



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Agenda STEERING & RULES COMMITTEE

ALD. WILLIE L. HINES, Jr., CHAIR

Ald. Michael J. Murphy, Vice-Chair

Ald. Joe Davis, Sr., Ald. Ashanti Hamilton, Ald. James Witkowiak, Ald. Robert Bauman, Ald. Robert Donovan, and Ald. James Bohl, Jr.

Staff Assistant, Terry MacDonald, (414)-286-2233

Fax: (414) 286-3456, E-mail: tmacdo@milwaukee.gov

Monday, June 15, 2009

1:30 PM

Room 301-B, City Hall

SPECIAL - Amended 6/8/09

---PLEASE NOTE: If action is taken on the following files, they may be referred to the Common Council for action at its regular meeting to be held at 9:00 A.M. on Tuesday, June 16, 2009.

1. [080566](#) Communication relating to the report and recommendations of the Alcohol Beverage Licensing Task Force.

 Sponsors: THE CHAIR

2. [081023](#) Communication from the Comptroller's office relating to exploring the value of leasing the operations of the Water Works, on a long term basis.

 Sponsors: THE CHAIR

3. [090185](#) Communication from the office of the City Attorney relating to the status of Summerfest lease negotiations.

 Sponsors: THE CHAIR

 The STEERING AND RULES COMMITTEE may convene into closed session, pursuant to sec. 19.85(1)(e), Wis. Stats., for the purpose of formulating competitive bargaining strategies in respect to Item #3...Communication from the office of the City Attorney relating to the status of Summerfest lease negotiations.

 The Committee may thereafter reconvene into open session.

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master

File Number: 080566

File ID: 080566

Type: Communication-Report

Status: In Committee

Version: 0

Reference:

Controlling Body: STEERING &
RULES
COMMITTEE

Requester:

Cost:

File Created: 07/30/2008

File Name:

Final Action:

Title: Communication relating to the report and recommendations of the Alcohol Beverage Licensing Task Force.

Notes:

Code Sections:

Indexes: ALCOHOL BEVERAGE CONTROL, LIQUOR
LICENSING, REPORTS AND STUDIES

Sponsors: THE CHAIR

Agenda Date:

Agenda Number:

Enactment Date:

Attachments: Final Report and Recommendations ,Minutes for
October 10th Meeting ,H&H ASSAD Court Decision
,Terry Lee's Court Decision ,License Process
Timelines ,Comparison of Alcohol License Processes
,List of Alcohol Beverage Licensing Articles ,Minutes
for October 24th Meeting ,Letter from Alderman
Michael Murphy to the Task Force ,Previous Public
Meeting Locations ,List of Neighborhood
Organizations ,Minutes for November 21st Meeting
,Letter to Community and Business Organizations
,Audio from December 11th Public Hearing ,Minutes
for December 11th Public Hearing ,Letter to Council
Members from the Chair ,Written Comments from
Bob Greene of the Merrill Park N.A. ,Written
comments from Mike Eitel of Diablos Rojos
Restaurant Group ,Minutes for January 23rd Meeting
,ABLTF Member Recommendations and Questions
,Minutes for February 9th Meeting ,Revised Page 7
of Recommendations ,Minutes for February 23rd
Meeting ,Minutes for March 16th Meeting
,Recommendations from the City Attorney dated
March 17, 2009 ,Preliminary Recommendations
Adopted Through March 16, 2009 ,Preliminary
Report and Recommendations as of April 13 2009
,Minutes for March 18th Meeting ,Minutes for April
16th Meeting ,Written Comments From Keith Stanley
of the SoHi District ,Written Comments from Thomas
McNeal ,Written Comments from Sharon Ward
,Minutes for April 24th Meeting ,Hearing Notice List

Drafter: tb

Enactment Number:

Effective Date:

Contact:

Extra Date 2:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	07/30/2008	ASSIGNED TO	STEERING & RULES COMMITTEE			
	Action Text: This Communication-Report was ASSIGNED TO to the STEERING & RULES COMMITTEE						
0	STEERING & RULES COMMITTEE	06/08/2009	HEARING NOTICES SENT		06/15/2009		
0	STEERING & RULES COMMITTEE	06/08/2009	HEARING NOTICES SENT		06/15/2009		
0	STEERING & RULES COMMITTEE	06/15/2009					

Text of Legislative File 080566

..Number

080564

..Version

Original

..Reference

..Sponsor

The Chair

..Title

Communication relating to the report and recommendations of the Alcohol Beverage Licensing Task Force.

..Drafter

CC-CC

TB

7/30/08

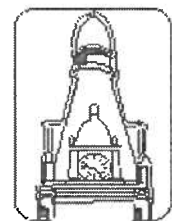
City of Milwaukee

Alcohol Beverage Licensing Task Force

Final Report and Recommendations to the

Common Council

April 30, 2009



**City
of
Milwaukee**



April 30, 2009

Willie L. Hines, Jr., President
City of Milwaukee Common Council
City Hall - Room 2005
200 East Wells Street
Milwaukee, WI 53202

Dear President Hines:

It is my privilege to transmit to you the Final Report and Recommendations of the Alcohol Beverage Licensing Task Force (ABLTF). I am humbled to have been asked to serve as chair of the task force. The members of the task force, both public representatives and city officials, have been diligent and generous with their time and talents. The breadth of their experience and expertise has resulted in what I believe to be a very thoughtful and constructive set of recommendations.

You and Alderman James A. Bohl, Jr. sponsored the resolution creating the task force. That resolution, adopted July 30, 2008, notes that, though the alcohol beverage licensing system that has been in place for 75 years has generally served the citizens of Milwaukee well, recent events have called into question the integrity of the process. The resolution further states that it is imperative that citizens have confidence in the licensing process. To assure that this confidence is restored and maintained, the resolution directed the task force to make recommendations for changes or improvements in the licensing process.

In the course of our deliberations, we received testimony and written statements from the public, and presentations were made by public officials. I believe that the process was thorough and fair. I want to particularly thank you for your leadership in establishing a process for the task force that was transparent and free of any undue influence. I would also ask that you convey my deep appreciation to the City Clerk, to our staff assistant, Tobie Black, and to the Legislative Reference Bureau, for their support and commitment of time.

Finally, on behalf of all the members of the task force, I urge careful consideration of these recommendations by the Common Council. I also urge you to take into account the minutes of our meetings, which are attached to these recommendations, as we discussed a number of matters that were not specifically part of the duties of the task force, but may be of relevance to changes the council might wish to consider. To that end, I am available to answer any questions that you or other council members may have. Thank you again for your leadership and for providing this opportunity for the task force members to serve the City.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'J' and 'B' intertwined, with a small 'JB' monogram to the right.

Justice Louis Butler, Chair
Alcohol Beverage Licensing Task Force

City of Milwaukee
Alcohol Beverage Licensing Task Force
Final Report and Recommendations to the
Common Council

April 30, 2009

INTRODUCTION

The City of Milwaukee Common Council established the Alcohol Beverage Licensing Task Force (ABLTF) on July 30, 2008 with the adoption of Resolution File # 080461. This resolution provided in part that:

“...the task force is directed to study the current alcohol beverage licensing process, evaluate the extent to which this process maintains proper checks and balances in decision making, and make recommendations for changes or improvements to this process....”

ABLTF members were confirmed by the Common Council and include: former Justice of the State Supreme Court, Louis Butler, appointed Chair by the Common Council President; Joel Brennan, appointed by the Mayor; Sallie Ferguson, designated by the Great Lakes Beverage Association; Rebecca Grill, designated by the City Clerk; Edward J. Lump, designated by the Wisconsin Restaurant Association; City Comptroller Wally Morics, appointed by the Common Council; Sharon Nowak, designated by the Wisconsin Tavern League; Bruce Schrimpf, designated by the City Attorney; and Sergeant Chet Ulickey, designated by the Chief of Police. Tobie Black was appointed Staff Assistant to the ABLTF by the City Clerk.

Common Council President, Willie L. Hines, Jr., addressed the first meeting of the ABLTF on October 10, 2008. President Hines reviewed the purposes for creation of the ABLTF noting the special circumstances leading to its formation. These included the indictment and prosecution of a former member of the Common Council related to abuse of the licensing process. He noted that improvements in the licensing process were needed to restore public confidence in the integrity of the Common Council and the licensing system.

The ABLTF held 4 public meetings during the fall of 2008, including a public hearing on December 11, 2008, at which members of the public provided comment and suggestions. An additional 7 public meetings were held in the winter and spring of 2009, including one public hearing at which testimony was received related to the preliminary recommendations of the task force.

During the regular meetings of the task force presentations were made by Rebecca Grill, Manager of the License Division of the Office of the City Clerk, Ron Leonhardt, City Clerk, Bruce Schrimpf, Assistant City Attorney assigned to advise the Licenses Committee and to represent the Common Council in judicial proceedings related to licensing, Alderman James A. Bohl, Jr., Chair of the Licenses Committee, Alderman Michael J. Murphy, Chair of the Finance Committee, and others. The minutes of ABLTF meetings and public hearings are attached as Appendix B and Appendix C, respectively. The minutes of all meetings of the ABLTF are also accessible on the Internet at <http://milwaukee.legistar.com/calendar.aspx>. The written submissions of members of the public and council members during or after public hearings have been included in Appendix D.

Over the course of 4 meetings, the ABLTF deliberated upon a series of recommendations and questions for review suggested by task force members, adopting recommendations related to pre-application, application, and certification procedures, scheduling for committee consideration, hearing procedures, and procedures for Common Council review and deliberation.

The focus of ABLTF recommendations, consistent with the resolution creating the task force, is purposely limited to licensing procedure and do not address regulation of licensees such as hours of operation, license enforcement, or designation of the types of establishments that may be eligible for alcohol beverage licenses. Several issues of regulation were raised in public hearings and in written submissions to the task force. The task force determined that this commentary should be brought to the attention of common council members and has therefore included it in the appendices.

A public hearing was on the evening of April 16, 2009, to provide interested members of the public an opportunity to comment on the preliminary list of recommendations. The task force held its final meeting on Friday, April 24, 2009, to review public comments and to approve final recommendations.

The ABLTF now presents its final report and recommendations to the Common Council, and urges timely and complete consideration of its recommendations. This report consists of a transmittal letter from Justice Louis Butler, an introduction, 22 recommendations of the task force, background summaries for each recommendation, and appendices.

***Recommendations to the City of Milwaukee Common Council
from the Alcohol Beverage Licensing Task Force – April 30, 2009***

- 1. That the City Clerk's License Division create and publish a pamphlet describing the process for new license application and license renewal applications, including a statement of the applicant's rights and obligations during the application and renewal application process.**
- 2. That notices of Licenses Committee meetings scheduled to consider a new or renewal license application be provided to all addresses within 500 feet of the premises identified in the application.**
- 3. That the Common Council enact periods of 60 days or 2 council cycles, whichever is less, for scheduling of a new license application before the Licenses Committee upon certification by the License Division that the application is complete.**
- 4. That the decision to schedule a renewal application before the Licenses Committee be made administratively by the License Division and based solely upon information contained in a police summary. This review should be entirely separate from the consideration of any written objections on file with the License Division.**
- 5. That, once scheduled, a new application may be held only one time at the request of the applicant, interested parties or the local Common Council member for a specific reason chosen from those enumerated in the Milwaukee Code of Ordinances. The motion relating to the hold should include a specific timeline for rescheduling, be made in writing and be presented at the scheduled hearing. The timeline for rescheduling should not exceed 2 regularly-scheduled committee meetings after the date of scheduling of the initial hearing, unless special circumstances are presented to committee members at the hearing.**
- 6. That the Common Council adopt rules of decorum for members of the Licenses Committee covering matters such as members leaving room during testimony, members being rude to witnesses, the need for reasonable breaks, members not listening to the evidence being presented but engaging in private conversations while the meeting is in session.**
- 7. That the Licenses Committee institute a reasonable, uniform time limit for neighbor testimony to be applied equally to all witnesses.**

8. That the Common Council establish criteria for determining when concentration is an issue based on land use for that particular neighborhood.

9. That the Common Council require that objections to a new license or license renewal made by a Council Member be substantiated in a form to be prescribed by the Common Council.

10. That members of the Common Council, who are not members of the Licenses Committee, not be permitted to recommend penalties to the Licenses Committee.

11. That the Licenses Committee establish a “pre-signup” sheet outside the committee room to record the names and addresses of those prepared to speak in support of or opposition to the license.

12. That, with the exception of the applicant, counsel for the applicant, and law enforcement personnel, witnesses be required to use the standing microphone.

13. That the method by which the Board of Zoning Appeals schedules and conducts hearings be explored by the Licenses Committee with special attention given to the scheduling of contested versus non-contested items, and the time the meetings begin.

14. That greater attention be paid to the “business plan” of the applicant. There should be a requirement that the applicant have the resources to follow the plan. The issuance of a license and occupancy permit should be conditioned on fulfillment of the business plan.

15. That previous premise reports by the police be uniformly considered by the Licenses Committee.

16. That the Common Council explore whether hearing examiners be engaged for license revocation hearings.

17. That the Common Council adopt by rule, or otherwise, a procedure precluding a member of the Licenses Committee from advocating a position as a

witness on the granting, denial, renewal, revocation, or suspension of a license and also voting on the issue as a member of the Licenses Committee.

18. That the Common Council consider other avenues for reviewing license applications such as those for direct sellers, home improvement contractor and junk collectors and dealers to allow the appropriate licensing committee to focus on alcohol beverage licensing and extended hours establishment licensing.

19. That the Common Council and Licenses Committee give care that 5 members of the Licenses Committee are present at all times for Licenses Committee meetings. The Common Council should consider designating 2 alternates to serve when a committee member cannot be present or is excused for a time period.

20. That when the Licenses Committee recommends denial of a new license establishment, the applicant for the new license be provided an appeal to the Common Council.

21. That the Common Council amend chapter 90 to require that applicants (new and renewal) summarize and document any contacts relevant to the new or renewal application process that they have had with Council members during the time of their initial or renewal application. Consideration should be given to requiring Council members to prepare the same documentation. The documentation should be available to the public and the Licenses Committee.

22. That the Common Council make the recommendations of the Alcohol Beverage Licensing Task Force a part of the Milwaukee Code of Ordinances, and as applicable, to the General Licensing Chapter (ch. 84), where appropriate.

RECOMMENDATIONS AND BACKGROUND

I. Recommendations for the process of applying for a license and for certifying and scheduling applications for committee consideration

- 1. That the City Clerk's License Division create and publish a pamphlet describing the process for new license applications and license renewal applications, including a statement of the applicant's rights and obligations during the application and renewal application process.**

Background Summary

Statements received from the public and discussion by task force members identified concerns that some applicants for alcohol beverage licenses are not well-informed about the licensing application process. This may result in confusion about the role and authority of council members in the process. Applicants and potential applicants for whom English is not their primary language may be at particular risk. Attention was also called to the fact that a pamphlet is already published for neighbors of problem alcohol beverage establishments.

- 2. That notices of Licenses Committee meetings scheduled to consider a new or renewal license application be provided to all addresses within 500 feet of the premises identified in the application.**

Background Summary

The License Division currently notifies council members of a pending or renewal application in their districts. At the request of the council member, a list of addresses up to 250 feet of the premises or, alternatively, the nearest 100 addresses will be notified. This recommendation requires notice in all cases and substantially increases the number of properties receiving notice sent by the License Division.

- 3. That the Common Council enact periods of 60 days or 2 council cycles, whichever is less, for scheduling of a new license application before the Licenses Committee upon certification by the License Division that the application is complete.**

Background Summary

Statements received from members of the public and information provided by License Division Manager suggested that current practices to hold new license applications at the request of the council member in whose district a proposed premises is located sometimes resulted in delays of as much as 6 months in processing new applications. It was stated that a council member should be able to schedule meetings with the applicant or with neighbors within the proposed time limits if he or she chooses for a new license.

4. That the decision to schedule a renewal application before the Licenses Committee be made administratively by the License Division and based solely upon information contained in a police summary. This review should be entirely separate from the consideration of any written objections on file with the License Division.

Background Summary

The task force discussed the fact that the grant of an initial license creates a property interest. This property interest carries with it certain due process considerations requiring that the renewal process be handled fairly, and that licenses be treated consistently. Current practice permits scheduling of a license for a renewal hearing at the request of council members or upon receipt of neighborhood complaints. These reasons may not be consistent with the limited reasons for non-renewal set forth in state law in s. 125.12(2)(ag). These issues would usually appear documented within a police report or summary.

II. Recommendations for Conduct of Committee Hearings on Alcohol Beverage Licensing, Renewal, Suspension and Revocation

5. That, once scheduled, a new application may be held only one time at the request of the applicant, interested parties or the local Common Council member for a specific reason chosen from those enumerated in the Milwaukee Code of Ordinances. The motion relating to the hold should include a specific timeline for rescheduling, be made in writing and be presented at the scheduled hearing. The timeline for rescheduling should not exceed 2 regularly-scheduled committee meetings after the date of scheduling of the initial hearing, unless special circumstances are presented to committee members at the hearing.

Background Summary

Members of the task force noted that there is no time frame limiting the period that a license application may be held. Periods as long as 6 regularly scheduled meetings were discussed and rejected by the task force. The question of who may request that a matter be held was raised. It was noted in discussion that the Committee Chair has discretion to refuse the request. It was further noted that the purpose of this recommendation was to limit the ability of a council member to indefinitely delay the matter.

6. That the Common Council adopt rules of decorum for members of the Licenses Committee covering matters such as members leaving the room during testimony, members being rude to witnesses, the need for reasonable breaks, and members not listening to the evidence being presented but engaging in private conversations while the meeting is in session.

Background Summary

The matter of decorum and lapses in decorum were raised by a number of members of the public and repeated by task force members in discussion during several meetings. Some of the issues raised included committee members having side conversations while testimony is heard, committee members making comment and offering opinions on the matter prior to receipt of all the evidence. Task force members concluded, however, that the specific rules should be left to the Common Council to determine. The initial recommendation was subsequently amended to include specific activities that should be addressed.

- 7. That the Licenses Committee institute a reasonable, uniform time limit for neighbor testimony to be applied equally to all witnesses.**

Background Summary

Task force members noted that allowing some neighborhood witnesses more time to testify than others can create an appearance of favoritism. Consistent time periods may promote confidence in the fairness of the process.

- 8. That the Common Council establish criteria for determining when concentration is an issue based on land use for that particular neighborhood.**

Background Summary

Members of the public, including licensees, commented that the issue of alcohol beverage concentration as a reason for denial of a new premises license appears arbitrary. Examples were given of licenses being granted within the same neighborhood as a premises which had recently been denied. Task force members discussed the issue on several occasions noting the variety of circumstances and conditions that could influence a concentration criterion for any specific neighborhood.

- 9. That the Common Council require that objections to a new license or license renewal made by a Council Member be substantiated in a form to be prescribed by the Common Council.**

Background Summary

There was little discussion of this specific recommendation. General comment had been made by members of the public and discussed by task force members noting that it did not seem fair that an unsubstantiated objection, or an objection based on hearsay, could be used to slow the application process.

- 10. That members of the Common Council, who are not members of the Licenses Committee, not be permitted to recommend penalties to the Licenses Committee.**

Background Summary

Assistant City Attorney Bruce Schrimpf noted that the function of the Licenses Committee is quasi-judicial and deliberation should not be influenced by persons who are not parties to the proceedings or members of the committee. The appearance that the committee defers to the wishes of a local council member may undermine public confidence in the process. When a renewal or revocation proceeding is considered by the Common Council, then any member may participate and offer recommendations.

- 11. That the Licenses Committee establish a “pre-signup” sheet outside the committee room to record the names and addresses of those prepared to speak in support of or in opposition to the license.**

Background Summary

Task force members discussed 2 purposes for the recommendation. First, it may improve management of the hearing and predictability of hearing time. Second, it would make verification of the identity and address of witnesses somewhat easier.

- 12. That, with the exception of the applicant, counsel for the applicant, and law enforcement personnel, witnesses be required to use the standing microphone.**

Background Summary

Comments from the public and by task force members suggested that allowing some witnesses, particularly neighborhood witnesses to be seated at the table and requiring others to use the standing microphone can give the appearance of favoring one side or another.

- 13. That the method by which the Board of Zoning Appeals schedules and conducts hearings be explored by the Licenses Committee with special attention given to the scheduling of contested versus non-contested items, and the time the meetings begin.**

Background Summary

The practices of the Board of Zoning Appeals (BOZA) in scheduling were described to the ABLTF. BOZA separately schedules cases known to be contested or requiring lengthier presentation from other matters. BOZA also schedules late afternoon and evening meetings. Alcohol beverage license hearings are currently scheduled by aldermanic district. Contested matters may result in many hours of waiting for parties to uncontested matters.

- 14. That greater attention be paid to the “business plan” of the applicant. There should be a requirement that the applicant have the resources to follow the plan. The issuance of a license and occupancy permit should be conditioned on fulfillment of the business plan.**

Background

Comments by the public and discussion by task force members noted that in some cases alcohol beverage licenses are granted for establishments based upon business plans that include future installation of restaurant equipment. Failure to install the equipment and engage in full food service results in a different character of business and type of clientele than the neighbors initially contemplated. This may result in neighborhood conflict. Whether the initial plans were made in a good faith belief that resources would become available, or, as it was suggested, the plans were included to avoid neighborhood objections but not actively pursued, the task force concluded that there should be more assurance that plans are implemented.

- 15. That previous premise reports by the police be uniformly considered by the Licenses Committee.**

Background Summary

Task force members noted that in some new application cases the Licenses Committee considers problems with the premises under operation of a previous licensee, but this is not uniformly done. Task force members also expressed concern that, in cases where a license has not been renewed or has been revoked, it was difficult to assure that a new license applicant was independent from the previous operator, or was simply a “straw-person.”

- 16. That the Common Council explore whether hearing examiners be engaged for license revocation hearings.**

Background Summary

Task force members noted that revocation hearings are often long proceedings involving many witnesses, complex evidentiary questions, and frequently involve significant questions of law. The ABLTF was advised that a report, including recommendations, filed by a hearing examiner could properly be reviewed by the Licenses Committee, providing that the licensee was permitted an opportunity to address the report. A recommendation made to the Common Council would be based upon the report, but the Licenses Committee recommendation would be its own. It was noted by task force members that this process could save considerable committee time currently spent on an increasing number of revocation actions.

- 17. That the Common Council adopt by rule, or otherwise, a procedure precluding a member of the Licenses Committee from advocating a position as a witness on the granting, denial, renewal, revocation or suspension of a license and also voting on the issue as a member of the Licenses Committee.**

Background Summary

Task force members were advised that, due to the quasi-judicial nature of the Licenses Committee role in application and licensing cases, it is inappropriate for a member of the committee to participate in voting on a motion related to the license if the member has already reached an opinion prior to the completion of evidence and argument of the parties.

- 18. That the Common Council consider other avenues for reviewing license applications such as those for direct sellers, home improvement contractors and junk collectors and dealers to allow the appropriate licensing committee to focus on alcohol beverage licensing and extended hours establishment licensing.**

Background Summary

Comments were made by the public and concerns expressed by task force members related to the volume of work by the Licenses Committee. It was suggested that there may be alternative procedures for handling a variety of licenses including bartender licenses. Licenses that are within the jurisdiction of the Public Safety Committee are also included in the recommendation.

- 19. That the Common Council and Licenses Committee give care that 5 members of the Licenses Committee are present at all times for Licenses Committee meetings. The Common Council should consider designating 2 alternates to serve when a committee member cannot be present or is excused for a time period.**

Background Summary

Task force members discussed the importance to applicants and licensees of having a full complement of Licenses Committee members present where possible. Failure of motions on 2 to 2 tie votes, or the failure or success of a motion by a minority vote of 2 when only 3 members are present, can undermine the confidence of applicants and the public in the outcome.

III. Recommendations for Common Council Proceedings

- 20. That when the Licenses Committee recommends denial of a new establishment license, the applicant for the new license be provided an appeal to the Common Council.**

Background Summary

Task force members were advised that new license applicants, having no previously established property interests in a license, were not entitled to a process requiring Common Council consideration of a license denial under state or federal law. A majority of task force members supported the recommendation. The ABLTF did not discuss whether the applicant should be provided an opportunity to appear before the Common Council or whether the appeal may be limited to written objections, exceptions or arguments.

IV. General Recommendations

- 21. That the Common Council amend chapter 90 to require that applicants (new and renewal) summarize and document any contacts relevant to the new or renewal application process that they have had with Council members during the time of their initial or renewal application. Consideration should be given to requiring Council members to prepare the same documentation. The documentation should be available to the public and the Licenses Committee.**

Background Summary

This recommendation was proposed by the City Attorney. Task force members discussed the potential burden of such reporting, and also the importance of transparency and public confidence in the process.

- 22. That the Common Council make the recommendations of the Alcohol Beverage Licensing Task Force a part of the Milwaukee Code of Ordinances, and as applicable, to the General Licensing Chapter (ch. 84), where appropriate.**

Background Summary

Task force members noted during several meetings that many of the same concerns that resulted in the formation of the ABLTF are applicable to other license procedures. The resolution establishing the ABLTF notes that, "...should the task force find that in the course of its study its recommendations have applicable to other licenses which are granted by Common Council action, the task force shall include those findings in its report."

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Task force members were advised that new license applicants, having no previously established property interests in a license, were not entitled to a process requiring Common Council consideration of a license denial under state or federal law. A majority of task force members supported the recommendation. The ABLTF did not discuss whether the applicant should be provided an opportunity to appear before the Common Council or whether the appeal may be limited to written objections, exceptions or arguments.

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APPENDIX A

**A substitute resolution establishing an Alcohol Beverage
Licensing Task Force.**

..Number

080461

..Version

SUBSTITUTE 1

..Reference

..Sponsor

ALD. HINES and BOHL

..Title

Substitute resolution establishing an Alcohol Beverage Licensing Task Force.

..Analysis

This resolution establishes an Alcohol Beverage Licensing Task Force to study the current alcohol beverage licensing process, evaluate the extent to which this process maintains proper checks and balances in decision making, and make recommendations for changes or improvements to this process. The task force shall present its findings and recommendations to the Common Council within 6 months of adoption of this resolution. Upon submission of the report, the task force shall automatically be dissolved.

..Body

Whereas, The Common Council's Licenses Committee is responsible for reviewing and making recommendations to the Common Council relating to denying, granting, renewing, nonrenewing, suspending and revoking alcohol beverage licenses in the city; and

Whereas, The Licenses Committee weighs and considers all available evidence, including input from the applicant, citizens, the district Council member, the Milwaukee Police Department and the City Attorney's Office, prior to rendering any alcohol beverage license recommendation; and

Whereas, The Common Council, taking under advisement the recommendation of the Licenses Committee, renders the final alcohol beverage license decision; and

Whereas, While this system has served the citizens of Milwaukee well for over 75 years, recent activities have called into question the integrity of the alcohol beverage licensing process; and

Whereas, It is imperative that the citizens of the City of Milwaukee, individuals and businesses alike, have an overriding sense of confidence and trust in the alcohol beverage licensing process; and

Whereas, The creation of an Alcohol Beverage Licensing Task Force, comprised of persons knowledgeable in licensing systems, to thoroughly study, evaluate, and propose changes to the alcohol beverage licensing process is in the best interest of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an Alcohol Beverage Licensing Task Force is created and shall consist of the following 9 members:

1. One member appointed by the Common Council President.
2. One member of the Tavern League of Wisconsin, appointed by the Tavern League of Wisconsin.
3. One member of the Great Lakes Beverage Association, appointed by the Great Lakes Beverage Association.
4. One member of the Wisconsin Restaurant Association, appointed by the Wisconsin Restaurant Association.
5. The Mayor or the Mayor's designee.
6. The City Clerk or the Clerk's designee.
7. The Chief of Police or the Chief's designee.
8. The City Comptroller or the Comptroller's designee.
9. The City Attorney or the Attorney's designee.

; and, be it

Further Resolved, That the Common Council President shall designate the Chair of the task force; and, be it

Further Resolved, That the task force is directed to study the current alcohol beverage licensing process, evaluate the extent to which this process maintains proper checks and balances in decision making, and make recommendations for changes or improvements to this process; and, be it

Further Resolved, That should the task force find that in the course of its study its recommendations also have applicability to other licenses which are granted by Common Council action, the task force shall include those findings in its report; and, be it

Further Resolved, That the City Clerk's Office shall provide staff support to the task force; and, be it

Further Resolved, That all City departments are authorized and directed to cooperate with and assist the task force in carrying out its mission; and, be it

Further Resolved, That the task force shall submit its findings and recommendations to the Common Council within 6 months of adoption of this resolution and shall thereafter be dissolved.

..Requestor

..Drafter

LRB08372-1

MST

7/14/08

APPENDIX B

**Minutes of the meetings of the Alcohol Beverage
Licensing Task Force.**



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**

Staff Assistant, Tobie Black (414) 286-3790

Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov

File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Friday, October 10, 2008

10:00 AM

Room 301-A, City Hall

1. Roll Call

Meeting commenced at 10:04 a.m.

Members present: Butler, Nowak, Ferguson, Brennan, Lump, Barron, Schrimpf and Ulickey

2. Introduction of Members

Members introduced themselves.

3. Presentation by Common Council President Willie L. Hines, Jr.

Common Council president Willie Hines, Jr. present. Pres. Hines, Jr. is co-sponsor of the resolution creating the task force. He talked about the special circumstances surrounding Alcohol Beverage licensing and the need for recommendations for an improved licensing system.

4. Presentation by City Attorney Grant Langley

City Attorney Grant Langley at the table. He mentioned that the City Attorney defends actions of the Common Council in court, as well as advises the Common Council and the Licenses Committee.

Suggestions:

-The task force should consider whether or not there should be changes in the process, such as, is it appropriate for the Licenses Committee to deal with these matters. Analyze whether the License Committee is able to adequately address the suggested changes.

-Examine the line between appropriate input of Common Council members and the perception of aldermanic influence. Also, how to best allow members of the Common Council to provide appropriate input while dispelling the perception of Aldermanic influence.

-Encourage behind the scenes input from neighborhood groups. In order to make the process transparent, look at the behind the scenes activity and make the public know of the this activity; a record of contact between licensees and Council Members

should be made.

Question:

Ed Lump asked, "How should the record be maintained of behind the scenes contact? Mr. Langley said it should be the responsibility of the Council Member and the applicant to put behind the scenes contact on record. This will make it a more transparent process.

