

Meeting Minutes

PUBLIC PROTECTION COMMITTEE MEETING

Monday, February 11, 2002 - 6:00 P. M.

City Water Department - 300 Bliss Avenue

Present: Chairman Phillips, Alderpersons Sevenich, Walther, Seiser, Sowieja

Also Present: Mayor Wescott, C/T Schlice, City Attorney Molepske, Clerk Zdroik, Directors Disher, Gardner, Schrader, Van Alstine; Alderpersons Barr, Rackow, Molski, Nealis, Moore; Police Captain Daubert, Mayoral Assistant Molepske, Barb Martin (Journal), Gene Kemmeter (Portage County Gazette)

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1. License list.

2. Requests:

A. Request to hold a graduation party at The Keg, 200 Isadore Street, on Saturday, May 18, 2002, from 2:00 P.M. to 7:00 P.M.

B. Request to extend "Class B" licensed premises - The Keg, 200 Isadore Street, on Saturday, May 18, 2002, for a graduation party.

3. Request for use of sidewalk area near ShopKo on Main Street for a demonstration called "Sleepout for the Prohibition of Alcohol"

4. Recommendation on a proposed ordinance allowing occupancy of a licensed premises by underage persons.

5. Request for a car cruise: Spud City Mash-ionals, on Friday, July 26, 2002, starting at 7:00 P.M. at The Rosewood Center (the former Woodward Governor building).

6. Request for a 5K run/walk: Club Fit in association with Copps Corporation, Schierl Corporation, Midwest Communications, on Saturday, June 15, 2002, starting at 10:00 A.M. at Club Fit, 2800 Cleveland Avenue.

7. Request permission for indoor archery shooting lane - Sportmans Choice, 3310 Church Street.

8. Recommendation on Inspection Report.

9. Adjournment - 6:55 P.M.

1. License list.

Ald. Walther moved, Ald. Seiser seconded, for approval of the new operator/bartender's licenses, request for Class "A" Beer License, transfer of "Class A" Liquor and Class "A" Beer License, and request for a Class "B" Beer License to dispense beer in a hotel lobby.

Ald. Sowieja asked if there is any other place where beer is dispensed in the hotel lobby.

Clerk Zdroik said no. This is the first request the City Clerk's office received relating to dispensing beer in a hotel lobby. This request came from the Hawthorn Inn and Suites and it is something the establishment does for their patrons one day a week.

Ayes, all; nays, none. Motion carried.

Rejection - William Lee Kesler.

Mr. Kesler was present. He said since his conviction occurred a long time ago, he forgot to put it on his application. He added he has not had any convictions since August 1999. Since he was working the 3rd shift at the time he applied for his operator's license, he could have been very tired which caused him to forget to write down his conviction. He added he has a tendency of forgetting things.

Mr. Kesler was reminded of his conviction when he received the letter from the City Clerk's office informing him that the Police Department has recommended rejection of his application for an operator's license.

Mr. Kesler went on to say his promotion is dependent upon getting an operator's license. He will be working the 7:00 A.M. to 3:00 P.M. shift if promoted.

Ald. Sevenich moved, Ald. Phillips seconded, to deny the operator's (bartender's) license application for William Lee Kesler and that Mr. Kesler reapply after six months.

Ald. Seiser said her opinion is affected by Mr. Kesler's age. Oftentimes when people come here, they are very young so the Alderperson has taken that into consideration.

Captain Daubert explained that the Police Department's reason for the denial is non-disclosure.

Ayes: Chairman Phillips, Ald. Sevenich.

Nays: Ald. Walther, Seiser, Sowieja. Motion failed.

2. A. Request to hold a graduation party at The Keg, 200 Isadore Street, on Saturday, May 18, 2002, from 2:00 P.M. to 7:00 P.M.

B. Request to extend "Class B" licensed premises - The Keg, 200 Isadore Street, on Saturday, May 18, 2002, for a graduation party.

Ald. Seiser moved, Ald. Sowieja seconded, to approve the request to hold a graduation party at

The Keg, 200 Isadore Street on Saturday, May 18, 2002, from 2:00 P.M. to 7:00 P.M. and to extend "Class B" licensed premises for The Keg, 200 Isadore Street, for the graduation party on Saturday, May 18, 2002, from 2:00 P.M. to 7:00 P.M., to include the Fire Chief's recommendation.

