

CITY OF WAUWATOSA

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Legislation, Licensing, & Communications Committee

Tuesday, July 26, 2005

Committee Room #2

PRESENT: Alds. Birschel, Grimm, Subotich, Treis, Krill (7:45 p.m.) - 5

ALSO PRESENT: Ald. Becker; Lt. G. Jochem, Police; A. Kesner, City Atty.;
C. Ledesma, City Clerk; B. Jacobsen, Admin. Intern

EXCUSED: Ald. Sullivan

Ald. Treis as Chair called the meeting to order at 7:15 p.m.

Class B beer and liquor license application by West End Wine LLC, d/b/a Vino 100 1442-B Underwood Avenue, John W. Schaal, agent

Mr. Schaal and his business partner, Mark Schraith, were present. Mr. Schaal stated that they look forward to doing business in Wauwatosa. He stated that Vino 100 will be a wine shop which will have a patio where they will conduct wine tastings. The City Attorney stated that he did not have any concerns. Lt. Jochem stated the Police Department does not have any concerns.

Moved by Ald. Grimm, seconded by Ald. Subotich
to recommend approval --

Ald. Birschel verified that the Class B liquor license issued to Vino 100 will be the last of the City's 45 license quota. Mr. Kesner added that the Vino 100 applicants are the individuals that requested the change to the ordinance relating to Class B wine sales.

Ald. Grimm inquired about the shop's hours of operation. Mr. Schaal stated that they plan to be open until 11 p.m. on Fridays and Saturdays and until 9 p.m. Sunday thru Thursday with doors opening at 9 a.m. or 10 a.m. daily.

Vote on the motion was: 4

Operator license application by Nicholas J. Gruber, 16950 Mayer Lane, Brookfield, for the period ending June 30, 2006

Lt. Jochem stated that the applicant had 1 arrest on his record and that the report did not indicate any other problems. Mr. Gruber was present and did not wish to speak. Ald. Birschel stated that the applicant only had one conviction in a three year period.

Moved by Ald. Birschel, seconded by Ald. Grimm
to recommend approval – 4

Operator license application by Thomas G. Hartman, 3338 S. Taylor Avenue, Milwaukee, for the period ending June 30, 2006

Lt. Jochem stated that Mr. Hartman had a felony arrest and parking citations on his record. Mr. Kesner advised the Committee that the felony conviction is not relevant to the applicant's current employment, he has served his time, and he disclosed the conviction on his application.

Mr. Hartman stated that he did something that he now regrets and he now lives with the consequences. He stated that he is putting the past in the past, and is currently a full time student. He requested that the Committee consider how important his job is to reaching his goals.

Moved by Ald. Grimm, seconded by Ald. Birschel
to recommend approval – 4

Operator license application by Martina M. Mahnke, 11523 W. Mount Vernon Avenue, Wauwatosa, for the period ending June 30, 2006

Mr. Kesner stated that he had no concerns regarding this application. Lt. Jochem stated that the applicant had two other convictions that were not disclosed on the applications. Ms. Mahnke stated that she did not know that the one of the violations was on her record because she paid the fine. She stated that when she was convicted she was a junior in high school and is now a junior in college.

Ald. Treis advised the applicant that if she paid a fine for the incident, she must have known that she was convicted and that she did not disclose the conviction on her application. Ald. Subotich said regarding the first violation she was convicted and paid a fine for it, however, she has not mentioned the other violation. He went on to say that she failed to mention both convictions on both applications, and that he has a record of voting against operator license approvals when the applicant was untruthful.

Moved by Ald. Grimm, seconded by Ald. Birschel
to recommend approval – Ayes: 2; Noes: 2 (Subotich, Treis)

Ald. Treis advised the applicant that she may still serve alcohol as long as she is supervised. He also let her know that the Common Council will make the final decision at next Tuesday's meeting.

