



# City of Milwaukee

200 E. Wells Street  
Milwaukee, Wisconsin  
53202

## Meeting Minutes - Final ALCOHOL BEVERAGE LICENSING TASK FORCE

**JUSTICE LOUIS BUTLER, CHAIR**

**Joel Brennan, Sallie Ferguson, Rebecca Grill, Edward J. Lump, Comptroller Wally Morics,  
Sharon Nowak, Bruce Schrimpf, Chet Ulickey**

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Wednesday, March 18, 2009

1:30 PM

Room 301-B, City Hall

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*Meeting convened at 1:40 p.m.*

**Present** 8 - Morics, Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

**Excused** 1 - Brennan

**1) Review and approval of the minutes of the March 16, 2009 meeting**

*Minutes were approved as written.*

**2) Discussion of the written recommendations submitted by the Alcohol Beverage Licensing Task Force members**

**REVOCATION:**

*\*Regarding whether hearing examiners should be engaged for revocation hearings:*

*Ms. Grill said that the process could be streamlined for revocations since they are currently scheduled during the regular meeting calendar, which creates scheduling difficulties.*

*Mr. Schrimpf said that a report filed by the hearing examiner would be reviewed in front of the Licenses Committee and the party filing the revocation and the licensee could discuss the report. The committee and the Common Council would be the ultimate decision-makers. Mr. Schrimpf said that it is a more streamlined way of gathering facts and making the record.*

*Mr. Morics said that if there is a recommendation to work from prepared by the examiner, the committee will not have to spend a large amount of time reviewing the matter.*

*Mr. Butler suggested adding language to the recommendation to leave the decision to the council as to whether it is a good idea. Therefore;*

*\*Regarding whether the Common Council should explore whether hearing examiners should be engaged for license revocation hearings:*

*The task force voted 7-1 in favor of the amended recommendation. (Sgt. Ulickey voting "no", Mr. Brennan excused)*

**GENERAL/MISCELLANEOUS**

*The recommendations of City Attorney Grant Langley relating to rules or other procedures when a member of the licenses committee wishes to advocate a position relating to a new license or renewal were discussed:*

*Mr. Schrimpf said that it is better for the council member to simply present the facts and leave the decision to the committee. The local council member can make arguments for or against at the full Common Council.*

*Ms. Grill asked if the council member serving on the Licenses Committee would be precluded from voting on the matter while acting as a committee member. Mr. Schrimpf said yes.*

*The task force voted unanimously in favor of the amended recommendation. (Mr. Brennan excused)*

*\*Regarding whether the Licenses Committee should continue to be staffed by the council members:*

*Ms. Ferguson said it relates to a previous recommendation requiring there be five council members at all times.*

*Mr. Butler said the recommendation should be discussed when the related, previously tabled recommendation dealing with staffing of the Licenses Committee is discussed.*

*\*Regarding whether a special date should be set aside for the longer agenda items:*

*Ms. Grill said that when longer items are anticipated at the Licenses Committee, they are scheduled towards the end of the day and sometimes additional committee meetings are scheduled to prevent lengthy regular committee meetings.*

*Mr. Butler asked if the previous recommendation dealing with BOZA and meeting scheduling satisfied Ms. Ferguson's concerns. She said yes.*

*The recommendation was withdrawn.*

*\*Regarding whether suggested break and lunch times should be allowed when preparing the agenda for the Licenses Committee meeting:*

*Mr. Morics said that schedules cannot be that strict because public meetings are unpredictable with regards to time. He said that when specific times are made part of a meeting agenda, it has to be followed rigidly, regardless of what is occurring at the meeting.*

*Mr. Butler said that a previous discussion and recommendation dealt with rules of decorum for committee members, including their walking out of the room during testimony.*

*Mr. Morics said that the issues that prompted the recommendations regarding rules of decorum and suggested break and lunch times should be noted specifically in the previously adopted recommendation. Therefore;*