5. Presentation by Deputy City Clerk Jim Owczarski

Deputy Jim Owczarski present.

Presented information regarding the open records/meetings provisions for the Common Council. He mentioned Chapter 19 of the state statutes regulating open records and meetings.

Mr. Owczarski advised that no meetings are to be conducted through e-mail and that there should be no discussion of the meetings via e-mail that is cc'd to all members.

6. Presentation by License Division Manager Rebecca Grill

Rebecca Grill, task force member. Ms. Grill passed out a packet of information titled "Alcohol Beverage Licensing" and a sample agenda from a Special Licensing Committee meeting dated February 5, 2008.

Ms. Grill went through the Alcohol Beverage Licensing packet page by page, presenting information including scheduling guidelines, notices to neighbors, and types of appearances before the committee.

In Chapter 90, there are guidelines regarding what merits a warning letter as opposed to an appearance at the Licenses Committee.

Ms. Grill discussed the permits and licenses (Special Party Permits and Temporary Extensions) that are granted or denied by the Council Members without input from the Licenses Committee.

Mr. Brennan asked about the number of alcohol beverage licenses that are applied for each year. Ms. Grill said that she can probably get a breakdown of how many of the 20,000 licenses that are applied for each year in the License Division are Alcohol Beverage licenses.

Asst. City Attorney Bruce Schrimpf pointed out that at times a Council Member will recommend denial or granting of a license, and the Licenses Committee will make a recommendation in opposition to the Council Member's recommendation.

Chair Butler asked about the percentage of decisions of the Council that follow the committee's recommendation when the Council Member recommends denial as opposed to when the Council Member recommends granting.

Richard Withers from the Legislative Reference Bureau present. Mr. Withers presented information from the LRB that indicates that 79% of committee decisions supported the recommendations of the Council Member.

Mr. Lump wanted to know if statistics can be obtained regarding recommendations and

decisions about Alcohol Beverage licenses only.

Mr. Withers said that LRB can do an analysis of actions of the Council vs. actions of the committee when there are aldermanic recommendations.

7. General discussion of the purpose, responsibilities and goals of the Task Force

Chair Butler said that understanding the process is beneficial to working toward making recommendations about the process.

Alderman James Bohl, Chairman of the Licenses Committee, at the table. He said he wants to appear at a meeting in the future in order to give some viewpoints from the perspective of the Licenses Committee. Ald. Bohl also said that there is a lot more opportunity for abuse with a new license application as opposed to a renewal application.

He opened the invitation to Task Force members to attend a License Committee meeting to view the process.

Sgt. Chet Ulickey said that most applicants usually know what will be presented to the committee. He said he welcomes calls from the public and licensees regarding the police report attached to an application.

Ms. Grill said she believes one of the goals should be a focus on where problems have occurred in the past regarding the license process.

Mr. Schrimpf said he keeps in mind during the Licenses Committee meetings what would and would not be defensible in court. He has found that the process has held up to legal standards. The process by which the committee arrives at its recommendation is what concerns the city attorney's office. Mr. Schrimpf said he thinks there should be a focus on making the process the best it can be.

Ms. Grill added that there should be a focus on the role of aldermanic discretion with regards to how things get scheduled before the committee.

Mr. Brennan said there should be a goal of more transparency in the licensing process and more opportunities for the public to see the process.

Chair Butler added that there should be emphasis on how things work and where they can be improved but not solely from the focus of the problem that occurred with Ald. McGee, Jr. He said that hearing from representatives from the organizations like the Tavern League, Great Lakes Beverage Association and the Wisconsin Restaurant Association is very valuable.

8. Set next meeting's agenda

-Presentation of Information regarding what goes on in other cities in the state regarding Alcohol Beverage licensing

-Appearance/Presentation by Ald. Bohl

-Data/statistics regarding Alderman vs council decision

-Mr. Richard Withers would present information regarding territorial days vs. present.

-Talking about different ways of obtaining detailed information regarding the license process

-Discussion of three or four different "case studies"/examples of court decisions regarding Alcohol Beverage licensing

9. Set next meeting date(s)

The task force members proposed various future dates.

Meeting adjourned 11:51 a.m.

Acting Staff Assistant Tobie Black



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,
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File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Friday, October 24, 2008

10:00 AM

Room 301-A, City Hall

Meeting commenced at 10:07 a.m.

Present 7 - Schrimpf, Grill, Brennan, Ulickey, Butler, Lump and Nowak

Excused 2 - Morics and Ferguson

1. Review and approval of the minutes of the October 10, 2008 Meeting

Minutes approved with no corrections or additions.

2. Appearance by Alderman James Bohl, Chairman of the Licenses Committee, which will include discussion of the issues and concerns leading to the creation of the Alcohol Beverage Licensing Task Force

Ald. Bohl, Chairman of the Licenses Committee, at the table.

He said that there are ways in which the process can be exploited, but it is exploited by individuals and not by a system. He said that the system is not rife with corruption, and he pointed out that there are examples of corruption in different areas in the country that have processes that differ from that of Milwaukee.

Ald. Bohl said that the License Committee is an independent body that does not act at the request of an individual council member.

According to Ald. Bohl, the system is most ripe for abuse when a new license application is considered. Concentration maps, which are used to demonstrate over-concentration of alcohol beverage outlets in areas, police reports and neighborhood testimony are three things that the Licenses Committee uses to consider whether a new application should be approved. A council member has a choice as whether he or she will bring a concentration map to the attention of the Licenses Committee.

A renewal of a license means there is a vested property right. When applications are new, there is no such right.

Council Members are sometimes aware of problems with an establishment, but these things may not show up on a police report. Neighbors have to appear at meetings and items have to appear on police reports to be considered by the committee.

According to Ald. Bohl, applications not being scheduled in a timely manner is a problem. When an applicant puts in an application, he or she deserves to have that application heard in a timely manner. Otherwise, a council member can hold an application "hostage". This is not for monetary gain, but the council member probably knows that the application will be for an establishment that the council member believes will be a problem.

Issues with the alcohol beverage licensing process that Ald. Bohl sees:

1) Individuals, largely not from this country, were naive to the process. Applicants not being informed about the process is a problem. Ald. Bohl said that he believes applicants from foreign countries are used to dealing with situations in which things are moved through government through payment.

2) A local council member can control the number of individuals in the neighborhood, especially with new applications, who show up for a Licenses Committee meeting. If the local council member does not request that the License Division notify neighbors or if the local council member chooses not to notify neighbors that there is a new application, they neighbors may not know about the application.

If a council member wants to favor the license, he can make sure that the applicant has less opposition.

3) Requesting or not requesting a concentration map. Concentration is very often used as a factor when considering new license applications. Ald. Bohl said he has seen a few instances in which a map has been used to argue against one license application, but not presented to the committee when discussing a different license in the same area. There are grey areas when it comes to concentration (is it a restaurant, a nightclub, etc.) when the application is up for a renewal. Those grey areas are not considered as much when the application is new.

4) When the committee rules on an existing license and there is a sanction (e.g. a ten day suspension), the licensee has appeal rights. On some occasions, a local alderman does not agree with the sanction and starts lobbying among other council members to change the suspension at Common Council. Council Members receive Findings of Fact and Conclusions of Law for applications heard at committee, but it is a summary of that happened at the Licenses Committee. Some council members only read the Findings and Conclusions and try to change the minds of other council members.

Ald. Bohl said that if there is an example of aldermanic influence, this is one of them.

5) When licenses for renewal are applied for, the License Division staff reviews the matter with the local council member. The council member can deem an item on the police report minor and not needing to be addressed at the committee. A warning letter can then be issued and the applicant does not have to appear at the Licenses Committee. The chair of the committee does not see the item, only the individual council member. That allows a single council member to have discretion with regards to scheduling.

Ald. Bohl said he believes that creating an independent board that is not beholden to the constituency is not needed. The current system just needs a tune up.

Recommendations for changes:

1) New licenses should be heard in a specific time frame, no more than 60 days or two full council cycles, whichever is longer.

2) Renewals with current year police reports should still be reviewed by the alderperson, but any applications recommended for the warning letters only should also be reviewed by the chair of the Licenses Committee. If the application is in the chair's district, it should be reviewed by the Common Council president.

3) Individual Licenses Committee members should abstain from decisions or come to the other side of the table and testify when applications for establishments in their neighborhoods are being heard at committee. Licenses Committee members can hear the testimony but the question should be raised of whether a decision can be made arbitrarily if a council member knows the complete history of the application and problems that may not be addressed at the meeting.

4) A pamphlet spelling out the process and the applicant's rights should be distributed to new and renewal applicants. Ald. Bohl said he believes it would be beneficial to applicants to know the process.

5) With new licenses, there should be a notice to the closest neighbors to the location. He would not necessarily recommend it for all renewals. Most council members request it anyway for renewals, but neighbors should be notified of a new application.

Mr. Lump said there is suspicion of the government, with foreign applicants in particular. He asked if there are any other ways besides a pamphlet to let people know about the process.

Ald. Bohl said that coverage of what occurred with Ald. McGee has helped. He also said that other groups like the Tavern League and the Great Lakes Beverage Association, not the City of Milwaukee, might want to work to provide a course of some sort about the licensing process, one that is similar to the Responsible Beverage Service Course.

Ms. Nowak asked if all renewals are reviewed by the License Division and by the alderman of each district. Ald. Bohl said no, that council members are not always notified about an application if there is nothing in the file requiring review by the Licenses Committee.

Ald. Bohl said that a quorum for Licenses Committee is three. A majority is required for recommendations to go forward. If there are two members missing, a recommendation can still go ahead with a three to zero vote on an application.

Justice Butler asked if Ald. Bohl's suggestions come from him personally or if it is the view of the Licenses Committee as a whole.

Ald. Bohl said that his views were largely coming from his personal experience on the Committee, and not from the committee itself.

Justice Butler said that if the Licenses Committee had any additional input or thoughts on how the system can be improved, he would invite the other committee members to share their thoughts in writing before the next Task Force meeting.

3. Presentation by Rebecca Grill of two examples of the timeline of a processed license application

Task Force member Ms. Grill distributed a packet with examples of timelines for the processing of a new application. There was an example of an ideal process and three examples of longer processes in the packet.

Regarding the measurement of 250 feet from the premises for neighbor notification, Justice Butler asked how "premises" is defined.

Justice Butler asked how the footage is measured. Ms. Grill said she did not know whether the measurement of 250 feet was from the edge of the property, or the center of the property. Sometimes a council member will request notification of 100 people instead of notification by footage. If a very small amount of addresses is generated from a 250 feet request, sometimes the notification area is increased.

There is still some discretion on the part of the council member regarding whether the neighbors are notified, and Ms. Grill said that if there is not a change on the application, a new item on the police report, or an objection from a neighbor or the local alderman, the application is just scheduled to be granted and is not presented to the Licenses Committee.

4. Presentation by Assistant City Attorney Bruce Schrimpf of different examples of court decisions regarding Alcohol Beverage licensing

Task Force member Mr. Schrimpf provided two examples of published court decisions that involve alcohol beverage licensing in the City of Milwaukee.

The Court of Appeals ruled in favor of the City of Milwaukee in the Heinemeier case, and against the city in the Assad case.

Mr. Schrimpf said that he presented the Heinemeier case as an example because it is a good review by the Court of Appeals of the city's current processes regarding alcohol beverage licenses.

In the Assad case, a complaint was filed in the Milwaukee County Circuit Court even though it was a new application and the applicant had no appeal rights with the city. The Circuit Court judge ruled against the city.

The counsel for the applicant in the case sought temporary injunctive relief against the city requiring it to give the applicant a license to sell alcohol. Mr. Schrimpf said he opposes temporary injunctions against the city that allow establishments to remain open and serve alcohol. He says that a place should only be able to serve alcohol if it has obtained a license to serve alcohol under the provisions of state law.

Mr. Schrimpf said that he took the Assad case to the court of appeals, which ruled in favor of the city against the issuance of an injunction. Another court of appeals judge also ruled that the Common Council had enough evidence to deny the license.

Justice Butler says that the Assad case is very important because of the ruling of the court of appeals. Once the city's Common Council makes the judicial determination that an establishment cannot have a license to serve alcohol, the court of appeals cannot make a different determination. It is not the place of the judicial branch to go against the determination of another branch of government.

Justice Butler also pointed out that the concern of the circuit court judge was the shift in opinion (grant, then deny) of the Licenses Committee between its first and final votes, the latter of which occurred after the Common Council returned the matter to committee. Justice Butler said that if the courts can't look at the specific reasons for the shift in an opinion of council members, it has to be addressed at the aldermanic table.

Mr. Schrimpf also mentions Herro vs. City of Milwaukee, Seventh Circuit published opinion. The case dealt with an area concentrated with liquor licenses. The denial of the license was held up by the courts. Mr. Schrimpf said that there are not hard and fast rules when determining whether or not an area is over concentrated.

5. Presentation by Richard Withers of the Legislative Reference Bureau of information comparing and contrasting the Alcohol Beverage licensing processes of the Milwaukee and other cities in the state, as well as a comparison of Milwaukee's current and former licensing processes (Time Permitting)

Richard Withers from the Legislative Reference Bureau appearing.

Eighteen states regulate sales of alcohol. These are called "control states".

Thirty-two states are "License" states and are of two types:

Type 1) Twenty-three states have "Statewide" licensing, meaning the state issues the license after an investigation.

Type 2) Nine states (including Wisconsin) have licenses that are issued on a municipal level.

With regard to Milwaukee, Wisconsin places responsibility on the Common Council to issue alcohol beverage licenses.

Most states do identify the corner of the premises as the starting point for neighborhood notification areas.

Mr. Lump asked specifics about the use of addresses in issuing notifications to neighbors. Ms. Grill stated that some alcohol licenses are located within a large premise (e.g. Grand Avenue mall). For a notification of neighbors, the general address of the premises would be used, not the specific address licensed location. Specific premises are listed on an application, but notices are sent out from a radius of an address only.

6. Set next meeting's agenda

The next meeting is scheduled for November 21st, 2008.

At the next meeting, there should be a review of the input of the other members of the Licenses Committee, including formal suggestions of what should be changed about the process and what works.

Before the next meeting, a letter should be sent to the members of the Licenses Committee and to Grant Langley, City Attorney, requesting a formal response to requests for suggestions about the licensing process.

City Clerk Ron Leonhardt said that arrangements for a public hearing, possibly in the evening, could be made. Public notification can be done through the newspaper, E-notify, press release and invitations to particular interest groups. He also said that other, more senior members of the Common Council should probably be invited to contribute.

Ms. Nowak cautioned against inviting too many people and says that speaking time should be limited. Mr. Lump agreed and said that the subject matter of the meeting with the public should be very narrow.

Before the meeting with the public requesting its point of view (critiques, support of the current system, etc.), the Task Force should decide, at the next Task Force meeting, exactly what topics will be addressed at the public meeting.

Justice Butler asked: From what other entities should input be requested besides the Licenses Committee and the City Attorney's office? These would be other people who might question the alcohol beverage licensing process.

Mr. Brennan suggested that the city's website be used to reach other interested parties, including those who have signed up for e-notify.

Sgt. Ulickey mentioned that most of the members of the Licenses Committee are new and inviting other more experienced council members is a good idea. He also asked if the scope of the meeting for the public could be narrowed right on the notice of the meeting.

Mr. Leonhardt said that the City Clerk's office can do some research on appropriate groups that may be invited to speak.

*Meeting adjourned at 12:10 p.m.
Acting Staff Assistant Tobie Black*



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,
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File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Friday, December 19, 2008

10:00 AM

Room 301- A, City Hall

1. **Review and approval of the minutes of the November 21 and December 11, 2008 meetings**
2. **Discussion of the comments and suggestions received at the December 11, 2008 public hearing**
3. **Discussion of the written comments and suggestions received by the Task Force**
4. **Set-up of the next meeting's agenda**
5. **Scheduling of the next meeting (time and date)**

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

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Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes - Final ALCOHOL BEVERAGE LICENSING TASK FORCE

JUSTICE LOUIS BUTLER, CHAIR

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File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Friday, January 23, 2009

9:00 AM

Room 301-B, City Hall

Meeting commenced at 9:14 a.m.

Present 7 - Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

Excused 2 - Morics and Brennan

1) Review and approval of the minutes of the November 21 and December 11, 2008 meetings.

The minutes were approved as written.

W. Martin Morics at the table at 9:29 a.m.

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

Excused 1 - Brennan

2) Discussion of the comments and suggestions received at the December 11, 2008 public hearing.

Mr. Butler said that an extension had been granted by the Common Council for the task force. The task force's duties will now end March 31st, 2009.

Mr. Butler said that he would like that any recommendations from task force members be submitted in writing before the next task force meeting. He also said that a public hearing would be needed to allow the public to respond to any preliminary recommendations, and then final recommendations would be submitted by the task force to the Common Council.

Ms. Grill asked about what exactly the public should be able to address at the public hearing since members of the public have already had an opportunity to raise concerns.

Mr. Lump agreed that the public should be restricted to the recommendations made and not be able to speak on topics already addressed at the previous public hearing.

Mr. Schrimpf said that the public should be asked to present recommendations in writing before the public hearing so the task force members can review them and ask questions at the hearing.

Mr. Lump brought up the matter of the distance away from the establishment that neighbors are noticed when an application is scheduled to appear at the Licenses Committee.

Mr. Schrimpf pointed out that Licenses Committee meetings are open to the public, so anyone can attend regardless of receiving a notice. He also said that the committee tends to put more weight on the testimony of people who live close to the establishment and that the committee asks people testifying at meetings where they live and how close their addresses are in proximity to the establishment.

Mr. Butler said that there had been discussion of the fact that there are no clear guidelines involved when notifying neighbors of an application appearing at committee. Mr. Lump asked if the task force should be looking at the process of how neighbors are notified when making recommendations for changes.

Ms. Grill said that the task force should be looking into the discretion of the council members when it comes to the notification of neighbors.

Mr. Butler asked if the amount of neighbors that are noticed has any bearing on how many people appear at a Licenses meeting or if it depends more on the nature of the establishment. Ms. Grill said that it generally depends on the nature of the establishment.

Mr. Schrimpf said that comment cards from neighbors in lieu of an appearance at committee are not accepted because those comments would be hearsay. Mr. Schrimpf did point out that police reports are hearsay, but the documented actions of the police are made in the course of government business, so the police reports are allowed.

Sgt. Ulickey said that there is a direct correlation between how many people show up at committee and the amount of "legwork" that everyone involved, including the council member and the licensee, are willing to do with regards to the application.

Sgt. Ulickey also said that the PA33 is not a manufactured or fictitious document but is based on police response and that the committee members know that PA33s are not all inclusive with regards to police incidents.

Ms. Ferguson asked what "PA33" stands for exactly. Sgt. Ulickey said that "PA33" is just a form number and the name doesn't actually stand for anything.

Ms. Ferguson also asked Sgt. Ulickey what goes into the original report on which the PA33 is based. Sgt. Ulickey said what goes into the original police report is generally just the facts, but he also said that actions and incidents are open to the interpretation of the officer.

Ms. Grill pointed out that the PA33 is used by the License Division and the local council member to determine whether an application is even scheduled in the first place. She said that the police department should object to a license based on the police report instead of the local council member objecting based on the report.

Sgt. Ulickey said that time constraints for legal notice of applicants can sometimes restrict whether a police report can be addressed in its entirety. In other words, if an incident at a location occurs after the applicant has been noticed regarding a hearing, and the report of the incident at the applicant's establishment was not made part of the

notice, the incident cannot be addressed at committee.

Mr. Morics asked how often the local council member appears at the Licenses Committee to testify in support or in opposition to a new license application.

Ms. Grill said that most of the time, the local council member will show up if he or she is in opposition. She also said that if neighbors in an area are active, the council member will show up in support of those neighbors.

Mr. Butler asked Ms. Nowak if the Tavern League has a position on the PA33s. Ms. Nowak said that it does not see a problem with them.

Mr. Schrimpf said that licensees should make public records requests for PA33s after incidents occur at their establishments so they can see the entire police report and know what may be presented at the Licenses Committee.

Mr. Lump asked if the police can request that an item be held. Sgt. Ulickey said that the police have requested the rescheduling of an application. He also said that applicants and licensees are encouraged to call the License Investigation Unit to ask questions and to point out errors on the police reports they receive when they are noticed to appear at the Licenses Committee.

Ms. Ferguson asked Sgt. Ulickey if the police are allowed to check patrons when they come in for a tavern check. Sgt. Ulickey said that the police do not do tavern checks to check out patrons, but if the police have probable cause to check out a patron, such as a patron acting suspiciously, they will.

Ms. Grill said that for renewals, if there is nothing on the police report and no neighborhood objections, the applications do not go to the Licenses Committee. She said that the local council member has probably made up his or her mind before the committee meeting based on the police report and is going to advocate for the citizens in his or her district at the meeting.

Ms. Grill also said that the local council member is not allowed to submit comment cards (cards sent to neighbors soliciting input on issues) that he or she has received back from neighbors at committee. The council member can say that he or she received comment cards with certain results, but comment cards cannot be used as evidence at the committee.

Mr. Schrimpf said that he encourages council members to notify licensees that the council member has received complaints from neighbors. He also said that he does not approve of the local council member making recommendations to the committee, such as asking for a recommendation, such as, "renewal with a ten day suspension".

Mr. Butler said that the concern about whether the input of neighborhood organizations is being heard adequately was raised at the previous public hearing.

Sgt. Ulickey said that there is a desire for the police department to object to licenses, but that the police department does not want to routinely object to licenses because the opposite of an objection is an approval, which is inappropriate for the police department to make.

Mr. Lump addressed the concern brought up at the public hearing regarding applicants opening up establishments under false pretenses. Mr. Schrimpf said that the requirement of a licensee to file a plan of operation with his or her application requires

the applicant to clarify what kind of business he or she plans on running. He also said that the committee is somewhat sensitive to the fact that a small-business owner might need time to get the kind of business that he or she planned going, such as a restaurant, so the establishment might not be exactly what the applicant planned right away.

Meeting recessed at 10:20 a.m.

Meeting reconvened at 10:32 a.m.

Present 7 - Schrimpf, Grill, Ulickey, Butler, Ferguson, Lump and Nowak

Excused 2 - Morics and Brennan

3) Discussion of the written comments and suggestions received by the Task Force.

The task force members discussed the written comments from Bob Greene of the Merrill Park Association.

Mr. Butler said that the suggestion by Mr. Greene regarding restricting the percentage of profits from sales of alcohol is out of the purview of the task force.

Mr. Schrimpf said that some people would like CAD reports to be used in front of the committee, including council members and licensees (CAD stands for Computer Assisted Dispatching, which tracks what occurs during a police call. It is generated by the person calling it in and the alarm telecommunicator writing the details down.). During a police call, a telecommunications person is putting what the officer is telling him or her into the computer, which is put in a CAD report. Mr. Schrimpf said that the CAD report is a police report but not an investigative report and that he actively discourages the use of CAD reports because of problems with them. He said that they are only an entrance into the police system that can lead to a report that the committee can use.

Ms. Grill said that with a new applicant, the previous police report of a location is not typically used. However, there are times when the premise report, or report of previous problems at a location, can be presented at the Licenses Committee. The premise report provides details on the fitness of a location as an alcohol beverage establishment.

Sgt. Ulickey said that the fact that a location even has a premise report shows that the location has been a problem.

Ms. Grill said that there should be consistency with regards to when the premise report is and is not used. Sgt. Ulickey said that it is good information to have, and Ms. Grill says that it should be put into the record for access to all parties involved in the application process.

Mr. Greene wrote about the role of the Health Department in licensing. Ms. Grill said that an applicant does not have to go through the health department for approval until he or she already has the license.

The task force discussed the comments of Mike Eitel of Diablos Rojos Restaurant Group. Mr. Butler said that some recommendations detailed in the letter deal more with the decorum of the committee members than the committee's process.

Mr. Eitel wrote that the current process for notifying applicants of committee appearances is unfair and that the licensing process is vague as to what an applicant

needs to do when applying for an alcohol beverage license. He also wrote that the notices for committee are too broadly written.

Ms. Ferguson said that she agrees with the complaints about the decorum of the committee members at the meetings. She said that the conduct of the members, such as whispering and laughing at the table, is inappropriate at times.

Ms. Nowak asked if there is discussion about applications among committee members previous to Licenses Committee meetings. Mr. Schrimpf said that that type of discussion is not allowed under the open meetings law. Ms. Grill said that the committee members receive documents and the schedule of license matters before the meeting so they can review them, but they are not supposed to discuss the matters with each other before the committee meeting.

Mr. Schrimpf pointed out that the committee makes recommendations in disagreement with the recommendations of the local council members. He said that he does not believe that the influence of the local council member on the committee is a problem.

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

The next meeting will deal with a review of the written comments and recommendations of the task force members. The written comments will be due by February 4th and will be sent to all task force members for review before the next task force meeting.

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

The task force scheduled the next two task force meetings for February 9th at 10:00 a.m. and February 23rd at 10:00 a.m.

There will also be another public hearing, which will be scheduled at the next task force meeting.

Meeting adjourned at 11:08 a.m.

Staff Assistant Tobie Black



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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Monday, February 9, 2009

10:00 AM

Room 301-B, City Hall

Meeting commenced at 10:09 a.m.

Present 7 - Schrimpf, Grill, Brennan, Ulickey, Butler, Lump and Nowak

Excused 2 - Morics and Ferguson

1) Review and approval of the minutes of the January 23, 2009 meeting

Changes to the minutes of the January 23, 2009 meeting:

On page four of the minutes under the remarks attributed to Bruce Schrimpf, "generated by the officer" should be "generated by the person calling it in and the alarm telecommunicator writing it down"

and

The statement that the CAD report is not a police report attributed to Mr. Schrimpf should be "the CAD is a police report but it is not an investigative report."

Changes to the minutes were adopted.

The minutes were then approved as presented.

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

The task force members decided to consider and vote on each item one by one. All recommendations from members were put into a compilation with different categories.

The Pre-Application Process:

Regarding the creation of a pamphlet by the City Clerk's License Division that contains the process for new license applications or license renewals, including the applicant's rights and obligations during the process, all seven members voted "aye".

Regarding the publishing of materials for new applicants in several languages:

Mr. Lump asked whether the materials provided to applicants would be provided in any

other languages besides English.

Mr. Schrimpf said that while it is a practical idea for the materials to be published in various languages, there could be problems when there is an applicant that speaks a language in which material is not available. He also said an applicant, if he or she receives a license, will not always have an interpreter available when dealing with other city departments, such as the police department or the Department of Neighborhood Services. The licensee will be expected to know the law, which is printed in English.

Mr. Lump said that a person who does not speak English may not know the legal system and may be taken advantage of when he or she does not have information in his or her own language.

Ms. Grill said that there would be administrative difficulties in providing application materials in various languages. She said information is not collected with regards to what language an applicant speaks, and that all license applications, not just those for alcohol beverage licenses, would then have to be put into various languages as well.

Sgt. Ulickey said that there have been previous problems with printing police material in more than one language because people complained about their languages not being represented.

Mr. Lump said that there should be some language in preliminary paperwork that lets the applicant know that an interpreter should be obtained by him or her if needed and the rest of the services provided by the city and requirements of the license would be in English.

Mr. Lump requested to withdraw the recommendation that application materials, such as a road map and a "Bill of Rights" for new applicants, be made available in various languages.

The Application Process:

Mr. Brennan said that there should be a definition of a fair and reasonable amount of time for notification of applicants when they are required to appear at a Licenses Committee meeting. He also mentioned previous complaints from applicants about a lack of specificity on notices with regards to what issues concerning their establishment will be addressed at the Licenses Committee.

Mr. Schrimpf said that licenses are renewed at any time during the year because of the volume of taverns in the city. The timing of the notices is in conformance with Chapter 125.12(2), Wis. Stats., which allows notice of no less than three and no more than ten days notice for the revocation of a license. Chapter 125.12(3) and 125.12(3m), Wis. Stats., specifically state that the notification time frame for renewals should conform to the time frame set forth in Chapter 125.12(2).

Mr. Schrimpf said that it should be suggested to licensees that they stay in the city around the time of their renewal, that the licensee should go around to talk to neighbors if they know that there are neighborhood objections against the issuance of their license and that they should go to the police for copies of police reports if they know that there will be objections based on a police report at the committee meeting.

Mr. Butler said that the Common Council is held to the requirements of the state statutes, so there is not an ability to change notice times. Mr. Butler asked if Mr.

Brennan would like to withdraw the recommendation regarding the timeliness of notices, but he would keep the recommendation to specify complaints in the notice to renewal applicants. Mr. Brennan agreed.

Ms. Grill said that the ability of the neighbors to testify has to be weighed when a notice is generated, so there are many general complaints, such as littering and loitering, that are listed on the notice so complaints of neighbors can be addressed at the committee.

Mr. Butler asked Ms. Nowak and Mr. Lump if the notice is considered to be sufficient by members of the Tavern League and the Wisconsin Restaurant Association. Neither Mr. Lump nor Ms. Nowak said that said that there had been any members that had expressed concern about the time frame of notices. However, Mr. Lump said that there should be some movement towards requiring longer notice time for applicants, although he thinks that it is prudent to mention to applicants at the time of application that they should stay in the area around the time that their application will be renewed.

Ms. Grill said that if the notice time to an applicant is reduced to three days, it is generally because the applicant has not filed the renewal application in a timely manner.

Mr. Butler asked for a vote on whether the Task Force should recommend to the council that the time frame for notice to applicant be at the upper end of the three to ten day range. He also asked for a vote on increasing the specificity of complaints on notices sent to applicants.

City Clerk Ron Leonhardt at the table. He clarified that an establishment would be required to close if the renewal application was not heard before the Licenses Committee and the Common Council met, so the three day notice is sometimes necessary to prevent this from happening. Mr. Schrimpf said that when the application is not reviewed in time, applicants then request an injunction through the court system to prevent the city from closing down their establishments until there can be a hearing on the requested injunction, which could be months later.

All members voted "no" on recommending a required notice time that is on the upper end of the required time frame.

With regards to the issue of increased specificity in the complaint process with respect to the notice, Mr. Brennan said he would withdraw the recommendation if the issue will be addressed in the materials distributed to the applicants at the beginning of the licensing process.

