



## PROCEEDINGS OF THE BELOIT CITY COUNCIL

### Special Meeting

100 State Street, Beloit, WI 53511

February 12, 2013

Presiding: Charles M. Haynes

Present: Sheila De Forest, Chuck Kincaid, Kevin D. Leavy, David F. Luebke, Mark Spreitzer, and James E. Van De Bogart

Absent: None

Deputy City Attorney Elizabeth Krueger represented the City.

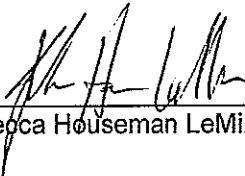
Attorney William Henderson appeared as Independent Counsel to the City Council.

1. The special meeting was called to order at 6:30 p.m. in accordance with Section 2.02(3) of the City Ordinances.
2. Consideration of a recommendation from the Alcohol Beverage License Control Committee (ABLCC) that the Alcohol Beverage License for **Speedway, LLC, d/b/a Speedway #4293**, 2781 Milwaukee Road, be suspended for a period of 30 days.

Deputy City Attorney Elizabeth Krueger presented the complaint and said that the defendant would not contest the facts of the case. She indicated that the Police Department and the ABLCC recommended a 30-day suspension of the Class "A" Beer License.

Attorney David Carr, representing Speedway, LLC, introduced Jessica Wagner, Speedway District Manager, Mike Jagger, Store Manager, and Sheryl LaTronico, Agent. Mr. Carr said that they are not contesting that the violations happened but that the members of the management team are here today to explain why and how a violation will never happen again. Jessica Wagner, 6340 Lake Road, Windsor, WI, is the Speedway District Manager. She said that there are safeguards in place to ensure that employees will not sell to underage individuals again. She said that each employee will take TAM (Tobacco and Alcohol Management) training every six months. She said that the store manager will run an Age Verification Report daily and that this report will show how many times an employee does and does not enter the exact birthdate of a customer. Ms. Wagner said that the store has also implemented a policy of carding everyone who looks 40 years old or younger, instead of 30 years old as required by state law. She said that they have hired a third party business to perform a sting four times per year and that the store has passed all of them. She said that Speedway does not want to sell alcohol to minors and that they take their responsibility as a license holder very seriously. Councilor De Forest asked why the first incident was not enough to take the matter seriously. Ms. Wagner indicated that the employee who sold to an underage individual the first time was fired, and the second employee walked off the premises after the violation. Councilor Van De Bogart asked how much extra time per transaction it takes to card people and asked if employees are under pressure to move people through the line quickly. Mr. Wagner indicated that there is not pressure to move people through the line quickly and that back-up is always available if there are more than two customers in line. Mike Jagger, 756 Valley Forge Drive, Rockton, IL, is the store manager. He said that since the last incident, they have really focused on carding everyone. He said that they have also made signs for each register reminding the clerk to card the customer if purchasing beer or cigarettes. Mr. Carr added that the new measures taken to eliminate the problems have already shown results. He also said that Speedway, as a corporation, is focused on customer service, not speed. He said that Speedway wants to continue to be a trusted community partner in Beloit and thanked the Council for their time. He said that he understands that the recommendation is for a 30-day suspension and respectfully requested that it be fewer days. Councilor Leavy reiterated the serious nature of the offenses but said that he was encouraged to see that changes have been made. Councilor Luebke said that he was impressed with the presentation but that consistency with regard to punishment for violations is important.

3. Councilor Leavy made a motion to adjourn into closed session pursuant to WI Statutes 19.85(1)(a) for deliberations regarding this case. Councilor De Forest seconded, and the Council adjourned into closed session at 6:54 p.m. At 7:26 p.m., Councilor Leavy made a motion to reconvene into open session. Councilor Luebke seconded, and the motion carried. Councilor De Forest made a motion to revoke the alcohol license, and Councilor Leavy seconded. The motion failed by a vote of 3-4 with Councilors Kincaid, Luebke, Spreitzer, and Van De Bogart voting in opposition. Councilor Spreitzer made a motion to suspend the license for 90 days, and Councilor Van De Bogart seconded. The motion carried 7-0. Councilor Leavy made a motion that the suspension begin at 12:01 a.m. on February 18, 2013. Councilor Spreitzer seconded, and the motion carried 7-0. File 8542
4. Councilor Leavy moved to adjourn the meeting, and Councilor Luebke seconded. The motion carried, and the meeting adjourned at 7:28 p.m.



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Rebecca Houseman LeMire, City Clerk

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Date approved by Council: March 4, 2013