

MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, HELD ON TUESDAY, SEPTEMBER 13, 2016, AT 5:30 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING CALLED TO ORDER BY MAYOR OERTLE AT 5:37PM.

ROLL CALL

COUNCIL

Councilmember Eugene Conners, Ward I	Excused
Councilmember Joan Hansen, Ward II	
Councilmember Shirley Doughty, Ward III	
Mayor Ronald Oertle	
Councilmember Anne Cline, Ward III, Mayor Pro Tempore	Excused
Councilmember Douglas Dunn, Ward II	Excused
Councilmember Serena Sullivan, Ward I	

STAFF

Richard Marsh, City Manager
Ashlee Coronado, City Clerk
Andy Haratyk, Public Works Director

CITY ATTORNEY

Britt Hanson

COMMENTS FROM THE PUBLIC WILL BE ALLOWED AT THIS MEETING. A SIGNUP SHEET WILL BE AVAILABLE.

THE FOLLOWING ITEMS WERE DISCUSSED AT THIS MEETING:

1. Discussion of a Resolution Establishing an Entertainment District in Old Bisbee Pursuant to A.R.S. § 4-207.

Britt Hanson, City Attorney

Mr. Hanson said that back in June he was approached about an entertainment district. He explained what an entertainment district was. To establish an entertainment district the council had to pass a resolution establishing the entertainment district. The City staff had worked on a map of the area for the entertainment district. Mr. Hanson talked about the area that was mapped out. It would give those that would like to apply for liquor licenses that are within the 300 feet of a church the right to apply. Council would have the ability on a case by case basis to accept or deny the liquor license. Mr. Hanson also said that he had spoken to the deacon at the Catholic Church and the church said that they would support it.

Mayor Oertle reiterated the area that would be for the entertainment district. Mr. Hanson went over in detail the map of the proposed entertainment district.

Mr. Rob Page, Business owner explained that this process began back in 1999. He gave some background and history into the issues regarding the 300 feet limit. They had looked into selling and doing wine tasting here in Bisbee on local Arizona Wines. After finding out about the entertainment district they thought this would be the opportunity to further drive this idea.

Mr. Scott Ries, President of BCLC, Bisbee Hospitality Group had the main idea for the direction. This would provide / generate revenue to the City. This could improve the downtown district. He submitted two (2) letters of support from the two (2) churches (St. Patrick's and Calvary).

Mr. Andrew Laws, Bisbee resident said that he sympathizes with Mr. Page and Mr. Ries, but established bars are operating fine. When the Bisbee Royale applied for a liquor license he and numerous other people didn't appreciate that change in that residential area of old Bisbee and the only people that didn't want to sign were in favor of more bars and developers. He doesn't want more bars in that area. He requested that there be further research. There has not been a lot of effort to try to entice people to actually move here. He wanted that to be promoted. Tourism should be on the side.

Mayor Oertle said that this initially was going to be placed on the council agenda, but felt it was very important not only for the council, staff and also for the public to be aware of what this entertainment district was all about and therefore he called for this work session to draw a little attention to it. He said that some of the comments that Mr. Laws made he was in agreement with and he thought that we had to be very careful because there was a lot of residences in those neighborhoods up there that may not want this. He appreciated their input. He stated that business was wonderful and he appreciated it, but there was also a consideration for residential neighborhoods that have a certain amount of peace and quiet. He would not want a bar a block away from his house. He felt that council should be extremely cautious when we proceed and actually take a vote on this.

Councilmember Hansen said she could appreciate what the Mayor had said, however she believes that there were some sort of a safeguard there and would hate to see this dismissed.

Mayor Oertle said that if the City of Bisbee was relying on alcohol sales to increase the revenue we would probably have a pretty big problem and he doesn't think that was the way to go.

Councilmember Doughty asked Mr. Page why he was calling this an entertainment center. Mr. Hanson said that was the statutory term "Entertainment District" by statute that was what it was called.