Regarding the recommendation that legal requirements for operation of an alcohol beverage outlet be given to applicants, in Spanish and English, at the start of the licensing process, Ms. Grill said that all materials issued by the License Division are in English for reasons that were previously discussed. Ms. Nowak said that she would withdraw the part of the recommendation that refers to the requirements being printed in Spanish. She said if materials are distributed to the applicants that makes the application easier to complete and spells out legal requirements for applicants, there won't be a need for the recommendation. Mr. Schrimpf pointed out that the applications for an alcohol beverage license are provided to the city by the state.

Regarding the waiting period of three years required for submission of an application for a location that has been deemed unsuitable by the Common Council, Ms. Grill said

that there is an opportunity for applicants to be heard in less than three years if an applicant presents a change in circumstances that relates to the unsuitability of the location.

Mr. Butler said that in the absence of an appeal right for the applicant in the case of an unsuitable location, there is a question of whether the waiting period should be shortened.

Ms. Grill said that before there was a three-year waiting period, applicants continued applying for the license numerous times. Neighbors would appear at the License Committee each time the application was scheduled, but eventually the neighbors would tire of appearing, and the applicant would be able to receive a license without opposition from neighbors.

Sgt. Ulickey said that he thinks the three-year period is reasonable since applicants can bring forth a change in circumstances. Mr. Schrimpf said that the committee and the council usually have considered an enormous factual record that demonstrates that the location has generated an excessive amount of police calls and has been a problem for the neighbors and that warrants a declaration of a location as unfit.

The task force members voted one "aye" to six "noes" against shortening the three-year waiting period. (Mr. Butler voting "aye", Sgt. Ulickey, Mr. Schrimpf, Ms. Grill, Mr. Brennan, Mr. Lump and Ms. Nowak voting "no", Mr. Morics and Ms. Ferguson excused)

Regarding music and age questions on the license applications, Mr. Butler said that there were concerns raised by applicants at the public hearing about questions regarding the type of music that would be played and the ages of proposed clientele.

Ms. Grill said that the questions are on the application so that the neighbors and the local council member can get an idea of what kind of operation is being proposed. For instance, in a residential neighborhood, the neighbors might be more comfortable with an establishment that is more like a corner bar than a full club.

Mr. Lump said that the questions regarding age of patrons and type of music are relevant and the more questions that are asked regarding the business plan of an establishment the better, particularly for the neighborhood. He said the neighborhood should have a certain security in relying on a business plan proposed by an establishment and the more information asked for, the better off the city and the neighborhood might be.

Ms. Nowak said that with newer Internet jukeboxes, there is a variety of songs available from which patrons can choose, although some of it can be blocked. She asked who makes the determination of which songs fits which music categories.

Mr. Butler said that he did not want to raise the legal issue of whether or not there is a constitutional bar against asking about music selections; he said that is not part of the role of the task force. Mr. Butler said that there had been concerns raised at the public hearing regarding the potential or actual likelihood of aldermanic abuse with council members using type of music as a means of keeping certain applicants from opening businesses in certain areas.

Sgt. Ulickey said that it should be kept in mind that an Alcohol Beverage License is a privilege. He said that the Common Council as a whole has a duty to provide for the

safety of a neighborhood as well as the enjoyment of the neighborhood by residents. He also said that an applicant could take advantage of a neighborhood if the intentions of an applicant are not made part of the application. He said that the questions should remain part of the application.

The task force members voted unanimously against taking the age distinction and music questions off of the application.

Certification and Scheduling of License Applications:

Regarding whether the Common Council should adopt a uniform process for giving notice of license hearings, the question should be split into two parts:

1) Should there be a uniform process for notifying neighbors that a license application has been scheduled?

2) What should the process look like?

Mr. Brennan clarified that the previous discussions made clear that the process of notifying neighbors and whether neighbors were notified was dependent on the opinion of the local council member.

Ms. Grill said that she would recommend a standard for notifying neighbors within 250 feet of the establishment for all applications scheduled. She also said that businesses in the area could be affected adversely by a proposed establishment in the area and should be notified as well, not just the residents.

Mr. Lump asked if Ms. Grill would recommend extending the radius. Ms. Grill said that she would not change the radius of notification, but that opinion would be due to budgetary concerns versus notification concerns, since a wider radius would create a significant increase in notices sent by the License Division. She said that 250 feet seems to be working well.

Ms. Grill said that the current guideline for notification of neighbors is either 250 feet or 100 people. Whatever the proposed notification guidelines will be, there should be a set radius and a set number of people, not a range, so there is consistency among all neighborhoods.

Sgt. Ulickey said that the radius should be extended to 500 feet from the location and the 100-person limit should be discarded since every neighborhood is different and those guidelines can exclude many people depending on how the neighborhood is populated.

Mr. Schimpf said that he agrees that the notice process should be standardized, but the debate over the radius should be left to the Common Council as part of the political process.

Mr. Lump said it makes sense to expand the radius to 500 feet and to make that radius uniform for all applications.

Ms. Grill said that when the 250 foot radius is used, rarely is the result only a few people noticed. If that happens, Ms. Grill said that she would usually increase the radius to include more neighbors. However, in some areas of the city, over 800 people have been noticed when the 250 feet radius is used. But she also said that she

understands the desire is to notify people and that she believes the number of neighbors noticed should be consistent and should be an exact number.

Mr. Schrimpf said that he wants to give the license office the discretion and the ability to notify more people than the guidelines allow.

Mr. Brennan asked how the council members notify their constituents of neighborhood meetings. Ms. Grill said that she is not completely sure of how the council members notify neighbors of those meetings since the License Division is not involved in that process, but the council members get addresses from the same source as the License Division and they often use a radius of more than 250 feet.

The task force members voted six "ayes", zero "noes" and one "abstain" in favor of notifying all addressees within 500 feet when a new or renewal application is scheduled for a Licenses Committee meeting. (Mr. Butler, Sgt. Ulickey, Mr. Schrimpf, Ms. Grill, Mr. Brennan, Mr. Lump and Ms. Nowak voting "aye", Mr. Schrimpf abstaining, and Mr. Morics and Ms. Ferguson excused)

Regarding whether a reasonable maximum amount of time should be set for a hearing of a new license:

Some task force members proposed different time frames, such as 60 days from the submission of the application or two council cycles.

Ms. Grill said that an application can be certified once all the application materials and requirements needed by the License Division have been received. Ms. Grill said that using a specific number of days for a scheduling time frame is difficult because of the recess from meetings in August and other occurrences, such as election days. She suggested that scheduling by the third regularly scheduled committee meeting after the application is certified would avoid this problem.

Mr. Butler said that the task force has to decide when the time period is to start, be it the date of fingerprinting, application or certification. He also said that he liked the idea of mixing cycles with days because of the problems previously mentioned by Ms. Grill as long as there is a definite start date.

Mr. Schrimpf said that the scheduling time frame should start when the License Division says that the application is ready to be scheduled.

Sgt. Ulickey said that he is in favor of two cycles of time if it does not propose a problem. Ms. Grill says that a two-cycle time frame is possible in most cases, but there are exceptions.

Mr. Schrimpf said that he is opposed to putting too strict a limit on the scheduling time frame.

The task force members voted five "ayes" to two "noes" in favor of the Common Council adopting scheduling periods following the completion of an application for a new license of sixty days or two council cycles. (Mr. Butler, Sgt. Ulickey, Mr. Brennan, Mr. Lump and Ms. Nowak voting "aye", Mr. Schrimpf and Ms. Grill voting "no", Mr. Morics and Ms. Ferguson excused)

Mr. Butler said that the remaining recommendations will be discussed during the next task force meeting.

- 3) **Discussion of the request by the Community Prosecution Unit of the City Attorney's office to make a presentation on its role in the alcohol beverage licensing process**

Mr. Butler said that he is not opposed to the Community Prosecution Unit of the City Attorney's office addressing the task force at a future meeting.

No task force members objected.

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

The set-up of the agenda for the public meeting will be moved to the February 23rd meeting.

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

Mr. Butler proposed that the next meeting be for the discussion of the items that were not discussed today. Also, the City Attorney's office will make a presentation at the February 23rd meeting.

The start time for the February 23rd meeting was changed to 9:30 a.m.

- 6) **Scheduling of the next meeting (time and date)**

The next regular meeting is scheduled for February 23rd at 9:30 a.m.

Meeting adjourned at 11:58 a.m.

Staff Assistant Tobie Black



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,
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Monday, February 23, 2009

9:30 AM

Room 301- A, City Hall

Meeting commenced at 9:38 a.m.

Present 6 - Grill, Brennan, Ulickey, Butler, Ferguson and Nowak

Excused 3 - Morics, Schrimpf and Lump

1) Review and approval of the minutes of the February 9, 2009 meeting

Minutes were approved as written.

2) Presentation by the Community Prosecution Unit of the City Attorney's office on its role in the alcohol beverage licensing process

City Attorney Grant Langley and Asst. City Attorney Adam Stephens at the table.

Mr. Butler asked that written suggestions from the City Attorney's office be submitted to the task force.

Mr. Langley said that the Community Prosecution Unit of the City Attorney's office is also called the Nuisance Abatement Team. The unit works with the police department, the District Attorney's office and its Community Prosecution Team, the Department of Neighborhood Services, the Health Department and community groups to deal with problem properties in the city, including board-ups, nuisance properties and drug houses, as well as licensed alcohol beverage establishments.

Mr. Butler invited Mr. Langley to provide specific suggestions or proposals to the task force in writing. Mr. Langley said he will submit suggestions in writing dealing with members of the Licenses Committee who hear matters that are in their own districts and the role that those committee members should play either on one side of the table or the other, but not on both.

Mr. Stephens said that the Community Prosecution Unit is staffed by three Assistant City Attorneys:

Jarely Ruiz Police, who works with Police Districts 2 and 6

Robin Pederson, who works with Police Districts 3, 4 and 7

Adam Stephens, who works with Police District 1, including Downtown, and District 5

Mr. Stephens said that the unit has been working for over a year and it works with other departments to address multiple aspects of a location and to figure out why a certain location is a target or a source of illegal activity or violence.

Mr. Stephens said that the CPU receives referrals from the Milwaukee Homicide Review Commission because there has been a shooting or a homicide that is related to a licensed premise, from the police department if there have been a felony drug dealing event or events at the location, and from the community when a property seems to consistently facilitate behaviors that are detrimental to the safety of the public.

Mr. Stephens said the first step for the CPU is looking at the police record for the establishment to see if there is a pattern of activity or just a single event. He said that the next step is discovering if neighborhood residents have complaints against the property, either through neighborhood groups, block watch captains, the Community Liaison officers in the police department, or the local council member.

Once the unit has an idea of what the situation is, it makes contact with the licensee of the establishment or the person in charge of the property. He said a location can facilitate crime in two ways. One is the physical aspects of the building itself, including the condition of the structure, and whether the design of the building has an effect on the likelihood of criminal victimization, including the lighting around the structure and where patrons park. The other is the management of the establishment. Mr. Stephens said it is more difficult to determine when the management of an establishment is facilitating this activity. He said that in the cases with which he has been familiar, very frequently the licensee is not the person in control and is not in charge of the day-to-day operations. Mr. Stephens said that when someone is not the licensee of an establishment but is managing it, this person does not have the motivation to work with the city that an owner does. Mr. Stephens also said that staffing at the location is also an issue with regards to whether staff can actually address problems that arise at the establishment. He also said that the compliance of the owner with other regulations, such as tax laws, and the professional experience of the owner are of note to the unit.

Mr. Lump at the table at 9:50 a.m.

Mr. Stephens said that what he calls the intangibles, including to whom the licensee is marketing, what kind of music is played, whether there is a dress code, and the ages of patrons, are not things that the government should concern itself with because it is clearly the right of licensees to run their establishments as they see fit.

Mr. Stephens said that there are real considerations of why applicants are choosing certain types of entertainment for their establishments. When there are activities such as dancing and billiards, problems seem to stem from altercations between patrons involved in these activities. Mr. Stephens said that licensees should keep these choices in entertainment in mind when they are looking to address the situation at hand, but he does not think that there should be a rigid system dictating what kind of entertainment should be present in establishments.

Mr. Stephens said that there are usually two types of criminal activity involving licensed establishments; the violence that occurs outside of the bar and is associated with the bar, and violence that occurs inside of the bar or involving bar owners and employees.

Mr. Butler brought up the issue of situations that involve patrons that were at an establishment previously in the evening and later are involved in a violent incident at a location away from the establishment and he questioned whether these situations should be treated differently. Mr. Stephens said that the link between the incident and the earlier patronage of the establishment is usually unimportant and the

Milwaukee Police Department makes the decision as to whether details regarding these situations end up on a premise report.

Mr. Stephens said that the CPU sits down with the police department and licensees to create a plan to make sure that violent activity involving its patrons does not reoccur. He said the CPU is also involved in assisting the police department in filing revocation requests and can assist the police in creating a record at the time of an license's renewal. The CPU is also allowed to file civil litigation against an establishment that facilitates drug or gang activity, but the process is usually kept "in house" through the committee hearings.

Mr. Stephens also said the number one goal of the unit is to work with licensees to make sure activities do not occur or continue, not to close the establishment. He said that if the owner is unwilling or unable to cooperate with the city to abate the problem at his or her establishment, then the CPU will take action against the location.

Mr. Stephens said that on the plan of operation section of the license application, there are requests for the applicant to give information regarding how he or she is going to deal with issues like noise and litter, the floor plan and the hours of operation. He said these items are critical when the attorneys are meeting with the licensees in determining how the licensees will be handling certain situations and that there should be a more detailed form in alcohol beverage applications requiring more details from the applicant.

Mr. Butler pointed out that the scope of the task force is narrow, and that the task force is looking specifically for areas in the current process that may be subject to abuse.

Mr. Stephens said that problems at certain alcohol beverage outlets need to be addressed immediately, which is why revocations are being brought in front of the Licenses Committee and why problems are not just being addressed at renewal time.

Mr. Langley said that License Committee members should not be both adjudicating and advocating for one side or the other with regards to the issues that are in their districts. He said that although a member of the City Attorney's office, Bruce Schrimpf, advises the Licenses Committee, the City Attorney's office can also prosecute a revocation before the committee. It can do so because there are very tight screening processes with regards to which assistant city attorneys are handling revocations, which prevents any overlap between the prosecutorial role of the office and the advisory role to the committee.

Mr. Langley said that there is no contact between Mr. Schrimpf and the assistant city attorney that is handling the revocation. Because a council member is not two different people, there cannot be the separation between the role of advocate and adjudicator and therefore, significant due process concerns are raised at committee.

Bruce Schrimpf at the table at 10:11 a.m.

Present 7 - Grill, Brennan, Ulickey, Butler, Ferguson, Lump and Nowak

Excused 2 - Morics and Schrimpf

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

The discussion of written recommendations was resumed from where the task force stopped at the previous meeting.

**Regarding online access for both applicants and neighborhood residents to PA-33s or whatever relevant police information exists about a premise seeking approval or renewal:*

Sgt. Ulickey said that he is not comfortable with certain information being available in PA-33 form without it going through the proper open records channels due to sensitive information, such as names of underage people. He also said that the PA-33 isn't always all-inclusive, although it usually is. He also pointed out that applicants usually know what has happened at their establishments and that they are also given a copy of the summary police report that will be addressed at committee when they are noticed to appear at the Licenses Committee.

Mr. Butler asked how much time it takes for an applicant to file a public records request with regards to his or her license. Mr. Schrimpf said that if an applicant requests the documents when he or she receives a renewal application, which is sixty days before expiration of the license, it should be enough time. Sgt. Ulickey said that an attorney has received public records request information and received it in four days' time.

Mr. Brennan said that he would withdraw the recommendation if the information regarding being able to access police information through a public records request becomes part of the application packet.

**Regarding whether new applicants should host a neighborhood meeting in conjunction with the local council member's office and provide proof of holding the meeting before the application can be certified::*

Ms. Grill said that this was just a suggestion by the City Clerk's office, and not a recommendation. Mr. Schrimpf said that he thinks it is a good idea for applicants to host a neighborhood meeting, with the local council member being invited, to discuss issues in the neighborhood. However, there can be various interpretations as to what happened at the meeting and there is no transcript of neighborhood meetings. There is also no vote on issues taken at the end of meetings. Mr. Schrimpf said that it requires a certain amount of cooperation between the applicant and the neighborhood residents. Mr. Lump pointed out that the suggestion deals with new applicants, not renewal applicants, and he said that the more important thing is transparency of the process and providing proof that the effort was made.

Mr. Butler brought up concerns about the timeliness issue when requiring a neighborhood meeting before a license application can be scheduled. Ms. Grill acknowledged that issue, but brought up the importance of neighbors knowing what is being proposed in the neighborhood. She said that most neighbors do not know about a new establishment is until it opens.

Sgt. Ulickey pointed out that council members often delay hearing items because they say they have not been able to schedule a neighborhood meeting. Mr. Butler said that this suggestion would put the burden on the applicant and would take the neighborhood meeting issue out of the hands of the local council member.

Mr. Lump said that requiring the neighborhood meeting runs contrary to the task force's goal of trying to prevent delays in the due process of applicants.

Ms. Ferguson inquired about the cost to the applicants of setting up the meeting and contacting neighbors.

The suggestion was tabled until a later time.

**Regarding the police records of all applicants for renewal being reviewed and an administrative determination being made as to whether or not a particular applicant is brought before the Licensing Committee. This determination should be made solely on the police report. This review should be entirely separate from the consideration of any written objections on file with the License Division:*

Ms. Grill said that an application would only be scheduled if the police report met certain requirements and those requirements would be outlined in the code of ordinances. She said that presently, absent an applicant receiving a warning letter, there is a lot of discretion regarding the police reports and scheduling. She said that the administrative determination would be made by the License Division based on the rules set forth by the Common Council.

Mr. Butler asked about the term "police report". Ms. Grill said that the License Division does not get a copy of a PA-33, just the summary of the PA-33. The summary, not police records or individual police incident reports, is what is reviewed by the License Division and the Licenses Committee.

Mr. Brennan asked Ms. Grill if she thought that the recommendation would result in fewer applicants being brought in front of the Licensing Committee. Ms. Grill said that this may happen because there are currently no set guidelines and some applications, which are borderline cases with regards to the police reports, might not be required to appear.

Mr. Butler wanted to clarify that the recommendation is referring to the police summary that is generated when an application is filed, not police records or PA-33s of individualized incidents. Mr. Schrimpf said that he would opt for the terminology "police summary" because the police report prepared by the License Investigation Unit contains important information that is not found in a police record, such as whether an applicant operated a tavern that was a problem for a the police department.

Mr. Butler amended the language of the recommendation. Therefore: Regarding the police summary of all applicants for renewal being reviewed and an administrative determination being made as to whether or not a particular applicant is brought before the Licensing Committee. This determination should be made solely on the police summary. This review should be entirely separate from the consideration of any written objections on file with the License Division:

The task force voted unanimously in favor of the recommendation (Mr. Morics excused).

**Regarding whether there should be a standard form for review adopted for consideration prior to a hearing, including proof of residence, proof of the existence of a problem, some form of mechanism to prevent repeated annual visits if rulings have been made in favor of license holders:*

Mr. Schrimpf said that there are at times objectors from outside of the city who do come to Licenses Committee meetings and some objectors that have complaints that cannot be verified. But he also said that there is some sort of value to reminding applicants that their businesses are affecting the surrounding area and individuals have the right to come to the committee meetings to air their grievances.

Ms. Grill says that there are occasions in which neighbors will complain year after

year due to a business owner not abating problems at the business location. She said that these complaints are usually valid and occur more often than invalid complaints being brought to the committee.

The recommendation was withdrawn.

Committee Hearing (initial license application, renewal and revocation)

With regards to the procedure:

**Regarding a new application being held only one time at the request of neighbors or the local council member for a specific reason chosen from those enumerated by the code and that the motion relating to the hold should include a specific timeline for rescheduling, be made in writing and presented at the scheduled hearing, with the timeline for rescheduling not exceeding 6 regularly scheduled committee meetings after the application's certification, unless special circumstances are presented to committee members at the hearing::*

Mr. Schrimpf said that it is a good idea for council members to have to put the matter before the committee in a specific time frame.

Mr. Butler said that there can be a number of reasons for neighbors and council members to want the application held. He asked whether it would ever be appropriate for an application to be held more than once.

Mr. Schrimpf said that if there is a good reason that is plainly stated for holding the license application he is not in opposition to it.

Mr. Lump asked how this can be reconciled with what was previously voted on regarding the scheduling time frame. Mr. Butler said that this recommendation deals with a request for a hold after the application is already scheduled for the Licenses Committee.

Ms. Grill said that without the recommendation, there is currently no required time frame in place for scheduling and an application can be held for an indefinite amount of time.

Mr. Lump asked under what circumstances eighteen weeks beyond that scheduling of the application would be needed. Mr. Schrimpf used examples such as neighborhood concerns, pending charges on the police report or a lack of readiness of the building that would not allow for the business to be opened. In some situations, a hold would benefit the applicant.

Mr. Butler said that the term "special circumstances" could allow for the longer delay. He also proposed the number of meetings that the application can be delayed be changed to two meetings.

The language was amended to reflect a recommendation for rescheduling within two regularly scheduled meetings, not six and after the date of the initial hearing, not after the date of certification. Therefore;

**Regarding a new application being held only one time at the request of neighbors or the local council member for a specific reason chosen from those enumerated by the code and that the motion relating to the hold should include a specific timeline for rescheduling, be made in writing and presented at the scheduled hearing, with the timeline for rescheduling not exceeding two regularly scheduled committee meetings*

after the application's certification, unless special circumstances are presented to committee members at the hearing:

Mr. Butler asked if the request to hold could only be made by the neighbors or council members. Mr. Schrimpf said that others besides neighbors and council members, like the applicant, should be allowed to request a hold.

City Clerk Ron Leonhardt at the table. Mr. Leonhardt said that the recommendation was not intended to hamstring the committee, but to prevent the local council member from holding an application for a significant amount of time.

Sgt. Ulickey said that as long as the time frame for scheduling is maintained, anyone should be able to request a hold. Mr. Butler said that there is currently no limitation on who can request the hold, but Sgt. Ulickey pointed out that a request for a hold can be denied by the Chair of the committee.

Mr. Schrimpf said that the code enumerates reasons and a time frame for holding applications and a recommendation could be incorporated into the code.

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

**Regarding ensuring five committee members be present for all Licenses Committee meetings and an alternate being appointed if a committee member cannot be present or is excused for a period of time:*

Sgt. Ulickey said that another council member should be available to serve in place of a committee member if he or she cannot be at the meeting for a period of time.

Mr. Butler said that his concern is that if full committee attendance is required, then postponement may end up being an issue. He also said that any last minute substitutions might not be as prepared as the regular committee members.

Sgt. Ulickey pointed out that when regular staff is not able to appear, it has to be replaced by another representative. Mr. Lump said that he liked the recommendation, but he agrees that it may present problems if problems with holding applications due to problems with attendance occurring.

Mr. Butler proposed that a vote of three committee members for or against a motion be required for every application instead of just a majority vote.

City Clerk Ron Leonhardt at the table. He said that the number of members on committees is set by the Common Council, not the code of ordinances. Any alternate would have to be appointed by the Common Council president. Mr. Leonhardt said that appointing alternates is not that out of the ordinary. He also asked how the recommendation relates to the concerns of the task force.

Mr. Schrimpf said that sometimes controversial issues result in a split vote if a council member has left the table or abstained from a vote. He said that he is concerned about council members leaving during the committee and not hearing all of the testimony on a matter in front of the committee.

Mr. Butler said that if a vote is cast by a member that has not been present for the entire hearing on a matter, it can give a bad impression. He also said that how it should be dealt with is another question.

Sgt. Ulickey said that he believes that the applicant does not always know why a committee member has left and that there should not be any question in the applicant's mind as to how a vote could have gone if his or her matter had been heard by all committee members.

The task force made a split vote on the recommendation (Mr. Schrimpf, Ms. Nowak, Ms. Ferguson and Sgt. Ulickey voting "aye", Ms. Grill, Mr. Brennan, Mr. Lump, and Mr. Butler voting "no" and Mr. Morics excused)

Mr. Butler proposed amending the recommendation to require a minimum of three votes for or against a motion.

Mr. Brennan asked if the definition of a quorum for the Licenses Committee could be changed to four instead of three. City Clerk Ron Leonhardt said that the council rules could be changed for the Licensing Committee.

Mr. Butler said that he thinks that issue is not something the task force is prepared to vote on.

Mr. Butler proposed tabling the recommendation. The recommendation was tabled.

**Regarding whether the Licenses Committee should establish rules of decorum for proceedings before it and whether the committee members should refrain from adding personal opinions regarding licensees in their district:*

Mr. Schrimpf said that he does not like committee members commenting on evidence before all evidence is fully presented. He said that comments should be held until the Chair says that the committee is ready to discuss the application.

Mr. Butler asked if the task force should merely suggest to the council that it propose rules of decorum or if it should put in specific suggestions as to what should and should not be done during a meeting.

Mr. Lump agrees that there should simply be a suggestion to make rules for decorum to avoid the perception of aldermanic influence instead of making specific rules or suggestions.

The task force voted unanimously to establish rules for decorum for the Licenses Committee members (Mr. Morics excused).

**Regarding whether there should be some sort of procedural review created for complainants and their statements prior to any appearance before the committee:*

This recommendation was addressed previously in an earlier vote, so it was withdrawn by Mr. Butler.

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

The agenda of the next public evening meeting will be addressed at the next task force meeting.

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

There will be further discussion of the remaining recommendations and the agenda for the evening public hearing will be set.

6) Scheduling of the next meeting (time and date)

The next meeting is scheduled for Monday, March 2nd at 9:30 a.m.

The next evening public hearing will be on Wednesday, March 18th at 7:00 p.m.

Meeting adjourned at 12:07 p.m.

Staff Assistant Tobie Black



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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File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Monday, March 16, 2009

9:30 AM

Room 301-B, City Hall

Meeting convened at 9:39 a.m.

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

Excused 1 - Morics

1) Review and approval of the minutes of the February 23, 2009 meeting

Minutes were approved as written.

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

Mr. Butler said that a reminder should be sent to City Attorney Grant Langley regarding his written recommendations to the task force.

Regarding whether the Licenses Committee should institute a three-minute time limit on neighbor testimony and make sure that the testimony be limited to the license issues at hand.

Mr. Butler asked Sgt. Ulickey if the task force should be making specific recommendations to the Common Council.

Sgt. Ulickey said that there could be a perception that someone is being favored if that person is given more latitude when testifying at committee. He also said that he is not opposed to letting the Common Council set the specific time limit as long as there is a time limit set to ensure consistency.

Mr. Schrimpf said that the Chair of the committee has the discretion to limit the time that people are allowed to testify and that objectors to the license usually have to present proof as to their observations of things that have occurred, including written dates and times. He also said that the testimony of supporters tends to be somewhat limited. He also pointed out that representatives of neighborhood associations are sometimes given latitude with regards to how long they speak on behalf of neighbors.

Sgt. Ulickey said that the time limit would alleviate the perception that some speakers are allowed to go on while others are limited. Mr. Butler asked if the recommendation could be presented to the Common Council without a specific time limit. Sgt. Ulickey said that it would be fine as long as a reasonable time limit is implemented.

The recommendation was amended. Therefore;

**Regarding whether the Licenses Committee should institute a reasonable uniform time limit on neighbor testimony to be applied equally to all witnesses:*

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

**Regarding whether the timeline on notice of hearing (for renewals) may be too short and whether time should be allowed for either rescheduling the hearing of the notice or whether the committee needs to take into account that the license holder may be out of town or have other conflicts:*

Mr. Schrimpf said that the timeline for notice of hearing for renewals is set by state statute.

Mr. Lump said that he would withdraw the recommendation based on a previous discussion of notice times.

The recommendation was withdrawn.

**Regarding eliminating a provision that dictates that council members decide whether there is an issue of concentration with a new application and putting in place a specific policy to outline who receives neighborhood notification:*

Mr. Brennan narrowed his recommendation to deal with the issue of council members deciding whether there is an issue with concentration and how it affects whether neighbors are notified of a new application.

Ms. Grill said that there has been discussion with a council member of the concentration of alcohol beverage outlets being considered by the committee for all new applications and the issue raised being consistency across the board. Ms. Grill also said that the issue of land use in neighborhoods to determine whether an alcohol beverage outlet is a good use of a property is also being discussed.

Mr. Butler questioned how much concentration is a factor when it comes to use of the land in a neighborhood.

Mr. Schrimpf said that the issue of land use is usually taken into account when there is an area with new development. He said that the council members tend to factor in concentration when dealing with an older, existing neighborhood, not an area of new development.

Mr. Brennan said that he made the recommendation in order to eliminate the ambiguity that is present if a council member can make the determination of whether concentration is or is not an issue.

Mr. Ferguson said that council members use concentration of alcohol beverage outlets to recommend that some licenses be denied by the Licenses Committee, but then ignore concentration when recommending the approval of other licenses.

Sgt. Ulickey said that neighborhood concerns should take priority to the issue of concentration because of the different types of neighborhoods in the city. Mr. Brennan said that perhaps the recommendation should be that concentration not be used to deny licenses.

Mr. Schrimpf said that there is some validity to the issue of concentration but he also

acknowledged that the determination of overconcentration can be abused by council members. He also said that there should be specific criteria for evaluating when an area is overconcentrated and when it is not.

Ms. Grill said that there needs to be a focus on consistency with regards to when a council member is considering concentration as an issue.

Mr. Butler recommended having the council establish criteria for determining whether concentration is an issue based on the land use for that neighborhood. Therefore;

**Regarding whether the Common Council should establish criteria for determining whether concentration is an issue based on the land use for that particular neighborhood:*

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

**Regarding whether objections from Common Council members should be accompanied by some form of substantiation and whether acceptable forms of substantiation should be identified:*

The task force voted unanimously in favor of the recommendation. (Mr. Morics excused)

**Regarding whether council members should be restricted from recommending any penalties and to the extent possible should standardize punishments and suspensions:*

Mr. Schrimpf said that standardizing punishment would be very difficult.

Mr. Butler said that the recommendation should be split up into two parts. Therefore;

**Regarding whether council members should be restricted from recommending any penalties:*

Mr. Butler asked if the recommendation is worded too broadly and if the recommendation should be at the Licenses Committee stage, not the council stage. Mr. Brennan approved of the addition of "to the Licenses Committee". Therefore;

**Regarding whether council members should be restricted from recommending any penalties to the Licenses Committee:*

Mr. Schrimpf said that he is not comfortable with council members making recommendations of penalties to the committee because it interferes with the discretion of the committee and could be interpreted as some form of aldermanic influence if the recommendation is adopted by the committee.

