

RESOLUTION NO. 284

A RESOLUTION OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON AUTHORIZING THE MAYOR TO EXECUTE A COMMUNITY GOOD NEIGHBOR AGREEMENT BETWEEN THE TOWN AND DONNA HOPKINS, DBA WAGON WHEEL RESTAURANT AND LOUNGE.

Whereas, the Wagon Wheel Restaurant and Lounge is located at 121 Highway 162 West, South Prairie, Washington, and

Whereas, the Town has received complaints on activities that have occurred at the Wagon Wheel Restaurant and Lounge, and

Whereas, Donna Hopkins has entered into an agreement for the acquisition of the assets of the Wagon Wheel Tavern and Lounge and has applied for a license with the Washington State Liquor Control Board, and

Whereas, Donna Hopkins has been the manager of the Wagon Wheel Restaurant and Lounge during the period of time that complaints have been received, and

Whereas, the Town had objected to the issuance of the license by the Washington State Liquor Control Board, and

Whereas, the parties have arrived at an agreement where the Town will withdraw its objection provided that the applicant complies with certain terms and conditions, and

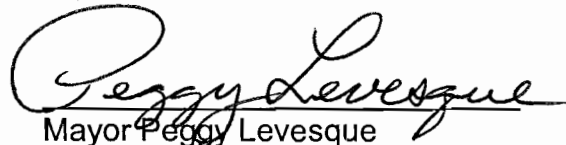
Whereas, controlling the conduct at the Wagon Wheel Restaurant and Lounge is essential for public health, safety and welfare.

Now, therefore, the Town Council of the Town of South Prairie, Pierce County, Washington do hereby resolve as follows:

Section 1: The Mayor is authorized to execute the attached Community Good Neighbor Agreement between Donna Hopkins, dba Wagon Wheel Restaurant and Lounge and the Town of South Prairie, attached hereto and incorporated by reference as Exhibit 1, as if set out in full.

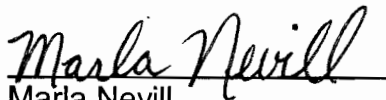
Section 2: If any provision of this resolution and/or the attached Exhibit is determined to be invalid or unenforceable for any reason, the remaining provisions of this resolution and/or the attached Exhibit shall remain in force and affect.

PASSED IN REGULAR AND OPEN SESSION this 17th day of October, 2006.



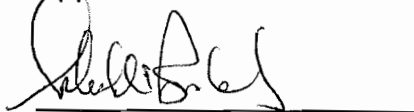
Mayor Peggy Levesque
INTRODUCED 10-17-06
PASSED 10-17-06
APPROVED 10-17-06
PUBLISHED 10-25-06

Attested:



Marla Nevill
Town Clerk

Approved as to form:



Michael J. Reynolds
Town Attorney



**COMMUNITY GOOD NEIGHBOR AGREEMENT
BETWEEN DONNA HOPKINS D/B/A/ WAGON WHEEL RESTAURANT AND LOUNGE AND
THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON**

THIS COMMUNITY GOOD NEIGHBORHOOD AGREEMENT ("Agreement") is entered into between Donna Hopkins D/B/A/ The Wagon Wheel Restaurant and Lounge, located at 121 Highway 162 W, South Prairie, Washington (hereinafter the "Wagon Wheel"), and the Town of South Prairie, Washington, a municipal corporation ("The Town"), for the purpose of fostering improved public safety and to augment efforts by the Town and the community to reduce crime, nuisance activity, and disruptive activity in and around the Wagon Wheel.

BACKGROUND FOR AGREEMENT

1. The Wagon Wheel is a restaurant and lounge, currently operating daily from 7:00 AM until 2:00 AM. The current licensees, Estate of Jess Eldon Padon and Sally Grace Padon, hold a Spirits, Beer and Wine Restaurant/Lounge liquor license issued by the Washington State Liquor Control Board (WSLCB).
2. Community residents have complained to the Town of South Prairie and the Wilkeson Police Department ("WPD") regarding noise, a gun incident, disturbances, over serving problems, narcotics use, vandalism, theft, littering, fighting, and other disturbances alleged to be associated with the Wagon Wheel.
3. The Town of South Prairie has objected to the issuance of the liquor license for this establishment. This objection was based upon criminal activity and public safety concerns associated with the premises. One of the concerns stated by citizens is that the back door has become the main entrance and exit and this abuts a residential area. Additionally vehicles are accessing the premises from a residential side street as opposed to the main highway.
4. The Town of South Prairie has the ability and opportunity to file an objection to the issuance of the liquor license to Donna Hopkins.
5. Donna Hopkins is the current manager of Wagon Wheel and has entered into an agreement to purchase the assets of the existing business. Donna Hopkins has applied to the WSLCB to assume the liquor license and the WSLCB is considering the approval or denial of the liquor license.
6. Donna Hopkins is aware of community concerns regarding the activity associated with the premises and has met with the Town of South Prairie Mayor to discuss these concerns. The community has expressed concerns regarding the prospective licensee's ability to adequately resolve these issues.

7. If granted the assumption of the liquor license, the Wagon Wheel agrees to be a good neighbor by operating the Wagon Wheel in a manner that will help improve public safety, security and quiet enjoyment in the surrounding community. To further this goal, the Wagon Wheel agrees to use good faith efforts to follow the business practices and procedures set forth below.

