

October 2, 2017

VIA EMAIL

Madison Common Council
210 Martin Luther King Jr. Blvd., Room 417
Madison, WI 53703

Re: Entertainment License for The Edgewater

Dear Common Council Members:

The Edgewater Hotel submitted a four-page Plan of Operation to ALRC outlining a number of self-imposed conditions the hotel intended to implement, if approved. After listening to several hours of public testimony, ALRC recommended approval of the license. However, instead of adopting the multi-page plan proposed by the hotel, ALRC recommended approval of the license with only five conditions:

1. Maintain decibel level of 70 decibels or under at the street level, the measurement of which shall be taken at the mid-point of the intersection of Langdon Street and Wisconsin Avenue.
2. The band shell shall be utilized during all amplified live music events, unless a large tent is in place for said event.
3. This license will be separated for 2018 renewal.
4. Limit the number of outdoor public events that would fall under the entertainment license to 35 per license year.
5. Must adhere to all aspects of the Public Access Management Agreement.

While the hotel is pleased that ALRC recommended approval of its license, the hotel has several concerns with the proposed conditions, especially as they relate to hotel's ability to host larger community events on the Grand Plaza such as *Fourth Fest* and *Frozen Assets*. In subsequent conversations, the hotel learned that Alder Zellers, too, had some concerns, specifically about The Edgewater's right to host "private" events with amplified music performances on the Grand Plaza and those rights would not be subject to any limit with regard to overall number or frequency of events.

Mindful of these concerns, the hotel has continued to work on a plan to resolve the issues / concerns expressed by Alder Zellers and individual neighbors. The hotel has met with Alder Zellers and adjusted its plan in direct response to requests made by the Alder. The updated plan responds as follows:

- To better address the issue of sound levels, the updated plan includes a tiered system of limits for any event that would exceed 65 dB, with a total of no more than 51 events (regardless of whether they are public or private events) per license year. This is far more restrictive than the ALRC recommendation which was to allow for 35 public events and no limit on private events.

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- The updated plan includes a commitment from the hotel to generally end all events by 9:00 p.m., with limited exceptions. This is not something addressed by the ALRC conditions.
- To address Alder Zellers' concern about frequency during the peak summer months, the updated plan commits to no more than 25 events in the 65-70 dB range during these months. The ALRC conditions do not address the peak summer months.
- The updated plan commits to monitoring sound levels at a variety of points. The ALRC recommendation requires only one monitoring point.

Enclosed is a copy of the hotel's updated Plan of Operation, dated September 29, 2017. Notwithstanding the efforts described above, we understand that Alder Zellers is still not entirely satisfied with the updated Plan of Operation.

In correspondence over the weekend and again today, Alder Zellers has urged the hotel to further reduce the number of events in the 65-70 dB range from 45 to 40. Additionally, Alder Zellers has asked that the hotel limit the number of events in June, July and August to no more than 20, rather than 25, and to reduce the number of larger events from 4 to 3. After carefully considering these requests, The Edgewater remains concerned that the lower limits would impose too great an impact on its business (not to mention the public's use and enjoyment of the Grand Plaza), especially in light of the fact that the 51 events described in the enclosed plan represent a significant reduction as compared to the plan submitted to ALRC, which itself was a significant reduction in programming as compared to prior years.

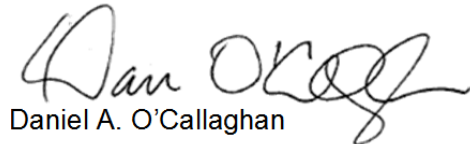
On behalf of The Edgewater, we remain committed to continuing a dialog with Alder Zellers and we are hopeful that we will ultimately reach consensus on an acceptable Plan of Operation that balances the hotel's rights to conduct programming on the Grand Plaza with the neighbors' rights to enjoy their own properties.

Importantly, we believe the enclosed proposal represents a significant step toward meeting the concerns expressed by Alder Zellers and represents a set of operating parameters that are far more robust than what was recommended by ALRC.

We appreciate the Common Council's willingness to take into consideration our thoughtful approach and willingness to find a solution to the concerns that have been raised, while also maintaining a feasible operating structure that allows The Edgewater to continue to host public events and support a vibrant downtown for local residents and visitors alike.

Respectfully yours,

MICHAEL BEST & FRIEDRICH LLP



Daniel A. O'Callaghan

Enclosure (Plan of Operation, dated September 29, 2017)

THE EDGEWATER HOTEL

LIVE ENTERTAINMENT LICENSE – PLAN OF OPERATION

Pursuant to City of Madison ordinances governing live amplified music and/or DJ performances (“Live Entertainment”) offered at establishments that are licensed to serve alcohol, and consistent with the rights granted to The Edgewater Hotel under the Public Access Management Agreement (PAMA) between the City and The Edgewater, following is The Edgewater’s plan of operation (required under MGO 38.06(12)(d)1.g.) for events featuring Live Entertainment (“Plan of Operation”). This Plan of Operation is not applicable to events at the property, including those held on the Grand Plaza, that do not feature Live Entertainment. The Edgewater will operate the hotel and the Grand Plaza pursuant to this Plan of Operation and this Plan of Operation may be enforced by the City of Madison as part of the hotel’s Entertainment License. The specific terms and conditions set forth in this Plan of Operation have been prepared by The Edgewater voluntarily and The Edgewater reserves all of the rights it has been granted under the PAMA. Consistent with its rights under the PAMA, The Edgewater may propose changes to this Plan of Operation from time to time.