Mr. Ries said that this offered an opportunity for more local control the discussion starts at the local level. He felt that it was important for the revenue however that might come. He stated that the iBisbee committee supports this. He said that council was still the decision makers on a case by case basis.

Mayor Oertle asked that Mr. Hanson clarify that the state statute the 300 feet limit to churches was established in the mid -thirties. Mr. Hanson stated that he had tried to find out and couldn't find it out. He said that most of those laws were post prohibition laws.

Mr. Ries spoke regarding when the law for the "Entertainment District" came about.

Ms. Puspa Lohmeyer, Bisbee resident explained the area to be designated as the entertainment district. She stated that some of the area can apply now for a liquor license. She said that one of the buildings in the gulch was hers and she was not able to apply for a license.

Mr. Bill Higgins, Bisbee resident said when he first heard about this it was being presented to the Planning and Zoning Commission. Ms. Lohmeyer has great events at her location and she needs a license and so does Mr. Page. He understood Mr. Laws concerns and he was okay with the noise in Brewery Gulch. The council still would have the ability to vote on licenses on a case by case basis.

Mr. Laws asked if there was no size requirement why don't we make it Brewery Gulch and Mr. Page's building. He said that he had talked to people in the gulch and they are not crazy about having more bars.

Mayor Oertle appreciated the comments that Mr. Higgins made however he thought certain people come to Bisbee to party this would expand that partying into residential neighborhoods. He said it was a fine balance between the business and the concerns of a lifestyle of residents that like a peaceful small town.

Mayor Oertle asked Mr. Hanson that if the council approved the entertainment district could it be expanded. Mr. Hanson said that the council could eliminate it, reduce it, and expand it. It was within the council's control.

Councilmember Hansen said that reading what was in the item that it couldn't be more than one square mile and no less than 1/8th of a mile in width. Mr. Hanson said that was correct. She asked if that was the area that we have now or what was the actual area that was being looked at. Mr. Hanson stated that the area that was being looked at was the one that was on the map that was provided. He went over the statute for this regarding the length and width.

Councilmember Sullivan said she was still a little unclear on the mile she thought that it couldn't be more than a mile long. Mr. Hanson said that it was total square footage. She said if we wanted it to be smaller. Mr. Hanson said that we could reduce it right now and he explained the logic behind what was suggested.

Councilmember Sullivan wanted clarification regarding the liquor license that the "Table" had. Mr. Page explained the liquor licenses for that area.

Councilmember Doughty asked if there was a church that met in the bottom of the convention center. Mr. Page said there was, but the law was relatively clear that the church has to be in an established church with a foundation that church happens to be a lease hold.

Mayor Oertle said that he thought he had made his position pretty clear. He said that it was a difficult decision.

Councilmember Sullivan commented that it doesn't seem to be that this district would in any way not preserve the residential neighborhoods. She didn't see how it touched it at all it would allow it to be a little bit more fair.

Mr. Laws said that his impression of the liquor board it claims authority and they really don't care what the zoning was. Mr. Hanson stated that, that was just false. He said that the zoning in the city would remain the same. If you are zoned residential you do not get to apply for a liquor license.

Ms. Lohmeyer said that this would stop people from applying in a residential area.

Mr. Kerri Blankenship, owner of Screaming Banshee and House of Secrets she thought she was a perfect bridge for this conversation. People are trying to make the Gulch better.

2. Discussion of a City Park Right of Way Use Request from Dan Maldonado, Goar Park Lunches for the Use of Higgins Park Restrooms and Showers for a Period of Six Months.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that Mr. Maldonado had come to the Parks committee requesting this item for a trial for six (6) months. The Parks and Recreation committee had discussed this and thought this was a good idea and that it would have to have some rules. He said that we would incur the cost of the hot water. He wanted to see what the council thought of this idea.