Ms. Grill asked if the restriction should apply to council members that are on the other side of the table or if the restriction should apply to all council members, even if the council member is serving on the Licenses Committee.

Mr. Schrimpf said that the City Attorney's office is of the opinion that a council member serving on the Licenses Committee has an obligation to move to the other side of the table and act as a witness if he or she has already formed an opinion on an application before hearing testimony at committee.

The task force voted unanimously in favor of the recommendation (Mr. Morics excused)

**Regarding, when possible, if there should be a standardizing of punishments and suspensions:*

Mr. Brennan withdrew the recommendation due to previous discussion.

**Regarding council members knowing that many of the complaints with the Licenses Committee stem from unprofessional behavior or lack of decorum on the part of the members:*

Mr. Brennan withdrew the recommendation due to previous discussion.

**Regarding there being a city-appointed interpreter for some of the license applications or renewals:*

Ms. Nowak withdrew the recommendation due to previous discussion.

**Regarding the necessity of personal comments when the committee is dealing with one's means of making a living:*

Ms. Nowak withdrew the recommendation due to previous discussion.

**Regarding whether witnesses making comments should be limited to two minutes:*

Ms. Nowak withdrew the recommendation due to previous discussion and recommendation.

**Regarding whether there should be a "pre-signup" sheet outside the committee room with names and addresses of those prepared to speak for or against the license and whether only legal representatives or law enforcement should be allowed at the table while others stand at the microphone:*

The task force voted unanimously in favor of the recommendation. (Mr. Morics excused)

**Regarding whether the method by which the BOZA schedules and conducts hearings should be explored with special attention given to the scheduling of contested versus non-contested items, the time the meetings begin and the time limits placed on supporters and opponents of the applications:*

Ms. Grill explained that the agenda for the Licenses Committee is scheduled by aldermanic district, which means applicants for non-contested items are required to wait for hours to have their non-contested applications heard after contested items that may require a lengthy amount of testimony. Additionally, if items that are expected to have neighborhood testimony are scheduled earlier in the day, it is more difficult for neighbors to attend the meeting.

Mr. Butler said that the issue of time limits had already been discussed. He also asked if this area is potentially subject to abuse and whether it should be considered by the task force.

Ms. Grill said that if the focus is to be taken off the local council member making their recommendations in relation to applications it is also necessary to give neighbors more ability to weigh in on applications, so it is indirectly related to the goal of the

task force.

The language of the recommendation was amended. Therefore;

**Regarding whether the method by which the BOZA schedules and conducts hearings should be explored by the licenses committee with special attention given to the scheduling of contested versus non-contested items, and the time the meetings begin:*

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

SUBSTANTIVE ISSUES

**Regarding whether PA-33s are good or bad tool for the committee:*

Ms. Nowak withdrew the recommendation due to previous discussion.

**Regarding whether the council should develop a uniform procedure for the consideration of various types of police reports, police summaries, and PA-33s, including verification of the items contained within the reports, and access of the reports by the applicant prior to the hearing:*

Mr. Butler withdrew the recommendation due to previous discussion.

**Regarding whether greater attention should be paid to the "business plan" of the applicant; whether there should be a requirement that the applicant have the resources to follow the plan; and whether the issuance of a license and occupancy permit should be conditional on fulfillment of the business plan:*

Mr. Lump said that this would be a way of putting some order into the licensing procedure with regards to who get the licenses and what the use of the licensed property is going to be. He said applicants should be held accountable for how the applicant ends up running their businesses.

The task force voted unanimously in favor of the recommendation. (Mr. Morics excused)

**Regarding whether the council should adopt a uniform procedure for requesting concentration maps as part of the application process:*

Mr. Butler withdrew the recommendation due to previous discussion.

**Regarding whether greater weight should be given to police reports on problem buildings and whether there should be greater care exercised in order to determine that the applicant is not "fronting" for the problems of the previous owner:*

Mr. Lump clarified that the recommendation deals with applicants that act as the face of an establishment while a previous owner that had problems at the establishment acts as the real operator of the business. Mr. Schrimpf said that state and local laws currently prohibit this kind of arrangement.

Ms. Grill asked if the recommendation means that the history of an establishment should be considered when a new application is filed for a previously-licensed location. Mr. Butler said that would be part of the intent of the recommendation.

Mr. Schrimpf said that if consideration of the premise report by the Licenses Committee is put in the ordinance it would stand up to legal challenges. He said that he would err on more information being provided to the Licenses Committee than less.

Mr. Butler said that the second portion of the recommendation is already covered by state law and local ordinances and he proposed changing the language of the recommendation. Therefore;

**Regarding whether police reports on problem buildings should be considered by the Licenses Committee:*

Mr. Butler said this would take the decision to introduce evidence of past problems at establishments out of the hands of the local council members. The Licenses Committee would then decide how this information would impact a license application.

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

**Regarding whether council members should be able to express objective opinions on licenses to be issued in their district:*

Mr. Lump withdrew the recommendation due to previous discussion.

**Regarding whether a council member should not be allowed to suggest appropriate action once a hearing is scheduled:*

Mr. Lump withdrew the recommendation due to previous discussion.

**Regarding whether, in the case of a new license being granted in an area that has within the past three years been deemed concentrated, specific reasons outlining why the license should be recommended for granting despite being located within the concentrated area must be presented to the committee and made part of the motion to recommend approval of the license:*

Ms. Grill withdrew the recommendation due to previous discussion.

**Regarding whether the committee should be allowed to consider the actions of prior owners of a business at that location:*

Mr. Butler withdrew the recommendation due to previous discussion.

**Regarding what weight should be given to citizen testimony in determining approval or disapproval of a license application:*

Mr. Schrimpf said that there should be something in place to make sure that all citizen testimony is given equal weight.

Mr. Butler withdrew the recommendation due to previous discussion.

COMMON COUNCIL DELIBERATION

**Regarding whether council members and applicants should be required to keep records of "behind the scenes" contacts:*

Mr. Schrimpf said that the recordkeeping of communication between the council member and the applicant for a license that the council member is in opposition to could be presented at committee as evidence of the applicant's cooperation towards resolving issues or lack thereof.

Ms. Grill asked whether the recommendation is referring to all communication or just communication relating to the license application. Mr. Butler said that the issue is complicated because there are multiple communications that could take place between an applicant and a council member. The communication may not directly relate to the pending application but based on the nature of the communication that takes place, the net result of that communication could make it easier or more difficult for that application to be processed.

The task force members skipped forward to the recommendation by the City Attorney's office regarding this issue because it encompasses what other recommendations on this subject were attempting to address:

Regarding whether Chapter 90 should be amended to require that applicants (new and renewal) summarize and document any contacts that they have had with Council members during the time of their initial or renewal application, whether consideration should be given to requiring Council members to prepare the same documentation and whether the documentation should be available to the public and the Licenses Committee.

Mr. Butler said that documenting every interaction between council member and applicant may not be necessary, but if the interaction relates directly to the status of the application it should be documented.

Mr. Lump suggested adding language that refers to communication that is directly related to the license application. Therefore;

**Regarding whether Chapter 90 should be amended to require that applicants (new and renewal) summarize and document any contacts relevant to the license or renewal that they have had with Council members during the time of their initial or renewal application, whether consideration should be given to requiring Council members to prepare the same documentation and whether the documentation should be available to the public and the Licenses Committee.*

Ms. Grill asked if an applicant's failure to comply with the documentation requirement would be taken into consideration against his or her license or application. Mr. Schrimpf said that real issue would be public disclosure of this failure, which he did not believe would result in the revocation of an existing license or anything similar. Mr. Butler asked Mr. Schrimpf if a lack of compliance with requirements dictated by Chapter 90 could be grounds for denial or revocation if the Licenses Committee decides to consider it.

The task force voted 7-1 in favor of the amended recommendation. (Ms. Grill voting "no", Mr. Morics excused)

**Regarding whether all communications between any council member and any applicant for a new or renewed license be required to be placed on the record, with outside lobbying of any council member also placed on the record:*

and;

**Regarding whether council members and applicants should be required to keep*

records of "behind the scenes" contacts:

Mr. Lump and Mr. Butler withdrew the recommendations due to previous discussion.

**Regarding whether the council should create a right to appeal the denial of a new license application to the entire council when a council member recommends that denial and the Licenses Committee agrees with the recommendation:*

Sgt. Ulickey clarified that there is a one-year wait before re-applying for a license if denial is based on a police report, not fitness of location or overconcentration.

Mr. Lump asked about the practicality of allowing new applicants to make an appeal to the Common Council.

Mr. Schrimpf said that there are different standards for due process when a license is being renewed, which is why an applicant for a renewal of a license is allowed to appeal to the Common Council. Sgt. Ulickey said that since having a license is a privilege, property rights should not hold extra weight.

City Clerk Ron Leonhardt at the table. He asked if the right to appeal to the Common Council is dependent on whether a denial is recommended to the Licenses Committee by a council member. He also asked if the recommendation applied to establishments only.

In consideration of these questions, the recommendation was amended. Therefore;

**Regarding whether the Common Council should create a right to appeal the denial of a new licensed establishment application to the entire council when the Licenses Committee makes the recommendation:*

The recommendation was adopted on a 6-2 vote. (Ms. Grill and Mr. Schrimpf voting "no", Mr. Morics excused)

**Regarding whether a council member should be precluded from voting on a license application if the council member or a family member submits the application:*

Ms. Grill said that the recommendation should be removed from the entire licensing process, not just the voting. Mr. Butler said that the council member could not be excluded in the process if he or she initiated the process with an application.

Sgt. Ulickey asked if a council member can apply for an alcohol beverage establishment license.

Mr. Leonhardt at the table. He said that the Ethics Code prohibits council members from taking any action as a council member that would benefit them financially. The code also applies to family members of council members or any organization in which a council member has a substantial interest.

Mr. Butler withdrew the recommendation since the issue is addressed by the Code of Ethics.

RENEWAL

**Regarding whether renewals where the premises have current year police reports or warning letters should be reviewed by the chair of the Licenses Committee or the entire Licenses Committee:*

Mr. Butler withdrew the recommendation due to previous discussion.

A discussion point was presented to the task force:

Should tavern owners be held more or less accountable for what happens on and/or near their premises, even if there is no showing of wrongdoing by the businesses:

Mr. Brennan away from the table at 11:50 a.m.

Sgt. Ulickey said that the current committee gives the proper weight to those instances in which incidents did not occur inside the establishments and to the reactions of the licensees to the incidents.

Mr. Butler is concerned about situations in which a bad element decides that it prefers to patronize a location that is being operated according to the law and responsibly by the licensee.

Ms. Ferguson said that her concern is the weight that is given to the actions of patrons that occur after the patrons leave an establishment.

Mr. Butler said that this issue is presented as a discussion point to see if the task force had a position as to the accountability of licensees, not as a recommendation.

REVOCATION

**Regarding whether a streamlined revocation process could be developed:*

Mr. Butler withdrew the recommendation due to previous discussion.

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

The next scheduled task force meeting is Wednesday, March 18th at 1:30 p.m. The public hearing will be rescheduled at that time.

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

The agenda will consist of a completion of the discussion of the recommendations, the scheduling of the evening hearing, and the agenda of the evening hearing.

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

The next scheduled task force meeting is Wednesday, March 18th at 1:30 p.m.

Meeting adjourned at 12:03 p.m.

Staff Assistant Tobie Black



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**

**Staff Assistant, Tobie Black (414) 286-2231
Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov**

Wednesday, March 18, 2009

1:30 PM

Room 301-B, City Hall

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



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**

**Staff Assistant, Tobie Black (414) 286-2231
Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov**

Friday, April 24, 2009

10:00 AM

Room 301-B, City Hall

Meeting commenced at 10:09 a.m.

Present 9 - Morics, Schrimpf, Grill, Brennan, Ulickey, Butler, Ferguson, Lump and Nowak

1. Review and approval of the minutes of the March 18 and April 16 meetings.

Meeting minutes were approved as written.

2. Proposal of a correction to recommendation number four on page five of the recommendations.

Sgt. Ulickey proposed adding the language "this review should be entirely separate from the consideration of any written objections on file with the License Division" to recommendation number four. This language was previously approved during the February 23rd meeting.

The task force voted unanimously in favor of the amendment to the recommendation.

3. Discussion of additional written comments submitted in writing by members of the public.

The chair thanked the members of the public for their written input.

Mr. Schrimpf addressed a comment from Keith Stanley, Mainstreet Manager of the SoHi district, regarding the plans of operation that are proposed by applicants and whether applicants should have to provide proof of whether they have the financial resources to be able to put their business plans into effect.

Mr. Morics said that small businesses have to deal with a number of different variables. He suggested that there be some kind of surety requirement or performance bond with the plan of operation to ensure that the applicants follow through with a business plan that may have an effect on whether their licenses are approved.

Mr. Lump said that recommendation number fourteen addresses this concern in part.

He also said that there is a chance that a tavern could promise to serve food as a restaurant when it is financially able, but then decides not to serve food because of increased cost of doing so. A neighborhood could have supported a license application in hopes of having a restaurant that does not ever manifest itself.

Mr. Brennan said that it might be beneficial for the minutes of the meetings to be attached to the recommendations that are submitted to the Common Council. The chair agreed with this suggestion.

The task force voted unanimously to include appendices to the report and recommendations that includes the written testimony of the public, and minutes of the meetings, including the public hearings.

4. Final discussion of the preliminary report and recommendations of the Alcohol Beverage Licensing Task Force.

Mr. Morics suggested that the task force adopt the process used by the Common Council of asking the members if anyone had any specific items they wanted singled out from the report for consideration. Mr. Butler agreed.

Mr. Butler asked the task force members if any member wanted a specific item discussed. The answer was no.

The task force unanimously agreed to submit the Report and Recommendations to the Common Council in its amended form.

5. Remarks by Common Council President Willie L. Hines, Jr.

Common Council President Willie Hines, Jr. at the table. He thanked the task force members for their service and thanked Justice Butler in particular for chairing the task force.

Ald. Hines said that all the recommendations will be considered seriously by the Common Council.

Mr. Butler thanked Ald. Hines for his support of the task force and his allowance of the task force to work freely. He also thanked the members of the task force for taking the time to serve on the task force and expressed appreciation for the input of the public.

Mr. Butler also said that the task force tried to adhere to the charter of the Common Council and thanked the members of the Common Council for their cooperation.

Mr. Morics publicly commended the Chair for his service to the task force and keeping it on task.

Mr. Butler also expressed his appreciation of City Clerk Ron Leonhardt for his assistance, as well as the staff of the task force.

*Meeting adjourned at 10:47 a.m.
Staff Assistant Tobie Black*

APPENDIX C

**Minutes of the public hearings of the Alcohol Beverage
Licensing Task Force.**



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**

Staff Assistant, Tobie Black (414) 286-3790

Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov

File Specialist, Joanna Polanco, 286-3926, E-mail: jpolan@milwaukee.gov

Thursday, December 11, 2008

7:00 PM

Room 102, Frank P. Zeidler Municipal Building
841 N. Broadway

Meeting commenced at 7:02 p.m.

Present 9 - Morics, Schrimpf, Grill, Brennan, Ulickey, Butler, Ferguson, Lump and Nowak

1. Introduction of members and opening remarks, Chair Justice Louis Butler.

Chair Butler made short opening remarks regarding the purpose of the Task Force. Members introduced themselves.

2. Comments from neighborhood organizations and business organizations about the process by which the city licenses Alcohol Beverage establishments. Suggestions for changes in the licensing process or input on its adequacy are also requested.

Larry Kress, Greenwich Village Association and the East Side Business District. He said that the notion of aldermanic influence has always bothered him. He said that representatives from the City Attorney's office, the Fire and Police Commission, the Mayor's office and the Department of City Development should be involved in the licensing process. Mr. Kress said that would be a good representation of departments affected by the licensing process and that it would make the process harder to circumvent.

Bob Greene, Executive Director of the Merrill Park Neighborhood Association. He said that alcohol establishments have contributed to the decline of the quality of life in the area. He also said that beer and convenience items became more prevalent in small stores, and grocery stores became convenience stores since selling beer was more profitable.

Mr. Greene mentioned a candy store that tried to sell alcohol and said that it highlights the necessity for strict guidelines for getting an alcohol beverage license. He also suggested a cap on the percentage of total sales that alcohol can account for at convenience stores, such as twenty percent.

Mr. Greene also said that there should be more diligence in the Health Department and that there should be penalties for convenience stores that violate the health code. He also said that tavern owners should be held more accountable for what happens in their businesses and with their patrons and that he doesn't think that council members have clear guidance in the ordinances to make decisions on alcohol licensing.

Carey Flowers, Thurston Woods Block Watch Association. He said he would like to see more support for community opposition to bad businesses and that the community works very hard to create a nice environment and is hurt by problem businesses, which are bad neighbors.

Justice Butler asked if the organization could put the proposed changes or thoughts in writing. Mr. Flowers said that organizations have been told that it is hearsay if someone does not appear in person at the Licenses Committee meeting. Mr. Flowers also said that a PA33 (a detailed police report filed after police contact with an establishment) from the police should be mandatory if there is any police contact with a business.

Craig Berry, Metro Milwaukee Entertainment Association. He said that police presence should be applied equally to all alcohol beverage establishments. He also said that Water Street gets overwhelming support from the police, but the North side clubs and taverns do not get the same police support.

Mr. Berry said that was once of the principal owners of the Matrix nightclub and was an owner of Club Escape. He said that PA33s can be the death of a business, even though he said he does not think that it was meant to be that way, and he said that the PA33 can be abused and gives a police officer too much power.

When it comes to aldermanic influence, Mr. Berry said that an application can be delayed by a council member. He also said that there is no consistency in how many neighbors the council member decides to notify when an application is filed.

Mr. Brennan asked Mr. Berry if there is a reasonable time frame in which the license would be processed and scheduled for committee. Mr. Berry said that his alderman, Ald. Hamilton, suggests that applicants meet with neighborhood groups before the application can be scheduled. But Mr. Berry said that sometimes neighborhood groups don't meet often or that meetings don't occur between the applicant and the neighborhood group, which delays the application. He said that thirty to sixty days is a reasonable amount of time after the police report has been completed.

3. Comments from the general public regarding its knowledge of the Alcohol Beverage licensing process and its perception of the process. Suggestions for changes in the licensing process or input on its adequacy are also requested.

Thomas McNeil, business owner and property owner. He said that the council members have the attitudes of dictators or "kings of the district" and that they forget that they are here to help business owners. He said that the council members seem intent on destroying businesses instead of helping them thrive.

Mr. McNeil said the system could be improved by not putting so many unjustified responsibilities on the business owners. He thinks the police should try to help the businesses to thrive.

Mr. McNeil also said that thirty days from the completion of the police report, an application should be scheduled for the Licenses Committee.

Mary Harrell, owns a tavern at 4106 W. Lisbon Avenue and has been in business almost seven years. When it comes to PA33s, she said that they are used against the business owners even though they are not always true or verified.

She said that Licenses Committee hearings should not be televised and that during the committee meetings, committee members talk down to applicants and demean them.

Ms. Harrell said that an applicant should not be judged on the actions of the previous owner of a tavern and that the public should have real issues when they come before the committee to object to a license, not superficial ones like parking problems. She said that she was previously suspended because of neighbor complaints about parking.

She also said that people who own bars should not be discriminated against just because they sell alcohol and that personal opinions of committee members should not be aired at committee meetings.

Guillermo Rodriguez, owns a business at 1135 W. Lapham Street. Sylvia Rodriguez, his wife, with him at the podium as translator. He said that when a business owner loses a license due to problems at a liquor establishment, sometimes someone else will get a liquor license for the person, but the person who was running the business previously and lost their license continues to run the business. He asked if there can be a stipulation that if a person is listed as the agent or individual on an application, that person has to spend a certain amount of time on the premises. He also said that he sees people applying for licenses as restaurants, when in reality they are really nightclubs that don't sell food at all.

Mr. Rodriguez said that he doesn't have a lot of problems at his bar because he is almost always at the establishment and he said that if a business is managed properly, there will not be problems.

Craig Berry, back at the podium. Mr. Berry asked Sgt. Ulickey if a PA33 should be filed in all instances of police contact, such as underage drinking and disorderly conduct. Sgt. Ulickey said yes. Mr. Berry then pointed out that Summerfest doesn't receive any PA33s despite all the incidents that occur there.

Carey Flowers, back at the podium. He said that the PA33 really kills businesses because they are not interpreted in the way they are intended. He said that there should better education for police officers about the impact of PA33s on businesses. He also said that the neighbors are the people directly affected by bad businesses and that if a business is bad neighbor, the licensing process is effective in getting rid of the bad neighbor.

Archie Brown, back at the podium. He asked why an age limit has anything to do with alcohol licensing. He agreed with Mr. McNeil in that no one can predict what any person could do in his or her establishment, so age should not matter. He said that certain components of a license, like age and music, should not have any bearing on whether a license is granted.

Obiora Obi, business owner. He said that PA33s can be abused depending on the license location and that police officers should do more investigating before PA33s are filed. He also said that the police department's Tavern Squad, which checks for violations at taverns, is rude to patrons when it comes to check for problems.

Mr. Brennan said would like to look at a PA33 and see how it is involved in the licensing process. Ms. Grill pointed out that what is read at committee is not a PA33 but is a summary of the PA33s on an establishment's record.

Sgt. Ulickey said that there might be follow-up after a PA33 is issued, but a simple PA33 may be the beginning and the end of an investigation.

Sylvia Rodriguez, wife of business owner Guillermo Rodriguez, was a sergeant for the Milwaukee County Sheriff's office. She asked if business owners are notified when and if they receive a PA33. She also said that the committee has to be careful about how much weight the testimony of neighbors is given. Ms. Rodriguez said that all the liquor regulations for alcohol beverage licenses, like restrictions on from where alcohol can be bought, are not given to applicants when they apply for a liquor license.

Thomas McNeil, back at the podium. He said that censorship is happening at the committee level. He said that if certain types of music are indicated on the application, like hip-hop, it puts up a red flag to the committee and that there is a penalty if a certain type of music is being played in the business that was not listed on the application or if the clientele is younger than the age limit listed on the application. He said that fines being imposed in lieu of suspensions are preferable because suspensions are too devastating to businesses.

Mr. Scrimpf asked Mr. Berry if the organizations to which he belongs have made any suggestions to business owners as to how they can defend themselves with regards to certain activities, such as underage patrons trying to enter a bar. Mr. Berry said that his organization did cover some things, like obtaining ID scanners.

Mr. Schrimpf asked if Ms. Harrell belongs to an association. She said that she does not belong to any business organization.

Chair Butler mentioned the date of the next meeting of Task Force but clarified that it will not be a public hearing.

Meeting adjourned at 8:45 p.m.



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**

**Staff Assistant, Tobie Black (414) 286-2231
Fax: (414) 286-3456, E-mail: tblack@milwaukee.gov**

Thursday, April 16, 2009

7:00 PM

301-B, City Hall

Meeting commenced at 7:07 p.m.

Present 9 - Morics, Schrimpf, Grill, Brennan, Ulickey, Butler, Ferguson, Lump and Nowak

1. Introduction of members and opening remarks, Chair Justice Louis Butler.

The chair introduced the task force members. He thanked the task force members for their work and reminded the audience that the recommendations are preliminary.

2. Comments from the general public on the proposed recommendations made by the task force regarding the city's alcohol beverage licensing process.

Keith Stanley, Mainstreet Manager for the SoHi District and a resident of the Sherman Park area. He said that many of his concerns have already been addressed by the task force in its recommendations. He recommended better access for the public to information on when hearings are taking place and mentioned that one has to search through the city's website to get meeting information. He was also in favor of pre-meetings with applicants, residents and council members to avoid some discussions that take time during license meetings. Mr. Stanley also said that there should be a way that the community could give input on the issue of concentration, which is a big problem in the area in which he works, which is an area in transition.

Thomas McNeal, previous alcohol beverage licensee, at the table. He said he agrees with the recommendation for time limits for people testifying, and that testimony from supporters and objectors should be taken into account equally. He also said that the testimony at committee should be based on what's in the actual notice only and should not contain unsubstantiated claims by objectors. He said that the committee uses some testimony without proof against applicants.

He also agreed with expanding the radius for notification of neighbors, but he was not in favor of people who live miles away from the license location giving testimony, including neighborhood organizations that usually oppose liquor licenses.

John Shelton at the table. He mentioned a situation involving AK Food Mart, in which a license was approved by committee but then returned to committee and later denied due to concentration, occurred.

Sharon Ward, representing a small south side bar call Warski's, at the table. She thanked the task force members for their work and said that she would like the recommendations to spell out clearly and concisely what the changes to correct policies will be or could be. Ms. Ward also said that she hopes that

recommendations for any changes in the procedures for applying for alcohol beverage licenses are made available to the public so that it can respond to them.

Parshotam Singh, proprietor of AK Food Mart, at the table. He said that there was a long delay in the scheduling of his application and that other liquor licenses have been approved in the area of his store even though he was denied due to concentration. He said that he read the recommendations and that he appreciated them.

Darren Deboe, current licensee, said that he hopes that some positive things can come out of the task force recommendations and that there has been concern over the years from applicants over treatment at the committee meetings. He also said that he believes that aldermanic privilege does exist with regards to the Licenses Committee and that some applicants feel they are "dead in the water" if the local council member does not support the license. Mr. Deboe said that one individual should not have that kind of power over something as special as the privilege of holding a license.

Mohammed Chaudury, a restaurant owner who held an Extended Hours license, at the table. He said that the committee members should be current or former small businesspeople so they can have a better perspective on the issues that face the licensees and applicants.

Mr. Shelton asked to ask one more question, which was allowed by the chair. He asked how the Licenses Committee could approve licenses for some and not others. Mr. Butler said that the question is beyond the scope of the task force, but that the task force has made recommendations to try to address those kinds of concerns.

*Meeting adjourned at 7:33 p.m.
Staff Assistant Tobie Black*

APPENDIX D

**Written statements presented to the Alcohol Beverage
Licensing Task Force.**

MICHAEL J. MURPHY

ALDERMAN, 10TH DISTRICT

City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

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CHAIR:

- Finance & Personnel Committee
- Milwaukee Arts Board
- Housing Trust Fund Advisory Board
- Employees' Retirement System Investment Committee

MEMBER:

- Zoning, Neighborhoods & Development
- Steering & Rules Committee

November 20, 2008

Dear Justice Butler,

Thank you for chairing the Alcohol Beverage Licensing Task Force. Your presence and leadership on the committee ensures its quality, competence and thoroughness. The State of Wisconsin has entrusted the alderpersons of the City of Milwaukee with great regulatory power over alcohol licenses. It is essential that this power is not misused or exercised through an opaque process. Recommendations from your committee will undoubtedly help to restore the integrity of the alcohol licensing process. As the senior member of the Common Council, I respectfully submit recommendations for your committee to consider.

I receive several contacts weekly from prospective alcohol beverage licensees. A significant number of these applicants wrongly believe that the local alderperson possesses the power to grant or deny their application. Because of their misunderstanding, I am put in the awkward position of telling these applicants that I do not support their license application, but that they are entitled to a hearing before a committee constructed of my peers. It is important that the License Division provide these prospective applicants with an informational sheet that details their rights throughout the licensing process. This "Bill of Rights" could succinctly inform applicants of what they should expect throughout the licensing process.

Another important aspect of the application process is the information that the Licenses Committee receives from the Milwaukee Police Department. The details of police activities at a location are perhaps the most significant contributors to the decision to not renew an alcohol beverage license. It is crucial that the information given to the committee from the police department presents information that meets the special needs of the committee. A police report that provides detailed information on the role of the representative of the alcohol beverage establishment during a police visit would help the committee to fully understand the responsiveness of the establishment.

In renewing, suspending or revoking alcohol beverage licenses, developing objective standards would assist the Common Council. Creating a point system as an enforcement mechanism for these unbiased expectations would be a positive step. The Common Council would determine the point values for certain offenses. Based upon convictions, establishments would receive demerit points. When these points reached levels set by the Common Council, this would trigger a mechanism for the revocation or suspension of the license. This point system could be enacted with a provision that ensured the ability of the Common Council to use its discretionary power.

No matter what suggestions your committee might formulate, I trust that you will find recommendations that, if enacted, will restore public confidence in the licensing process. If I can lend support in any way, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael J. Murphy'. The signature is fluid and cursive, with the first name 'Michael' being the most prominent.

Michael J. Murphy
Alderman, 10th District

December 9, 2008

Thank you for the opportunity to provide input in the discussion regarding how the city hears licensing renewals for Class B liquor licenses. As a fourteen year veteran holding several licenses, I have been witness to, or participated in, the hearing of dozens of renewals—from mini marts to night clubs to a couple of my own properties.

I would like to preface my comments with the statement that I strongly believe in the process and feel it is absolutely necessary to be vigilant in ensuring that holders of these licenses act responsibly and are accountable for their actions. As the owner of several taverns and restaurants in Milwaukee, I take pride in ensuring the safety of my employees, my customers, and my neighbors through acting responsibly.

As I contemplate the desire to make the system work more efficiently and more effectively, I reflect upon these past experiences. I think the largest problem is with an adherence to some set of procedural rules for the committee itself. Hearings tend to stray off topic, contain irrelevant testimony, and usually run over. The scope of commentary by the committee as well as testimony of participants often seems undefined.

The roles of committee members can seem nebulous as well. Oftentimes, members are visibly distracted, not listening, or excuse themselves mid-stream. The decorum in general is very inconsistent and loose—from joking with participants to hand-of-God admonishments or random monologues about everything from architectural style to the economy and culture. I have also consistently witnessed the allowance of irrelevant testimony, baseless accusations, and anecdotal evidence by complainants that have gone unchecked by the committee or the City Attorney.

Aside from procedural decorum issues, there seems to be a need for some type of vetting process for complainants and their statements. In order to save time, money, and the energy of the committee members, there absolutely must be a procedural review for citizens who intend to come to committee with their complaints. This would better serve the process, protect the taxpayers, and provide fairness to license holders.

My suggestion is to provide a standard form for review that must be approved by the committee prior to setting a hearing. Items to include: proof of residence, proof there is a real problem, (more than one complainant), a mechanism to prevent repeated annual visits if rulings have been made in favor of license holders (unless there is a *new problem*), and an affidavit to fill out demonstrating intent to attend the hearing.

This form could prevent much of what is currently bogging down the system and inconveniencing everyone from committee members, licensees, and witnesses. Oftentimes, there is little more than a personal dispute that can be resolved by other means. I know first hand, that occasionally the complainant does not attend the hearing and everyone is told they can leave.



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It is that license holders deserve a better notification (legal representation) are not allowed and absence from the hearing jeopardizes a renewal, the current notification process is completely unfair. A form letter arrives just a few days prior to a hearing date announcing mandatory attendance. If a license holder is out of town or on vacation, that could be disastrous.

Furthermore, the notice itself is vague and does not provide much of the information a license holder needs. It does not describe in the complaint in exact detail or who is making the complaint. The verbiage of this notification letter is offensive in its broad strokes-- suggesting that a license-holder is responsible for acts ranging from public urination to destruction of property-- even if that has nothing to do with the complaint.

The Task Force should also focus on ways to implement a consistent set of suspensions and revocations. I do realize that much of what the committee is forced to decide is subjective, but I have seen such wild vacillations in "sentencing" that it has cast a shadow on the credibility of the committee to be able to make good judgments.

Yes, license holders absolutely must be held responsible, but so too, should the committee be expected to act responsibly. For many of these small business owners, this license is their livelihood—losing it, even for a two-month suspension, could be a death blow. Inconsistent judgments that can seem arbitrary-- based on everything from the mood of a committee member to the license holders' inability to communicate well in English-- need to come to an end. There simply must be a detailed guideline for irresponsible use of beverage licenses.

Again, I would like to thank you for the opportunity to express concerns with the system. I hope my comments help in some way and would be happy to offer follow up if need be. In my opinion, this review is long overdue. Best of luck to you and the task force.

Sincerely,

Mike Eitel
Diablos Rojos Restaurant Group

STRONGER CRITERIA FOR LICENSING GROCERY STORE A & B ALCOHOL SALES

BY

BOB GREENE, MERRILL PARK NEIGHBORHOOD ASSOCIATION

December 11, 2008

Being a Resident of the Merrill Park Neighborhood for 50 Plus years and a member of the Neighborhood Association for 25 of those years, I have had the unique opportunity to witness firsthand the changes in State Statutes and Local Licensing Ordinances that have contributed to the decline in the Quality of Life of our neighborhoods throughout the City.

To see a neighborhood where once SEVEN different grocery stores operated profitably and NONE sold any type of alcohol. We had ONE Liquor Store – Stapleton's B&B Beer Depot.

Then came the seventies and eighties where Large Box Grocery Stores began to proliferate and State Law and Local Ordinances were changed to allow Grocery Stores to sell beer and Spirits also, as a convenience to shoppers using these larger format stores. This applied to all stores selling food.

Smaller, neighborhood stores could not compete with the volume pricing that bigger stores could enjoy by buying in larger quantities. With Beer having a high profit margin, these smaller stores began selling more beer and convenience items to the point that groceries became a smaller sales percentage than the beer and convenience items. In effect, these grocery stores became Convenience Stores.

Crack and Gangs became an ever increasing presence in the city and these "Convenience Stores started to focus on drug paraphernalia, chips and beer as their main items to sell. The Gangs and Drug dealers began to claim the areas around these stores as their "Turf" to sell drugs and recruit area youths to become soldiers to expand their Turf.

Drug Houses and Prostitution began to locate around these stores for Users to go and smoke their weed or crack and to also be close to their source. Rival Gangs began fighting for the "Choice Stores where high volume sales were happening. We even had an applicant apply for a Beer License for a Candy Store he was trying to open in a former Barber Shop at 234 N. 35th St.

I could go on in more detail, but I believe that I am telling you what you are probably already aware of, and I want to underscore this Statute change that I like most feel was the cause of many of the problems that our communities face.

I ask that you consider the following suggestions in strengthening the parameter in which to receive a Liquor license

1.

**Pg. 2 STRONGER CRITERIA FOR LICENSING
GROCERY STORE A & B ALCOHOL SALES
BY
BOB GREENE, MERRILL PARK NEIGHBORHOOD ASSOCIATION
December 11, 2008**

- **Beer/Alcohol cannot be more than 25% of store sales**
- **Citizen testimony given a greater weight in determining approval/disapproval of License**
- **Criminal incidents from prior year(s) and prior owners to new applicant and (renewal) current owners be held more accountable for citations/Police Calls in and around their sphere (store perimeter) of influence.**
- **More diligent of the Health Inspection process in determining License viability to proceed.**

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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DANIELLE M. BERGNER
Assistant City Attorneys

March 17, 2009

Honorable Louis Butler
c/o Tobie Black
License Division
City Hall, Room 105

Re: Suggestion for Alcohol Beverage Licensing Task Force

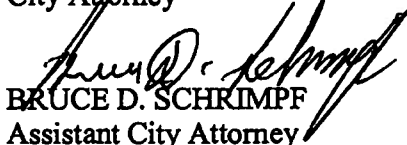
Dear Justice Butler:

In addition to the previous suggestions we have made regarding bringing more transparency to the processing of alcohol beverage licenses, we believe that it would be the best practice for Licenses Committee members to refrain from making indications of support or opposition to any new license application or renewal. However, if a Licenses Committee member does present relevant facts to the Committee, then we recommend that this member should abstain from voting on this matter at the Committee. This would not preclude that member from voting on the matter when it comes before the full Common Council.

The basis of this recommendation is two-fold. First, there is due process and the need to have the Licenses Committee recommendation free of any hint of pre-judgment or bias. Second, since the concept of aldermanic privilege has received considerable attention, we believe that alderpersons refraining from openly opposing or supporting a license and voting on the license in Committee will alleviate the appearance of aldermanic privilege.

Very truly yours,


GRANT F. LANGLEY
City Attorney


BRUCE D. SCHRIMPF
Assistant City Attorney

BDS:wt:143058

OFFICE OF THE CITY ATTORNEY
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April 17, 2009

Alcohol Beverage Licensing Task Force
City Hall, 200 E. Wells Street
Milwaukee, WI 53202
(414) 286-2221
(414) 286-3456

RE: Feedback on the Preliminary Report and Recommendations & Follow-up to April 16th, 2009 Public Hearing

Justice Louis Butler, Task Force Chair:

I commend the efforts by the Alcohol Beverage Licensing Task Force (ABLTF) in developing the 22 recommendations. It is in my opinion, that the recommendations show fairness for both potential and current licenses holders and the Licenses Committee.

As a follow-up to my comments made at the April 16th Public Hearing, below is a list of concerns, suggestions and feedback based on the recommendations made by ABLTF.

- **AWARENESS:** ABLTF has recommended that a pamphlet be created and published for licenses renewal application. ABLTF has also recommended an increase of 500 feet for notices.

I would also suggest **that hearing dates are published** and listed in all Licenses Committee promotional materials including **websites and the City of Milwaukee E-Notify system**. Information for the Licenses Committee **should be less than "two-clicks" away** from the City of Milwaukee home page on the internet.

- **CONFLICT RESOLUTION:** ABLTF has recommended that objections be substantiated in a form to be prescribed by the Common Council.

I would also suggest for contested hearings, **pre-meetings are scheduled with all involved parties** (license applicant, residents, Common Council and Police Department) to be held at the respective District Police Station. These meetings are to inform all parties of the objections and to decide if a written solution can be drafted to be presented at the licenses hearing.

- **HEARING SCHEDULES:** ABLTF has recommended that special attention be given to the scheduling of contested versus non-contested items.

I would also suggest that contested items have **hearing times that are conducive to the hours** (where applicable) of working residents, where residents have contested.

- **COMMUNITY INPUT:** ABLTF has recommended an increase of 500 feet for notices.

In recent years, communities have relied on the representation of the Common Council when supporting or denying a licenses applicant. Recommendations by ABLTF should **consider other ways communities are able to give input.**

For example, the Near Westside Comprehensive Plan adopted by the Common Council in 2004 details recommendations in revitalizing and improving the quality of life for communities. Such plans developed by many stakeholders should be a part of the “body of evidence” when the Licenses Committees is reviewing an applicant.

- **QUALITY BUSINESS OPERATIONS:** ABLTF has recommended the decision to schedule a renewal application be made administratively by the License Division and based solely upon information contained in a police summary. ABLTF has recommended that the Common Council establish criteria for determining when concentration is an issue based on land use. ABLTF has recommended that greater attention be paid to the “business plan” of the applicant.

From the start of the process to the license hearing, special consideration must be made on how applicants have maintained their business operations. Such “body of evidence” **should not be limited to police reports.** Licenses Committee should have the opportunity to review current business plans that address such issues as **code violations, security and façade treatment.**

Many licensed establishments within a few miles of City Hall for decades **have kept the lowest standards** for maintaining their property (see pictures).



Property located on 27th & Wisconsin continues to have code violations with little thought or care as to the aesthetics of the building or surrounding neighborhood.



The above liquor store located at 28th and Fond du lac Avenue has maintained a property and façade that includes trashy, old, scratched windows, exterior security grates, an over use of signage, a crumbling porch, broken fencing and host of other issues. Once again, not much consideration has been made on the aesthetics of the building or surrounding neighborhood by owner.

In keeping with quality business operations, City of Milwaukee **inspectors should inspect applicants' property** at a minimum of 60 days prior to a license hearing.

Such inspections are currently required by commercial and residential property owners and license applicant should have the same standards. Such "due diligence" by the City will help determine if applicant has operated as a quality business owner.

The Licenses Committee should consider concentration of liquor licenses where no other additional activity is taking place such as dining and/or entertainment. **Communities should not be seen as liquor depots** for the City of Milwaukee where the only available activity is to "buy liquor and stand on the corner to drink it".

I appreciate the opportunity to share my feedback, suggestions and recommendations to ABLTF. It is not my goal to either deter business within the City of Milwaukee or "pick a fight" with any future applicants including the businesses stated in this letter. However, it is my goal to inform ABLTF, Common Council President Willie Hines and the Common Council on ways to improve the Licenses Committee proceeding that neither limits or adds too much weight to the process.

Regards,

Keith S.
SOHI District Manager
manager@sohidistrict.org

Written comments from Thomas McNeal

it is important that the council take a good look at the way the license committee handles situations regarding people leaving businesses after closing. it is argued that business owners should have the power to control the actions of anyone who enters or leaves their establishment. my position is that adults are uncontrollable unless they want to be controlled. jails, prisons and other types of controlled environments are unable to stop adults in their care from acting badly..we are in most cases unable to control our children which in some cases leads to abuse of our children in order to gain compliance.

this unreasonable expectation alone is the major cause of mainly black and other non white owned liquor establishments being closed by the common council. when we ask, what should we do to control the adults who enter our businesses? the Chairman will respond that,"if i tell my kids to keep the noise down they vary well better." how does one tell adults who has kids of their own to act like good kids? Kids don't drink or attend these establishments, what are we to do?

regarding the plans of operations and whether they should be followed to the letter . in my experience i've found that the goal of most small businesses, large corporations and even cities and states is to move the business forward. now, to move a business forward does not always mean straight ahead. in other words deviation from the original plan is sometimes necessary in order to advance and move forward. if businesses are held to the letter of their original plans and punished when they make changes or if they find that the plan is not cost effective and do not implement. should they close their business? it is unreasonable to expect the average small business owner to predict what the future holds when no one else can.sometimes we have to make quick changes based on what's best for our business. give us a chance and time. sometimes it takes longer than a year but of course we can't make five year plans for business in the city of milwaukee. doing business in milwaukee is like being a minority head coach of the milwaukee bucks or the green bay packers, one year and out, right or wrong.

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 3, 2003

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 03-0199
STATE OF WISCONSIN**

Cir. Ct. No. 01CV010491

**IN COURT OF APPEALS
DISTRICT I**

H&H ASSAD, LLC,

PETITIONER-RESPONDENT,

v.

**CITY OF MILWAUKEE AND
RONALD D. LEONHARDT,**

RESPONDENTS-APPELLANTS.

**APPEAL from an order of the circuit court for Milwaukee County:
JEFFREY A. KREMERS, Judge.¹ *Reversed and cause remanded with directions.***

Before Wedemeyer, P.J., Fine and Schudson, JJ.

¹ The Honorable David A. Hansher presided over the petition for a writ of mandamus and entered the first order remanding H&H Assad's application for a Class "A" Liquor and Malt beverage license to the City of Milwaukee Utilities and Licenses Committee. The Honorable Jeffrey A. Kremers presided over the motion to compel and entered the order vacating the City of Milwaukee Common Council's denial of Assad's Class "A" Liquor and Malt beverage license application.

¶1 PER CURIAM. The City of Milwaukee and the City Clerk, Ronald D. Leonhardt (collectively, "the City"), appeal from the December 4, 2002 circuit court order vacating the Milwaukee Common Council's denial of H&H Assad, LLC's ("Assad") application for a Class "A" Liquor and Malt beverage license and remanding the application to the Utilities and Licenses Committee for further proceedings. The City argues, among other things, that "[o]nce the court concluded that there was an adequate basis for the action of the Milwaukee Common Council in denying this license, it had no choice but to affirm the Common Council." The City is correct and, therefore, we reverse the order and remand for further proceedings consistent with this opinion.

I. BACKGROUND

¶2 In 1999, Assad, d/b/a Parkside Liquor and Grocery, purchased the convenience store located at 2700 North Murray Avenue in Milwaukee and, on August 23, 2000, applied for a Class "A" Liquor and Malt beverage license.² The City of Milwaukee Utilities and Licenses Committee conducted a hearing on January 23, 2001. Despite neighbors' concerns about the concentration of liquor outlets in this residential area and the potential for problems resulting from an expanded liquor license for Assad, the Committee voted 4-0 to recommend granting the application and referred the matter to the Common Council. At the February 6, 2001 Common Council hearing, however, the alderman representing the district where Parkside Liquor and Grocery was located moved to remove the store from "the grant list as an applicant[]" for a Class "A" Liquor and Malt

² Assad had a Class "A" *Malt* license but was applying for a Class "A" *Liquor and Malt* license, which would have enabled it to operate a "full service liquor store."

license" and, after hearing additional argument, the Common Council voted 15-1 to deny Assad's application.

¶3 On September 7, 2001, Assad filed another application for a Class "A" Liquor and Malt license. When the City informed Assad that, under Milwaukee Code of Ordinances § 90-5-9-a,³ the application could not be acted upon until 2004, Assad petitioned the circuit court for a writ of mandamus ordering the Utilities and Licenses Committee to consider its new application. The City moved to dismiss the petition. At the hearing on Assad's mandamus petition, Judge David A. Hansher questioned the dramatic difference between the 4-0 vote to recommend granting the license by the Utilities and Licensing Committee and the 15-1 vote to deny the license by the Common Council and questioned whether "aldermanic privilege," rather than the merits, may have influenced the Common Council's action. Judge Hansher granted Assad's mandamus petition and ordered the Utilities and Licenses Committee to consider Assad's new application "without regard to the fact that such license application was denied previously by the Common Council." The City did not appeal that order.

³ Section 90-5-9-a, of the Milwaukee Code of Ordinances, states in relevant part:

DISQUALIFICATION

Whenever an applicant for a new license has had his or her application denied for a reason relating to the fitness of the location of the premises to be licensed, no other application for an alcohol beverage license for such location shall be recommended for approval by the utilities and licenses committee within 3 years of the date of the denial unless the applicant has demonstrated a change of circumstances since the prior denial.

MILWAUKEE, WIS., ORDINANCE § 90-5-9-a (1998). In this case, no "change of circumstances" is at issue.

¶4 Thus, on February 19, 2002, the Utilities and Licenses Committee held another hearing, again hearing testimony from neighbors opposing the application. This time, however, by a 4-1 vote, the Committee recommended denial of a Class "A" Liquor and Malt license for the location. On March 5, 2002, the Common Council, adopted the Committee's recommendation and voted to deny Assad's application.

¶5 On April 5, 2002, Assad returned to circuit court with a motion for a *de novo* hearing, claiming that the Utilities and License Committee's action was flawed and asserting that the evidence was insufficient to support the denial. On April 25, 2002, Judge Hansher, commented that the Committee "just can't turn on a dime with a ... wink and a nod based upon [the local alderman's] objections," and, on May 31, again remanded the matter, ordering:

[T]he Committee shall reconsider its recommendation denying Assad's license application. The Committee shall explain on the record the inconsistency between the Committee's votes and recommendation made after the first hearing and the Committee's votes and recommendation made after the second hearing, based on upon [sic] the evidence presented before it. Alternatively, the Committee shall modify its recommendation denying the license application to a recommendation granting the application to comport with the evidence before it.

Again, the City did not appeal.

¶6 Thus, on October 15, 2002, the Utilities and License Committee considered the matter a third time. In support of the denial, Alderman Jeffrey Pawlinski, Committee Chairman, read a prepared statement outlining the evidence, including testimony from Parkside Liquor and Grocery's neighbors, presented at the hearings on Assad's two applications. He did not, however, explicitly address what Judge Hansher's order termed the "inconsistency" between the Utilities and

Licenses Committee's initial 4-0 vote to recommend granting the liquor license and its subsequent 4-1 vote to recommend denying the license.

¶7 On November 18, 2002, Assad again challenged the denial by filing a motion for a hearing on what it alleged was the City's failure to comply with Judge Hansher's May 31 order. The City moved to dismiss the motion and requested that the court affirm the Common Council's denial of Assad's application. The case then came to Judge Jeffrey A. Kremers who, following judicial rotation, had inherited Judge Hansher's calendar.

¶8 Reviewing the motions, Judge Kremers declared, "I don't think there is any question there is enough information in the record to sustain a denial of the license." But Judge Kremers also observed that the "[p]roblem" was that the Committee had not been ordered to address the merits of the application but, rather, "to explain the inconsistencies." Therefore, he concluded, the Committee had failed to comply with Judge Hansher's order. Accordingly, in an order of December 4, 2002, Judge Kremers vacated the Common Council's denial of the application and remanded the matter to the Utilities and Licenses Committee to "particularly follow the dictates of the prior order of [Judge Hansher]."⁴ It is from that December 4 order that the City appeals.

II. DISCUSSION

¶9 "[T]here is no right to an alcoholic beverage license and ... the ultimate question of whether to issue such a license to a particular applicant is a matter of local concern." *State ex rel. Smith v. City of Oak Creek*, 139 Wis. 2d

⁴ The order also required the City to pay \$250 "as terms" to Assad's attorney.

788, 801, 407 N.W.2d 901 (1987). Granting or denying an application for a liquor license is a "legislative function." *State ex rel. Ruffalo v. Common Council*, 38 Wis. 2d 518, 524, 157 N.W.2d 568 (1968). "The reviewing court cannot substitute its judgment for the legal discretion of the Common Council on the merits of the application or review the adequacy of the grounds for its decision other than in the context of determining whether the action of the licensing authority was arbitrary, capricious or discriminatory." *Id.* at 525.

¶10 Absent arbitrary, capricious or discriminatory actions, the licensing authorities "are not answerable to the courts for their conduct and discharge of duties, but to the people who conferred the power upon them to regulate and control the liquor traffic and clothed them with the discretion to grant or refuse liquor licenses." *State ex rel. Boroo v. Town Bd.*, 10 Wis. 2d 153, 160, 102 N.W.2d 238 (1960) (internal quotation marks and quoted source omitted). Moreover, courts' concerns about legislative motives such as aldermanic privilege are "immaterial ... because the motives which actuate municipal authorities in performing an act within the scope of their power will not be inquired into by the courts in the absence of fraud, corruption, or oppression." *Id.* at 162.

¶11 On appeal, the parties present several interesting issues. The City, for example, argues that once the Utilities and Licenses Committee complied with the first mandamus order for a second hearing, the circuit court had no further jurisdiction. Assad responds, however, that the City, at several stages, failed to challenge jurisdiction, therefore waiving this argument, and, in any event, that the court had continuing jurisdiction by virtue of its inherent authority to enforce its order. The parties debate the standard of review on mandamus, the distinction between mandamus and certiorari, and the authority of the circuit court to intrude

into what otherwise would be a city committee's legislative function. Although these issues are intriguing, in this case they are moot.

¶12 "An issue is moot when its resolution will have no practical effect on the underlying controversy." *State ex rel. Olson v. Litscher*, 2000 WI App 61, ¶3, 233 Wis. 2d 685, 608 N.W.2d 425. Here, these issues are moot because their resolution cannot alter the undisputed fact that the record includes a sufficient evidentiary basis for the Common Council's denial of Assad's application for a Class "A" Liquor and Malt beverage license.

¶13 Neighborhood circumstances, including the location of other liquor outlets in the area, are among the proper considerations underlying a city council's discretionary determination of whether a liquor license is compatible with "the welfare of the community." *State ex rel. Edge v. Meyer*, 249 Wis. 154, 160, 23 N.W.2d 599 (1946) (citation omitted). Here, it is undisputed that the evidentiary record, including neighbor objections, is sufficient to sustain the Common Council's denial of the license.⁵ Thus, the Utilities and Licenses Committee's

⁵ At the October 15, 2002 Utilities and Licenses Committee hearing, Alderman Pawlinski summarized portions of the testimony, citing specific pages of the earlier, transcribed hearings:

Community neighbors have testified as to undesirable neighborhood problems. ... [T]his is an inappropriate location for a Class "A" Liquor and Malt license. Additionally, it will cause undesirable neighborhood problems as cited by Father Joe of St. Peter and Paul Catholic Church.

Father Joe also testified to litter. And Miss Kate Baldwin, a neighbor, is concerned about parking, loud noise between the hours of 11:00 p.m. and 4:00 a.m., as it relates to UWM students in the area, and unruly behavior by those students as it relates to the concentration issue.

(continued)

explanation of the difference between the 4-0 vote to recommend granting the application for the Class "A" Liquor and Malt license and 4-1 vote to recommend denying the application could have no impact on the controversy.

¶14 Judge Kremers found that the record provided a sufficient basis for the denial. Indeed, notwithstanding his concern over the compliance with Judge Hansher's order, he commented, "I don't think there is any question there is enough information in the record to sustain a denial of the license." Assad does not disagree. If the record provides a sufficient basis for a city council's denial of a liquor license application, a court, without inquiring into legislative motives, must affirm the denial. *See State ex rel. Boroo*, 10 Wis. 2d at 160-62. Thus, given the evidence supporting the Common Council's denial, the Utilities and

Furthermore, with the Class "A" Malt liquor [license H&H already had] ..., the neighbors have experienced some problems with the store as it currently exists with public urination in their front yard and vomiting on their doorsteps and litter consisting of empty beer bottles and beer cans.

The area has numerous parties as frequently as two or three per night regarding UWM, some so bad that the police must be called.

Trash has been cited as a neighborhood objection. This neighborhood has too many loud parties, according to the neighbors, which, adding a full service liquor store, will cause exacerbation of the problem.

Miss Janice Ramos, who lives in the neighborhood, has problems with beer and liquor bottles on her property.

There is, additionally, an adequate number of alcohol outlets in this area. This area is currently served by the Downer Wine and Spirits, Gilbert Liquor, Smith Beer and Liquor, Beans and Barley, licensed as a Class "B" with packaged goods, and One Stop Pantry, Pick 'N Save, and Otto's Beverage.

(Citations omitted.)

Licenses Committee's explanation of its votes would make no difference and could not alter the outcome.

By the Court.—Order reversed and cause remanded with directions.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5.

**COURT OF APPEALS
DECISION
DATED AND FILED**

April 24, 2007

David R. Schanker
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 2006AP1470
STATE OF WISCONSIN**

Cir. Ct. No. 2005CV9315

**IN COURT OF APPEALS
DISTRICT I**

TERRY LEE'S CORPORATION,

PLAINTIFF-APPELLANT,

V.

CITY OF MILWAUKEE,

DEFENDANT-RESPONDENT.

APPEAL from a judgment of the circuit court for Milwaukee County: FRANCIS T. WASIELEWSKI, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Curley, JJ.

¶1 CURLEY, J. Terry Lee's Corporation (Terry Lee's), through its agent, Terry Heinemeier (collectively, Heinemeier), appeals the grant of summary judgment to the City of Milwaukee (the City). Heinemeier had sought an order requiring the City to grant him a Class B tavern license after his renewal

application had been denied, and requesting damages. Heinemeier contends that summary judgment should not have been granted because: (1) he did not receive proper notice of the license renewal hearing, which resulted in his not appearing before the Utilities and Licenses Committee (Licenses Committee); (2) the Common Council acted improperly in refusing to remand the matter to the Licenses Committee for a full hearing; and (3) the City failed to comply with State law and City ordinances that govern renewal procedures.

¶2 We conclude that the applicable procedural and notice requirements were followed, and that the Licenses Committee's conclusion that the evidence supported the determination that the tavern was a danger to the health, safety and welfare of the community, was not arbitrary, capricious or discriminatory. As a result, the City's assertions that the notice of claims requirements were not satisfied is a moot point. Consequently, we affirm the dismissal of Heinemeier's complaint, and thus also affirm the nonrenewal of his Class B license.

I. BACKGROUND.

¶3 Heinemeier operated a tavern called Terry Lee's Bar, located at 5516 West Center Street in Milwaukee, and was also the agent of Terry Lee's and the holder of a Class B liquor license. On December 21, 2004, Heinemeier filed with the office of the city clerk a renewal alcohol beverage license application because his previous license was to expire on February 7, 2005.

¶4 Heinemeier's application was forwarded to the Milwaukee Police Department for a routine police record check performed on all renewal

applications, pursuant to WIS. STAT. § 125.04(5) (2003-04).¹ On December 29, 2004, a police report was issued that revealed several incidents that had taken place at Terry Lee's during 2003 and 2004, including two shootings, one of which the personnel denied took place in the bar; several "fights," one of which involved an individual carrying a weapon; one instance of an individual carrying a concealed weapon; three incidents of serving alcohol to underage persons; and citations for operating amusement machines: a juke box, cigarette machine, and pool table, without proper licenses. Additionally, on January 26, 2004, Tammy Banks, the mother of a former patron who had been (non-fatally) shot at Terry Lee's, had filed a neighborhood objection to the renewal of the tavern's license.

¶5 On January 7, 2005, the City Licenses Committee² issued a notice stating that Heinemeier's renewal application would be considered on January 18, 2005. The same day, the city clerk sent a notification to Heinemeier, addressed to the address he had provided on the renewal application, informing him that, as agent of Terry Lee's, he was personally requested to attend the hearing; and that due to the information in the police report and neighborhood objections,³ there was "a possibility that [his] application may be denied." The notification also informed Heinemeier that "[f]ailure to appear at the meeting may result in the

¹ All references to the Wisconsin Statutes are to the 2003-04 version unless otherwise noted.

² The Utilities and Licenses Committee has since been renamed simply Licenses Committee.

³ The notice lists neighborhood objections to "loud music and noise, fights, shootings, and conduct which is detrimental to the health, safety, and welfare of the neighborhood." It is unclear what neighborhood objections the notice refers to because the only neighborhood complaint in the record is the one submitted by Tammy Banks, dated January 24, 2004.

denial of [his] application." Enclosed were copies of the police report and the citizen complaint.

¶6 The hearing took place as scheduled on January 18, 2005. Heinemeier did not attend. It was first established that the notification had been sent to Heinemeier on January 7, 2005, and that it had not been returned. The police report was then made part of the record. Two citizen witnesses, Tammy Banks and Nina Banks Jackson, the mother and aunt of a former patron of the tavern, testified, explaining that their son/nephew had been shot inside Terry Lee's on April 25, 2003. Alderman James Bohl moved for denial of the application based on the contents of the police report and the nonappearance of Heinemeier. When asked by City Attorney Bruce Schrimpf whether Bohl was recommending that the neighborhood objections not be included, Bohl responded: "That is correct. Mr. Schrimpf, I didn't want to include hearsay testimony, in addition to the fact that this is a 2003 incident. So it is not within the same licensed year. I don't want to create any more problems for you than I think you would want."

¶7 On January 20, 2005, the Licenses Committee issued a report on Heinemeier's application, setting forth findings of fact and conclusions of law, and recommending that the license not be renewed "to protect the health, safety and welfare of the citizens of the City of Milwaukee," based on the police report and Heinemeier's nonappearance at the hearing.

¶8 The findings of fact established that notice of the hearing, as well as a copy of the police report, were sent to Heinemeier to the address he provided on his application on January 7, 2005, that the envelope was not returned, and that Heinemeier failed to appear at the hearing on January 18, 2005. The findings of fact then listed eight incidents from the police reports: (1) on March 8, 2003,

police responded to a report of a man with a gun, and a security guard informed them that four men had been fighting, and that one of the men pulled a gun and pointed it at a victim, but left when the security guard pulled the victim behind the bar; (2) on April 19, 2003, an underage police aide purchased beer from the bartender, as a result of which the bartender was found guilty of sale of alcohol to an underage person; (3) on April 25, 2003, police were informed that someone had been shot inside Terry Lee's, and the bartender and numerous patrons acknowledged that there had been a fight, but denied hearing or seeing a shooting—police later learned that there was a shooting victim at a local hospital who told them he had been shot inside Terry Lee's; (4) later on April 25, 2003, police were dispatched to Terry Lee's to investigate a person with a gun and found a gun on a man's barstool; (5) on May 11, 2003, officers responded to a bomb threat at The Silver Spring Tap (also owned by Heinemeier), but an investigation revealed that a patron had been refused service because he was intoxicated; (6) on September 17, 2004, Heinemeier was found guilty of allowing an underage person upon a Class B premises and fined, and on July 30, 2004, the bartender was found guilty of sale of alcohol to an underage person and fined;⁴ (7) on August 18, 2004, police were dispatched to Terry Lee's, and upon arrival, observed blood on the floor and were told by the bartender that a woman had struck another woman in the head with a pool stick—police also noticed amusement machines, a pool table,

⁴ The total number of underage drinking incidents in the police report was three. On April 19, 2003, and March 31, 2004, incidents involving the sale of alcohol to underage police aides took place. A third underage drinking incident is also listed as having occurred on June 8, 2004. It is unclear why the findings of fact lists only one underage drinking incident, the one on April 19, 2003. The findings of fact does, however, list one incident of Heinemeier being found guilty of allowing an underage person on the premises on September 17, 2004, and the bartender being found guilty of sale of alcohol to an underage person on July 30, 2004. It appears from the police report that these two convictions both stem from the June 8, 2004 incident.

a juke box and a cigarette machine that were not properly licensed, and Heinemeier was issued five citations and later found guilty of one of them; (8) on September 16, 2004, there was a fight that caused the bartender to call the police, and, while on the phone with the police, the officer heard a gunshot—upon arrival police found a victim lying on the ground with a gunshot wound to his chest.

¶9 Despite Alderman Bohl's indications that the testimony of Banks and Banks Jackson be excluded, the findings of fact contains the following paragraph:

J. The Committee heard testimony from one Tammy Banks and a Lena [sic] Banks Johnson [sic] who were related to the individual who was shot in the incident of September 16, 2004.⁵ Although the individual did not die from the incident, it is obvious that the continued operation of these premises will be detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

(Footnote added.)

¶10 The report then contains conclusions of law that read in part:

2. Based upon the above facts found, the Committee concludes that the licensee, Terry L. Heinemeier, agent for ... Terry Lee's[] has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license. The Committee finds that the police report and neighborhood objections to be true.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full

⁵ The findings of fact incorrectly states that the Committee heard testimony from "Tammy Banks and Lena Banks Johnson who were related to the individual injured in the September 16, 2004 incident." The record reveals that the name of the victim's aunt was Nina Banks Jackson, and Banks and Banks Jackson testified that their son/nephew was shot at Terry Lee's on April 25, 2003, not September 16, 2004.

Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "B" Tavern License of Terry L. Heinemeier for ... Terry Lee's[.]

¶11 The same day the Licenses Committee issued its report (January 20, 2005), the City received notification from Heinemeier that his address had changed. A copy of the report was sent to Heinemeier's new address, along with a notification that the Common Council would hold a hearing on February 1, 2005, to consider his application and informing Heinemeier that he could file a written objection to the Licenses Committee's recommendation or present an oral argument at the hearing. On January 25, 2005, Heinemeier filed a written request to present an oral argument.⁶

¶12 The hearing took place on February 1, 2005, as scheduled. Heinemeier attended and addressed the Common Council. He first explained that he did not attend the hearing before the Licenses Committee because his mail was forwarded, and he thus did not get the notice until after the hearing, but would have attended had he been aware of the hearing. He stated, however, "I know it's my fault and my responsibility." He then addressed one underage drinking incident, one fight and one shooting listed in the Licenses Committee's report. Heinemeier told the Common Council essentially that although he realizes that the reported incidents are serious, it is hard to stop them before they happen, and said the underage drinking incident was merely an experienced bartender "le[tting] his

⁶ Curiously, this request by Heinemeier was a handwritten letter, submitted on Alderman Michael S. D'Amato's letterhead. It is somewhat unclear why the request was presented on Alderman D'Amato's letterhead. The record contains a document from the Licenses Committee explaining that "[t]he letterhead was not used at the knowledge or consent of the alderman's office," and that "[b]ecause the document was received in this manner, it could not be altered." Heinemeier was asked about the letterhead at the hearing before the Common Council and he stated that the letterhead had been given to him at city hall when he requested a piece of paper on which to write a request for an opportunity to address the Common Council.

guard down.” He also explained that he hopes to maintain his business in the area, and would be willing to close his tavern early for an extended period if necessary. Heinemeier did not request that the matter be remanded to the Licenses Committee for another hearing.

¶13 Attorney Schrimpf argued that the recommendation for nonrenewal was supported by the evidence set forth in the findings of fact. Alderman Donovan moved to refer the matter back to the Licenses Committee. The Common Council however, by a vote of fourteen to one, voted not to remand the matter to the Licenses Committee. The Common Council then voted to approve the recommendation of the Licenses Committee to not renew the license, and adopted the Licenses Committee’s findings of fact and conclusions of law.

¶14 On October 18, 2005, Heinemeier, on behalf of Terry Lee’s, filed a complaint against the City, *see* WIS. STAT. § 125.12(2)(d), alleging that the City “did not follow the relative [sic] statutes and law of the State of Wisconsin in denying said tavern license renewal,” and that while “Terry Lee’s had not previously filed a claim with the defendant pursuant to Wis. Stats., 839.80, ... failure to file said claim has not been prejudicial to the defendant.” Heinemeier demanded judgment against the City, an order that the City issue Terry Lee’s a Class B liquor license,⁷ and “damages, if any, in the sum to be determined by the court.” The City filed an answer and subsequently moved for summary judgment,

⁷ Although Heinemeier requested that the trial court order the City to issue a Class B license, WIS. STAT. § 125.51(1)(a) clearly states that only municipal government may issue such licenses. In reviewing the Licenses Committee’s and the Common Council’s decisions, a court may remand the matter to the Common Council if it determines that it erred, but may not substitute its judgment for the Common Council’s and order the issuance of a license. *See* WIS. STAT. § 125.12(2)(d); *State ex rel. Ruffalo v. Common Council*, 38 Wis. 2d 518, 525, 157 N.W.2d 568 (1968).

arguing that Heinemeier had failed to file a notice of claim required by WIS. STAT. § 893.80 when seeking damages from a municipal corporation, and that there was an adequate basis to deny renewal of the license because the correct statutory procedures were followed and there was adequate evidence to support nonrenewal.

¶15 The trial court heard the motion on March 6, 2006.⁸ Heinemeier's counsel informed the court that the reason Heinemeier had to change his address, as a result of which he did not receive the notice, was that he was unexpectedly forced to move due to an armed standoff at his home. He argued that the statute did not afford him any room to explain his nonappearance at the hearing, and failure to renew the license as a result is unduly harsh. Heinemeier also claimed that the notice did not adequately inform him that the Licenses Committee "intended" not to renew his license because it stated only that there was "a possibility that [his] application may be denied" and that "[f]ailure to appear at this meeting may result in the denial of your application."

¶16 The City responded that at the Common Council Heinemeier could have, but did not, request that the matter be remanded to the Licenses Committee, adding that even if the Licenses Committee had reviewed the application, again it would not have approved it because the tavern had an extensive police record, his security system was not working because guns still made their way into the bar, and relatives of a shooting victim testified against renewal of the license. The City

⁸ At the hearing, the parties stipulated to the substitution of Terry Heinemeier as the plaintiff in place of Terry Lee's Corporation, which had up until then been listed as the plaintiff. Despite the stipulation, on appeal the parties nevertheless refer to Terry Lee's as the party in this case. For readability reasons, we refer to the party as Heinemeier.

felt that the Licenses Committee's conclusion was reasonable, calling Heinemeier's willingness to close early "too little too late."

¶17 The trial court concluded, with respect to the notice issue, that "[i]f there was a lack of notice ... that is due to a situation that is entirely of his making," because Heinemeier failed to give prompt notice to the city clerk of his address change, as is required. As to Heinemeier's claim that the notice did not contain the words "intend not to renew," the court concluded that the notice complied with the requirement that he be told why there is a problem with his license. The court concluded:

I am satisfied from the grounds that we have been presented here with the gun incidents, the fights, serving under aged patrons, selling them alcohol on the premises, that the Common Council was not being arbitrary or capricious or discriminatory in revoking the license of Mr. Heinemeier in this instance.

The court also concluded that insofar as Heinemeier was seeking monetary damages, he had failed to give proper notice of claim by not satisfying the requirements of WIS. STAT. § 893.80. The trial court hence granted summary judgment to the City, dismissing Heinemeier's complaint. This appeal follows.

II. ANALYSIS.

¶18 We review a summary judgment *de novo*, using the same methodology as the trial court. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 315, 401 N.W.2d 816 (1987). Summary judgment is appropriate if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." WIS. STAT. § 802.08(2).

¶19 Here, the trial court's determination was the result of its review of the Common Council's determination. In this situation we employ the same standard of review as the trial court; namely, that we "cannot substitute [our] judgment for the legal discretion of the Common Council on the merits of the application or review the adequacy of the grounds for its decision other than in the context of determining whether the action of the licensing authority was arbitrary, capricious or discriminatory." *State ex rel. Ruffalo v. Common Council*, 38 Wis. 2d 518, 525, 157 N.W.2d 568 (1968). "An arbitrary or capricious decision is one which is either so unreasonable as to be without a rational basis or the result of an unconsidered, willful and irrational choice of conduct." *Town of Pleasant Prairie v. Johnson*, 34 Wis. 2d 8, 12, 148 N.W.2d 27 (1967) (citing *Olson v. Rothwell*, 28 Wis. 2d 233, 239, 137 N.W.2d 86 (1965)).

A. Procedures Governing Renewal of Class B License

¶20 Heinemeier contends that the City failed to fully comply with the rules and procedures governing the renewal of a Class B license provided in state laws and city ordinances. We disagree.

¶21 The sale of alcohol beverages without a valid license is prohibited. See WIS. STAT. § 125.04(1), (2). Only municipal governing bodies have the authority to issue and Class B licenses for retail sale of intoxicating liquors. See WIS. STAT. § 125.51(1).⁹ After a license has been granted, under WIS. STAT.

⁹ WISCONSIN STAT. § 125.51(1)(a) provides as relevant: "Every municipal governing body may grant and issue 'Class A' and 'Class B' licenses for retail sales of intoxicating liquor ... from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper...."

§ 125.12¹⁰ the municipality may revoke, suspend, and refuse to issue or renew a license. Section 90-11-7 of the Milwaukee Code of Ordinances (MCO) sets forth the municipal counterpart to § 125.12.¹¹

¶22 WISCONSIN STAT. § 125.12(3) addresses refusal of a municipality to renew a license and provides:

A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2)(ag).¹² Prior to the time for the renewal of the license,

¹⁰ WISCONSIN STAT. § 125.12(1) provides in part:

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b)1. In this paragraph, "violation" means a violation of s. 125.07(1)(a), or a local ordinance that strictly conforms to s. 125.07(1)(a).

2. No violation may be considered under this section or s. 125.04(5)(a)1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04(5)(a)1.

¹¹ The Milwaukee Code of Ordinances has since been amended, and in the current version, the relevant section is 90-11-2.

¹² WISCONSIN STAT. § 125.12(2)(ag) provides in part:

Complaint. Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

(continued)

the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2)(b) and judicial review shall be as provided in sub. (2)(d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2)(b)3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(Footnote added.) Milwaukee County Ordinance § 90-11-7-2 reads in relevant part:

2. PROCEDURE FOR NONRENEWAL. a. Notice. a-1. The utilities and licenses committee of the common council shall be responsible for holding hearings regarding the non-renewal of license. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

a-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

a-2-a. The date, time and place of the hearing.

a-2-b. A statement of the common council's intention not to renew the license or suspend the license in the event any objections to renewal are found to be true.

a-2-c. A statement of the reasons for non-renewal.

a-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

a-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

¶23 Here, on January 7, 2005, following the issuance of the police report, the Licenses Committee issued a notice stating that Heinemeier's renewal application would be considered by the Licenses Committee on January 18, 2005. The same day, the city clerk sent a notification to Heinemeier, addressed to the address he had provided on the renewal application, informing him of the time and place of the hearing, that he could be represented by an attorney, that he was personally requested to attend the hearing, and that, due to the information contained in the police report, a copy of which was enclosed, and neighborhood objections, there was "a possibility that [his] application may be denied." The notification also informed Heinemeier that "[f]ailure to appear at the meeting may result in the denial of [his] application." This satisfies MCO § 90-11-7-1-a-2.

¶24 Heinemeier contends, however, that he was still not given proper notice of the renewal hearing because "the time between the hearing date and the mailing of the notice [was] unreasonably short," and disagrees that the problem could have been avoided had he notified the City of his new address.¹³ We

¹³ Heinemeier did not raise the issue of adequacy of notice before the Common Council, and in fact stated, with respect to changing his address and his consequent nonappearance before the Licenses Committee: "I know it's my fault and my responsibility." He did, however, explain that he did not attend the hearing before the Licenses Committee because his mail was forwarded and did not get the notice until after the hearing, but he did not mention any alleged armed standoff as being the reason for his sudden move. In addition, Heinemeier's complaint, filed with the trial court following the Common Council's adoption of the Licenses Committee's decision, does not make any mention of inadequate notice as a basis for a cause of action. At the hearing on the City's motion for summary judgment, Heinemeier's counsel did nevertheless orally mention the issue of adequate notice, and we therefore address it.

disagree. It is true that the statute does not provide a specific time within which notice must be given to a renewal applicant, and we agree with Heinemeier that a reasonable conclusion is that "reasonable" notice must be given. We disagree, however, that the eleven days from January 7, 2005, until January 18, 2005, was insufficient. Even disregarding the two weekends during that period, there were still seven business days from the day the notice was sent until the date of the hearing. This was adequate notice.

¶25 Heinemeier also makes a related argument alleging that the notice did not comply with MCO § 90-11-7-a-2-b, which states that the notice is to contain a "statement of the common council's intention not to renew the license or suspend the license in the event any objections to renewal are found to be true."¹⁴ Heinemeier argues as follows:

The notice of the city clerk did not say anything of the council's intention not to renew, it merely said that there is a possibility that your license may be denied ... (emphasis added). That difference is legally significant, although the trial court found that saying that "it is the common council's intention not to renew your license" is equivalent to saying, "there is a possibility that your license may not be renewed[.]"

The notice also says that failure to appear at this meeting may result in denial of you application. Appellant suggests that the word "may" is not legally equivalent to the word "will," although the trial court found that it was. To the Committee on Utility and Licenses the two words apparently have the same meaning.

(Underlining and omission in brief; alteration added.) This argument is not convincing. The statute and the ordinance both make it clear that the hearing was

¹⁴ Heinemeier erroneously cites the current version of the Milwaukee Code of Ordinances and for that reason refers to § 90-11-2 even though the correct section at the time in question was § 90-11-7.

to be held in order to determine whether to renew or not to renew the license. The word "intention" does not imply that the Licenses Committee was supposed to have made up its mind prior to the hearing regarding whether to renew the license. In so asserting, Heinemeier ignores the actual language of § 90-11-7-a-2-b, which reads, "statement of the common council's intention not to renew the license or suspend the license *in the event any objections to renewal are found to be true*" (emphasis added). The ordinance directs that *if* the allegations are true, *then* the committee will not renew the license. The second half of the sentence clearly qualifies the first, which means that it is merely another way to say that there a possibility that the license may not be renewed.

¶26 Likewise, to insinuate that the nonrenewal shows that the Committee saw the word "may" as meaning "will," is absurd. The Licenses Committee warned Heinemeier that nonappearance "may" result in nonrenewal and at the hearing concluded that nonrenewal was proper, but nothing indicates that the Licenses Committee had made up its mind before the hearing that, if Heinemeier failed to appear, his license "will" not be renewed. The use of the word "may," coupled with the eventual nonrenewal of the license, in no way amounts to inadequate notice.

¶27 Heinemeier nevertheless submits that the proper procedures were still not followed because he should have been sent a warning letter. He argues:

Municipal ordinance 90-11-[1-]c-1 states that if the chief of police files a written report, etc., and if all of the following are true, (ordinances 90-11-[1-]c-1-a through 90-11-[1-]c-2-e), which state in part,

"... the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under par. B, refer the application to the common council for approval and issue a warning letter to the applicant whenever..."

In this case, a written report was filed, and all of the statements in ordinances 90-11-[1-]c-1-a through 90-11-[11-]c-2-e, were true. The application, however, was not forwarded to the common council for a warning letter to applicant as prescribed by the ordinance.

(Alterations added; underlining omitted; omissions in brief.)

¶28 The provision Heinemeier cites, obligating the city clerk to issue a warning letter instead of referring the application to the Common Council, was not in effect at the time his renewal application was handled and did not come into effect until October 14, 2005, approximately eight months after Heinemeier's case. See Common Council File No. 050071. The ordinance is therefore irrelevant for purposes of this appeal. Still, even if the provision had been in effect, it would not apply because Heinemeier overlooks the part of the ordinance that provides that a warning letter will be issued in lieu of a hearing only if the only basis for nonrenewal is a police report, but requires that a hearing be held if there are neighborhood complaints.¹⁵ Thus, due to the citizen complaint from Tammy Banks, a hearing would still have been necessary.

¶29 Next, addressing the hearing before the Licenses Committee, WIS. STAT. § 125.12(2)(b) sets forth the proper procedure:

¹⁵ The amended MCO § 90-11-1-c-1 reads as relevant:

If the chief of police files a written report ... which could form the basis for nonrenewal of the application, *and if no written objection has been filed* under par. b, the city clerk shall, in lieu of forwarding the application to the licensing committee for a hearing under par. b, refer the application to the common council for approval and issue a warning letter to the applicant ...

(Emphasis added.)

(b) *Procedure on hearing.* 1. If the licensee does not appear as required by the [notice], the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

....

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both....

Milwaukee County Ordinance § 90-11-7-2 similarly provides:

b. Hearing. b-1. At the committee hearing, the chairman shall open the hearing by stating that a notice was sent, and shall read the notice into the record unless the applicant admits notice. The chairman shall advise the applicant that he or she has an option to proceed with a hearing, represented by counsel, with all testimony under oath, or he or she can make a statement.

....

c. Recommendation. c-1. The recommendation of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning non-renewal may include evidence of:

c-1-a. Failure of the applicant to meet the statutory and municipal license requirements.

c-1-b. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, on behalf of the licensee, his or her employers, or patrons.

c-1-c. The appropriateness of tavern location and premises.

c-1-d. Neighborhood problems due to management or location.

c-1-e. Any other factor or factors which reasonably relate to the public health, safety and welfare.

c-2. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed or not renewed. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time.... Following the hearing the committee shall submit a report to the common council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the council should take. The committee shall provide the complainant and applicant with a copy of the report. The applicant may file a written objection to the report and shall have the opportunity to present arguments in writing supporting the objection to the common council. The objection must be filed with the city clerk at least 2 days prior to the date set for hearing by the common council.

¶30 The hearing before the Licenses Committee took place as scheduled on January 18, 2005, but Heinemeier, as noted, did not attend. It was first established that the notification had been sent to Heinemeier on January 7, 2005, and that it had not been returned, satisfying MCO § 90-11-7-2-b. The police report was made part of the record. Two citizen witnesses, the mother, Tammy Banks, and aunt, Nina Banks Jackson, of a former patron of Terry Lee's testified, explaining that their son/nephew had been shot inside Terry Lee's on April 25, 2003. The Licenses Committee ultimately voted to deny the application based on the contents of the police report and the nonappearance of Heinemeier. Following the hearing, the Licenses Committee issued a report setting forth Findings of Fact and Conclusions of Law and a recommendation that Heinemeier's license not be renewed. These proceedings satisfy WIS. STAT. § 125.12(2)(b)3 and MCO

§ 90-11-7-2-c-1. Next, a copy of the report and a notification that the Common Council would hold a hearing on February 1, 2005, and that he could file a written objection to the Licenses Committee's recommendation or present an oral argument to the Common Council at the hearing, were sent to Heinemeier's new address, which he had provided the same day the report was issued. These actions satisfy § 125.2(2)(b)3 and MCO § 90-1-7-c-2. On January 25, 2005, Heinemeier filed a written request to present an oral argument in accordance with § 125.12(2)(b)3 and MCO § 90-11-7-c-2.¹⁶

¶31 Next, WIS. STAT. § 125.12(2)(b)3 and 4 set forth the procedures for the hearing before the Common Council:

3. If the city council, after considering the committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

¶32 Similarly, Milwaukee County Ordinance § 90-11-7-2-d provides:

d. Council Action. d-1. The applicant shall be given 5 days' notice of the date set for hearing by the full common council.

¹⁶ In this reply brief, Heinemeier asserts that it was also error for the Licenses Committee to rely on the cumulative police report "because the 2003 events were out of the jurisdiction of the committee, according to the chairman as reported in the transcript." This is Heinemeier's first suggestion that the Licenses Committee improperly relied on the entire police report in the findings of fact. He never raised such an argument before the Common Council or in his pleadings before the trial court, and we therefore do not address it. See *Wirth v. Ehly*, 93 Wis. 2d 433, 443, 287 N.W.2d 140 (1980) (appellate courts generally do not review issues raised for the first time on appeal).

d-2. At the meeting of the common council, the chairman, in his or her discretion, may allow oral argument by an applicant or complainant who has presented written objection to the recommendations of the utilities and licenses committee. The city attorney shall also be permitted a statement. Oral argument shall not exceed five minutes on behalf of any party.

¶33 The hearing before the Common Council took place on February 1, 2005, as scheduled, and Heinemeier attended and made a statement. He explained to the Common Council that he did not appear before the Licenses Committee because his mail was forwarded and he did not get the notice until after the hearing, but he did not explain why his mail was being forwarded or why he had failed to provide the City with an updated address. To the contrary, he stated: "I know it's my fault and my responsibility." He discussed one underage drinking incident, one fight and one shooting, and said in essence that although the incidents recounted in the police report are serious, it is hard to stop them before they happen and that the underage drinking incident was an isolated incident. He did not explain the remaining incidents in the police report, nor did he dispute any of them. He stated that he would be willing to close early for an extended period if necessary. Heinemeier specifically did not request that the matter be remanded to the Licenses Committee for another hearing. Heinemeier's oral statement to the Common Council was proper and in accordance with the procedure expressed in WIS. STAT. § 125.12(2)(b) and MCO § 90-11-7-2-b-2.

¶34 Schrimpf then addressed the Common Council and argued that it should decide the matter based on the Licenses Committee's recommendation for nonrenewal because it is supported by the evidence set forth in the findings of fact. Schrimpf's statement was proper and in accordance with MCO § 90-11-7-2-d-2. Alderman Donovan moved to refer the matter back to the Licenses Committee, but the Common Council, by a vote of fourteen to one, voted not to do so, and instead

voted to approve the recommendation of the Licenses Committee and adopted the Licenses Committee's findings of fact and conclusions of law.

¶35 The hearing before the Common Council was conducted in full compliance with the procedures set forth in WIS. STAT. § 125.12(2)(b)3 and MCO § 90-11-7-2-d. Significantly, the hearing before the Common Council was Heinemeier's opportunity to argue for a suspension or conditional renewal of his license rather than a nonrenewal, and most importantly, had Heinemeier felt that there was more he wanted to argue to the Licenses Committee that he did not have an opportunity to argue due to his nonappearance at the initial hearing, this was his chance to request another hearing before the Licenses Committee. Although Heinemeier mentioned that he would be willing to close early, he argued only that the license should be renewed and never asked that the case be remanded to the Licenses Committee where he could have made the argument he seeks to make now.¹⁷ In light of Heinemeier's failure to dispute the Licenses Committee's findings of fact and failure to even request a remand, the Common Council's decision to adopt the Licenses Committee's report and accept the recommendation

¹⁷ Heinemeier argues that the Common Council acted improperly in refusing to remand the matter the Licenses Committee for a cause hearing due to his nonappearance. He submits that the Common Council should have remanded the matter essentially because the Common Council did not fully consider the application, did not consider Heinemeier's reasons for failing to appear before the Licenses Committee, and erred in relying on the police report. According to Heinemeier, "[t]he council did act in an arbitrary, capricious or discriminatory manner against the plaintiff, since neither the committee on Utility and Licenses nor the Common Council stated any specifics for the denial." Heinemeier, however, never raised this issue when he appeared before the Common Council. In fact, although the possibility of a remand was raised by Alderman Donovan, Alderman Donovan's motion was defeated by a vote of fourteen to one. Heinemeier also failed to allege in his complaint that the Common Council acted improperly in refusing to remand the matter to the Licenses Committee. Because Heinemeier failed to request a remand at the Common Council and failed to allege any error vis-à-vis the Common Council's alleged failure to remand the matter in his complaint, we will not address the issue because it is raised for the first time on appeal. See *Wirth*, 93 Wis. 2d at 443 (appellate courts generally do not review issues raised for the first time on appeal).

was precisely what § 125.12(2)(b)3 asks it to do and was not arbitrary, capricious or discriminatory. Indeed, Alderman Bohl's motion to remand the matter to the Licenses Committee shows that the possibility of a remand was discussed before a vote was taken, and further affirms that the decision was not arbitrary, capricious or discriminatory.

B. Sufficiency of Evidence

¶36 Having determined that the proper procedures were followed, we reach the evidentiary issue of whether there was adequate evidence to support the nonrenewal of Heinemeier's license.

¶37 The Licenses Committee's findings of fact and conclusions of law that were subsequently adopted by the Common Council were, as already noted, based on both the police report and testimony by Tammy Banks and Nina Banks Jackson. The Licenses Committee's report specifically stated that it found the police report and the testimony by Banks and Banks Jackson to be true, and on that basis, recommended nonrenewal on grounds that Heinemeier had failed to meet the requirements of MCO ch. 90 and WIS. STAT. § 125.12, determining in particular that the continued operation of Terry Lee's would be detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

¶38 The police report contained numerous incidents that show that the continued operation of Terry Lee's would be detrimental to health, safety and welfare. The police report contained three reports of sale of alcohol to underage

persons—April 19, 2003, March 31, 2004, and June 8, 2004.¹⁸ The report also reveals that on March 8, 2003, police learned from a security guard that a fight broke out between four men, and when the security guard attempted to stop the fight, one of the men pulled out a gun and pointed it at one of the patrons, but fled when the security guard pulled that patron behind the bar. On April 25, 2003, police were called to Terry Lee's because of an alleged shooting, but while acknowledging that a fight had taken place, the bartender and the patrons denied hearing or witnessing a shooting. Later police learned that a shooting victim was at a local hospital and stated that he had been shot inside Terry Lee's. The police report also lists another incident later the same day of police arresting a man for carrying a concealed weapon at Terry Lee's.

¶39 The report discusses an incident on May 11, 2003, of police responding to an alleged bomb threat at another tavern owned by Heinemeier that turned out to be a disgruntled patron who was refused service because he was intoxicated. On August 18, 2004, a fight was reported at Terry Lee's, and upon arrival, police found blood stains on the floor and were told by the bartender that a woman had struck another woman over the head with a pool stick. While on the premises, the officers noticed that amusement machines, a pool table, a juke box and a cigarette machine were not properly licensed. Heinemeier was issued five citations, but found guilty of one citation, while the remaining four were dismissed. Finally, the report also described a shooting on September 16, 2004,

¹⁸ The bartender was found guilty of sale of alcohol to an underage person in at least two of the underage drinking incidents, but it is unclear from the report what happened in the third. Heinemeier was found guilty in one and was not cited for the other two. The findings of fact cites only the April 19, 2003 incident and the date (September 17, 2004) Heinemeier was found guilty of the June 8, 2004 incident.

where the bartender called police due to a fight, and while on the phone with the police, the officers heard gunshots. When the officers arrived, they discovered a victim with a gunshot wound to the chest. The injuries were not fatal. We agree that the police report is powerful evidence supporting the Licenses Committee's conclusion that the continued operation of Terry Lee's would be detrimental to the citizens of the City of Milwaukee. *See* MCO § 90-11-7-2-c-1 ("Probative evidence concerning non-renewal may include evidence of: ... Any other factor or factors which reasonably relate to the public health, safety and welfare").

¶40 In addition to the police report, the Licenses Committee's report also referenced the testimony of Banks and Banks Jackson, related to the April 25, 2003 shooting at Terry Lee's, in which the victim was Banks's son and Banks Jackson's nephew.

¶41 Heinemeier points to Alderman Bohl's motion to deny his renewal application, and particularly Bohl's comment in response to Schrimpf's inquiry that the testimony provided by Tammy Banks and Nina Banks Jackson would not be included. Bohl stated: "That is correct. Mr. Schrimpf, I didn't want to include hearsay testimony, in addition to the fact that this is a 2003 incident. So it is not within the same licensed year. I don't want to create any more problems for you than I think you would want." The Licenses Committee thus made its decision to recommend nonrenewal without considering the testimony of Banks and Banks Jackson. Finding "J" in the Licensing Committee's findings of fact nonetheless contains a reference to Banks and Banks Jackson:

J. The Committee heard testimony from one Tammy Banks and a Lena [sic] Banks Johnson [sic] who were related to the individual who was shot in the incident of September 16, 2004. Although the individual did not die from the incident, it is obvious that the continued operation

of these premises will be detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

¶42 Heinemeier appears to argue that Banks's and Banks Jackson's testimonies were erroneously included in the report, and that, without their testimony, there was not enough evidence for the Committee to accept the Licenses Committee's recommendation of nonrenewal. We are not convinced. First, this is the first time Heinemeier raises this argument and we therefore need not address it. See *Wirth v. Ehly*, 93 Wis. 2d 433, 443, 287 N.W.2d 140 (1980) (appellate courts generally do not review issues raised for the first time on appeal). Still, even without the testimonies, the police report contained the vast majority of the evidence against Heinemeier, which was more than adequate evidence for the Common Council to accept the recommendation. As noted, neither Heinemeier at the Common Council nor his counsel at the trial court denied or questioned the truth of the numerous incidents recounted in the police report.

¶43 There was thus ample evidence for the Licenses Committee to deny Heinemeier's renewal application, even without Banks's and Banks Jackson's testimony. Accordingly, we are satisfied that the Licenses Committee's recommendation of nonrenewal of Heinemeier's Class B license was not arbitrary, capricious or discriminatory, but a reasonable determination.

¶44 Finally, the City also argues that Terry Lee's failed to comply with WIS. STAT. § 893.80, and asks this court to affirm the dismissal of Heinemeier's complaint on that basis. Because we address the merits of Heinemeier's argument and decide them in the City's favor, we need not address the question of whether Heinemeier complied with § 893.80. See *Gross v. Hoffman*, 227 Wis. 296, 300, 277 N.W. 663 (1938) (unnecessary to decide non-dispositive issues). For the foregoing reasons, we affirm the trial court's grant of summary judgment.

By the Court.—Judgment affirmed.

Not recommended for publication in the official reports.



**CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK**

Friday, January 07, 2005

COMMITTEE MEETING NOTICE

AD 10

Terry L. Heinemeier, Agt.
Terry Lee's Corp
4525 W Auer Av
Milwaukee, WI 53216

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall on:

Tuesday, January 18, 2005 at 2:00 PM

Regarding:

Your Class 'B' Tavern renewal application as agent for "Terry Lee's Corp" for "Terry Lee's" at 5516 W Center St.

There is a possibility that your application may be denied for the following reasons:

See attached police report.

Neighborhood Objections to: Loud music and noise, fights, shootings, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.