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1.0 SCHEDULE OF EVENTS

A. PROPERTY

The Edgewater hosts a variety of weddings, corporate events and other events (public or private) at the property throughout the year. These events could occur indoors or outdoors in The Grand Ballroom, other function spaces (e.g. Red Crown Club, Sky Bar, Mendota Ballroom, Madison Room, etc.), the restaurants and other public areas. The number, scheduling and frequency of these events (with or without Live Entertainment) will be determined by The Edgewater, in its sole discretion. Any events featuring Live Entertainment will be operated pursuant to the hotel’s Security Plan (see Section 3.0 below).

B. OUTDOOR LIVE ENTERTAINMENT EVENTS ON GRAND PLAZA

Use of the Grand Plaza is governed by the PAMA. By entering into the PAMA, the City has granted to The Edgewater Hotel the “sole and exclusive right to determine operating policy, standards of operation, quality of service and any other matters affecting the operation, management and maintenance” of the Grand Plaza, including the right to host events on the Grand Plaza from 8:00 a.m. to 11:00 p.m., 365 days per year. All events on the Grand Plaza featuring Live Entertainment will be operated pursuant to the hotel’s Sound Plan (see Section 2.0 below) and the hotel’s Security Plan (see Section 3.0 below). With regard to Live Entertainment on the Grand Plaza, The Edgewater is exercising its rights under Section 9 of the PAMA (“to determine the schedule of said Events ... and the terms and conditions under which Events shall be held”) by offering the following schedule:

Amplified Live Music Performances:

The Edgewater will host amplified live music performances on the Grand Plaza, and will continue a practice of generally ending those events by 9pm. However, on occasion, events may extend beyond 9pm (subject to the limitations in the PAMA) as may be requested by clients hosting the event (e.g. for a banquet, wedding, etc.) or based on the type of event.

Under 65 dBA.	The Edgewater may host any number of events throughout the license year featuring Live Entertainment where the maximum allowable sustained sound level at the street (measured in accordance with Section 2.0 below) is 65 dBA or below. These events may occur any time of year.
65-70 dBA maximum	The Edgewater will host no more than 45 events throughout the license year featuring Live Entertainment where the maximum allowable sustained sound level at the street (measured in accordance with Section 2.0 below) will be above 65 and below 70 dBA. No more than 25 of these events will take place between the months of June, July, August.
70-75 dBA maximum	The Edgewater will host no more than 4 events throughout the license year featuring Live Entertainment where the maximum allowable sustained sound level at the street (measured in accordance with Section 2.0 below) will be above 70 and below 75 dBA. These events may occur any time of year.
75-80 dBA maximum	The Edgewater will host no more than 2 events throughout the license year featuring Live Entertainment where the maximum allowable sustained sound level at the street (measured in accordance with Section 2.0 below) will be above 75 and below 80 dBA.

Note: the above schedule of Grand Plaza events in no way limits the rights of The Edgewater to host events on the Grand Plaza that do not require an Entertainment License (*e.g.* movies, recorded music, etc.) 365 days a year, in accordance with the terms of the PAMA.

2.0 SOUND PLAN

The sound plan for all Live Entertainment Events on the Grand Plaza is as follows:

1. The Edgewater will maintain a maximum sustained dBA level at the street level (at the center point of Wisconsin and Langdon of 70 dBA). This is a *maximum* level for Live Entertainment. For each event as set forth in Section 1.0 above, The Edgewater will also measure from the top of the Grand Stair at Langdon Street on The Edgewater property and at the corner on Langdon and Wisconsin in front of Kennedy Manor. The purpose of this is to monitor sound transfer between various points.
2. Sound levels will be measured beginning at a pre-event sound check and not less than every 30 minutes through the duration of the amplified live music events.
3. Measurements will be taken by a professional sound engineer employed with, or contracted by, The Edgewater.
4. The Sound Engineer shall record readings for the event and The Edgewater shall submit the readings with its application for the renewal of The Entertainment License each year to verify compliance with the plan in the previous year.
5. Sound levels will be measured with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 (Revised 1971).

6. All artist contracts will include the agreed upon decibel levels.
7. All third party contracts for events will require that the clients of The Edgewater adhere to these standards and that The Edgewater will monitor and control the sound production for said events.
8. The Edgewater will use the band shell during amplified live music events unless the larger tent is in place for said event, in which case, the band shell cannot be erected safely. The Edgewater may leave in place the band shell and other related temporary event structures between events as set forth in Section 9 of the PAMA.

In accordance with City ordinances, The Edgewater will follow all lawful directives of the Madison Police Department and will work with the department to ensure sound is maintained at reasonable levels in accordance with this plan.

