



# CITY OF WAUWATOSA

## LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

MINUTES • JULY 30, 2013

Regular Meeting

Committee Room #2

6:45 PM

7725 West North Avenue, Wauwatosa, WI 53213

Attendee Name	Title	Status	Arrived
Peter Donegan	Alderman	Present	
John Dubinski	Alderman	Present	
Gregory Walz-Chojnacki	Alderman	Present	
Joel Tilleson	Alderman	Present	
Brian Ewerdt	Alderman	Present	
Donald Birschel	Alderman	Present	7:01 PM
Barry Weber	Police Chief	Present	
Eileen Miller-Carter	Asst. City Attorney	Present	

Ald. Donegan as Chair called the meeting to order at 6:45pm.

### LLC COMMITTEE ITEMS

1. Application by Sandy Haeger, d/b/a One Way Cafe & Gallery, 1427 Underwood Avenue, for a transfer of the "Class B" Liquor License from Dennis Kramer, Vino 100, 1442 Underwood Avenue, for the period ending June 30, 2014

The Committee reviewed an application by Sandy Haeger, d/b/a One Way Cafe & Gallery, 1427 Underwood Avenue, for a transfer of the "Class B" Liquor License from Dennis Kramer, Vino 100, 1442 Underwood Avenue, for the period ending June 30, 2014.

Ms. Haeger was present and stated that One Way Cafe & Gallery is pursuing a "Class B" Liquor License to improve business. They plan to extend business hours into the evening and serving alcohol will benefit their business.

Mr. Dennis Kramer, Vino 100, was present and he requested that both parties receive notification of the Common Council decision regarding this item.

Chief Weber had no concerns. Asst. Atty. Miller-Carter had no other concerns.

Moved by Ald. Tilleson, seconded by Ald. Walz-Chojnacki to recommend approval for a transfer of the "Class B" Liquor License from Dennis Kramer, Vino 100, 1442 Underwood Avenue, to Sandy Haeger d/b/a One Way Cafe & Gallery, 1427 Underwood Avenue, for the period ending June 30, 2014 - Ayes: 5

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Joel Tilleson, Alderman	
<b>SECONDER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt	
<b>ABSENT:</b>	Birschel	

2. Application by Michael Laus, d/b/a Jimmy's Island Grill/Radisson Hotel, 2303 N. Mayfair Road, for a liquor license extension for a 2nd Anniversary Party to be held on August 25, 2013

The Committee reviewed an application by Michael Laus, d/b/a Jimmy's Island Grill/Radisson Hotel, 2303 N. Mayfair Road, for a liquor license extension for a 2nd Anniversary Party to be held on August 25, 2013.

Mr. Laus stated that the event will be located in an outdoor area on the east side of the building facing Mayfair Road. The event will run from 3pm to 7pm and include live music.

Chief Weber had no concerns.

Moved by Ald. Ewerdt, seconded by Ald. Dubinski to recommend approval for a liquor license extension at 2303 N. Mayfair Road on August 25, 2013 - Ayes: 5

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Brian Ewerdt, Alderman	
<b>SECONDER:</b>	John Dubinski, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt	
<b>ABSENT:</b>	Birschel	

3. Application by Mark Zierath, d/b/a Jackson's Blue Ribbon Pub, 11302 W. Blue Mound Road, for a liquor license extension for a one-day outdoor festival to be held on August 24, 2013

The Committee reviewed an application by Mark Zierath, d/b/a Jackson's Blue Ribbon Pub, 11302 W. Blue Mound Road, for a liquor license extension for a one-day outdoor festival to be held on August 24, 2013.

No representative from Jackson's Blue Ribbon Pub was present.

Chief Weber requested resident notification for the neighborhood surrounding the pub. He explained that there have been previous noise complaints associated with Jackson's Blue Ribbon Pub.

Ald. Walz-Chojnacki agreed that residents should be notified and offered to contact the applicant to ensure residents are notified.

Moved by Ald. Walz-Chojnacki, seconded by Ald. Ewerdt to recommend approval for a liquor license extension at 11302 W. Blue Mound Road for a one-day outdoor festival to be held on August 24, 2013 - Ayes: 5

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>SECONDER:</b>	Brian Ewerdt, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt	
<b>ABSENT:</b>	Birschel	

4. Operator License application by Brianna Keaton, 2597 N. Oakland, Milwaukee, for the period ending June 30, 2014

Brianna Keaton was not present.

Moved by Ald. Tilleson, seconded by Ald. Ewerdt to hold the item until the next scheduled Legislation, Licensing and Communications meeting - Ayes: 5

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>
<b>MOVER:</b>	Joel Tilleson, Alderman
<b>SECONDER:</b>	Brian Ewerdt, Alderman
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt
<b>ABSENT:</b>	Birschel

5. Operator License application by Kayla Smith, 8082 N. 67th Street, Brown Deer, for the period ending June 30, 2014

The Committee reviewed an operator license application by Kayla Smith, 8082 N. 67th Street, Brown Deer, for the period ending June 30, 2014.

