

**MINUTES
CITY COUNTY COMMON MEETING
TUESDAY, AUGUST 17, 2010**

Present: Gene Carroll, Chair; Deb Schorr, Vice Chair; John Spatz; Bernie Heier; Jon Camp; Ray Stevens; Jonathan Cook; Larry Hudkins; Doug Emery; Jayne Snyder; Bob Workman; and Adam Hornung, Tonya Peters, Assistant City Attorney, Sheriff Wagner

Absent: Mayor Beutler

Chair Carroll called the meeting to order at 8:15 a.m. and announced the location of the Open Meetings Act.

Spatz stated today's meeting is the result of a County/Villages/Council Meeting in July. Council had heard some County towns were considering a 2 a.m. bar closing time. In discussions with the Internal Liquor Commission (ILC) believed the worst case would be different closing times in our County. The City drafted an ordinance. Slightly surprised to find communities uninterested in 2 a.m. closing, but had not heard of city interest either. Then things changed, Council received correspondence and the ordinance was formally introduced.

Council believes Lincoln is situated better to move to 2 a.m. because of the ILC, also the ordinance contains a two year review. With having a relationship with Lincoln bars, the ILC feels successful in addressing problems as they arise. With a formal review in two years the ILC has tools if problems arise. One is giving the Legislature data and asking for the ability to license, or a use permit from 1a.m.to 2 a.m. so we can control problems.

Spatz stated they are presenting an amendment for server training, with bar owners supportive of mandatory training, and it would not only be the bar owner with accountability and responsibility but also the server.

Peters said bar opening/closing times/selling liquor is predominantly a state function. We cannot mandate bars to reveal revenue between 1 and 2 a.m., or add records, or say how many denied service. But some owners are willing to share the data. With different text from bars/restaurants the ILC would have information. Peters spoke to the Liquor Commission who wants to create a beverage service training course. There are food permits, but not taught about liquor. The idea is a Lincoln pilot program, with the state taking over when they have funding.

Peters stated there is a University program which should interface with the food program. Servers could elect the course on line. The amendment Carroll will propose would give one year to implement this program.

Spatz added the University, an ILC member, agreed to write the model and then track . Peters stated they may assign a graduate student to help with additional surveys, and a report. Carroll added the educational model includes changing if we have problems with the programs.

Schorr asked if talking about bartenders or wait staff? Peters replied both, anyone serving liquor. Schorr questioned if wait staff, only serving liquor, would need food handler permits? Peters replied the basic level. Food permits are for two years, and when due could take this course. Would be about a two year cycle to process all staff. The Health Department contracted with the University to create an on line system for food permits and we pay a maintenance fee.

Snyder added the ILC had discussed before as only the bar owner, who may or may not be there, is responsible. Even separate from the 2 a.m. we think this is a good idea.

Stevens stated as this is generated through the Health Department and fee based it could be extrapolated to County bars. Peters said that would be consistent with the entire County trained, using one permit system, and easier for enforcement. The Health Department requires owners have an employee list with current permits, and it could show alcohol training. Hudkins added whether the two bodies move towards a 2 a.m. this is a good idea. The County regularly asks if people have had hospitality training.

Peters thought the basic program was created, but expect a short time to have all connected. About a year before everything is together, but if we move forward we may be able to implement earlier.

Workman stated he continues to oppose a 2 a.m. closing. He didn't receive lots of correspondence, but has read comments. He has heard we should be equal, County and City, but wherever they are at 2 a.m. they'll drive home. Every four days one person dies from an alcohol related accident in Nebraska. We cannot sue a bar owner, or a server who intoxicated a client. We are spending \$65 million for a new jail, with 80% of the people in jail having alcohol or drug related problems, and do not believe liquor sales will solve fiscal problems.

Snyder stated data is power, and the ILC collects data. It shows people admitted to the Cornhusker Detox Center having their last drink not from a bar, but a private home. Other things are related to misuse of alcohol, such as detox admit times, alcohol levels. We can extract information, especially on what hours contain higher abuse, last drink location, their age, blood alcohol level.

Spatz stated Lincoln is in a position with no other community in the nation having this opportunity to track the data. We could go to the Legislature with the data and ask for more authority on use permits, licensing. This hasn't been done anywhere. If we put this data together, focus on the problems, think we can do in a way where it won't create additional problems.

Heier stated he assumes the City is wanting the County to change our minds, with Council possibly thinking bars in the smaller cities will stay open until 2 a.m. Heier commented he has not received calls saying they want to keep longer hours. Two people did say they close at 10 p.m. and don't want to stay open until 1 a.m. Another owner also said they don't want to stay open until 2 a.m. Believe the Council will be responsible but the County will continue the 1a.m. closing and do not think we have any intention of changing our minds.

Carroll stated it was his request for today's meeting. He knew the County had voted to stay at 1a.m., but remembered when the County was going first the Council requested discussion. Therefore felt it was fair to meet today. If the City goes before the County it is important to have input from the County Board This amendment will work when bars close at 1 a.m. or 2 a.m. Heier stated he assumed the City may have been asking but doesn't think the Board will change. Carroll replied it's communication.

Cook appreciates the County Board efforts to the smaller towns trying to reach a consensus, and thought we had consensus. Surprised it suddenly was a City Council fast track item. Not everyone on the Council is of like mind, even with server training which is important and we should pursue. This is nothing more than saying we'll develop a program. His preference would be to have an actual program developed before going forward. The discussion was the 2 a.m. time would be important for the arena, which won't open until 2013, leaving time to discuss and decide on the appropriate way to handle.

Stevens said he appreciates the opportunity to discuss, to hear of the permit process, and hopefully a better handle on individuals serving alcohol. He said he would be more receptive to developing this process, a kind

of permit to track statistics, and then perhaps revisit whether 2 a.m. is an appropriate closing time. But to have a plan in place to monitor, train, and have a permit system first.

Spatz stated in reply to Heier's question, after the meeting a month ago felt the discussion ended with the thought if something changed, to let us everyone know. Some things changed and we're here to explain.

Schorr asked how many city liquor licenses are there and how many were heard from? Spatz replied 465. Hornung stated Council received emails, calls of possibly 500 from owners and constituents throughout the city. Every city competes, especially with 60% to 70% of revenue from sales tax. We have a university, and it's incumbent to be cognizant of what's happening but aggressive enough to maintain people who help make the city grow. The bill was passed in April and Omaha immediately took action. The ILC are the experts. They meet quarterly with members from numerous occupations. We have considered this issue for approximately 3 ½ months and it should be no surprise of this possibility. Schorr asked what enforcement ability does the ILC have? Hornung replied since the ILC was established we have seen a steady decline in alcohol violations.

Workman commented with 500 emails not sure it's a scientific poll, should we have a Gallup poll done? Wouldn't mind the issue being on the ballot and then we would find out the feelings of the community.

Sheriff Wagner stated at County Board meetings we discussed wanting consistency and think the largest fear is a disparity in closing times between Lincoln and surrounding communities. Do think the smaller communities will feel pressured if Lincoln goes to 2 a.m. If Lincoln does go to 2 a.m. prefer they all go to 2 a.m. so we don't have an exodus back and forth. But a big concern is disparity in closing times. What Omaha saw with Council Bluffs we'll see on a smaller scale. The shift change times are predicated on bar closing times and the Sheriff's office will make adjustments in shift times to accommodate the traffic flow of increased activity after the bars close. Sheriff Wagner thought to open the bars earlier, rather than keeping open later.

Cook added his concern is first, consistency throughout the county. The City worried the small county towns would go to 2 a.m. first and the city would have pressure. Now we have concerns about handling the inconsistency in closing times as it appears not many in the county are going to 2 a.m. The other issue is the polling. There were polls on both TV channels and both resulted in approximately 60-40 against changing. No less scientific than our emails. There are people with a different opinion than some we heard from.

Stevens stated with about 500 emails in favor and few in opposition sounds as if someone organized a campaign. Someone else could organize for the other side. Did hear that in order to be a competitive city for young people we have to provide them an opportunity to drink until 2 a.m. What kind of young people? Are they the ones we really want in our community if they become alcoholics or if they have a DUI while in college? How many will be attracted to Lincoln as a good citizen if we have 2 a.m. bar closing?

Emery commented everyone is talking about consistency. Interesting that the County had liquor on Sunday and the City didn't. Apparently no one cared if people drove out of the City to drink, and then drove back. Do think unfortunate not to see consistency. Emery stated he may not be in favor of 2 a.m. personally but have to look at the overall intent. We will be putting some pressure on bars to help finance the arena. Secondly, when the arena opens some shows will end at 12 a.m. If the intent is to have people come, use the facilities, have dinner, and go home we're not going to be able to do as it exists now. Also, not sure whether it has to be done this fast. Then the government has never been able to regulate morality, so we sit here saying we shouldn't want this kind of kid? These kids grow up. Emery stated he does not consider it the end if college students want a drink and do not assume anyone staying out until 2 a.m. is a problem child and will grow up to be bad for the community.

Spatz reiterated his thanks to the County Board for the previous meeting. His chief concern is the inconsistency.

His opinion changed at the public hearing of the ILC with testimony from people leaving Lincoln at 9 p.m./10 p.m. and driving to Omaha to chase an extra hour of drinking. The fact is we'll see more communities go to 2 a.m. across the state. Personally he does not care if 1 a.m. or 2 a.m. as long as there is consistency. Believe if we have an ordinance giving the tools necessary to address problems which arise, we can grab those tools along with using a 2 year review which gives us the ability to go to the legislature with data. No one else has done. Several college communities have called to see how we are so successful in dealing with problems. It's because of the liquor committee and the ability to use peer pressure, having University help, and the bar owners all working to solve problems. Hoping we will be consistent, and understand some in the county probably won't stay open until 2 a.m. more than a couple days a year. But do not want to see people driving to another community for an extra hour of drinking.

Sheriff Wagner stated another issue, besides last drink data, is to look at calls for service data. He knows Chief Casady has received numerous calls for service data on hour/day/location with hot spots downtown. Spatz added it's interesting to look at the data. The downtown area has lots of calls for service. In the Haymarket area, with several liquor licenses, there is hardly any. A lot has to do with enforcement and the type of clientele.

Snyder stated we sit and look at the issue from our experiences. Don't know if anyone here cares about being in downtown Lincoln at 2 a.m. drinking, but have learned from younger employees and from the ILC there is a difference from when we were in college. Now young people do not go downtown until 9 p.m. or 10 p.m. A lot of bars don't open until 9 p.m. So as we collect data do want to see if there is a shift of going out at 9 p.m., 10 p.m. or 11 p.m. We have to think of others, not just ourselves, and how this affects us now. The people who bring in entertainment have said if entertainment is over at 11 p.m. or 11:30 p.m. then it's a problem. First, you couldn't get food, or a drink. So they leave the downtown area, go home and drink or go to another city and drink. These are factors we need to think of when looking at the younger residents of our city.

Cook added that often comparisons of other cities are incomplete because liquor laws in every state are different, and often individual cities have significant differences and there are possible elements we may not be taking into consideration. For instance a city may have a 2 a.m. closing but may have liquor laws allowing them to issue permits for additional time, and to allow them to pull the permits if there is a problem. Often not accurate to compare different cities, and use, unless we understand all liquor laws. Ours provides very little local control, and have asked Peters about what we could, or not, do. She has replied the state law is very restrictive, and we have very little control locally. If we add hours of liquor being served would like to see more local control. Server training is important and would like it established before we change times. Cook stated we can take data to the state legislature, but think we have plenty of data now which would allow the state legislature to give us more local authority. Not optimistic that they will necessarily help us in that regard.

Carroll again thanked everyone and adjourned the meeting at 9:10 a.m.

Mary Meyer
City Council Secretary