



ALCOHOL BEVERAGE LICENSE CONTROL COMMITTEE

Beloit City Hall - The Forum
100 State Street, Beloit, WI
June 11, 2013 - 4:00 p.m.

Present: Ralph Berkley, Malissa Cronin, Ron Tilley, Joseph Vickerman,
Councilor Kevin Leavy (non-voting)
Absent: Tina Goecks, John Metter (1 Vacancy)
Advisory: Captain Vince Sciamé, Deputy City Attorney Elizabeth Krueger

1. The meeting was called to order at 4:03 p.m. by Chairman Ralph Berkley with a quorum present.
2. Consideration of the minutes of the regular meeting of May 14, 2013. Motion to approve by Mr. Tilley, second by Mr. Vickerman. Motion carried.
3. Consideration for a Change of Agent for Domenico's Pizza & Restaurant, Inc., 547 East Grand Avenue, to Nathan D. Lipps for license period beginning July 1, 2013. Proposed Agent, Nathan Lipps, appeared.

Captain Sciamé stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department had no objection to this appointment. Captain Sciamé said Mr. Lipps submitted proof of his ninety day residency as requested at the May ABLCC meeting.

Attorney Krueger asked Mr. Lipps to reaffirm that he understood he is responsible for all alcohol violations that may occur on the premise whether he is present or not. Mr. Lipps replied he understood.

Mr. Vickerman moved to recommend approval to the City Council of this Change of Agent, second by Ms. Cronin. Motion carried 4-0.

4. Consideration of a Change of Agent of Rockford Pizza, LLC, d/b/a Pizza Hut, 2787 Prairie Avenue. Proposed Agent, Juan Mendoza-Ochoa, appeared.

Captain Sciamé said he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department had no objection to this appointment. Captain Sciamé stated that Pizza Hut submitted a corrected application regarding the corporate name.

Attorney Krueger asked Mr. Mendoza-Ochoa to reaffirm that he understood he is responsible for all alcohol violations that may occur on the premise whether he is present or not. Mr. Mendoza-Ochoa replied he understood.

Mr. Tilley moved to recommend approval to the City Council of this Change of Agent, second by Mr. Vickerman. Motion carried 4-0.

5. Consideration of a new Class "B" Beer and Reserve "Class B" Liquor License of Hourglass Media, LLC, d/b/a The Castle, 501 Prospect Street, for period beginning July 1, 2013. John Wittnebel, Owner/Agent, appeared.

Attorney Krueger stated Mr. Wittnebel submitted an addendum to his liquor application explaining the various uses he wants for the building and also drawings of where the alcohol would be sold, served and stored. Attorney Krueger explained to Mr. Wittnebel the proposed uses do not comply with the Wisconsin Statutes regarding the sale of alcohol. Attorney Krueger explained that the licensed premise has several restrictions:

- a. Permanent office space cannot be rented out as this is not a permissible use when there is alcohol on the premise. Attorney Krueger advised that there would have to be a separate public outside entrance and be physically closed to the rest of the building. She stated that Hourglass Media can rent space but the rental entity could not be a permanent presence and could not be in the building unless Hourglass Media staff is there. Mr. Wittnebel stated his operations manager, Greg Gerard, is a member of Hourglass Media and will have residential space in the building. Attorney Krueger informed Mr. Wittnebel residential property is not licensed and similar requirements related to separate entrance and locked access would apply.
- b. Attorney Krueger stated that no other business is allowed to operate in the same building as a licensed premises unless there is a separate public entrance from outside the building and no access to the rest of the building; It is not possible to section off the 1906 building from the rest of the building since that would not meet the need for restroom facilities as required in the Building and Zoning Codes.
- c. Hourglass Media is the responsible entity and all alcohol purchases, sales and service is under this corporation only and no other entity may use their license.
- d. Attorney Krueger advised that variations to the plans may result in different issues coming to light and that perhaps this application is not ripe for review by this committee.

Mr. Wittnebel said he could segregate the building, have separate entrances and can lock doors to restrict access within the building. Attorney Krueger asked if there was a separate outside entrance to the manager's suite and Mr. Wittnebel replied there was not, however there is an outside entrance on the back side lower level of the building but not specifically for the manager's suite.