Ald. Donegan asked the applicant to explain the discrepancies between her application and record.

Ms. Smith stated that she did not recall the convictions and she did not realize that they were considered arrests.

Ald. Wilson encouraged the Committee to move approval of her license, so that she may remain gainfully employment.

Ald. Dubinski stated that he spoke to Daniel Conway, a manager at Dave and Busters, and a former general manager of the Cheesecake Factory. According to these contacts, both restaurants review applicant records for felonies, not misdemeanors. Both managers claimed that accurate information is not always disclosed by the applicant and neither restaurant fires workers for failure to receive an operator's license.

Ald. Dubinski stated that he would vote not for approval because the applicant failed to mention the more serious charges on her record.

Ald. Birschel agreed with Ald. Dubinski and stated that he would not vote for approval.

Ald. Ewerdt asked Chief Weber to clarify what bail jumping means.

Police Chief Weber and Asst. Attorney Miller-Carter explained that bail jumping occurs whenever an individual fails to complete court requested actions or violates a court instruction.

Ms. Smith explained the instances of bail jumping on her record.

Chief Weber reminded the Committee that a six month review may be applied as a condition to the license.

Ald. Walz-Chojnacki seconded the motion for approval with a friendly amendment to include a six month review of the applicant's record.

Moved by Tilleson, seconded by Walz-Chojnacki  
to recommend approval of an operator license for  
Kayla Smith, subject to a six month review - Ayes: 4 Nays: 2

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [4 TO 2]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Joel Tilleson, Alderman	
<b>SECONDER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>AYES:</b>	Donegan, Walz-Chojnacki, Tilleson, Ewerdt	
<b>NAYS:</b>	Dubinski, Birschel	

6. Applications by Arte LLC, d/b/a Arte Wine & Painting Studio, for a Reserve "Class B" Liquor License for 1442 Underwood Avenue, to transfer a Class "B" Beer License from 7511 Harwood Avenue to 1442 Underwood Avenue for the period ending June 30, 2014, Lisa Allen, Agent, and for an economic development grant

The Committee reviewed applications by Arte LLC, d/b/a Arte Wine & Painting Studio, for a Reserve "Class B" Liquor License for 1442 Underwood Avenue, to transfer a Class "B" Beer License from 7511 Harwood Avenue to 1442 Underwood Avenue for the period ending June 30, 2014, Lisa Allen, Agent, and for an economic development grant.

Mr. John Salituro, husband of a co-owner of Arte LLC, was present. He stated that Arte LLC has signed a lease for the former Vino 100 space at 1442 Underwood Avenue. According to state statute, the reserve liquor license cannot be transferred from place to place. Therefore, Arte LLC is applying again for a Reserve "Class B" Liquor License, a transfer of their Class "B" Beer License and an economic development grant.

City Clerk Ledesma confirmed that the Reserve "Class B" Liquor License cannot be transferred from place to place, but that the Class "B" Beer License is transferable.

Moved by Ald. Walz-Chojnacki, seconded by Ald. Tilleson  
to recommend approval of a Reserve "Class B" Liquor License  
for 1442 Underwood Avenue, to transfer a Class "B" Beer License  
from 7511 Harwood Avenue to 1442 Underwood Avenue for the  
period ending June 30, 2014, Lisa Allen, Agent, and for an economic  
development grant - Ayes: 6

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>SECONDER:</b>	Joel Tilleson, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt, Birschel	

7. Memo from the City Attorney/Assistant City Attorney proposing an ordinance amendment delegating operator license application approvals to the Committee on Legislation, Licensing and Communications

The Committee reviewed a memo from the City Attorney and Assistant City Attorney proposing an ordinance amendment delegating operator license application approvals to the Committee on Legislation, Licensing and Communications.

Asst. Attorney Miller-Carter stated that the proposed process is allowed by statute and consistent with other processes already in place within the City.

Ald. Ewerdt asked what would be done if there was a close vote or tie vote, and he questioned if a Committee motion could still send items to Council.

Ms. Miller-Carter stated that there was no such clause in the proposed ordinance amendment, but Attorney Kesner could revise to address those issues.

Ald. Tilleson asked if a tie-break clause could be written in the amendment.

Ald. Walz-Chojnacki remarked that the ordinance could be worded to stipulate that a tie vote equals approval. He stated that the proposed amendment is a great idea regardless of how tie votes are decided.

Ald. Tilleson expressed appreciation for the work of the Attorney's office. He noted that the required approval of Council often airs the applicant's record unnecessarily and requires a vote from a body that has not properly reviewed the applicant's background. He suggested that the item be held, so that Attorney Kesner may revise the amendment to address the issue of tie votes.

The Committee discussed whether the item should be held at Committee or sent to Council for a first reading.

Moved by Ald. Tilleson, seconded by Walz-Chojnacki  
to hold the item until the next scheduled Legislation, Licensing  
and Communications Committee meeting - Ayes: 6

<b>RESULT:</b>	<b>HELD [UNANIMOUS]</b>	<b>Next: 9/3/2013 7:00 PM</b>
<b>TO:</b>	Legislation, Licensing & Communications Committee	
<b>MOVER:</b>	Joel Tilleson, Alderman	
<b>SECONDER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt, Birschel	

8. Memo from the City Clerk attaching a Certification of Sufficiency and Form on a petition for direct legislation submitted by Grassroots Tosa

The committee reviewed a memo from the City Clerk regarding a petition for direct legislation submitted by Grassroots Tosa.

City Clerk Ledesma explained that she was presented with a direct legislation petition on July 9, 2013. The City Clerk's office subsequently reviewed the petition for both non-resident signatures and duplicate signatures. It was confirmed that sufficient signatures were obtained by Grassroots Tosa.

Ald. Donegan reminded the Committee that it is bound by state statute to either vote on the item at the Council level or put the item to referendum.

Mr. Allen Nichols, 7926 Gridley Ave, was present and spoke on behalf of Grassroots Tosa.

Mr. Nichols explained that the Citizens United ruling held that corporations should be given several constitutional rights that had been previously held by human beings. In that ruling, corporations were given the right of free speech and the ability to spend money freely was defined as a form of free speech. He explained that Grassroots Tosa believes this ruling will shift the United States toward an era of aristocracy. They would like to give the citizens of Wauwatosa the opportunity to consider this issue in the form of a referendum.

Ms. Joann Shansky, 2030 Church St, noted that the Citizens United ruling did not single out corporations alone, but also gave these constitutional rights to unions. She remarked that free speech should apply to human beings, not artificial entities. She explained that Grassroots Tosa is part of a national grassroots movement that is collectively working towards this goal. She noted several nearby municipalities that have already passed resolutions and others that are working towards the same goal. She said that the issue is a unifying issue across both parties.

Ald. Berdan agreed that the issue should be put to referendum.

Ald. Donegan strongly encouraged the Committee to put this issue to referendum. He remarked that the Council is much more effective when they avoid divisive discussion that is out of their jurisdiction.

Ald. Walz-Chojnacki agreed with the choice of referendum and asked for clarification on the Committee's options.

Ms. Ledesma explained that state statute requires the Common Council to approve the resolution as written or place a referendum on the next scheduled election ballot. The Committee must recommend one of those two options.

Ald. Birschel remarked that he will support the referendum option, and agreed that it should not be discussed at the Council level to avoid divisive discussion. He added that the issue should be explained in its entirety, so that voters understand what they being asked.

Ms. Ledesma explained that the Attorney's office may draft yes and no statements to clarify referendum issues for voters.

Ald. Tilleson congratulated Grassroots Tosa for obtaining enough signatures. He agreed that divisive issues beyond the Council's jurisdiction should be put to referendum.

Moved by Ald. Walz-Chojnacki, seconded by Ald. Birschel  
to recommend approval of a referendum on the spring 2014  
election ballot regarding campaign finance limits - Ayes: 6

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Gregory Walz-Chojnacki, Alderman	
<b>SECONDER:</b>	Donald Birschel, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt, Birschel	

9. Operator License application by Brianna Keaton, 2597 N. Oakland, Milwaukee, for the period ending June 30, 2014

The Committee reviewed an operator license application by Brianna Keaton, 2597 N. Oakland, Milwaukee, for the period ending June 30, 2014.

The Committee discussed the applicant's application and asked the applicant why there were discrepancies between her application and her record.

Ms. Keaton stated that she was confused by wording of the questions on the application.

Chief Weber had no additional concerns.

Ald. Dubinski remarked that the applicant has established a clean record, but he would still prefer a six month review on this license. He seconded the motion with a friendly amendment for a six month review.

Ald. Tilleson accepted the amendment, but commented that six month reviews should only be applied when necessary.

Moved by Ald. Tilleson, seconded by Ald. Dubinski  
to recommend approval of an operator license for  
Brianna Keaton, subject to a six month review - Ayes: 6

<b>RESULT:</b>	<b>RECOMMENDED FOR APPROVAL [UNANIMOUS]</b>	<b>Next: 8/6/2013 7:30 PM</b>
<b>TO:</b>	Common Council	
<b>MOVER:</b>	Joel Tilleson, Alderman	
<b>SECONDER:</b>	John Dubinski, Alderman	
<b>AYES:</b>	Donegan, Dubinski, Walz-Chojnacki, Tilleson, Ewerdt, Birschel	

The meeting adjourned at 7:41pm.

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Carla A. Ledesma, CMC, City Clerk