



CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
7725 WEST NORTH AVENUE
Telephone: (414) 479-8917
Fax: (414) 479-8989

LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE Meeting - Tuesday, December 8, 2009 Committee Room #2 – 7:15 PM

PRESENT: Alds. Birschel, Hanson, Herzog, Nikcevich, Organ (7:25 PM) –5

EXCUSED: Ald. Dennik

ALSO PRESENT: A. Kesner, City Attorney; D. Weiss, Police Capt.

Ald. Birschel as chair called the meeting to order at 7:15 PM

Operator License application by Mathew R. Dwyer, 1710 E. Bradford Avenue #1W, Milwaukee, for the period ending June 30, 2010.

Mr. Dwyer was present. Mr. Dwyer disclosed everything that appeared on the police report. Capt. Weiss had no concerns regarding this license application. Mr. Kesner had nothing else to add. Ald. Herzog asked Mr. Dwyer about the specific incidents on the police report and Mr. Dwyer answered satisfactorily.

Moved by Ald. Herzog, seconded by Ald. Hanson to recommend approval
of the Operator License -4

Class “A” Beer / “Class A” Liquor License application by Wisconsin CVS Pharmacy, LLC d/b/a CVS Pharmacy #8771, 7520 W. Blue Mound Road, James Watkins, agent, for the period ending June 30, 2010.

Mr. Watkins was present. Mr. Kesner clarified for the committee that the past applications submitted several years ago by what was then Osco Drugs had been withdrawn by Osco before the application was processed; therefore the previous application for a Class “A” Beer or “Class A” Liquor license was not denied, but withdrawn. Mr. Kesner had no other concerns. Capt. Weiss had no concerns regarding this license application.

Ald. Organ asked about a business in Milwaukee that was denied a liquor license because of the proximity to the high school. Mr. Kesner stated that he did not have the details of that specific situation but he gave a detailed explanation of how the sale of alcohol in the mixed retail environment works today. He explained the technology that prompts the seller to request identification, verifying the proper age of the buyer as well as registers that prohibit the sale of alcohol after 9:00 PM. Ald. Organ continued her inquiries to Mr. Watkins, asking if there was a store policy enforced which monitored the student population in the store. Mr. Watkins said that they have never had a problem with heavy student traffic and didn't foresee that being a problem in the future. He also stated that many of the CVS stores are currently selling alcohol and the monitoring devices and proper supervision have kept underage sales of both tobacco and alcohol at a low percentage.

Ald. Nikceovich asked Capt. Weiss if there is a trend developing for underage problems in the Wauwatosa retail sales of tobacco and/or alcohol sales. Capt. Weiss stated that it has not been a serious problem and the police department conducts a yearly sting operation to weed out any such problems within the individual businesses.

Ald. Herzog asked Mr. Watkins if CVS is planning to provide alcohol sales either statewide or nationwide and Mr. Watkins replied that typically most of the CVS stores do have liquor departments.

Moved by Ald. Herzog, seconded by Ald. Hanson to recommend approval of the Class "A" Beer / "Class A" Liquor license –

Ald. Organ asked about the other CVS stores in the area and asked Capt. Weiss if there have been any problems with the Wauwatosa pharmacies, now selling alcohol, being located near schools. Capt. Weiss was unable to give any conclusive reports but did say that the police department does advise managers and sales clerks of the possible dangers and the current issues to be aware of. Ald. Organ stated that she is hesitant because of the close proximity CVS has to the high school in that area.

Ald. Birschel asked Mr. Watkins if CVS was planning to sell beer, wine and spirits, at which time Mr. Kesner clarified that the Class "A" Beer / "Class A" Liquor license gives the business the freedom to sell all items within that license description.

Vote on the motion, -Ayes 4; Noes 1 (Organ)

Request by Ald. Nikceovich for consideration of guidelines for approval of Class A beer / liquor licenses.

Ald. Nikceovich explained her concerns regarding the lack of restrictions on Class "A" Beer or "Class A" Liquor licenses considered for issuance in Wauwatosa. In her memo she included issues such as the liquor outlets and their proximities to schools and hospitals, the concentration of businesses selling alcohol, and setting a limit on Class "A" Beer or "Class A" Liquor licenses issued. She talked about the large amount of the Class "A" Beer or "Class A" Liquor licenses that have been applied for and have been issued recently. Ald. Nikceovich would like the committee to look at the specifics behind the denial and approval of these licenses. She would like to see a written policy that would prohibit gas stations from selling alcohol and that the city would set a cap on the limit of Class "A" Beer or "Class A" Liquor licenses.

Mr. Kesner advised the committee that they can set limits and policies and/or regulations, but suggested that the best way is to recommend introduction of an ordinance.

Ald. Herzog asked Ald. Nikceovich about her statistics and her reasoning for this consideration. She explained that her findings were on a per capita basis to other communities in the area. Ald. Herzog asked Ald. Nikceovich if she could identify any specific problems with the businesses holding Class "A" Beer or "Class A" Liquor licenses. She replied to his questions accordingly but had no specific items of concern. Ald. Herzog made the statement that in these tough economic times why we would put limits on denying businesses the opportunity to grow, prosper and build up the economy of our city.

Ald. Hanson agreed with Ald. Herzog about handcuffing businesses when there is no immediate problem. Ald. Hanson feels that we can address the problems when and if they arise; therefore he would not recommend any cap on the number of Class "A" Beer or "Class A" Liquor licenses.

Ald. Organ agreed with aspects of Ald. Nikceovich's recommendation, but not the limiting of Class "A" Beer or "Class A" Liquor licenses. She would like to see the prohibiting of gas stations to sell alcohol and putting a limit on the distance of alcohol outlets to schools. Ald. Organ also feels that it would be advantageous for the city to have a clear explanation of eligibility of alcohol license holders.

Ald. Nikcevich asked Mr. Kesner what would be a practical distance limit on alcohol outlets from schools. Mr. Kesner replied that a research study would need to be done in order to establish an appropriate answer.

Moved by Ald. Nikcevich, seconded by Ald. Organ to recommend introduction of an ordinance limiting the number of Class “A” Beer or “Class A” Liquor licenses issued and prohibiting the issuance of Class “A” Beer or “Class A” Liquor licenses to establishments which sell gasoline; and in the future not be within an established distance to schools. Ayes 2; Noes 3 (Herzog, Hanson, Birschel) – Motion fails
Moved by Ald. Nikcevich, seconded by Ald. Organ to recommend introduction of an ordinance prohibiting the issuance of Class “A” Beer or “Class A” Liquor licenses to establishments which also sell gasoline. Ayes 3; Noes 2 (Herzog, Birschel)

No License Applications forwarded for review

The meeting adjourned at 8:05 PM.

jp

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin