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**PARKS, RECREATION & FACILITIES
MANAGEMENT**

Dean R. Gazza, Director

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TO: Parks & Recreation Committee

FROM: Dean R. Gazza, Director of Parks, Recreation and Facilities Management

DATE: 12/7/2020

RE: Action Item: Approve J Restaurant Patio Premise to Lease Space in Vulcan Heritage Park for 2021-2025.

In 2006, the City of Appleton executed a three-year agreement with the Supple Restaurant Group for the use of the patio area at Vulcan Heritage Park. The agreement was renewed for additional three-year terms in 2009, 2012, 2015 and 2018. The 2018 agreement expired on October 29, 2020 and the Supple Restaurant Group has requested renewal of the agreement for use of the Vulcan Heritage Park patio for another five years.

The following identifies the basic components of an agreement reached with the Supple Restaurant Group based on the previous agreements:

- The Supple Restaurant Group will lease the patio area immediately west of Fratello's Riverfront Restaurant for a five-year period, 2021 – 2025.
- Annual compensation for the lease will be as follows:
 - 2021 - \$3,225 per year.
 - 2022 - \$3,225 per year.
 - 2023 - \$3,300 per year.
 - 2024 - \$3,300 per year.
 - 2025 - \$3,375 per year.
- Food and beverage service will be limited to the “patio” area of the leased area only.
- The Supple Restaurant Group will provide food and beverage service that meets all applicable licenses and permits.
- The Supple Restaurant Group will provide trained wait staff during all food service hours.
- The Supple Restaurant Group will allow the general public to use the patio area during regular serving hours.

- The service of the food and beverage will be from 11:00 A.M. to 11:00 P.M. Extension of these hours may be granted by written permission from the Parks, Recreation and Facilities Management Department for special events.
- The Supple Restaurant Group will provide all furniture for the patio. The furniture theme shall be consistent with the current park amenities.
- The Supple Restaurant Group will be solely responsible for the furniture.
- The Supple Restaurant Group will maintain the area immediately surrounding the patio on a daily basis. Immediate surrounding area shall include parking lot, walkways, planters, turf areas, etc. on a daily basis. Maintenance activities shall include waste and litter disposal, walkway cleaning, general site inspection, and daily plant care consistent with standards established by the Parks, Recreation and Facilities Management Department.
- Either party has fifteen (15) days from written notice to correct a violation of the agreement. If the violation is not corrected after fifteen (15) days, either party shall have the right to terminate the agreement.
- All signs shall meet applicable zoning ordinances and cannot promote alcohol and tobacco or contain morally questionable or overly suggestive themes.

The 2018-2020 agreement with the Supple Restaurant Group included annual payments of \$3,225 to the City of Appleton. The proposed 2021-2025 lease agreement includes an increase in the annual payments beginning in year three to \$3,300 and an increase of \$75.00 in year five.

This lease has been mutually beneficial. The Supple's, in addition to their lease payment, continue to work with the City to continually improve the space and assist with outdoor maintenance tasks including security. We have found this partnership very positive and recommend approval of this agreement.

Please contact me at 832-5572 or dean.gazza@appleton.org with any questions or concerns.