*\*Regarding whether the Common Council should adopt rules of decorum for members of the Licenses Committee covering areas such as members leaving the room during testimony, members being rude to witnesses, the need for reasonable*

*breaks, members not listening to the evidence presented but engaging in private conversations with committee members and other council members while the meeting is in session:*

*Mr. Schrimpf said that it does not look good when council members that are not on the committee but are attending the committee meeting to discuss a particular license have side conversations with committee members while the meeting is in session.*

*The previously adopted recommendation was amended.*

*\*Regarding whether other avenues of reviewing applications for licenses such as bartenders, direct sellers, home improvement contractors, and junk collectors should be explored to allow the Licenses Committee to concentrate on other applications:*

*Ms. Grill said that all types of licenses are scheduled in front of the Licenses Committee. She said that with these types of licenses there is not as much extensive public comment on the applications, so they could be dealt with in a different manner.*

*Mr. Schrimpf pointed out that bartenders are regulated by Chapter 125, so they may still need to be heard at Licenses Committee. However, there is rarely any neighborhood objection to them. With the other licenses, the Common Council has a pretty free hand in how those licenses are handled.*

*Mr. Butler asked if the bartender application could be removed from the recommendation. He also asked if alcohol beverage licenses and Extended Hours licenses could be added to the recommendation in place of the words "other licenses". Ms. Grill agreed. Therefore;*

*\*Regarding whether other avenues of reviewing applications such as direct sellers, home improvement contractors, and junk collectors should be explored to allow the licensing committee to concentrate on alcohol beverage licenses and extended hours licenses:*

*The task force voted unanimously in favor of the amended recommendation. (Mr. Brennan excused)*

*\*Regarding whether any recommendations selected should be made part of the Milwaukee Code of Ordinances, and as applicable, part of the General Licensing Chapter:*

*Ms. Grill said that the creation of the task force was not just to deal with alcohol beverage licenses, but other licenses with which there was a problem, so making recommendations part of the General Licensing Chapter would assist in dealing with all the licenses that come before the Licenses Committee.*

*Mr. Morics suggested adding the language "where appropriate" to the recommendation since certain recommendations will involve ordinance changes and the decorum of council members is dealt with by council rules. Therefore;*

*\*Regarding whether any recommendations selected should be made part of the Milwaukee Code of Ordinances, and as applicable, part of the General Licensing Chapter where appropriate:*

*The task force voted unanimously in favor of the amended recommendation. (Mr. Brennan excused)*

*\*Regarding whether the council should adopt standardized procedures and guidelines to determine when suspension, revocation or non-renewal is an appropriate sanction:*

*Withdrawn by Mr. Butler due to previous discussion.*

*\*Regarding whether the mayor's office, the city attorney's office, the Fire and Police Commission, and the Department for City Development should be part of the formal process for granting or denying a license:*

*Mr. Schrimpf said that the city attorney's office is an advisor to the committee although the role is not substantive. He also said that the City Attorney's office is now involved in helping the police in seeking revocations, but there is nothing formal as to when or how the City Attorney's office gets involved. Mr. Schrimpf said that the Fire & Police Commission does not have a role in licensing, but he said that he could see a role for the Department of City Development since council members refer to development in an area when they are discussing the appropriateness of certain businesses in neighborhoods.*

*Mr. Butler said that if departments are formally made part of the process, these departments would have to weigh in on every application, not just the ones they feel strongly about or in which they are involved. The more outside entities are involved, the more resources are taken away from said entities.*

*Mr. Lump said that it might be more difficult for an applicant to receive a license if he or she has to make contact with the other departments in advance as part of their application process. He also said other agencies, such as the Health Department, have input eventually anyway before a business can be opened.*

*Mr. Morics said that input from other departments is not needed in every case and institutionalizing something that occurs as an exception is probably not the right way to go.*

*Withdrawn by Mr. Butler.*

*\*Regarding whether the council should create a cap on the percentage of sales that alcohol can account for at convenience stores:*

