

CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Meeting - Tuesday, January 30, 2007

Committee Room #2

PRESENT: Alds. Becker, Birschel, Didier, Ewerdt, Hanson, Krol -6

ALSO PRESENT: J. Archambo, City Admin.; A. Kesner, City Atty.; E. Miller-Carter, Asst. City Atty.;
Capt. Weiss, Police; N. Krueser, Health Officer; S. Cuniz, Health Dept.;

Ald. Krol as chair called the meeting to order at 7:00 PM.

Operator license application by Charles P. Bartelt, 10218 Dunkelow Rd., Franksville

Mr. Bartelt was present. Capt. Weiss said that Mr. Bartelt disclosed all information and there were no concerns.

Moved by Ald. Birschel, seconded by Ald. Hanson to recommend approval
of the operator license -6

Operator license application by Kimberly A. Clapper, 3056 N. Maryland Avenue, Milwaukee

The chair noted the applicant was not present. It was the consensus of the Committee to hold this item for the next meeting.

Operator license application by Michael J. Kissel, 1223 Elm Lawn Street, Wauwatosa

Mr. Kissel was present. Andrew Grassel, owner of Colonel Hart's, 7342 W. State Street was present and spoke very highly of Mr. Kissel. Ald. Becker requested a 6 month review.

Moved by Ald. Birschel, seconded by Ald. Didier to recommend approval
of the operator license with 6 month review -6

Request for extension of Class B Beer/Liquor license by William Poull, The Club Tap, 8828 W. North Avenue to include rear parking lot for Chili Contest on Sunday, February 18, 2007 12:00 PM – 6:00 PM

Mr. Poull was present and stated a tent with sides in the parking lot would provide more room for this annual event. There will be no music. Peter Subotich, 2557 N. 82nd Street spoke on behalf of The Club Tap and said he supports the application and event. Ald. Didier asked if the neighbors would be opposed. Mr. Poull will contact the neighbors that border The Club Tap and make them aware of the event.

Moved by Ald. Ewerdt, seconded by Ald. Hanson to recommend approval
of the liquor license extension -6

Request for hardship exception to smoking ban ordinance by Elias Pagoudis, Agent, Biggs Roadhouse, 1900 N. Mayfair Road

Mr. Pagoudis was present. Mr. Tennes, accountant for Biggs Roadhouse, accompanied Mr. Pagoudis. The financial reports requested by the Committee were submitted in advance. Dr. Krueser stated that the financial reports prove that the sales of both food and liquor have dropped significantly. The Committee reviewed the financial reports and agreed that sales had dropped significantly in the summer of 2006. Mr. Pagoudis stated that smoking would only be in the bar area and not in the restaurant area. Dr. Krueser said that the signs can be changed to a "smoking establishment". It was made known to Mr. Pagoudis that this exception would expire in July, 2008.

Moved by Ald. Ewerdt, seconded by Ald. Birschel to recommend that the exception be granted. -6

Request for hardship exception to smoking ban ordinance by Robert Messinger, Hector's A Mexican Restaurant, 7118 W. State Street

Mr. Messinger was present. Hector's has been in business 17 years, established June 16, 1989. Financial reports had been submitted in advance for review. Mr. Messinger provided the December 2006 financial report to the Committee. Dr. Krueser stated that the total loss is 11.2% as calculated by the City's accounting department excluding the December 2006 report.

Michelle Fitzgerald of Horizons Law Group stated that, based on their findings and review of the financial reports provided, Hector's has been affected significantly by the smoking ban. Ms. Fitzgerald made mention that Colonel Hart's and Leff's Lucky Town have not been affected.

Timothy Capper, owner of Colonel Hart's and former partner with Robert Messinger said that businesses like these can't survive without smoking customers. Mr. Capper commented that if Colonel Hart's could make it by being a non-smoking establishment he would do it. Hector's is like an island on his own block - he's the only one that is affected by the smoking ban. Mr. Capper feels that the ordinance needs to be revisited and left to the state and get rid of it on the city level.

Mr. Lesley Martin, Wisconsin Medical College and a member of Board of Health for the City of Wauwatosa commented that since the time of the smoking ban ordinance there has been a noticeable improvement in this area of public health. Mr. Messinger responded that the public health issues are sensible in public places, but not in this type of business. The choice is up to the patrons.

Mr. Tennes, accountant for Biggs Roadhouse said that in one and half years the state wide smoking ban may be in effect and it will make it a level playing field for all of the restaurant establishments.

Mr. Messinger stated that the restaurant area would remain smoke free. Smoking would only be allowed in the bar area.

The Committee discussed the comments made, the statistics of the financial reports and the requirements needed to be met within the ordinance for a hardship exception. The Committee agreed that these requirements have been met.

Moved by Ald. Didier, seconded by Ald. Ewerdt to recommend that the exception be granted with a review of financial reports in 6 months -6

Review of the Spring 2007 Newsletter

The Committee reviewed the Spring Newsletter.

License applications forwarded for review

The Committee reviewed the operator license application by Aaron J. Spencer. The Committee requested the applicant's presence at the next meeting.

The meeting adjourned at 8:13 PM

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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