Operator license application by Kimberly A. Wauters, 2913 N. Farwell Avenue, Milwaukee, for the period ending June 30, 2006

Lt. Jochem stated that everything disclosed on the application was correct. Ms. Wauters was present but did not wish to speak.

Moved by Ald. Subotich, seconded by Ald. Birschel
to recommend approval – 4

Memo from the City Clerk regarding Reserve Liquor Licenses

Mrs. Ledesma stated that Wauwatosa has a quota of 45 regular Class B liquor licenses and 28 reserve licenses. She said that the State requires municipalities to charge reserve license applicants \$10,000. In response to the State requirement, the City adopted an ordinance which allows reserve license applicants to apply for an economic development grant, which reimburses the \$10,000 application fee. She went on to advise the Committee that because the last available Class B liquor license will be issued to Vino 100, a procedure needs to be created for processing future Class B liquor license applications. Mrs. Ledesma

requested input from the Committee on how complex the grant application process should be. One option is to approve the grant request at the same time the license is approved, to help the business get going. Some communities require a 3-6 month waiting period for the rebate and in others the assessor checks to see if \$10,000 worth of work is being done on the applicants' premises. Mrs. Ledesma added that this is a one time fee that any new applicants will be required to pay.

Mr. Kesner stated that the law was implemented because the tavern league wished to increase the value of liquor licenses held by current businesses in northern Wisconsin. He went on to say that some communities believed the policy was unfair, and to encourage new business, and to get around the tavern league efforts, created the grant policy. Mr. Kesner also advised that Committee that the legality of the grant policies was addressed in an appeals court case in Madison and were deemed lawful.

Ald. Birschel stated that such a fee would be negligible to large chains such as Applebee's and Noodles & Company; however the impact on a small business owner would be much greater. He stated that it would be fair to refund the fee to small business owners. Ald. Becker stated that the \$10,000 isn't supposed to be a punishment and that is why the grant policy was adopted.

Moved by Ald. Grimm to hold until the next meeting.
Motion dies for lack of a second.

The Committee debated which course of action to take, whether to hold the item until the next Committee meeting, to forward to Council without a recommendation, or forwarding to Council with a recommendation.

Moved by Ald. Birschel, seconded by Ald. Subotich
to recommend approval of the procedure outlined
in the City Clerk's memo – Ayes: 3; Noes: 2 (Grimm, Treis)

License applications forwarded for review

The Committee reviewed the license applications of Tamara J. Boyd, who had one conviction from 2001, and Gina La Joice who had two convictions in 2000.

Moved by Ald. Grimm, seconded by Ald. Krill to
recommend approval of both applications --

Mr. Kesner advised the Committee that they can vote not to call the applicants in. Ald. Treis stated that he would prefer to call in Ms. La Joice. Ald. Grimm stated that he moved approval because the violation happened five years ago.

Vote on the motion was- Ayes: 2; Noes: 3 (Birschel, Subotich, Treis).
Motion fails.

Moved by Ald. Krill, seconded by Ald. Birschel
to approve Ms. Boyd, and call in Ms. La Joice --

Ald. Grimm asked Mr. Kesner whether a license can be denied for one prior conviction. Mr. Kesner stated that a license cannot be denied for one conviction. Ald. Treis stated that he would like to call Ms. La Joice in.

Vote on the motion was – Ayes: 4; Noes: 1 (Grimm)

Review of the Fall 2005 City Newsletter

Beth Jacobsen, the administrative intern, advised the Committee that typographical errors have been corrected and that she would appreciate any input the Committee may have. Ald. Grimm indicated that he'd like to see an article in a future newsletter regarding the information the Police Department requires of any citizen making a complaint. Ms. Jacobsen stated that she will pass the request along to the administrative secretary for consideration.

Moved by Ald. Birschel, seconded by Ald. Krill
to recommend approval as drafted - 5

The meeting adjourned at 8:05 p.m.

Carla A. Ledesma, City Clerk
City of Wauwatosa

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