. Robinson asked what the appropriate motion would be.

Attorney Molepske said that the motion should be to provide a notice of non-renewal and that it should be forwarded to him (Mr. Zagrzebski) notifying him that there would be a public hearing on the third Monday of June to see if he is operating or not.

Ald. Robinson moved, seconded by Ald. Barber, to forward to David Zagrzebski the notice of non-renewal and that a public hearing will be held on the third Monday of June.

Ald. Stroik asked if liquor licenses could be sold for a profit. We have this smoking ordinance that some people are being advised that there are loopholes and if you can get two licenses you can smoke in one side and not in the other. I don't know that it is appropriate that somebody ought to get rich because they have a liquor license that they are not using and sell it off for profit because you have big business, convention centers, that are now being forced with issues that they cannot live with.

Attorney Molepske said that they would not necessarily go there because they can obtain a Hotel/Convention license. To answer your question if liquor licenses are sold, nothing in the statutes say they can be, but as a practical matter it takes place everyday. Once we have received a request for a transfer we can give some consideration in that we don't approve or disapprove it. You do not have to approve the transfer. It is up to the committee to follow the rules that they are qualified, that they have adequate premise and things like that.

Ald. Sevenich called for the vote: Ayes, all; nays, none. Motion carried.

#### 4. Request to hold events at Stevens Point Brewery:

Ald. Barber stated that he had received a complaint from more than one person about parking problems caused by these events. He said that he enjoys these events but it is almost impossible to walk down the streets because the cars are so close and people jogging back and forth to get through. He requested that the parking be restricted on certain sides of the streets. The Police Department went through the area and made some recommendations.

Capt. Dowling said the Department had two primary concerns, one was the parking issue and the other was toilet facilities in the area. The Department has discussed the toilet issue with the promoter and they believe the issue is resolved. The Department believes there are two issues with parking, one is a matter of convenience for the people who live in the area and the other is a matter of safety in terms of getting emergency vehicles through the area. He said that Prairie Street is problematic and therefore the Department is recommending prohibiting parking on the west side of Prairie Street in the 2400 and 2500 blocks on Saturday, June 10, 2006.

The Department also listed four other streets that the Committee may want to impose temporary parking restrictions in consideration to the neighborhood.

Greg Diekroeger, representative for Point Brewery, stated that they have spoken with the Police Department and on the recommendations of the street closings and they are in favor of that obviously to make it a safer event for everybody.

Ald. Barber moved, Ald. Trzebiatowski seconded, to approve the request for the street closings and the extension of premises for the Brewery along with the Police Department's recommendations of temporary no parking restrictions on the 2400 and 2500 blocks of Prairie Street, the West side of Henrietta Street. in the 2600 through 2800 blocks, North side of Francis Street in the 1000 through 1200 blocks, North side of Matilda Street in the 1000 through 1200 blocks, and the North side of Whiting Avenue in the 1000 through 1200 blocks. Ayes, all; nays, none. Motion carried.

#### 5. Request to hold Special Olympics from Thursday, June 8, 2006 through Saturday, June 10, 2006.

Capt. Dowling stated that he spoke with Tony Zblewski about the event because it is slightly different than what they have done in years past. After getting clarification on some issues, he believes the Department can handle it. He said that they have enough volunteers so that there will not be any Police overtime involved in this as well as having very little disruption with traffic.

Ald. Sevenich moved, Ald. Robinson seconded, approval of the Special Olympics Summer Games and parade in June.

Ald. Robinson thanked the Police Department for their efforts to make this a great event.

Ald. Sevenich called for the vote: Ayes, all; nays, none. Motion carried.

#### 6. Recommendation of the April 2006 Inspection Report:

Ald. Sevenich moved, Ald. Slowinski seconded, approval of the Inspection Report for April 2006. Ayes, all; nays, none. Motion carried.

Meeting adjourned at 6:48 P.M.

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