*Withdrawn by Mr. Butler because he questioned whether the issue is within the scope of the committee and because a recommendation previously adopted deals with business plans for alcohol beverage establishments.*

*Ms. Grill withdrew the previously tabled recommendation involving new applicants holding neighborhood meetings before being scheduled.*

*Ms. Grill pointed out an error in a preliminary recommendation regarding the time frame for scheduling applications upon their certification by the License Division. The words "or renewal" should be removed from the recommendation since renewal applications must be scheduled in a timely manner before the expiration date of the license.*

*The task force voted unanimously in favor of deleting the language from the recommendation. (Mr. Brennan excused)*

*Sgt. Ulickey pointed out an error in a preliminary recommendation regarding "problem buildings". He said that the language should include the words "previous premise*

*reports", not "police reports".*

*The task force voted unanimously in favor of changing the language in the recommendation. (Mr. Brennan excused)*

*Sgt. Ulickey suggested a change in the language of a preliminary recommendation dealing with the amendment to chapter 90 requiring documentation of contact with council members. He suggested that the word "process" be added after "initial or renewal application" to clarify that any relevant contacts made during the entire application process, not just the application stage, should be documented.*

*The task force voted unanimously in favor of adding the language to the recommendation. (Mr. Brennan excused)*

*The task force revisited the previously tabled recommendation regarding whether it should be ensured that five council members be present for all Licenses Committee meetings:*

*Changing the recommendation to require a majority vote was previously discussed. Sgt. Ulickey said that he is referring to situations in which committee members are dismissed for half a day or when a committee member arrives late into the morning.*

*Mr. Schrimpf asked if there could be an alternate system like there is for a jury in which there is an alternate available to serve if a committee member cannot be present.*

*Mr. Butler asked why the rule would not be applied to all committees staffed by council members and if a recommendation should be made specific to the Licenses Committee.*

*City Clerk Leonhardt at the table. He said that the focus of the task force is the alcohol beverage licensing process and therefore the recommendation could be applied only to the Licensing Committee since it is the only committee that handles those types of licenses.*

*Mr. Leonhardt said that there needs to be clarification as to how to define "present". Sgt. Ulickey said that an absence of an amount of time that would prevent a committee member from voting would require an alternate attending the meeting.*

*Mr. Morics said that he has not heard a great deal of concern about the absence of members and he said that the language of the recommendation will be important.*

*Mr. Lump said that the language of the recommendation could just suggest that the council consider appointing alternates to ensure full attendance at Licenses Committee meetings if possible. Therefore;*

*\*Regarding whether, in consideration of the applicant, care should be given to have five committee members present at all times for all Licenses Committee meetings. The Common Council should consider designating two alternates to serve when a committee member cannot be present or is excused for a period of time:*

*Mr. Leonhardt said that recommendation could be feasible.*

*The task force voted unanimously in favor of the amended recommendation. (Mr. Brennan excused)*

**3) Set-up of the agenda for the next public evening hearing**

*The compilation of preliminary recommendations will be distributed to task force members and they will be discussed at a public evening meeting.*

*The date of the next public evening hearing is April 16th at 7:00 p.m.*

*The discussion of the preliminary recommendations as voted on by the task force. Testimony will be limited to the preliminary recommendations.*

*Citizens are encouraged to prepare written responses and testimony will be limited to three minutes.*

*A sign-up sheet should be at the meeting.*

*There will be a posting on the City's Website and copies of the recommendations will be made available in the City Clerk's office.*

**4) Set-up of the next regular meeting's agenda**

*The task force members will be having a final vote on the recommendations before they are submitted to the Common Council.*

**5) Scheduling of the next meeting (time and date)**

*The next task force meeting will be on Monday, April 20th at 10:00 a.m.*

*Meeting adjourned at 3:11 p.m.  
Staff Assistant Tobie Black*