Mayor Oertle felt that it was imperative that there be a work session on this so that the council can think about it, the pros and cons of this particular situation. He stated that Higgins Park, Showers and the pool belong to the people of this city. He thought that this raised some serious questions.

Councilmember Hansen asked what the hours would be and if the city would be responsible to open and close the building. Mr. Haratyk stated that the city would open and close the building, the guidance that they had given Mr. Maldonado that it had to be a short window in the afternoons. We didn't want to incur any extra cost in labor for opening and closing. They would provide towels and soap all we would provide was hot water. He said there was a water saver on the showers.

Councilmember Hansen asked if there would be somebody from Goar park luncheons that would be there during that time frame. Mr. Haratyk stated that they had committed to putting a woman in the women's restroom and putting a man in the men's restroom to watch both of the restrooms.

Mr. Haratyk said that the Parks wanted to give it a six (6) months trial because they didn't know if a lot of people would show up for the showers. They were looking out for that small group of homeless that isn't taken care of.

Mayor Oertle asked Mr. Hanson if there was an insurance liability on this. Mr. Hanson said that any time the city undertakes new activity there certainly was insurance liability and he had no reason to believe that it wasn't covered by Southwest Risk. If we haven't checked that box we need to check it. Mr. Haratyk said all that would take a shower was covered and that all city property was insured.

Mayor Oertle also asked how many people would possibly use these shower rooms. Mr. Haratyk said that they thought about ten (10) to fifteen (15). He said that someone had mentioned to him the other day that the homeless shelter in Tintown people can take showers there seven (7) days a week. Mr. Haratyk said "yes" and that there were many homeless that didn't want to go to the shelter.

Mayor Oertle said that this was in Higgins Park and a residential area and you had mentioned that some of these people have mental health problems and asked if they would be driven up to Higgins Park or walk. Mr. Haratyk said that they were already there. He supports the Parks decision and understands why they wanted to do this. He said they were unanimous in their decision.

Mayor Oertle thought a bigger question was that lets say that next summer the pool opens with children, adults and older people he thought there would be a dilemma there. Mr. Haratyk said they are using the pool bathroom every day and that it was a public bathroom and you don't have to pay. They are suggesting using the bathrooms when it wasn't open and the kids aren't there. They didn't want to mix the two they wanted to make sure they had the chance to get up there and leave and be on their way. Mayor Oertle thought that this was a serious concern.

Councilmember Sullivan said that last year when we first brought this idea up she thought it was a great idea and why not and was advocating for it she wanted to support them in this, but however her gut says this was a bad idea she just really doesn't feel comfortable with it. She said that there does seem to be a problem that we do need to address the defecating and urinating especially where kids are. If these people are so disrespectful to do such a thing like why do we want to go and give them more things and what she thinks we need was a separate public shower place and she knows that it was more money and more cost and it doesn't solve the problem that we have right now, but she doesn't feel good about getting the people of this need comfortable with that sort of convenience. She doesn't feel comfortable making this a program for showering the homeless in our place that was supposed to be for the children.

Mr. Haratyk said that he didn't know if he thought it was a great idea either and he didn't put it on the agenda or bring it forward. He had the Parks committee discuss this three (3) times and they voted unanimously and that this was a recommendation from the Parks committee. He thinks that one of the reasons they supported this on a trial basis was that they had a lot of questions about it.

Councilmember Sullivan said that the reason why they wanted to do it and they want to do it was because that it was needed. She just doesn't think that the public pool was the place to do it at.

Mr. Haratyk thanked council for letting them talk about this and letting them know where they stand because they might be able to come up with a better plan.

Mayor Oertle clarified that Mr. Haratyk was representing the Parks and Recreation Committee and they asked him to present what they passed it was not necessarily his own views.

Mayor Oertle felt that we had explored this issue very well and he was sure that it would be coming up on a council agenda soon so that the council can make a decision on that.

MOTION: Councilmember Sullivan moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:07pm

Ronald Oertle, Mayor