Attorney Krueger stated that alcohol laws in Wisconsin were not designed for this type of multiple use building and Hourglass Media must make concessions for alcohol or alcohol will not be permitted on the premises. She further advised that because this building is in the historic district, any outside renovations must be approved by the Landmarks Commission before changes are made, and should be done before bringing a new plan back to this committee.

Councilor Leavy asked Mr. Wittnebel if these plans have changed since the Council met on this application when they were told that Youth Unite would be on the lower level and alcohol on the third level. Mr. Wittnebel replied that all youth activities will be on the lower level and the plan has not changed in that regard and only slight changes to other renovations.

Mr. Tilley moved to lay over the application of Hourglass Media, LLC to the next ABLCC meeting, second by Mr. Vickerman. Motion carried 4-0.

6. Consideration of renewal on a Class "B" Beer and "Class B" Liquor License of Fraternal Order of Eagles #557, d/b/a Eagles Club, 302 State Street, and change of Agent to Ronald Minnick. Proposed Agent, Ronald Minnick, appeared.

Captain Sciame stated he checked municipal and state criminal records and to the best of his knowledge with the available information, the character, record, and reputation of the Agent are satisfactory and the Police Department has no objection to appointment of this agent.

Attorney Krueger asked Mr. Minnick to reaffirm that he understood he is responsible for all alcohol violations that may occur on the premise whether he is present or not. Mr. Minnick replied he understood.

Mr. Vickerman moved to recommend approval to the City Council of the Eagles Club license, second by Ms. Cronin. Motion carried 4-0.

7. Consideration of a recent increase of police calls for service at Turtle Tap, 1344 East Grand Avenue, Police Reports 13-2816, 13-2828 and 13-3385. Owner/Agent, Curtis Brannon, appeared.

Captain Sciame asked Mr. Brannon to explain why there has been an increase of police calls to Turtle Tap. Mr. Brannon responded that he was very concerned himself and was trying a number of things to correct the situation: a. Installed better lighting in the parking lot, b. Hired more security on Friday and Saturday nights, c. Patting people down for weapons before entering, d. Changed the type of music, e. Having staff close early if the crowd does not look right. Mr. Brannon says his staff will call police when a problem occurs and sometimes they have it under control before the police arrive and asked whether he should stop calling the police.

Attorney Krueger stated he should continue calling the police, however he should watch how much alcohol is being served to customers and to make certain the surveillance videos are given to the Police Department as soon as possible after any incident.

Captain Sciame also confirmed that the staff of Turtle Tap should call police as soon as an incident occurs and advised Mr. Brannon that he is allowed to refuse service to anyone who is, or has been, problematic or if they have consumed too much alcohol. Mr. Tilley advised he should put up a sign by the door saying "We have the right to refuse service."

8. Consideration of incidents at Adiktion 1310 Cranston Road, Jaime Hernandez, Agent, Police Incident Report #13-2818 on May 3, 2013, and an incident of shots fired in the parking lot during early morning hours of May 12, 2013. Letters were mailed to Agent, Jaime Hernandez, and to owner, Julian Valencia, stating it was mandatory that they appear before this committee, however, neither person appeared.

Attorney Krueger stated she will get information from Beloit Police Department and Wisconsin Department of Revenue regarding the above Incident Report dated May 3, 2013, and if there were Alcohol

violations of Chapter 125 of the Wisconsin Statutes, this committee could again call in the Agent and owner for possible sanction of Adiktion's liquor license.

9. Citizen Comments: None
10. Committee Comments: Councilor Leavy wanted to thank this committee for all the hard work they have done which resulted in the 100% compliance on the last Police Department alcohol check, and the message that is being sent to retailers that underage sales will not be tolerated.

Chairman Berkley extended the gratitude of this committee to Captain Sciamé for the professional and thorough work he has done on behalf of this committee, the pleasure it was to work with him, and wished him well in his retirement.

11. Police Department Comments: Captain Sciamé stated he appreciated the service of this committee and message they sent to alcohol retailers that sales to underage persons will not be tolerated. He further stated this committee was always just and fair with everyone and no one could say they did not get a fair hearing. Captain Sciamé introduced Captain Dan Risse who will be the Police Department contact and will be attending the ABLCC meetings.
12. Attorney Comments: None
13. At 4:55 p.m. Mr. Vickerman moved to adjourn, second by Mr. Tilley. Motion Carried.

Judith A. Elson
Deputy City Clerk