Further, The Edgewater pledges to continue working with neighbors to address noise concerns that may arise from time to time and to implement reasonable measures to mitigate such concerns. As part of this commitment, The Edgewater will:

1. Host an annual neighborhood meeting in the spring to review the event plan for the coming year;
2. Will continue to meet with the Alder on a bi-monthly basis, or as requested by the Alder to address concerns;
3. Will, if requested, take periodic sound measurements during an actual event from several neighboring residences (at the invitation of said neighbors), on a predetermined date, selected in cooperation with the neighbors, Alder and city officials. The purpose of these visits will be to monitor how sound may differentiate from the street level to the neighbors' residences and to explore different ideas for continuing to improve the sound management plan (e.g. adjusting the direction of speakers, orientation of audiences, staging and the like).

3.0 SECURITY PLAN

The purpose of this Security Plan is to:

- Provide a safe environment for staff and visitors
- Prevent the disruption of the event/services
- Protect property against damage or loss

Security & Crowd Control

The Edgewater Hotel typically utilizes its own staff to provide additional security as needed for Live Entertainment events. The Edgewater's standard operating procedures include detailed security protocols, and we host regular training of our Managers. Additionally, The Edgewater has contracted with outside vendors to provide life safety training in CPR and fire safety. The Madison Police Department has also provided managers with training regarding active shooter situations.

For Live Entertainment events where attendance is expected to be in excess of 500 people, we typically also hire one or more security officers from a third-party firm to work the event. They typically dress in security uniforms as provided by their employer.

The outside security contractors provide additional crowd control and monitoring as needed. Their instructions are to patrol the outside public areas (e.g. plaza) and parking structure for any disturbances that might occur.

If a disturbance occurs that they are unable to resolve, they have strict instructions to contact the Madison Police Department.

Parking Lot Control

The Edgewater Hotel utilizes two parking garages that guests attending our Live Entertainment events may use. The first is a public garage, Wisconsin Avenue Parking Garage. If needed, overflow parking will be routed to the Edgewater Hotel Garage located under the public garage. The parking structure has gated entry and all guests must pull a ticket

for entrance and must insert the ticket for exiting. The gate functions as our parking control to ensure orderly entrance and exiting during the events.

Entrance to Event

A number of Live Entertainment events held on the Grand Plaza are generally open to the public and are typically not ticketed. As such, people attending the events do not form a line for entrance, rather they come and go as they please.

Managing Liquor Sales

Per The Edgewater Hotel's Standard Operating Procedures, bartenders are required to check the identification of any person who appears under 30 years of age, and to refuse service to those people who are underage or appear to have fake identifications. This includes persons under 21 years of age who are with a parent. If the patron does not accept the decision of the bartender, the bartender has strict instructions to contact the Food & Beverage Director or Director of Outlets who will come and assess the situation. If necessary, the Food & Beverage Director or Director of Outlets will confiscate the fake ID and escort the minor off property.

Further, all bartenders have been trained in refusing service and ejecting anyone who is overly intoxicated, threatening, obnoxious, fighting, obscene, loud and boisterous, or who the bartender on duty feels should not be present at The Edgewater. All bartenders have been instructed to call the Madison Police Department in the event a situation escalates out of their comfort level.

Edgewater Management

The following employees are employed by the Edgewater in a Management Capacity: The Edgewater Staff knows and understands that these are the individuals who are in charge during the events at The Edgewater.

<u>Employee Name</u>	<u>Birthdate</u>	<u>Title</u>
Michael Pratt	1/27/1968	Sales Director
Jason Wells	1/18/1983	Assistant Rooms Director
Michael Tonsfeldt	1/24/1984	Training Director
Alexandra Essenburg	1/23/1986	Boathouse Manager
Amy Supple	2/22/1970	Sr. Vice President and Chief Operating Officer
Kelley Heydon	3/21/1973	Spa Director
Chad Wunderlich	3/27/1976	Outlets Manager
Robert Caston	5/15/1944	Director of Sales – Key Corporate Clients
Aline Kalar	5/18/1976	Front Office Manager
Laura Klocke	5/23/1977	Controller
James Freeman	6/12/1962	Sr. IT Manager
Tim Albrecht	6/4/1980	Chief Engineer
Kelsey Kane	6/15/1990	Human Resources Manager
Fadi Takouz	7/10/1976	Director of Food and Beverage
Claire Varrelmann	8/23/1978	Director of Marketing
Anselm Lwali	8/4/1997	Director of Rooms
Igor Latvel	9/19/1978	Banquet Manager
Elizaveta Chernousova	9/7/1988	Statehouse Manager
Melanie Gautreau	11/13/1972	Director of Special Events
Juan Martinez	12/20/1967	Executive Chef

Dress of Security Personnel

Edgewater employees wear uniforms and name tags indicating they are such. Outside security personnel are either in suits or wear uniforms (depending on the event). Designated personnel, and outside guards, have walkie-talkies to communicate issues through departments and to the front desk.