In an e-mail received from Fire Chief Barnes, he voiced his concern that if there is an emergency inside the building, all persons in the outside fenced in area must be able to exit the area WITHOUT reentering the building. This means a fence that is able to be knocked down or one that has an emergency exit gate.

Police Captain Daubert asked Steven Paulkner, the requestor, the number of participants for this party. She said if it is a large group, the Police Department will sometimes require added security.

Mr. Paulkner said it is not known at this time but he anticipates it will be a large group of approximately 100 attendees.

Carol Garski, one of the owners of The Keg, said the number of attendees as stated is manageable for the people supervising the activity.

Ald. Rackow asked if there is a need to double fence the area?

Captain Daubert stated since there will be one entrance to go in and go out, she does not feel double fencing is necessary.

Ayes, all; nays, none. Motion carried.

3. Request for use of sidewalk area near ShopKo on Main Street for a demonstration called "Sleepout for the Prohibition of Alcohol."

Ald. Seiser moved, Ald. Sevenich seconded, to approve the request for use of the sidewalk area near ShopKo on Main Street for a demonstration called "Sleepout for the Prohibition of Alcohol," from Friday, March 8, 2002, starting at 8:30 P.M. to Sunday, March 10, 2002, at 9:00 A.M.

Ald. Sowieja voiced his concern about this request. He does not feel this is a good location because people are in and out of the City buses. The Alderman is also concerned about the need for added police protection in case a confrontation came up.

Captain Daubert said the Police Department has some issues and concerns about the event.

(1) The Police Department does not know how many people are going to demonstrate.

(2) The demonstrators cannot block the sidewalk. The sidewalk area must be kept open.

(3) The Police Department will periodically patrol the area but will not be able to provide weekend coverage. The Police Department will not be able to assign a Police Officer for police protection for the event.

(4) The Police Department is asking the organizer of the event to have in their possession a cell phone to notify the Police of any problems.

(5) The Police Department will work with the event organizer and needs the authority to shut the event down if it gets out of control.

Ald. Barr stated this has the makings of a built-in confrontation. The Alderman suggests that this event be held somewhere behind locked doors. He sees a problem with this request.

Chairman Phillips is concerned about the availability of bathroom facilities for this type of events.

Assuming it is a protest or a demonstration and they wish to go up and down the whole sidewalk, City Attorney Molepske said they cannot block the sidewalk. The number of participants is unknown at this time. There is no permit required for this event. If they would like to do a gathering for an event like this, it is fine. As far as having additional police security, it is a policy matter which is up to the Police Department. There are no requirements as far as bathrooms under the law. The City does not have an ordinance to this effect. If the demonstrators start blocking the sidewalk, then there will be a problem, the City Attorney said.

Ald. Seiser said if the event organizer does not need a permit from the City, she is withdrawing her motion. Ald. Sevenich withdrew her second also.

Ald. Sowieja is disappointed that the requestor did not show up at tonight's meeting.

Chairman Phillips asked if the Committee rejects this request, can they still demonstrate?

Attorney Molepske said they can just walk up and down the sidewalk.

Ald. Sowieja questioned if this event construed loitering?

Attorney Molepske said camping out or setting up a tent on the sidewalk is not allowed. It will impede traffic. But if they will walk around, stand around, or sit on a chair, they are allowed to do that.

Ald. Nealis said there was an event last December where kids slept out for the homeless people. He did not recall any permit from the Public Protection Committee or the City. It looked okay to him. He has no problem with this request.

4. Recommendation on a proposed ordinance allowing occupancy of a licensed premises by underage persons.

Ald. Seiser moved, Ald. Sowieja seconded, not to approve the proposed ordinance allowing occupancy of a licensed premises by underage persons.

Ald. Sowieja stated when the proposed ordinance was introduced to the Committee and based on his understanding of the proposed ordinance, the ordinance before him now is a far cry from what he had in mind.

City Attorney Molepske said in drafting this ordinance, the state statute was followed. The City cannot detract from the state requirements and does not have much say. He added the state statute was copied verbatim but he also added some language to the proposed ordinance.

Ald. Seiser has some concerns on Section II. Subsection (12) B.

1. She would like to know if the request could be for a time period.

2. That friends of the 18 to 20 years old, who are 21, 22 and 23 years old, should be allowed on the premises occupied by underage persons.

