

Minutes of June 6th, 2023 Wakarusa Town Council Meeting

PRESENT: Matt Moyer, Rocco Rigsby, Carl Gilbert, Phil Klotz—Council,
Holly Landis—Town Manager, Katie Fromer—Clerk-Treasurer, Charlie Zercher—Town Attorney
Absent: Annette Brown - Council

President Rigsby called the meeting to order at 6:30 P.M.

The Pledge of Allegiance was recited.

Councilman Moyer made a motion to approve the meeting minutes of the May 2nd, 2023 Council meeting. Councilman Klotz seconds. Approved.

The Council recognized any visitors who wished to address the Council.

David Harper respectfully requests that alcoholic beverages be kept indoors at the Shortstop rather than on the sidewalks. Harper recognized that people have the lawful right to drink alcohol but is advocating that the sale and consumption be limited to inside the restaurant to minimize the potential negative influence of drinking. Harper requests that the Council allow additional time and consideration before a decision is made on this matter.

Judy Smeltzer states that she is extremely concerned about alcohol on the street. Smeltzer asked if the merchants were asked if this was an acceptable thing or if this information was posted on social media or anywhere to allow the community to have input. Town Manager Landis states that the meeting agenda lists an agreement with Shortstop for outdoor seating. Landis explained that the requirement for sidewalk seating is that the place of business must have an agreement so that the Town of Wakarusa does not have liability if something would happen. Smeltzer states that she contacted 10 people in Wakarusa whom she thought were vital members of the community and not one was in favor of serving alcohol on the sidewalk, one of which is a teacher who emphasized that this is the opposite of what we are presenting to our students. Smeltzer strongly believes having alcohol on the sidewalk is wrong. Smeltzer feels people need to have the opportunity to exercise how they feel about this situation.

Tom and Christy Lechlitner state that they have had 2 separate experiences at their home a block away from the Shortstop with two different patrons from the Shortstop who have been inebriated beyond the capacity to function. They state these are people whose lives are being influenced by alcohol and drinking shouldn't be made any more attractive than it already is.

Scott Weldy states that as long as he can remember the Shortstop building has always served alcohol. Weldy does not see a problem with serving alcohol outside and states it is only a natural extension for this business to have outdoor seating. Weldy states that residents should have input in occurrences like this.

Daryl Schwartz is very impressed with the progress the Shortstop has made under new ownership, and it is a nice restaurant. He supports outdoor seating but thinks the community as a whole needs more input in whether alcohol is served outside the building. Schwartz feels it is best for the community that the alcohol stays inside.

Town Manager Landis read an email from resident Tonya Schrock who provided feedback from the discussion on the Flock Camera System discussed by the Council during the work session the night before. Schrock would love to see our Town be a part of a larger community and consider investing in the Flock Camera System to create an even safer place to live and provide the potential of life saving resources.

Councilman Moyer made a motion to approve the updated design drawing for 123 S Elkhart Street parking lot which includes an addition of a sidewalk on the southside of the parking lot and design change in the storm system. Councilman Gilbert seconds. Approved.

Councilman Moyer made a motion to approve pay application #1 to Beer and Slabaugh INC. for the demolition of the building at 123 S Elkhart Street in the amount of \$64,890. Councilman Klotz seconds. Approved.

Councilman Gilbert made a motion to approve a change order from L&T Painting on the water tower project for a vandal guard replacement in the amount of \$4,850. Councilman Klotz seconds. Approved.

Councilman Moyer made a motion to approve the clothing allowance for eight police reserve officers in the amount of \$600 each, totaling \$4,800. Councilman Klotz seconds. Approved.

Councilman Moyer made a motion to approve the Certification Regarding Tax Increment Replacement Amount for the Redevelopment Commission. Councilman Gilbert Seconds. Approved.

The Council discussed the agreement for outdoor seating between the Town and Shortstop Inn.

Councilman Moyer states that the agreement does not mention alcohol, it's an agreement for the Shortstop to provide outdoor seating and to serve patrons on the sidewalk so in that sense they will serve alcohol outdoors. This agreement is not a one and done, it's a two-way street. The Town has requirements and checks and balances in place and if issues arise, the agreement can be re-visited. Moyer hears the concerns being presented tonight and appreciates everyone that commented.

Councilman Moyer read from the Outdoor Seating Agreement. "Any outdoor seating shall not be injurious to the public health, safety, or welfare of the community, disrupt or become an obstacle for the free use and enjoyment of property, infringe on or disturb the use or enjoyment of or activities on neighboring properties or infringe on or disturb the use or enjoyment by the public of the downtown area and other areas of the Town of Wakarusa. The company shall cause any outdoor seating to comply with the terms of this section."

Judy Briganti states that she served on the commission that was trying to plan for Wakarusa's future. Briganti states, we begged for a coffee shop, we begged for a family restaurant, and begged for responsible owners that would make our community proud. Briganti does her best to support our local businesses and every time she's been in the Shortstop, there have been responsible owners walking around checking on people, she could not ask for finer owners. We need to ask what vibrancy is and what will help this business.

Council President Rigsby states that he has talked to the owners of the Shortstop about their plans, their responsibility, their vision and outlook and he feels very comfortable with this decision.

Councilman Moyer states the agreement is very thorough and well thought out and he appreciates Town Attorney Zercher and Town Manager Landis and the work they have put into this agreement. The agreement has some requirements that the Shortstop is going to be cognitive of. The owners have worked hard to bring up the image of the Shortstop.

Shelly Sterling, who owns the Shortstop with her husband Gabe states that she and Gabe are at the Shortstop 90% of the time. They are very cognitive to how much is being consumed and will cut people off and help ensure they have a safe way home when needed. They have owned the Shortstop for 2 years and have done a lot and they have a lot more planned. They live in this town also and have the same concerns. They want to see this town thrive. The Shortstop has kid friendly events, supports families in our community, and hosts events inside their establishment that don't revolve around alcohol. The Shortstop serves alcohol as well and they police it well and that is what they will continue to do and would like the community's support.

Councilman Klotz states that the Town does have some teeth in the situation and if it becomes a problem the agreement can be pulled.

Councilman Moyer made a motion to approve the Outdoor Seating Agreement with the Shortstop as written. Councilman Gilbert second. Approved.

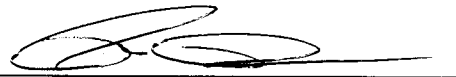
Department reports were reviewed by the Council.

Council President Rigsby addressed his recent letter written to the community. The Town is evaluating the water usage and pressure levels and will determine when the splash pad can safely be turned back on.

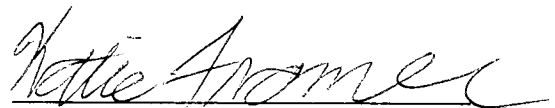
Councilman Gilbert made a motion to pay the claims and adjourn the meeting. Councilman Klotz seconds. Approved.

Next Work Session: July, 11th, 2023

Next Council Meeting: July, 12, 2023



President of Council



Clerk-Treasurer