

CITY OF WAUWATOSA
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Tuesday, April 30, 2002

Committee Room #2

PRESENT: Aids. Treis; Sullivan; Bruderle-Baran; Ecks; Grimm; Subotich– 6

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

Ald. Treis as Chair called the meeting to order at 6:45 p.m.

Orientation session with City Attorney regarding procedures pertaining to operator license applications

Atty. Kesner explained the purpose of his presentation was to bring the committee up to speed on municipal licensing issues. He gave each member a number of handouts and discussed an outline he had prepared.

The primary types of licenses the committee will be concerned with are beer, liquor and operator. The criteria for issuance of these licenses are as follows:

- Age – A person may hold an operator's license at the age of 18
- State Residency
- Sellers' Permit – Required of retail establishments
- Responsible Beverage Server Training Course – Required of all persons holding an operator's license
- Arrest/Conviction Record of the Applicant and "Habitual Law Offender" issues – Will be considered by the committee
- Felony Convictions of the Applicant

Atty. Kesner also noted that the owner of an establishment and his/her immediate family are not required to obtain an operator license. A server working under the direct supervision of a person holding an operator license is also not required to be licensed.

Request by Tim Capper of Colonel Hart's, 7342 W. State Street, for a license extension on June 1, 2002

Mr. Capper explained he is requesting the extension in order to hold a charity event. The planned hours are from 1:00 p.m. until 8:00 p.m. with music beginning at 3:00 p.m.

Ald. Bruderle-Baran asked about any residential neighbors. Mr. Capper said Colonel Hart's has neighbors next door over an office building and directly behind. Both neighbors are customers. He also pointed out that the event will end at 8:00 p.m.

Moved by Ald. Grimm, seconded by Ald. Sullivan to recommend approval of the license extension - -

Ald. Treis asked Capt. Bozicevich if the police had any objections. Capt. Bozicevich said that the police have a good working relationship with Colonel Harts. His only concerns were with garbage left in the neighborhood and noise.

Moved by Ald. Bruderle-Baran, seconded by Ald. Grimm to amend the motion to include garbage clean up and noise abatement if needed - 6

Vote on the amended motion was, Ayes - 6

Application for an operator license by Renee Arter, N25 W24037 River Park Drive #10, Pewaukee

Ms Arter told the committee that since the last meeting of April 9, 2002 she has pled no contest to a liquor law violation. She apologized for the violation and assured the committee it would never happen again.

Capt. Bozicevich noted she has no other violations on her record.

Moved by Ald. Sullivan, seconded by Ald. Bruderle-Baran to recommend approval - 6

Application for an operator license by Margaret Holsclaw, 10221 W. Congress Street, #1, Milwaukee

Capt. Bozicevich told the committee Ms Holsclaw's violation was a misdemeanor almost ten years ago and she had noted it on her application. He had no objections to issuing the license.

Moved by Ald. Ecks, seconded by Ald. Grimm to recommend approval - 6

Application for an operator license by Patrick Reid, 915 N. 15th Street, #102, Milwaukee

Ald. Treis told the committee that Mr. Reid was unable to appear and that his appearance was rescheduled for the meeting on May 14, 2002.

Application for an operator license by Raymond Nickel, 4556 N. 70th Street, Milwaukee

Mr. Nickel told the committee that he has 2 alcohol related violations but that he has been sober for 2 years.

Capt. Bozicevich confirmed the 2 violations and said that Mr. Nickel also has a felony on his record from 1997. Mr. Nickel told the committee he thought the felony had been dropped.

Ald. Bruderle-Baran asked Mr. Nickel if he had been required to attend classes as a result of his alcohol related violations. Mr. Nickel yes and that he was waiting for the confirming paperwork to be sent from Madison.

Ald. Sullivan noted that Mr. Nickels' violations are of kinds that cause the committee concern. All parties may be well served to place the application on hold until Mr. Nickel receives his paperwork from Madison.

Moved by Ald. Sullivan, seconded by Ald. Bruderle-Baran to place the matter in file for one month - -

There was discussion as to whether the one month wait could be shortened.

Moved by Ald. Sullivan, seconded by Ald. Bruderle-Baran to amend the time in file to two weeks – 6

Vote on the original motion was, Ayes – 6

Application for an operator license by Jay Effenberger, 3168 N. 87th Street, Milwaukee

Capt. Bozicevich told the committee that he believed Mr. Effenberger's record would be of concern to the committee.

Moved by Ald. Ald. Bruderle-Baran, seconded by Ald. Ecks to invite Mr. Effenberger to appear before the committee – 6

Application for an operator license by Caleb Rozina, 2131 N. Summit Avenue, Apt. 209, Milwaukee

Capt. Bozicevich told the committee Mr. Rozina has a lengthy record that he didn't note on his application.

Moved by Ald. Bruderle-Baran, seconded by Ald. Ecks to invite Mr. Rozina to appear before the committee – 6

Memo from City Attorney regarding Time Warner franchise fees on cable modem service

Atty. Kesner informed the committee of an issue regarding Time Warner's payment of franchise fees on cable modem service. The Federal Communication Commission (FCC) has issued a preliminary ruling indicating that modem service is not a cable service.

Time Warner has notified the City of Wauwatosa that they intend to stop the 5% payment of franchise fees derived from the provision of cable modem service (Road Runner).

Atty. Kesner told the committee that the next payment is due July 1, 2002. The City will take action at that time if the payment is short. He intends to keep the committee updated on any actions taken.

Application for an operator license by Teron Bowen, 3615 N. 18th Street, Milwaukee

Mr. Bowen was not present.

Moved by Ald. Ecks, seconded by Ald. Bruderle-Baran to again
invite Mr. Bowen to appear before the committee – 6

The meeting adjourned at 7:40 p.m.

Carla A. Ledesma, CMC
City Clerk

dmh