Failure to appear at this meeting may result in the denial of your application.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing. If you have difficulty with the English language, you should bring an interpreter with you, at your own expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

PLEASE NOTE: Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

RONALD D. LEONHARDT, CITY CLERK

BY Jim R. Copeland
Jim R. Copeland
License Division Manager

Appendix Page 118



Friday, January 07, 2005

Utilities and Licenses Committee Notice of Hearing

Date: 1/18/2005

Time: 2:00 PM

Location: City Hall, 200 E. Wells St., Room 301-B, 3rd Floor

The Utilities and Licenses Committee will consider the following license application:

Class 'B' Tavern renewal application

Terry L. Heinemeier, Agt.

Terry Lee's at 5516 W Center St

If you have any information that you would like the Utilities and Licenses Committee to consider when making its recommendation,

you must appear in person and testify as to matters that you have personally experienced or seen.

The committee cannot accept statements of individuals not personally appearing to give testimony, or any letters, or any petitions.

If you have any questions, please call (414) 286-2238.

ALD. JAMES WITKOWIAK,
CHAIRMAN

MILWAUKEE POLICE DEPARTMENT LICENSE REPORT

DATE OF FILING

12/28/2004

WARD 10

LICENSE TYPE BTAVN LICENSE NUMBER 10420 NEW RENEWAL X OTHER
TAGA TAGA TAGA AMUSE
APPLICANT HEINEMEIER, TERRY L PARTNER:
ADDRESS: 4525 W AUER ADDRESS:
CITY: MILWAUKEE CITY:
STATE: WI ZIP: 53216 STATE: ZIP:
PHONE: (414)447-8415 DOB: 08/01/1950 PHONE: DOB:
MAIDEN/OTHER:
BUSINESS: TERRY LEE'S PARTNER2
ADDRESS: 5516 W CENTER ST ADDRESS:
CITY: MILWAUKEE CITY:
STATE: WI ZIP: 53210 STATE: ZIP:
PHONE: (414)442-1411 DOB:
SPOUSE: DOB: BUILDING OWNER:
DOES APPLICANT HAVE INTEREST IN ANY OTHER CLASS 'A'/'B'/'C' PREMISES? N Y (Explain)
LENGTH OF RESIDENCE AT ABOVE: IN STATE: PREVIOUS ADDRESS:

CORPORATION NAME: TERRY LEE'S CORP

STATE OF INCORPORATION:
CORPORATE OFFICERS:

DATE OF INCORPORATION:

NAME: HEINEMEIER, SANDRA D NAME:
ADDRESS: 4525 W AUER AV ADDRESS:
CITY: MILWAUKEE CITY:
STATE: WI ZIP: 53216 STATE: ZIP:
PHONE: DOB: 10/26/1965PHONE: DOB:
OFFICE: SEC TRES OFFICE:
NAME: NAME:
ADDRESS: ADDRESS:
CITY: CITY:
STATE: ZIP: STATE: ZIP:
PHONE: PHONE: DOB:
OFFICE: OFFICE:
*****POLICE USE ONLY*****
HAS APPLICANT BEEN DENIED A LICENSE IN THE PAST YEAR: N Y PREVIOUS PREMISES RECORD: N Y
EXPLAIN:
PROOF OF LEASE/OWNERSHIP/OFFER TO BY: N Y N/A
DOES APPLICANT HOLD ANY OTHER CITY LICENSES: N Y TYPE AND NUMBER:
A-NUMBER: CHECKED WITH ID DIVISION: N Y
ADDITIONAL INFORMATION:
District #7 Captain notified of this license renewal - no additional information
Investigation Offxxxxx RAYMOND DUBIS PSS REVIEWED BY:
DATE: DATE:

MILWAUKEE POLICE DEPARTMENT
LICENSE INVESTIGATION UNIT

CRIMINAL RECORD/ORDINANCE VIOLATION/INCIDENTS
SYNOPSIS

DATE: 12-29-04

LICENSE TYPE: BTAVN

NEW:

RENEWAL: X

License Location: 5516 W Center Street

Business Name: TERRY LEE'S

No. 10420

Application Date: 12-28-04

Expiration Date:

Aldermanic District: 10

Licensee/Applicant: HEINEMEIER, Terry L

(Last Name, First Name, MI)

Date of Birth: 08/01/1950

Male: X Female:

Home Address: 4525 W Auer Av

City: Milwaukee

Home Phone: 414-447-8415

State: WI Zip Code: 53209

This report is written by Police Service Specialist Raymond Dubis, assigned to the License Investigation Unit, Days.

The Milwaukee Police Department's investigation regarding this application revealed the following:

1. Incident. On 3-8-2003 at 12:36 am Milwaukee Police were dispatched to Terry Lee's tavern, 5516 W center St for a complaint of a man with a gun. Interviewed a part time security person employed by the tavern. He stated that he observed the victim and 4 males arguing and a fight began. When the security person tried to stop the fight he saw a male take a black semi-auto pistol from his waist and point it at the victim. The security person pulled the victim behind the bar and the gunman fled the tavern.
2. On 4-19-2003 at 12:55 pm, an underage Milwaukee Police aide entered Terry Lee's Tavern, 5516 W Center St and was able to purchase two (2) 12 oz glasses of Miller Lite tap beer from the bartender. The applicant was not charged. The Bartender was found guilty, of Sale to Underage.
3. Incident. On 4-25-2003 at 12:45 am Milwaukee Police were flagged down at N 53rd & Center St by a person who stated someone had been shot inside of Terry Lee's Tavern, 5416 W Center St. The bartender, Allen Peters, stated that there had been a fight between 2 people in the bathroom, but no one had been shot. Numerous patrons in the taverns also did not hear or see anything. Upon leaving the scene, the officers were notified by the dispatcher that there was a shooting victim at St Joseph's Hospital and that the victim stated that he had been shot inside of Terry Lee's Tavern near the pool table which is located near to the men's bathroom

Page Two

RE: HEINEMEIER, Terry L

4. Incident. On 4-25-2003 at 8:02 pm Milwaukee Police were dispatched to 5516 W center St to investigate a subject with a gun. Officers found a male in the tavern and during a pat down search, found a black and silver 380 Talon on the subjects bar stool. Arrested for Carrying a Concealed Weapon.
5. On 05/11/2003 at 9:45 Pm officers responded to the licensed premises at 3530 W Silver Spring Dr, The Silver Spring Tap regarding a Bomb Threat. Investigation revealed that a patron had been refused service because he was intoxicated. That patron threatened to blow up the bar and the block. Officers arrested the patron for Disorderly Conduct (state). Incident Report Filed.
6. On 03/31/2004 at 10:58 PM an Underage police aide, under the direction of police officers purchased a Corona Malt Liquor from the bartender at the licensed premises at 5516 W Center St, Terry Lee's. The applicant was not cited.

Citation issued to bartender, Allan Peters
Charge: Sale to Underage Person
Finding: no record in file - not issued
Date:
Citation: 58453332

-
7. On 6-8-04, at 5516 W Center Street, the licensee and the bartender, Allan Peters, were issued the following citations.

Citation issued to licensee,

Charge: Underage Class B Premises -- licensee responsibility
Finding: guilty
Sentence: fined \$200.00
Date: 9-17-04
Case: 04076575
Citation: 58469880

Bartender was issued the following,

Charge: Sale of Alcohol to Underage Person
Finding: guilty
Sentence: fined \$338.00
Date: 7-30-04
Case: 04076552
Citation: 58469876

Continued on page #3

Appendix Page 112

CLASS B TAVERN, HEINEMEIER, TERRY for the premises 5516 W Center Street

8. On 8-18-04, at approximately 11:20 PM, police officers were dispatched to "a fight" at 5414 W Center Street. The officers observed blood on the floor in the north section of the bar, but the parties involved had left the scene. The bartender, Allan Peters, told the officers he was talking to a female at the bar when another female struck the first female in the head with a pool stick. While completing their investigation, officers noted that amusement machines did not have proper identification tags. Also not licensed were a pool table, juke box, and cigarette machine. Licensee was not on the premises.

Licensee was issued the following citations,

Charge: License and Permits Required/Video & Amusement Machines - 5 citations issued
Finding: 1. Guilty, 4 others Dismissed
Sentence: fined \$212.00
Case: 041018671, 0410868, 04101869, 04101870, 04101871
Citation 58701823

9. INCIDENT— On 9-16-04, at approximately 12:26 AM, officers responded to a report of a shooting, at Terry Lee's Bar, 5516 W Center Street. On arrival, they were told by the bartender that some males were engaged in a physical altercation, at which time the bartender called the police. While on the phone with the police, he heard a gunshot. He observed several patrons exit the premises. He could not identify the shooter, but then observed a victim laying on the ground with a gunshot wound to the left chest. Investigation pending, report filed.



Office of the City Clerk

January 20, 2005

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

Terry L. Heinemeier, Agent
Terry Lee's Corp.
P.O. Box 100015
Milwaukee, WI 53210

Dear Mr. Heinemeier:

You are hereby notified that the Milwaukee Common Council will hold a hearing on February 1, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "B" Tavern License Renewal Application.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending nonrenewal of the Class "B" Tavern License. The recommendation is the result of a public hearing before the Committee held on January 18, 2005, the police report and your nonappearance.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

cc: License Division
CCF 041256



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: January 20, 2005

To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal application of Terry L. Heinemeier, agent for Terry Lee's Corp. for a Class "B" Tavern license for the premises located at 5516 West Center Street, in the City and County of Milwaukee, Wisconsin ("Terry Lee's Corp").

FINDINGS OF FACT

1. Terry L. Heinemeier, agent for Terry Lee's Corp. (hereinafter the "Licensee") is the holder of a Class "B" Tavern license for the premises located at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). Said license expires at midnight, February 7, 2004.
2. An application to renew said license was filed with the Office of the City Clerk on December 28, 2004.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated December 29, 2004, which could form the basis for nonrenewal or suspension of the license. There were also neighborhood objections to loud music and noise, fights, shootings, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On January 7, 2004 the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or nonrenewal of the license of the Licensee along with the neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on January 18, 2005 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee did not appear nor was he represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

A. Notice of the hearing as well as a copy of the police report was sent to Terry L. Heinemeier at 4525 West Auer Avenue, Milwaukee, Wisconsin 53216 on January 7, 2004 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4525 West Auer Avenue, Milwaukee, Wisconsin 53216 is the address given by the applicant on his application. The envelope was not returned to the License Division by the United States Postal Service. The licensee failed to appear at the hearing on January 18, 2005.

B. On March 8, 2003 at 12:36 am Milwaukee Police Department officers were dispatched to the licensed premises located at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") for a complaint of a man with a gun. Officers interviewed a part time security person employed by the premises. That individual stated that he observed the victim and 4 males arguing and a fight began. The security person tried to stop the fight, and as he did so, he saw a male take a black semi-auto pistol from his waist and point it at the victim. The security person pulled the victim behind the bar and the gunman fled the tavern.

C. On April 19, 2003 at 12:55 pm, an underage Milwaukee Police Department police aide entered the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") and was able to purchase two 12 ounce glasses of Miller Lite tap beer from the bartender. The applicant was not cited. The bartender was found guilty of sale to underage.

D. On April 25, 2003 at 12:45 am officers of the Milwaukee Police Department were flagged down at the intersecting of North 53rd and Center Street in the City and County of Milwaukee, Wisconsin by a person who stated someone had been shot inside the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). Police interviewed the bartender, Allan Peters, who stated that there had been a fight between two people in the bathroom, but denied that anyone had been shot. Numerous patrons in the taverns also claimed to not hear or see anything. Upon leaving the scene, the officers were notified by the police dispatcher that there was a shooting victim at St. Joseph's Hospital. Police interviewed the victim, and the victim stated that he had been shot inside the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") near a pool table which is located next to the men's bathroom.

E. On April 25, 2003 at 8:02 pm officers of the Milwaukee Police Department were dispatched to the licensed premises 5516 West Center

Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") to investigate a subject with a gun. Officers found a male in the tavern, and during a pat down search of that individual, found a black and silver 380 Talon on the subject's bar stool. The subject was arrested for carrying a concealed weapon.

- F. On May 11, 2003 at 9:45 pm officers of the Milwaukee Police Department responded to the licensed premises at 3530 West Silver Spring Drive in the City and County of Milwaukee, Wisconsin ("The Silver Spring Tap") regarding a Bomb Threat. The investigation revealed that a patron had been refused service because he was intoxicated. That patron threatened to blow up the bar and the block. Officers arrested the patron for disorderly conduct (state). An incident report was filed. The applicant is the licensee at 3530 West Silver Spring Drive.
- G. The licensee was found guilty on September 17, 2004 of underage upon a Class "B" premises, licensee responsibility and fined \$200.00. The bartender, Allan Peters was found guilty of sale of alcohol to underage person on July 30, 2004 and fined \$338.00.
- H. On August 18, 2004 at approximately 11:20 pm, officers of the Milwaukee Police Department were dispatched to the licensed premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's"). The officers observed blood on the floor in the north section of the bar, but the parties involved had left the scene. The bartender, Allan Peters, told the officers he was talking to a female at the bar when another female struck the first female in the head with a pool stick. While completing their investigation, officers noted that amusement machines did not have proper identification tags. Also not licensed were a pool table, juke box, and cigarette machine. The licensee was not on the premises. The licensee was issued citations for license and permits required, video and amusement machines-5 citations. The licensee was found guilty on one of the citations and the remaining four were dismissed on October 28, 2004 and the licensee was fined \$212.00.
- I. On September 16, 2004, at approximately 12:26 am, officers of the Milwaukee Police Department responded to a report of a shooting at the licensed premises at 5516 West Center Street in the City and County of Milwaukee ("Terry Lee's"). Upon their arrival they were told by the bartender that some males were engaged in an altercation which caused the bartender to call the police. While on the phone with the police, the reporting officer heard a gunshot. Several patrons exited the premises. The shooter could not be identified, but there was a victim lying on the ground with a gunshot wound to the left portion of the chest. An investigation is pending and an incident report was filed.

J.

The Committee heard testimony from one Tammy Banks and a Lena Banks Johnson who were related to the individual who was shot in the incident of September 16, 2004. Although the individual did not die from that incident, it is obvious that the continued operation of these premises will be detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

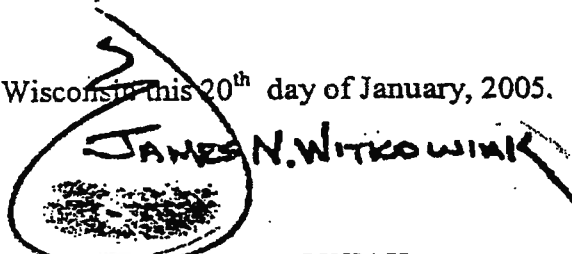
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Terry L. Heinemeier, agent for Terry Lee's Corp. for a Class "B" Tavern license for the licensed premises at 5516 West Center Street ("Terry Lee's") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of his Class "B" Tavern license. The Committee finds the police report and neighborhood objections to be true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its discretion to not renew the Class "B" Tavern license of Terry L. Heinemeier for the premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's").

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes and zero (0) noes recommends that the Class "B" Tavern license held by Terry L. Heinemeier, agent for Terry Lee's Corp. for the premises at 5516 West Center Street in the City and County of Milwaukee, Wisconsin ("Terry Lee's") not be renewed because of the police report and nonappearance.

Dated and signed at Milwaukee, Wisconsin this 20th day of January, 2005.

A handwritten signature in black ink, reading "JAMES N. WITKOWIAK", is written over a circular official stamp. The stamp contains a small, illegible emblem or seal.

JAMES N. WITKOWIAK
Chairman of the Utilities
and Licenses Committee



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

January 26, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 041256

Attached are written objections to the Recommendation of nonrenewal based on the police report and non-appearance of the Class "B" Tavern license of Terry Heinemeier, Agent for "Terry Lee's Corp.", for the premises located at 5516 W. Center St. ("Terry Lee's") in the 10th aldermanic district.

This matter will be heard by the full Council at its February 1, 2005 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Utilities and Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 041256



Office of the City Clerk

February 1, 2005

Ronald D. Leonhardt
City Clerk

Carolyn Hill Robertson
Deputy City Clerk

Terry L. Heinemeier, Agent
Terry Lee's Corp.
P.O. Box 100015
Milwaukee, WI 53210

Dear Mr. Heinemeier:

This is to notify you that on January 18, 2005 the City's Utilities and Licenses Committee voted to recommend to the City's Common Council that your renewal application as agent for Terry Lee's Corp. for a Class "B" Tavern license be denied based upon a police report and non-appearance.

On January 21, 2005 you were sent a true and correct copy of the findings of fact, conclusions of law and recommendations of the Utilities and Licenses Committee with respect to your renewal application for a Class "B" Tavern license in which the Committee recommended that your renewal application be denied. You were further notified that the Milwaukee Common Council would consider the matter at its meeting of February 1, 2005 commencing at 9:00 a.m. in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin. You were advised of your right to file written objections or to appear personally or by counsel to address the Common Council. At that date, time and place you did appear and you did file written objections to the report of the Utilities and Licenses Committee.

Following consideration of the report of the Utilities and Licenses Committee and your objections and arguments, the Common Council adopted the recommendation of the Utilities and Licenses Committee by a vote of fifteen (15) Ayes and zero (0) Nays to not renew your Class "B" Tavern license.

You are eligible for a refund of your license fee by bringing in your receipt or filing an affidavit for refund within one year to date of action with the License Division, 200 East Wells Street, Room 105.

Very truly yours,


RONALD D. LEONHARDT
City Clerk

cc: License Division
CCF 041256

License application ideal timeline

Day 1	Applicant files application with License Division and gets fingerprinted by the Milwaukee Police Department.
Day 4 (due to weekend)	Notification of application received by the Milwaukee Police Department – License Investigation Unit, Department of Neighborhood Services, Health Department and E-Notification.
Days 4 - 8	MPD Bureau of Investigation Processes Fingerprints Alderperson's office does one or more of the following: 1) Meets with the applicant 2) Sends out a neighborhood survey 3) Schedules a neighborhood meeting
Days 11 - 15	MPD LIU sends applicant a letter to advise applicant to contact them for an interview and proof of residency.
Days 18 - 22	Applicant contacts MPD LIU for the interview and supplies the appropriate proof of residency. Survey's returned to the Alderperson's Office or neighborhood meeting held or Alderperson meets with the applicant
Day 25	MPD LIU transmits completed police report to the License Division.
Days 25 -26	Police report is received by the License Division, entered in the system, added to the application and the application is given to the License Division Manager.
Days 26 - 27	License Division Manager contacts the Alderperson to discuss scheduling the application. Discussion of if there are neighborhood objections, if there is a concentration issue, and what if any neighbors should notified of the hearing. (Notice can be mailed to 100 persons or a radius of 250' feet from the premises per ordinance. There is no requirement that notice must be given.)
Days 28 -29	Notices are mailed to the license applicant and the surrounding neighbors if applicable.
Day 41	Licenses Committee hears license application and makes recommendation to the Common Council.
Day 54	Common Council votes on the Licenses Committee's recommendation.

54/7 = 7.7 weeks

Case #1 (*applicant waited 26 days to be fingerprinted*)

Day 1	Application filed with the License Division
Day 2	Notification of application received by the Milwaukee Police Department – License Investigation Unit, Department of Neighborhood Services, Health Department and E-Notification.
Day 26	Applicant goes to get fingerprinted
Day 34	License Division contacts MPD LIU to check on the status of the police report; applicant has not complied with the police background investigation (failure to provide proof of residency)
Day 37	Applicant complies with police background investigation and police report is completed
Day 41	Police report is received by the License Division, entered in the system, added to the application and the application is given to the License Division Manager.
Day 41	License Division Manager discusses the application with the alderperson. The alderperson requests that neighbors within 250' are notified of the hearing.
Day 44	Notices are mailed to the license applicant and the surrounding neighbors.
Day 55	Licenses Committee hears license application and recommends approval of the application.
Day 70	Common Council votes on the Licenses Committee's recommendation.

70/7 = 10 weeks

Case #2

(applicant complied with requirements in a timely manner and there were no concerns with the application)

Day 1	Application filed with the License Division
Day 2	Notification of application received by the Milwaukee Police Department – License Investigation Unit, Department of Neighborhood Services, Health Department and E-Notification.
Day 3	Applicant goes to get fingerprinted
Day 11	Applicant complies with police background investigation and police report is completed
Day 12	Police report is received by the License Division, entered in the system, added to the application and the application is given to the License Division Manager.
Day 15	The Alderperson's office contacts the License Division; advises there are no concerns with the application and would like it scheduled for the next licenses committee meeting.
Day 16	Notice is mailed to the license applicant.
Day 23	Licenses Committee hears license application and recommends approval of the application.
Day 38	Common Council votes on the Licenses Committee's recommendation.

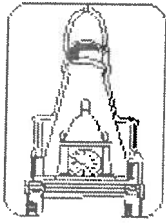
$38/7 = 5.4$ weeks

Case #3

(Transfer application – there was a recess of committee meetings and the alderperson requested it be held twice)

- | | |
|---|--|
| Day 1 | Application filed with the License Division |
| Day 2 | Notification of application received by the Milwaukee Police Department – License Investigation Unit, Department of Neighborhood Services, Health Department and E-Notification. |
| -- | Applicant's fingerprints are already on file. |
| Day 2 | Police report is completed |
| Day 3 | Police report is received by the License Division, entered in the system, added to the application and the application is given to the License Division Manager. |
| <i>3 week lapse due to recess of committee meetings</i> | |
| Day 22 | License Division Manager discusses the application with the alderperson. The alderperson requests that the application be held to meet with the applicant and/or the neighbors. |
| Day 43 | License Division Manager discusses the application with the alderperson. The alderperson requests that the application be held to meet with the applicant and/or the neighbors. |
| Day 64 | License Division Manager discusses the application with the alderperson. The alderperson requests that neighbors within 250' are notified of the hearing. |
| Day 67 | Notices are mailed to the license applicant and the surrounding neighbors. |
| Day 78 | Licenses Committee hears license application and recommends approval of the application. |
| Day 93 | Common Council votes on the Licenses Committee's recommendation. |

93/7 = 13.3 weeks



**City
of
Milwaukee**

*INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU*

Memorandum

To: Hon. Louis Butler, Chair
Members of the Alcohol Beverage Licensing Task Force

From: Richard Withers, Legislative Fiscal Analyst *RW*

Date: October 23, 2008

Re: Comparison of Alcohol Beverage Licensing Processes

This memorandum responds to the request of the Alcohol Beverage Licensing Task Force at its first meeting on Friday, October 10, 2008, for information comparing alcohol beverage licensing processes utilized in other communities with those implemented in the City of Milwaukee. The following information is based on initial research and analysis undertaken by the Bureau's Michael Talarczyk this past summer. I have supplemented his research and also included some historical information about the City of Milwaukee's past licensing practices.

Federal and State Overview

The 21st Amendment to the United States Constitution, which ended Prohibition in 1933, gave states the primary authority for determining whether alcohol could be sold legally and, if so, under what conditions. A fundamental premise of the state regulatory systems is that alcohol beverages are potentially hazardous products and, therefore, should be subject to special conditions not applied to other commercial goods and services. Licensing affects where, and how many, outlets can exist in specified areas; what types of outlets are permitted (on or off-premise consumption, allowing the sale of beer, wine and/or spirits); who can own, manage, sell and serve alcohol; and how the outlet can conduct its sales and serving practices.

With respect to off-premise consumption of alcohol beverages, the states generally fall into 2 categories: control states and license states.

In control state systems, the state is involved in the sale of alcohol beverages at the wholesale and/or retail level. Currently, there are 18 control states that operate as

the sole wholesalers of distilled spirits within their borders. Retail distribution, however, is conducted differently in each control state through state-operated retail stores, contract agency retail outlets, private retailers, or a combination of state, agency and/or private stores.

Wisconsin is one of 32 license states that does not participate in the sale of alcohol beverages at the state level. Some license states including Wisconsin, permit local municipalities to operate retail stores.

With respect to establishments which offer alcohol beverages to be consumed on-premise, there are generally 3 categories: exclusive state licensing, dual licensing, and exclusive local licensing. Thirty-five states issue alcohol beverage licenses solely at the state level, though localities may have varying influence in the process. Six states require alcohol beverage establishments to obtain both state and local licenses. Alcohol licensing authority is delegated to local governments in 9 states. However, while the states do not issue licenses, they may impose regulations that local governments must comply with. Wisconsin is a local licensing state.

Chapter 125 of the Wisconsin Statutes authorizes "every municipal governing body" to issue fermented malt beverage and intoxicating liquor licenses. The other 8 states with generally exclusive local licensing of retail alcohol sales are Hawaii, Maryland, Massachusetts, Minnesota, Nevada, Rhode Island, South Dakota and Wyoming. The states of Hawaii, Maryland and Nevada place licensing authority exclusively with county governments (except for the City of Baltimore). Those states that authorize local licensing generally permit the governing authority to either rely on state statutes for their alcohol review process or to further delineate alcohol licensing through local ordinance. Wisconsin statutes at ch. 125, Wis. Stats., authorizes regulation by local ordinance that is not inconsistent with the provisions of state statutes.

Key Features of the City of Milwaukee Alcohol Beverage Licensing Process

Chapter 90 of the Milwaukee Code of Ordinances regulates the sale of alcohol beverages within the city of Milwaukee. The application process for both new Class "A" and Class "B" retailer's licenses for the sale of either intoxicating liquor or fermented malt beverages can be summarized as follows:

- An application form is completed and submitted to the City Clerk.
- A notice of the application is published in the Daily Reporter at least 3 successive times.
- The applicant deposits with the City Treasurer the full amount of the fees required for the license(s) applied for.
- The application is referred to the Milwaukee Police Department, the Department of Neighborhood Services and the Health Department for investigation.
- The completed application, along with all reports, is referred to the Licenses Committee.
- The applicant appears before the Licenses Committee, testimony is heard, and the Licenses Committee recommends approval or denial.
- The recommendation of the Licenses Committee is forwarded to the Common Council for vote.

Key Features of Licensing in States and Cities Authorizing Municipal Licensing

The following summarizes some of the key elements of the licensing process in those states, like Wisconsin, that authorize municipal licensing. Where applicable, the processes of specific cities have been summarized.

- **Hawaii:** The state of Hawaii places licensing decisions in the hands of 5-member County Liquor Commissions. Members of the commission are appointed by the executive head of each county with advice and consent of the legislative body of the county.
- **Maryland:** The governor appoints members of a Board of Liquor License Commissioners in each county and the City of Baltimore. The actual title of this board and the number of members vary by county.
- **Boston, Massachusetts:** A 3-member City of Boston Licensing Board appointed by the mayor with approval by the city council is responsible for alcohol beverage license review. The Board is empowered to grant, deny and revoke licenses.
- **Minneapolis, Minnesota:** The Department of Licenses and Consumer Services handles application and all preliminary investigation before forwarding to the City Council's 6-member Public Safety and Regulatory Services Committee for review. The recommendation of the Committee is forwarded to City Council for vote.
- **Clark County, Nevada:** Nevada places liquor licensing authority with individual county boards of commissioners. The Clark County Board of County Commissioners has 7 elected members.
- **Providence, Rhode Island:** A 5-member Board of Licenses, appointed by the Mayor and approved by the City Council, is responsible for all license decisions, including alcohol.
- **Sioux Falls, South Dakota:** In Sioux Falls, all alcohol license applications are routed through City Zoning, City Planning and City Finance for approval before going before the 8-member City Council for final action.
- **Madison, Wisconsin:** A 13-member Alcohol License Review Committee ("ALRC") reviews and issues a recommendation on alcohol license applications prior to sending to the Common Council for vote. The 7 voting members of the ALRC include 2 Council members and 5 city residents, all appointed by the mayor subject to Common Council confirmation. The 6 non-voting members of the ALRC include the City Clerk or designee, president of the Madison Tavern League or designee, Chief of Police or designee, City Attorney or designee, Chancellor of the University of Wisconsin-Madison or designee and the City Alcohol Policy Coordinator.

- **Wyoming:** The city of Cheyenne requires liquor applications to be reviewed by the City Attorney, then by a 4-person Public Service Committee, and then are forwarded to the City Council for action.

Many local jurisdictions require notification to residents and/or property owners within a designated geographical area of the proposed establishment. Others require notification by placard or sign posted on the proposed premises. The applicant is usually responsible for all notification costs. The following information includes language contained in applicable local legislation.

- **Hawaii:** Immediately upon the commission's fixing a day for the public hearing of the application, the applicant shall mail a notice setting forth the time and place of the hearing on the application to each of the following: (1) Not less than two-thirds of the owners and lessees of record of real estate and owners of record of shares in a cooperative apartment situated within a distance of 500 feet from the nearest point of the premises for which the license is asked, provided that in meeting this requirement, the applicant shall mail a notice to not less than three-fourths of the owners and lessees of record of real estate and owners of record of shares in a cooperative apartment situated within a distance of 100 feet from the nearest point of the premises for which the license is applied for.

In similar fashion and wording, Hawaii requires that two-thirds of registered voters residing within 500 feet of the premises and three-fourths of the registered voters residing within 100 feet of the premises be notified of the alcohol application.

- **Maryland:** The board shall cause a suitable sign or notice to be posted and to remain posted for a period of at least 10 days in a conspicuous place upon the premises described in the application. The posting shall be done at least 10 days before action upon the application, and the notice also shall specify the class of license applied for and the time and place fixed by the board for hearing upon the application.
- **Minneapolis, Minnesota:** The Department of Licenses and Consumer Services ("DLCS") shall notify by mail all residents, to the extent such notice is feasible, and property owners within 600 feet of the main entrance of the proposed establishment. Within the designated Downtown Business District, the department shall only be required to notify all residents and property owners within 300 feet of the main entrance of the proposed establishment.

The DLCS director shall assess and the applicant shall remit prior to public notification, all specific expenses incurred by the city, including those from identification of the property residents and owners, production of the notice, interdepartmental processing fees, and postage costs.

- **Rhode Island:** Notice of the application shall be given, by mail, to all owners of property within 200 feet of the place of business seeking the application. The notice shall be given by the board, body or official to whom the application is made, and the cost of the application shall be borne by the applicant. The notices shall state that objectors are

entitled to be heard before the granting of the license, and shall name the time and place of the hearing.

- **South Dakota:** If any resident of an incorporated municipality files a written request that the resident be notified of the time and place of hearing upon any specified application for a license, notice by mail shall be given to the resident.
- **Madison, Wisconsin:** The City Clerk shall notify all property owners situated in the block of the site for which the license is sought and all property owners within a radius of 300 feet of the proposed site of the dates of the hearings. Notification is currently done via postcard.
- **Wyoming:** When an application for a license has been filed with a licensing authority, the clerk shall promptly prepare a notice of application and place the notice conspicuously upon the premises shown by the application as the proposed place of sale.