Ald. Sowieja's main objection on the proposed ordinance is the fact that it is a one day permit; that they cannot get a permit for an extended period of time.

City Attorney said it is the law. He does not think there is much difficulty in the issuance of a one day permit.

Chairman Phillips reminded everybody that the proposed ordinance is not just for The Keg. It is for other establishments also.

Ald. Seiser said she has no problem with the length of the ordinance. If rules are not followed, the Police Department cannot continue to issue permits.

City Attorney said that is the reason why he put in a sunset clause.

Ald. Sevenich said following the state statute is fine.

Ald. Walther echoed the City Attorney's feeling that we are tied to the state statute. There is not much room to wiggle.

Ald. Rackow said the sunset clause should stay in the proposed ordinance.

City Attorney noted the processing fee is still under consideration. The processing fee will not be a part of this proposed ordinance. It will be in a different Chapter and Section of the ordinance.

Ald. Filipiak would like to add to the ordinance that no alcohol advertisement signs be permitted in the area.

Ald. Seiser wanted some clarification on "service personnel."

Attorney Molepske said it means non-bar type people which include people clearing tables or cleaning tables. It also includes people who mop the floor.

Deb Knippel, 601 Soo Marie Avenue, had a question on the word "room." It was not clear to her whether it has a separate entrance or if it is just a room.

Attorney Molepske explained that underage persons will not be allowed to go through the licensed premise to get to the "teen club."

Ald. Seiser would like to change her motion now to read:

Ald. Seiser moved, Ald. Walther seconded, that changes be made to the proposed ordinance to:

- (1) improve the summary of dates to be approved over a period of time; and
- (2) ages 18 and older should be allowed to enter the premise occupied by the underage persons.

Ayes: Chairman Phillips, Ald. Walther, Seiser, Sowieja.

Nays: Ald. Sevenich. Motion carried.

5. Request for a car cruise:

Spud City Mash-ionals, on Friday, July 26, 2002, starting at 7:00 P.M. at The Rosewood Center (the former Woodward Governor building).

Ald. Sowieja moved, Ald. Walther seconded, to approve the car cruise for the Spud City Mash-ionals, on Friday, July 26, 2002, starting at 7:00 P.M.. at The Rosewood Center (formerly the Woodward Governor building).

Captain Daubert advised that Mr. Tomaszewski, the event organizer, contact Sergeant Carlson of the Police Department to coordinate the number of volunteers needed on the parade route.

Mr. Tomaszewski said this has been done already.

Ayes, all; nays, none. Motion carried.

6. Request for a 5K run/walk:

Club Fit in association with Copps Corporation, Schierl Corporation, Midwest Communications, on Saturday, June 15, 2002, starting at 10:00 A.M. at Club Fit, 2800 Cleveland Avenue.

Ald. Sowieja moved, Ald. Sevenich seconded, for approval of the request for a 5K run/walk for Club Fit in association with Copps Corporation, Schierl Corporation, and Midwest Communications, on Saturday, June 15, 2002, starting at 10:00 A.M. at Club Fit, 2800 Cleveland Avenue.

Ald. Rackow suggested that the run/walk while on Patch Street should go south to Cleveland Avenue instead of going to Church Street. If the run/walk stays on Church Street, the runners and walkers should stay on the sidewalk.

Captain Daubert advised that the event organizer contact Sergeant Carlson to make sure there are enough volunteers for the event.

Ayes, all; nays, none. Motion carried.

7. Request permission for indoor archery shooting lane - Sportmans Choice, 3310 Church Street.

Leonard Jelinski, owner of the Sportsmans Choice, gave an overview of how the shooting lane will be used and who will be allowed to use it. Mr. Jelinski explained the shooting lane will be used by prospective bow and arrow customers and the staff. Repair work and service for the bow will also be done in the store. The shooting lane will be surrounded on three sides with 10" cement blocks and they will be shooting into cardboard bunkers. It will not be used as a public shooting lane, Mr. Jelinski added.

Ald. Sevenich moved, Ald. Sowieja seconded, for approval of the request for an indoor archery shooting lane, Sportsmans Choice, 3310 Church Street.

Ayes, all; nays, none. Motion carried.

8. Recommendation on Inspection Report.

Ald. Sevenich moved, Ald. Walther seconded, to accept the January 2002 Inspection Report and place it on file.

Ayes, all; nays, none. Motion carried.

9. Adjournment - 6:55 P.M.

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