

LIQUOR COMMISSION MINUTES
May 4, 2017

I. CALL TO ORDER

The Liquor Commission met on May 4, 2017 in the City Council Chambers.

Mayor Chirico called the meeting to order at 3:00p.m.

II. ROLL CALL

Liquor Commissioner
Commissioners

Mayor Chirico
Marc Blackman
Dr. Jim Ostrenga
Whitney Robbins
Chuck Maher
Joe Vozar
Scott Wehrli
Mitch Stauffer

City Prosecutor
NDP Liquor Liaison
Secretary

Kavita Athanikar
Detective Dan Riggs
Emy Trotz

Absent

Paul O'Toole

III. MINUTES OF APRIL 6, 2017 COMMISSION MEETING MINUTES

Minutes from the April 6, 2017 meeting were accepted and entered into record by Mayor Chirico. Chuck Maher moved to approve the minutes, seconded by Marc Blackman. Vote unanimous. Motion carried.

IV. PUBLIC FORUM

No one was present to speak under Public Forum

V. OLD BUSINESS

a. Sidewalk Permitting

Kavita Athanikar stated that each commissioner had a copy of the final ordinance.

The highlighted sections are what were added or changed from the last time we looked at this ordinance. This permit is concerning the downtown establishments. The clear paths for pedestrian usage is at least five (5) contiguous feet. That amplified sound from this establishment may not be plainly audible at 200 feet of originating property's lot lines. Under the consumption section, the word transferred was added. Under food service, liquor service is incidental to the service and consumption of meals.

Mayor Chirico asked if there was any change with the width of the path. All were in agreement on five (5) contiguous feet. With the amplified sound, he feels this should be stricter than other areas.

Chuck Maher asked what is meant by "plainly audible". He would agree with reducing this from a sound stand point. Kavita Athanikar stated that it means audible to the human ears. We mirrored the amplification permit. That is where that language came from. It can be plainly audible or just audible. The 200 feet was put in as a place marker for discussion.

Mayor Chirico suggested 50 feet.

Scott Wehrli stated that historically, he always tries to tie everything to the license premise. In this case, we are basically identifying the public sidewalk and extending them license premise rights directly adjacent to their indoor restaurant. He gets uncomfortable with the number of feet. He's more comfortable with adjacent to the licensed premise.

Marc Blackman asked how loud does it need to be if it's for the patron's sitting there. It should be loud enough to cover the area.

Scott Wehrli stated that there is technology now on how to limit the sound. We need to think of scenarios of what may come in the future.

Mayor Chirico asked Kavita Athanikar if it could be described more in terms of ambient music for the immediate premises. Kavita Athanikar responded that if we have a number, it can be measured by code. It will be subjectively enforced if we leave it as ambient music or music that's contained or meant for the establishment. I would be too hard to enforce that.

Joe Vozar agrees there is a huge subjectivity with all of this. He likes 50 feet.

Scott Wehrli is concerned with the distance. He would like to be more conservative.

Chuck Wehrli suggested we add audible without interfering. Put in a warning system, after x number of warnings, be in violation.

Marc Blackman said there are a couple different variables we are talking about. Take the length of the area the restaurant is allowed on the sidewalk and divide that in half.

Mayor Chirico said it should be a consistent number.

Mitch Stauffer feels we should keep it simple. He is good with 50 or 75 feet.

Chuck Maher is suggesting again to put in language about interfering with local commerce.

Joe Vozar would like this ordinance to be on a trial basis.

Mayor Chirico suggested a sunset of one year.

Scott Wehrli feels that the word ambient music should be in the ordinance.

Kavita Athanikar recapped the following: Amplified sound from the license premises may not be audible at 50 feet of originating property lot lines and is only to create ambiance for the licensed premises.

Under consumption, all were in agreement in adding the word transferred. Mitch Stauffer clarified that it should read, transferred for the patron.

Joe Vozar moved to approve the ordinance for outdoor liquor sales as presented with the addition of a one year sunset to expire on March 31, 2018, seconded by Chuck Maher.
Vote unanimous, motion carried.

VI. NEW BUSINESS

a. Request to increase the cap on the M-Recreation/Life Style Amenities License

Amanda O'Connor was present to request two (2) liquor licenses. One for the new location on Water Street and the other for her existing location on S. Route 59. She discussed the following: Background, New Concept, Partnerships & Collaboration, Products and Services and the Role of Wine & Hospitality. The new concept with focus on the experience. They will partner with Hotel Indigo and the Elements on Water Street. They will also offer light snacks and non-alcoholic beverages. They hope to open on September 1st.

Joe Vozar asked if this was a Class M license. The Class M was expanded a few months ago to include the two cultural amenities. The cap was then increased to 11. Currently, there are 10 licenses but since they are seeking 2 licenses, they were asked to come to today's meeting.

Joe Vozar asked if they were okay with the 2 drink limit. Yes, they are. He then asked if there would be a separate charge for the alcohol. Yes, there will be a separate charge.

Marc Blackman was concerned on defining the separation of Recreation and Life Style Amenities. At this time, there is no separation in the M Classification. In the future, it may need to be looked at to be more specific on the definitions.

Scott Wehrli moved to authorize the expansion of the cap on the M license from 11 to 13, seconded by Chuck Maher.
Vote unanimous, motion carried.

VII. REPORTS

a. Restaurant Association No report