

## City says no to tavern license request

Written by KRISTYN HALBIG ZIEHM  
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### Port aldermen deny liquor permit, saying bar is incompatible with downtown redevelopment plans

Port Washington aldermen on Tuesday voted 5-1 to deny Troy Koput a liquor license for Deville's Lounge — the former Foxy's tavern — saying a bar there is incompatible with redevelopment plans for the downtown.

The Common Council cited the building's proximity to other structures being rehabbed, particularly the nearby Boerner Mercantile Building that is undergoing extensive renovations, as well as past conduct at the location and uncorrected building code violations in making its decision.

Only Ald. Jim Vollmar voted against the motion. Ald. Dan Becker was absent.

Vollmar, who noted the building is set up as a bar, said he would favor a strongly regulated business to having an empty building downtown.

But other aldermen said they didn't see tangible evidence that Deville's would be any different than Foxy's.

Too much of Koput's proposal is based on the hope that things will change, Ald. Doug Biggs, a member of the Finance and License Committee, said.

"Unfortunately, I learned very early in my career that hope is not a plan," he said.

Ald. Paul Neumyer said he voted against the license because he wants the city to rewrite its policies regarding taverns to incorporate stricter regulations.

"I think we need to revisit that before we issue new liquor licenses," he said.

The council's action followed roughly 40 minutes of testimony, including statements by Koput and several of his supporters and Police Chief Kevin Hingiss, each of whom was sworn in by City Attorney Eric Eberhardt during the formal hearing.

Supporters also lobbied aldermen during the public comments portion of the meeting before the hearing.

Nick Meier, 402 Heritage Rd., said Koput's plan shouldn't be judged based on the city's experiences with Foxy's.

"I don't think any new business should be judged on a previous business' record," Meier said. "If it was a problem business, it should have been shut down.

"I think we should be encouraging growth rather than having another empty building. I don't

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see how a lounge would be a negative.”

Ben Lanza, whose son Andy was the owner of Foxy’s, said he was disappointed by the council’s decision and frustrated by attacks on Foxy’s.

“For nine years, he (Andy) ran a good place,” Lanza said. “Now he’s being pulled down into the mud. Foxy’s was a nice place.”

Unlike Foxy’s, which catered to a young crowd, Deville’s was envisioned as a lounge where people of all ages could gather and socialize, Koput said, a place like the one his grandfather enjoyed.

“I always liked the atmosphere there,” he said, referring to his concept as “an old-school lounge” where people could have meetings and socialize.

“It would be more social than drinking,” he said. “That’s how I’m trying to alleviate a lot of the problems that have occurred.”

He planned to serve food, Koput said, although he wouldn’t have a full kitchen initially. That, he said, could come in time.

While his business plan might not offer the specifics aldermen sought, Koput said, the work he has already done to the building is testament to the change he wants to create.

“People who have walked through the business, they know it’s different,” Koput said. “All the comments I’ve gotten are that it’s much nicer.”

The city may have had problems with Foxy’s, he added, but he was not the owner of that establishment and shouldn’t be punished for those issues.

Christian Zaga, who was originally hired by Koput as the lounge manager but was let go after the city’s concerns came to light, said that the fact he had worked at Foxy’s shouldn’t affect the decision on Deville’s license.

“I did work at Foxy’s. I did not have any management (responsibility),” he said.

Zaga said he had discussed plans for Deville’s and its security with Hingiss, saying he wanted to work with police.

But Hingiss, who said problems with Foxy’s “pretty much ran the gamut,” said he was concerned when Zaga said he hoped Deville’s would open by Thanksgiving, when college students return home.

Without significant changes, Hingiss said, “You’re going to have the same people there; you’re going to have people overserved; and you’re going to have

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the same problems.”

But Zaga said it’s unfair to judge the bar based on the number of calls to police. Bartenders are told to call when they need assistance.

“It’s a Catch 22,” he said. “We’re frowned upon because we called and asked for police assistance, but we’re supposed to cooperate with police.

“Now, a new business is jeopardized for calling police.”

Aldermen deliberated about 20 minutes following the hearing, which was recessed about halfway through so Koput could get a copy of his business plan for aldermen.

But officials who looked at what Koput referred to as a portion of his business plan said there wasn’t enough detail to prove to them things would change.

“I was expecting you to come in here with a plan,” Ald. Dave Larson, chairman of the Finance and License Committee, said. But the plan aldermen saw wasn’t specific, he said, and didn’t outline such things as the hours, type of lounge, music to be played and food to be served.

“We have the utmost respect for what you want to do,” Larson said. “But there’s nothing tangible for us to go on.”

Ald. Mike Ehrlich said he was intrigued by Koput’s plan for a lounge.

“I thought, ‘This is what we’re looking for,’” Ehrlich said. “But everything I saw in your business plan ... didn’t show a lounge. It showed more of a bar.

“I don’t want to see the same thing happening over and over. You’ve got to show me something that will be different.

“I hope you keep working on it.”

Koput withdrew his application for a cabaret license after the liquor license was denied and left the meeting.

However, several of his followers remained, seeking information on what recourse Koput has to obtain a license.

He can reapply for the liquor license or appeal the council’s decision in circuit court, Eberhardt said.

They also questioned why Koput’s application was scrutinized more than others, noting the council recently approved a license for the Port Hole without the

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same amount of angst.

Just last Sunday, Dec. 9, a complaint of music being played the Port Hole so loud it shook a home was received at 1 a.m., according to police.

There were building code violations pending but the owner was given time to fix them, Zaga said, adding that business also doesn't serve food and has generated a number of calls to police.