

COMMUNITY PROTECTION & SERVICES COMMITTEE

October 9, 2014

A meeting of the Community Protection & Services Committee was called to order at 4:00 p.m. by Chairperson Wiesner in Council Chambers, City Hall. **Roll Call:** Members Mr. Wiesner, Mr. Ireland and Mr. Stults were present. Also present were City Administrator Steve McNeil, City Attorney Randy Nesbitt, Lt. Clint Henry, Marty Olejniczak, Brett Temme, Alderman Schlicht, Rick Jensen, WBDK and Jason & Laura Estes.

Moved by Mr. Stults, seconded by Mr. Wiesner to adopt the following amended agenda and deviate from the order shown:

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- 1. Roll call.
- 2. Adoption of agenda.
- 3. Consideration of: Surrender of Combination Class B Liquor License from WHG Development Company, LLC, 129 Madison Avenue
- 4. Consideration of: Approve Issuance of Combination Class B Liquor License to Will Estes, LLC, 129 Madison Avenue
- 5. Consideration of: Becoming a Certified Municipality for Plan Review
- 6. Discussion of: City of Sturgeon Bay Ordinance 9.01 Intoxicating liquors and fermented malt beverages
- 7. Adjourn

Carried.

Surrender of Combination Class B Liquor License from WHG Development Company, LLC; and approve issuance of Combination Class B Liquor License to Will Estes, LLC

City Attorney Randall Nesbitt explained that the surrender of the Class B Liquor license from WHG Development Company, LLC to Will Estes, LLC is more involved than other licenses approved in the past. Attorney Nesbitt stated that the former Applebee's Restaurant operates under a Development Agreement with the City which was originally executed by DJ's and then assigned to WHG when they purchased the property. This agreement is now 19 years old. The Development agreement specifies issues such as use of the city owned parking lot and relationships with Skipper Marine Development. It also includes a provision restricting the sale of food and beverages within a four block radius. Attorney Nesbitt recommends that the transfer of the liquor license be conditioned upon the assignment of the Development Agreement to Will Estes, LLC which includes the elimination of the food and beverage restriction.

Moved by Mr. Stults, seconded by Mr. Ireland do hereby recommend to the Common Council the approval of the following:

- 1. *Conditional acceptance of the Combination Class B Liquor license from WHG Development Company, LLC.*
- 2. *Conditional issuance of the Combination Class B Liquor license to Will Estes, LLC to serve the property at 129 Madison Avenue.*
- 3. *The above two items are conditioned upon Will Estes, LLC receiving consent of the WRA and the Common Council for assignment of the development contract serving the property, and a signed amendment which eliminates any food and beverage limitations affecting other West Side properties by December 1, 2014.*

All ayes. Carried.

City of Sturgeon Bay Ordinance 9.01 Intoxicating Liquors and Fermented Malt Beverages

City Attorney Randall Nesbitt recommended that the City avoid automating the distribution of available Class B Liquor license process by drawing by “lot,” and prefers to see it left in the discretion of the Community Protection and Services Committee and Common Council.

Mr. Ireland questioned if there was a time restriction for Council to distribute a license; Attorney Nesbitt said there was not. Mr. Wiesner wanted to know if a license could be “on hold”; Attorney Nesbitt stated that it was legal to wait to issue a license, and does not need to be issued given tenure in the city.

Attorney Nesbitt suggested that limitations not be allowed, and to use the CP&S Committee and Common Council to make the decision. Attorney Nesbitt commented that holding a license is permissible, and the position is very defensible from a legal standpoint.

Attorney Nesbitt gave the example of the City of DePere; if a license there is not used within 60 days the city will pull it. They have never had an issue regarding the quota and not having licenses available to issue to businesses.

It was decided that Attorney Nesbitt will draft a new ordinance for the next meeting.

Becoming a Certified Municipality for Plan Review

Marty Olejniczak, Community Development Director reported that it has been suggested the city look to become certified to perform some of the required plan reviews, rather than relying on the state. To become certified, the city applies to the state and will need to update the ordinance to properly reference the correct building codes.

One advantage of certification is there would be quicker completion time for plan review, as the rules and requirements will not change but local reviewers would be more accessible. A second advantage is that fees for the plan review would go to the local reviewer, rather than the state. There will be no financial impact to the applicants, and the city would still follow the split specified in the city’s contract with Independent Inspections.

Mr. Wiesner asked if there was a down-side to becoming certified; Marty stated that the city can always go back to just doing planning review if desired. Marty will also rewrite the ordinance to comply with the state.

Moved by Mr. Ireland, seconded by Mr. Stults do hereby recommend to the Common Council the City undergoes the process that would allow for it to become a Certified Municipality for Plan Review. All ayes. Carried.

Moved by Mr. Ireland, seconded by Mr. Stults to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department
Administrative Office Manager