TERMS OF AGREEMENT

1. The Wagon Wheel will implement security measures for its business and premises as follows:

a) The Wagon Wheel shall provide adequately trained security personnel at all live-music events in sufficient number to patrol and maintain order among patrons. The number of such security personnel shall be determined by the anticipated size of the crowd and the prior experience with similar events, and at least one to adequately patrol any leased or allotted parking areas.

b) All event staff will wear clothing that identifies them as event staff and each event staff member shall carry a flashlight.

c) Event staff shall not fraternize with patrons except as necessary to maintain crowd control and perform their duties.

2. The lounge public entrance and exit shall be the front door on Highway 162 and the side door closest to Highway 162. The lounge hours of operation shall be 7:00 AM to 2:00 AM, upon approval of Washington State Liquor Control Board of moving lounge to restaurant and the restaurant to lounge.

3. The rear door on NW Washington Street shall be used and posted as restaurant patrons only and unlocked during restaurant hours ONLY. Additionally there will be an interior door to the restaurant unlocked only during restaurant hours. The restaurant hours of operation shall be 7:00 AM to 8:00 PM, also upon approval from the Washington State Liquor Control Board.

4. The Wagon Wheel shall post signs and verbally advise patrons to leave the premises and parking areas in a quiet and peaceful manner.

5. An "Entrance Only" sign shall be posted at the Washington Street entrance to the parking area, and a "No Exit" sign shall be posted on the parking area side of the Washington Street entrance.

6. Any smoking area shall comply with the Washington State Health Department requirements, and be located as close to Highway 162 as possible.

7. The Wagon Wheel will refuse to admit anyone appearing to be intoxicated or under the influence of drugs.

8. The Wagon Wheel will notify Pierce County Sheriff's Department for the following: a) anyone found to be in possession of drugs; b) attempting to enter premises with a weapon; c) persons who refuse to cooperate with Wagon Wheel personnel; and d) any person who causes a disturbance.

9. Wagon Wheel will use its best efforts to discourage persons from loitering outside the premises, including times when the business is not open. Anyone continuing to loiter outside the premises after having been warned by management, security, or Pierce County Sheriff's Department will be barred from the premises.

10. Wagon Wheel personnel will maintain a list of persons barred from the premises and will be trained to use the list to exclude from the premises persons who have been previously barred.

11. The Wagon Wheel will immediately notify Pierce County Sheriff's Department (PCSD) of any observed, known or suspected criminal activity. Wagon Wheel shall cooperate in any investigation by PCSD regarding criminal activity in and around the premises.

12. The Wagon Wheel will post a code of conduct clearly visible to patrons. Such posting shall state the expectations of persons patronizing the establishment. The posting must include a statement that no drugs, weapons or disorderly conduct will be tolerated and that police will be notified in all instances of illegal behavior. The posting will also state that persons violating the code of conduct will be required to leave the premises.

13. The Wagon Wheel shall require all employees who serve alcohol to attend training by the WSLCB regarding appropriate service of alcohol and recognition of signs of intoxication. The Wagon Wheel agrees to meet routinely with its employees to discuss appropriate alcohol service.

14. The Wagon Wheel acknowledges that compliance with the terms of this Community Good Neighbor Agreement does not by itself, constitute fulfillment of the Wagon Wheel's responsibility to be a good neighbor and its duty to comply with all state and local laws.

15. The Wagon Wheel owners and/or management shall be available to meet with representatives of the Town of South Prairie and/or community members as may be necessary, to discuss issues of concern.

16. The Wagon Wheel agrees that any action contrary to the terms of this agreement or inaction on the part of the Wagon Wheel to comply with the terms of this agreement will be deemed a material breach of this agreement.

17. The Wagon Wheel acknowledges that the Town and the community's recommendations regarding future renewals of its liquor license are

contingent upon but not guaranteed upon full compliance with the terms of this agreement. The Wagon Wheel further acknowledges that the Town may request the WSLCB consider compliance or non-compliance with this agreement in making any decision on renewal of the Wagon Wheel liquor license, and that the Town or community may address issues of public safety concerns to the WSLCB regarding the Wagon Wheel liquor license regardless of whether such concerns are or are not addressed by this agreement.

18. Wagon Wheel acknowledges that it has had the opportunity to seek legal counsel regarding the terms of this agreement and enters into this agreement voluntarily.

19. Based upon the promises of Wagon Wheel as set forth in this agreement, the Town of South Prairie will not object to the assumption of the liquor license to Donna Hopkins.

Dated this 18th day of October, 2006.

COMMUNITY GOOD NEIGHBOR AGREEMENT
BETWEEN DONNA HOPKINS D/B/A/ WAGON WHEEL RESTAURANT AND LOUNGE AND
THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON

SIGNATURE PAGE

Donna Hopkins D/B/A The Wagon Wheel Restaurant and Lounge

BY: Donna M. Hopkins
TITLE: Manager, Future Owner
DATE: 10-18-2006

Town of South Prairie

BY: Peggy Levesque
TITLE: Mayor
DATE: 10/18/06

ATTEST: Marla Nevill
Marla Nevill, Clerk/Treasurer

APPROVED AS TO FORM:

Michael J. Reynolds, Town Attorney:

Pierce County Sheriff's Department

BY: _____
TITLE: _____
DATE: _____