Off-site meetings, whether conducted by a city official or the applicant, may be required as part of the evaluation process.

- **Boston, Massachusetts:** The applicant is required to hold a meeting with "neighborhood associations" to discuss the proposed establishment. No city official is required to attend. The head of the neighborhood association, on behalf of members, may then submit a letter to the city regarding the neighborhood's position on the application.
- **Minneapolis, Minnesota:** On any application for a new license outside of the Downtown Business District, DLCS shall hold a meeting on the application during evening hours at a location in the approximate vicinity of the premises proposed to be licensed. (Note: While the district Council member typically attends this meeting, it is "run" by DLCS.)

In some cases, a specified level of neighborhood objection to a proposed alcohol license may automatically result in denial of the application.

- **Hawaii:** If a majority of either the registered voters or the owners and lessees of record of real estate within 500 feet of the nearest point of the premises for which the license is asked have duly filed or caused to be filed their protests against the granting of the license, the application shall be refused.
- **Maryland:** If it appears that more than 50% of the owners of real or leasehold property or 50% of combined owners and tenants of real or leasehold property situated within 200 feet of the place of business for which application is made are opposed to the granting of the license, the application may not be approved, and the license applied for shall be refused.

- **Madison, Wisconsin:** No Class B license shall be issued for any premises in any district where 40% or more of the property fronting on both sides of the same street in the same block is used for residence purposes if a written objection shall be filed with the City Clerk signed by owners of more than 80% of such residence property.

In comparing alcohol beverage licensing procedures in states and localities that have municipal licensing, there are a number of differences in handling of neighborhood notification, neighborhood meetings, neighborhood objections and whether final decisions are made by a regulating authority or by the local governing board.

Chapter 125, Wis. Stats., clearly requires that the final determination about alcohol beverage licensing is to be made by the Common Council, a political body. This, in turn, has resulted in reliance on the elected representative of each Council District to advocate for the interests of residents and voters of the District.

Milwaukee Licensing Historically

Reliance upon Milwaukee's local governing body to make alcohol beverage licensing decisions was legislated even prior to Wisconsin statehood. The Milwaukee City Charter (titled, "An Act to incorporate the City of Milwaukee") was passed by the Fifth Legislative Assembly of the Wisconsin Territorial Legislature on January 31, 1846. Section 24 of the Milwaukee City Charter provides a statement of the general powers of the common council to enact ordinances. The language appears to be a precursor to the language now found at s. 62.11(5), Wis. Stats., stating the general powers of the Common Council to act to promote welfare and order.

Section 24 of the Milwaukee City Charter also contains 18 paragraphs addressing more specific powers. The first paragraph provides that the Common Council shall have authority:

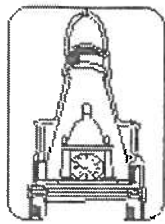
- I. To establish rates for and license and regulate taverns, groceries and victualling houses, and all persons retailing or dealing in spirituous, venous or fermented liquors, and to license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, and to provide for the abatement or removal of all nuisances, under the ordinances or at common law.

Following statehood, the Wisconsin Legislature also enacted ch. 29, Rev. Stats., entitled "Of the Sale of Spirituous Liquors." This legislation required that any person who sold "spirituous liquors" post a bond with the county, city, town or village in which the vendor resided or conducted business. Chapter 29, also provided, among other things, that cities could institute legal action on a bond to pay the costs of anyone who becomes a public charge due to intemperance when it is shown that the party posting the bond was in the habit of selling or giving liquor to the person who is a public charge.

It appears from this early history that responsibility for alcohol beverage regulation was, as a matter of Wisconsin policy, to be placed centrally with affected local governments, and particularly, with the City of Milwaukee. The role of an advisory committee, such as that

established in the City of Madison, may provide useful assistance to the Licenses Committee and the Common Council in license determinations. Options for involvement and facilitation of neighborhood responses to alcohol beverage applications, renewals, and revocation actions may also provide alternatives to reliance upon the advocacy of affected Council members.

LRB08510
RLW
10/23/2008



**City
of
Milwaukee**

*INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU*

Memorandum

To: Tobie Black, Staff Assistant
Alcohol Beverage Licensing Task Force

From: Richard Withers, Legislative Fiscal Analyst ex. 8532 *RW*

Date: November 19, 2008

Re: Copies of Newspaper Articles Supplied to the Task Force

Upon your request on behalf of the Hon. Louis Butler, Chair of the Alcohol Beverage Licensing Task Force, I supplied copies of newspaper articles to you last week related to the arrest and prosecution of Michael McGee. I understand that these articles may be provided to members of the Task Force as background information. With the assistance of the Bureau's Library Section, a large number of articles were compiled. I selected those that appeared most informative. All the articles provided were published in the Milwaukee Journal Sentinel and are copyrighted. I would therefore request that the articles not be reproduced or published, on the Internet or otherwise except for the fair use of Task Force members.

In the interest of transparency, I have prepared the following list of these articles which can be placed in the files of the Task Force so that the public will have information about the types of background materials reviewed by Task Force members.

May 29, 2007	"McGee arrested in corruption case – Details expected today from DA, U.S. Attorney"
May 30, 2007	"McGee faces bribery charges – Federal charges filed some state charges sealed"
May 31, 2007	"DA says McGee plotted beating – Alderman's lawyer says issue is a misunderstanding of street language"
May 31, 2007	"Process of awarding licenses must be reviewed, Barrett says"
June 1, 2007	"McGee election worker charged-People were paid \$5 to vote, complaint says alderman defends himself in call to radio show"

June 6, 2007	"State files new criminal charges against McGee – Wiretap issue will keep latest allegation sealed"
June 15, 2007	"McGee anti-crime group implicated in bribery – Federal investigation links organization to extortion"
August 17, 2007	"McGee had defended bar where man was fatally shot"
December 31, 2007	"FBI agent's affidavit links McGee, gang – Document says alderman muscled out citizens group"
May 19, 2008	"Trial brings McGee back to fore – Former alderman's state case may feature a few unusual twists"
June 6, 2008	"Document details federal McGee case – Ex-alderman accused of driving around demanding money"
June 17, 2008	"Witness says he paid McGee – Former alderman's federal trial opens"
June 18, 2008	"McGee wanted cash, jury is told – Store owners say a donation for beer license was norm"
June 19, 2008	"McGee exchange seen on video – Undercover agent paid \$900 bribe, he testifies"
June 21, 2008	"Defense chips away at McGee witness – Ex-alderman shepherded licenses, official testifies"
June 24, 2008	"FBI tape reveals plan to control licenses – McGee planned citywide shakedown Closing arguments today in ex-alderman's extortion trial"
June 25, 2008	"McGEE GUILTY – Former alderman convicted of extortion, bribery in dealings with store owners"
June 26, 2008	"Verdict revives reform talk – McGee trial details aldermanic privilege"
June 29, 2008	"Liquor license panel planned – After McGee conviction, task force will study city's approach to process"
June 29, 2008	"ALDERMANIC PRIVILEGE – A NEED TO RESTORE TRUST IN CITY LIQUOR LICENSING In the wake of Ald. Michael McGee's conviction, a licensing task force is a good first step. The goal: Ridding Milwaukee once and for all of the notion of aldermanic privilege."
October 18, 2008	"McGee admitted to false ID, records say"
October 28, 2008	"McGee sentenced to 6 ½ years in prison – Ex-alderman shook down businesses"

Please feel free to contact the Bureau if you have any questions or would like further information.

LRB08538
RLW
11/19/2008

MICHAEL J. MURPHY

ALDERMAN, 10TH DISTRICT

City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

Phone (414) 286-2221
Fax (414) 286-3456

e-mail: mmurph@milwaukee.gov
website: www.milwaukee.gov/district10



CHAIR:

- Finance & Personnel Committee
- Milwaukee Arts Board
- Housing Trust Fund Advisory Board
- Employees' Retirement System Investment Committee

MEMBER:

- Zoning, Neighborhoods & Development
- Steering & Rules Committee

November 20, 2008

Dear Justice Butler,

Thank you for chairing the Alcohol Beverage Licensing Task Force. Your presence and leadership on the committee ensures its quality, competence and thoroughness. The State of Wisconsin has entrusted the alderpersons of the City of Milwaukee with great regulatory power over alcohol licenses. It is essential that this power is not misused or exercised through an opaque process. Recommendations from your committee will undoubtedly help to restore the integrity of the alcohol licensing process. As the senior member of the Common Council, I respectfully submit recommendations for your committee to consider.

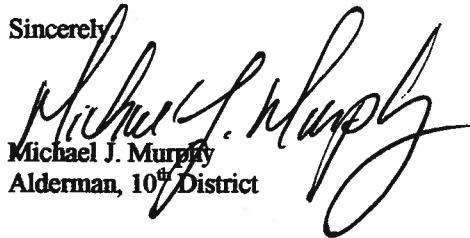
I receive several contacts weekly from prospective alcohol beverage licensees. A significant number of these applicants wrongly believe that the local alderperson possesses the power to grant or deny their application. Because of their misunderstanding, I am put in the awkward position of telling these applicants that I do not support their license application, but that they are entitled to a hearing before a committee constructed of my peers. It is important that the License Division provide these prospective applicants with an informational sheet that details their rights throughout the licensing process. This "Bill of Rights" could succinctly inform applicants of what they should expect throughout the licensing process.

Another important aspect of the application process is the information that the Licenses Committee receives from the Milwaukee Police Department. The details of police activities at a location are perhaps the most significant contributors to the decision to not renew an alcohol beverage license. It is crucial that the information given to the committee from the police department presents information that meets the special needs of the committee. A police report that provides detailed information on the role of the representative of the alcohol beverage establishment during a police visit would help the committee to fully understand the responsiveness of the establishment.

In renewing, suspending or revoking alcohol beverage licenses, developing objective standards would assist the Common Council. Creating a point system as an enforcement mechanism for these unbiased expectations would be a positive step. The Common Council would determine the point values for certain offenses. Based upon convictions, establishments would receive demerit points. When these points reached levels set by the Common Council, this would trigger a mechanism for the revocation or suspension of the license. This point system could be enacted with a provision that ensured the ability of the Common Council to use its discretionary power.

No matter what suggestions your committee might formulate, I trust that you will find recommendations that, if enacted, will restore public confidence in the licensing process. If I can lend support in any way, please do not hesitate to contact me.

Sincerely,


Michael J. Murphy
Alderman, 10th District

Previously used locations for public meetings:

South Division High School
1515 W. Lapham Blvd.

Custer High School
5075 N. Sherman Blvd.

Pulaski High School
2500 W. Oklahoma Ave.

Kosciuszko Community Center
2201 S. 7th St.

Hillside Family Resource Center
1452 N. 7th St.

United Community Center
1028 S. 9th St.

Northside YMCA
1350 W. North Ave.

Wilson Park Senior Center
2601 W. Howard Ave.

Bayview High School
2751 S. Lenox St.

Destiny Youth Plaza
7220 N. 76th St.

-Public Library Community Meeting Rooms (holds 50 people at most)

-MPS locations are the best for large meetings (200-300 people can be accommodated)

Neighborhood Associations and Organizations

Milwaukee Downtown Bid 21 <http://www.milwaukee downtown.com/> Beth Nichols

Easttown Association <http://www.easttown.com/> Kate Borders

Historic King Drive BID <http://www.kingdrivebid.com/> Teig Whaley Smith

Historic Third Ward <http://www.historicthirdward.org/> Nancy O'Keefe

Lincoln Village <http://www.lincolnvillagemilwaukee.org/> Neil White

Merrill Park Neighborhood Association
<http://www.neighborhoodlink.com/milwaukee/merrillp/> Bob Greene

Sherman Park Community Association <http://www.shermanpark.org/> Steve O'Connell

Westown Association <http://www.westown.org/> Stacy Callies

Stephanie Harling, Havenwoods Economic Development Corp.
stephharling@hotmail.com, www.havenwoods.org Phone: 431-2274

East Side Business Improvement District Jim Plaisted
(eastsidebid@sbcglobal.net)

Judi Keller, Greater Mitchell Street Association, jkeller129@aol.com Phone: 383-6601



www.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

December 3, 2008

Dear Community and Business Organization Staff:

You are invited to attend a public hearing of the Alcohol Beverage Licensing Task Force to be held in Room 102 of the Frank P. Zeidler Municipal Building at 7 p.m. on Thursday, December 11, 2008. The Zeidler Municipal Building is located at 841 N. Broadway.

The Task Force, chaired by former Wisconsin Supreme Court Justice Louis Butler, will be hearing public comments regarding the process by which the City licenses alcohol establishments (which includes grocery stores as well as taverns). The Task Force requests that comments and suggestions from organizations such as yours be summarized in writing for presentation to the Task Force in addition to your requested appearance at the public meeting. If attending the public meeting, the representative from your organization is encouraged to limit speaking time to three minutes.

If you have any questions prior to the public meeting, please feel free to contact me at (414) 286-3790 or tblack@milwaukee.gov.

Very truly yours,

Tobie Black, Acting Staff Assistant
Alcohol Beverage Licensing Task Force

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



December 12, 2008

To the Honorable, the Common Council
City Hall
200 E. Wells St., Room 205
Milwaukee, WI 53202

Dear Council Members,

The Alcohol Beverage Licensing Task Force was convened to study the current alcohol beverage licensing process and to make recommendations for changes or improvements to this process, if necessary. As Chair of the Alcohol Beverage Licensing Task Force, I am requesting input from you, the members of the Common Council, as to any suggestions for improvement or any changes in the alcohol beverage licensing process that you feel are necessary. The task force would also like to know if you think that the licensing process is sufficient in its current state.

If you wish to give your input to the task force, please do so in writing by Wednesday, December 17th. You can give any submissions to Tobie Black, Acting Staff Assistant to the Alcohol Beverage Licensing Task Force.

Respectfully,

Justice Louis Butler
Chair, Alcohol Beverage Licensing Task Force

STRONGER CRITERIA FOR LICENSING GROCERY STORE A & B ALCOHOL SALES

BY

BOB GREENE, MERRILL PARK NEIGHBORHOOD ASSOCIATION

December 11, 2008

Being a Resident of the Merrill Park Neighborhood for 50 Plus years and a member of the Neighborhood Association for 25 of those years, I have had the unique opportunity to witness firsthand the changes in State Statutes and Local Licensing Ordinances that have contributed to the decline in the Quality of Life of our neighborhoods throughout the City.

To see a neighborhood where once SEVEN different grocery stores operated profitably and NONE sold any type of alcohol. We had ONE Liquor Store – Stapleton's B&B Beer Depot.

Then came the seventies and eighties where Large Box Grocery Stores began to proliferate and State Law and Local Ordinances were changed to allow Grocery Stores to sell beer and Spirits also, as a convenience to shoppers using these larger format stores. This applied to all stores selling food.

Smaller, neighborhood stores could not compete with the volume pricing that bigger stores could enjoy by buying in larger quantities. With Beer having a high profit margin, these smaller stores began selling more beer and convenience items to the point that groceries became a smaller sales percentage than the beer and convenience items. In effect, these grocery stores became Convenience Stores.

Crack and Gangs became an ever increasing presence in the city and these "Convenience Stores" started to focus on drug paraphernalia, chips and beer as their main items to sell. The Gangs and Drug dealers began to claim the areas around these stores as their "Turf" to sell drugs and recruit area youths to become soldiers to expand their Turf.

Drug Houses and Prostitution began to locate around these stores for Users to go and smoke their weed or crack and to also be close to their source. Rival Gangs began fighting for the "Choice" Stores where high volume sales were happening. We even had an applicant apply for a Beer License for a Candy Store he was trying to open in a former Barber Shop at 234 N. 35th St.

I could go on in more detail, but I believe that I am telling you what you are probably already aware of, and I want to underscore this Statute change that I like most feel was the cause of many of the problems that our communities face.

I ask that you consider the following suggestions in strengthening the parameter in which to receive a Liquor license

1.

**Pg. 2 STRONGER CRITERIA FOR LICENSING
GROCERY STORE A & B ALCOHOL SALES
BY
BOB GREENE, MERRILL PARK NEIGHBORHOOD ASSOCIATION
December 11, 2008**

- **Beer/Alcohol cannot be more than 25% of store sales**
- **Citizen testimony given a greater weight in determining approval/disapproval of License**
- **Criminal incidents from prior year(s) and prior owners to new applicant and (renewal) current owners be held more accountable for citations/Police Calls in and around their sphere (store perimeter) of influence.**
- **More diligent of the Health Inspection process in determining License viability to proceed.**

December 9, 2008

I thank you for the opportunity to provide input in the discussion regarding how the city hears licensing renewals for Class B liquor licenses. As a fourteen year veteran holding several licenses, I have been witness to, or participated in, the hearing of dozens of renewals from mini marts to night clubs to a couple of my own properties.

I would like to preface my comments with the statement that I strongly believe in the process and feel it is absolutely necessary to be vigilant in ensuring that holders of these licenses act responsibly and are accountable for their actions. As the owner of several taverns and restaurants in Milwaukee, I take pride in ensuring the safety of my employees, my customers, and my neighbors through acting responsibly.

As I contemplate the desire to make the system work more efficiently and more effectively, I reflect upon these past experiences. I think the largest problem is with an adherence to some set of procedural rules for the committee itself. Hearings tend to stray off topic, contain irrelevant testimony, and usually run over. The scope of commentary by the committee as well as testimony of participants often seems undefined.

The roles of committee members can seem nebulous as well. Oftentimes, members are visibly distracted, not listening, or excuse themselves mid-stream. The decorum in general is very inconsistent and loose from joking with participants to hand-of-God admonishments or random monologues about everything from architectural style to the economy and culture. I have also consistently witnessed the allowance of irrelevant testimony, baseless accusations, and anecdotal evidence by complainants that have gone unchecked by the committee or the City Attorney.

Aside from procedural decorum issues, there seems to be a need for some type of vetting process for complainants and their statements. In order to save time, money, and the energy of the committee members, there absolutely must be a procedural review for citizens who intend to come to committee with their complaints. This would better serve the process, protect the taxpayers, and provide fairness to license holders.

My suggestion is to provide a standard form for review that must be approved by the committee prior to setting a hearing. Items to include: proof of residence, proof there is a real problem, (more than one complainant), a mechanism to prevent repeated annual visits if rulings have been made in favor of license holders (unless there is a *new problem*), and an affidavit to fill out demonstrating intent to attend the hearing.

This form could prevent much of what is currently bogging down the system and inconveniencing everyone from committee members, licensees, and witnesses. Oftentimes, there is little more than a personal dispute that can be resolved by other means. I know first hand, that occasionally the complainant does not attend the hearing and everyone is told they can leave.



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One problem is that license holders deserve a better notification process. (Legal representation) are not allowed and absence from the hearing jeopardizes a renewal, the current notification process is completely unfair. A form letter arrives just a few days prior to a hearing date announcing mandatory attendance. If a license holder is out of town or on vacation, that could be disastrous.

Furthermore, the notice itself is vague and does not provide much of the information a license holder needs. It does not describe in the complaint in exact detail or who is making the complaint. The verbiage of this notification letter is offensive in its broad strokes-- suggesting that a license-holder is responsible for acts ranging from public urination to destruction of property-- even if that has nothing to do with the complaint.

The Task Force should also focus on ways to implement a consistent set of suspensions and revocations. I do realize that much of what the committee is forced to decide is subjective, but I have seen such wild vacillations in sentencing that it has cast a shadow on the credibility of the committee to be able to make good judgments.

Yes, license holders absolutely must be held responsible, but so too, should the committee be expected to act responsibly. For many of these small business owners, this license is their livelihood-- losing it, even for a two-month suspension, could be a death blow. Inconsistent judgments that can seem arbitrary-- based on everything from the mood of a committee member to the license holders' inability to communicate well in English-- need to come to an end. There simply must be a detailed guideline for irresponsible use of beverage licenses.

Again, I would like to thank you for the opportunity to express concerns with the system. I hope my comments help in some way and would be happy to offer follow up if need be. In my opinion, this review is long overdue. Best of luck to you and the task force.

Sincerely,

Mike Eitel
Diablos Rojos Restaurant Group



**City
of
Milwaukee**

*INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU*

Memorandum

To: Justice Louis Butler, Chair
City of Milwaukee Alcohol Beverage Licensing Task Force

From: Richard Withers, Legislative Fiscal Analyst
Legislative Reference Bureau

Date: February 6, 2009

Re: Compilation of Committee Member Recommendations and Questions

This memorandum provides a compilation of the recommendations submitted by members of the Alcohol Beverage Licensing Task Force prior to 4:00 p.m. on Thursday, February 5, 2009.

To assist discussion at the meeting scheduled for Monday, February 9, 2009, I have organized the recommendations in groupings that generally reflect the chronological stages of the licensing process. These groupings include: Pre-Application, Application, Certification and Scheduling, Committee Hearing, Common Council Meeting, Renewal, and Revocation. The initials of the member making a recommendation appear at the end of each recommendation.

You have also proposed a number of issues the Task Force may wish to consider. I have included your questions with each grouping.

Some of the submitted recommendations include statements supporting the proposal. Therefore, as we discussed, each member's submission will also be provided to the Task Force separately.

Pre-Application

- Should the Common Council create and make available a pamphlet that contains the process for new license applications or license renewals, including the applicant's rights and obligations during the process? LB

- Publish a road map for new applications (should be available in several languages). EJJ
- Publish a “Bill of Rights” for new applications (available in several languages). EJJ

Application

- Ensure that applicants know all relevant procedures and timelines and set expectations at a reasonable level.
 - a. New brochure and web update needed to allow applicants to get real-time and correct information.
 - b. Similar to Ald. Murphy’s “Bill of Rights.”
 - c. Provide a fair amount of time for applicants to prepare for renewal hearing (mail notice at least 14 days prior?) and specify complaints in notice (not a form letter). JB
- Assure that applicants understand the legal requirements for operation including having printed materials in Spanish where appropriate. SN
- Should the time period for submitting a new application after denial [unsuitable location] be shortened from the current 3 year period? LB
- Should type of music and age or proposed clientele be on the application form? LB

Certification and Scheduling

- Should the council adopt a uniform process for giving notice of license hearings (including what is in the notice, and who receives it)? LB
- A minimum number of blocks where residents shall be notified of a hearing should be set. The Council member could expand the area but not diminish it. A suggestion would be at least one block on either side of the location on both sides of the street and behind the location. EJJ
- A reasonable maximum amount of time should be set for a hearing on a new license - 60 days. EJJ
- Should the council adopt minimum and maximum periods for scheduling a hearing before the licensing committee following the submission of an application for a new license (60 days or 2 council cycles)? LB
- Council members should have to follow the same guidelines for notifying neighbors on renewal hearings as they do on new applications. EJJ
- Provide access to relevant documents

Online access for both applicants and neighborhood to PA-33 or whatever relevant police information exists about a premise seeking approval or renewal. JB

- Set specific timelines and deadlines for application actions
License Division indicated that about 7 weeks was an “ideal” timeline for an application, but that several weeks could be added or subtracted based on conditions. Some of those conditions include a request that an item be held by a Council member.
Set a specific time period for action on an application, such as no more than 60 days from the time that an applicant gets fingerprinted by the Milwaukee Police Department. Define “neighborhood meeting” and outline the needs for when that must happen. JB
- Once applications are certified for scheduling they should be scheduled for a hearing before the licensing committee by the third regularly-scheduled committee meeting after certification. (Certification for scheduling would be the review of the application by staff to determine completion.) RL/RG
- When a new or renewal application is scheduled for a hearing, all addresses within a 250’ radius of the location should receive notice of the hearing. This is intended to provide notice to current occupants, not absentee property owners. RL/RG
- All new applicants should host a neighborhood meeting in conjunction with the local council member’s office. Proof of holding such a meeting must be provided prior to the application being certified for scheduling. RL/RG
- The police records of all applicants for renewal should be reviewed and an administrative determination made as to whether or not a particular applicant is brought before the licensing committee. This determination should be made solely on the police report. This review should be entirely separate from the consideration of any written objections on file with the License Division. RL/RG
- Should a standard form for review be adopted for consideration prior to a hearing, including proof of residence, proof of the existence of a problem, some form of mechanism to prevent repeated annual visits if rulings have been made in favor of license holders? LB

Committee Hearing (initial license application, renewal and revocation)

Procedure

- Once scheduled, a new application may be held only one time at the request of neighbors or the local council member for a specific reason chosen from those enumerated by the code. The motion relating to the hold should include a specific timeline for rescheduling, be made in writing and be presented at the

scheduled hearing. The timeline for rescheduling should not exceed 6 regularly-scheduled committee meetings after the date of certification for scheduling, unless special circumstances are presented to committee members at the hearing. RL/RG

- Ensure 5 Council members are present for *a*ll License Committee meetings. Licensees deserve the diversity of not only the opinion of the entire Committee but also the vote. In the cases where an Alderman cannot be present or is excused for a period of time, an alternate should be appointed. CU
- Should the licensing committee establish rules of decorum for proceedings before it? LB
- Council members on the Committee should refrain from adding personal opinions regarding licensees in their District. Only the facts regarding neighbors' concerns as expressed by the neighbors to the Council members should be expressed. Also, personal comments regarding information not pertinent to a license or licensee should not be made. CU
- Should there be some sort of procedural review created for complainants and their statements prior to any appearance before the committee? LB
- The License Committee should institute a 3-minute time limit on neighbor testimony. This would alleviate the perception of favoritism when some persons are allowed to speak without limits while others are not. Also content of the testimony must *a*lways be limited to the license issues at hand. CU
- The time line on notice of hearing [for renewals] may be too short. Time should be allowed for either rescheduling the hearing or needs to take into account the license holder may be out of town or have other conflicts. EJJ
- Remove as much ambiguity from the process as possible and eliminate any whiff of "aldermanic privilege"
One of the documents provided indicates that "there is no requirement that notice be given" for a new license application and that the Council member decides whether "there is a concentration issue" and "what, if any, neighbors should be notified of the hearing."
This provision should be eliminated and a specific policy put in place to outline who receives notification.
If possible, "concentration" could be defined (even if definitions are specific to neighborhoods). JB [note: s. 93-9-3-a-6, relating to used car dealers provides a possible template]
- Objections from Common Council members should be accompanied by some form of substantiation. Acceptable forms of substantiation should be identified. RL/RG

- Council members should be restricted from recommending any penalties. To the extent possible, 'standardize' punishments and suspensions. JB
- While nothing can be done in ordinance form, the Council members should know that many of the complaints with the License Committee stem from unprofessional behavior or lack of decorum on the part of members. The public asks for and expects more from the hearings. JB
- I believe [the committee] needs a city appointed interpreter for some of the license applications or renewals. SN
- Some of the personal comments are not needed when the committee is dealing with one's means of making a living. SN
- Witnesses making comments should be limited to, for instance, 2 minutes, and a timer may be of assistance.
- Suggestion of a "pre-signup" sheet outside the committee room with names and addresses of those prepared to speak for or against the license might cut down on time in the committee; only allow legal representatives or law enforcement at the table- everyone else must stand at the microphone. SN
- The method by which the Board of Zoning Appeals schedules and conducts hearings should be explored with special attention given to the scheduling of contested versus non-contested items, the time the meetings begin, and the time limits placed on supporters and opponents of applications. RL/RG

Substantive Issues

- PA 33's are an important tool for the committee – good or bad. SN
- Should the council develop a uniform procedure for the consideration of various types of police reports, police summaries, and PA-33's, including verification of the items contained within the reports, and access of the reports by the applicant prior to the hearing? LB
- Greater attention should be paid to the "business plan" of the applicant. There really should be a requirement that the applicant have the resources to follow the plan. The issuance of a license and occupancy permit should be conditional on fulfillment of the business plan. EJJ
- Should the council adopt a uniform procedure for requesting concentration maps as part of the application process (either always, not at all, or establish criteria for when maps will be requested)? LB

- Police reports on “problem buildings” should be given great weight. There should be greater care exercised in order to determine that the applicant is not “fronting” for the problem of the previous owner. EJJ
- Council members should be able to express opinions on licenses to be issued in their districts. They know the district better than anyone else. However, their opinion should be more objective than subjective. EJJ
- Once a hearing is scheduled the Council member should not be allowed to suggest the appropriate action. This should be left to the committee. EJJ
- If a new license is being granted in an area that has within the past three years been deemed concentrated, specific reasons outlining why the license should be recommended for granting despite being located within the concentrated area, must be presented to the committee and part of the motion to recommend approval of the license. RL/RG
- Should the committee be allowed to consider the actions of prior owners of a business at that location? LB
- What weight should be given to citizen testimony in determining approval/disapproval of a license application? LB

Common Council Deliberation

- Council members and applicants should be required to keep records of “behind the scenes” contacts. EJJ
- Should all communications between any council member and any applicant for a new or renewed license be required to be placed on the record, with outside lobbying of any council member also placed on the record. LB
- When a council member recommends the denial of a new license application, should the council create a right to appeal the denial to the entire council? LB
- If alderman (or family member) submits a license application, should the alderman be precluded from voting on that application? LB

Renewal

- Should renewals where the premises have current year police reports and/or warning letters be reviewed by the chair of the license committee or the entire license committee? LB
- Should tavern owners be held more/less accountable for what happens on and/or near their premises, even if there is no showing of wrongdoing by the businesses? LB

Revocation

- Can a streamlined revocation process be developed? EJJ
- Hearing examiners should be engaged for revocation hearings. RL/RG

General/Miscellaneous

- Amend chapter 90 to require that applicants (new and renewal) summarize and document any contacts that they have had with Council members during the time of their initial or renewal application. Consideration should be given to requiring Council members to prepare the same documentation. The documentation should be available to the public and the Licenses Committee. GL/BS
- Other avenues of reviewing applications such as bartenders, direct sellers, home improvement contractors, and junk collectors should be explored to allow the licensing committee to concentrate on other applications. RL/RG
- Any recommendations selected should be made part of the Milwaukee Code of Ordinances, and as applicable, part of the General Licensing Chapter. RL/RG
- Should the council adopt standardized procedures and guidelines to determine when suspension, revocation or non-renewal is an appropriate sanction? LB
- Should the mayor's office, the city attorney's office, the Fire and Police Commission, and the Department for City Development be part of the formal process for granting or denying a license? LB
- Should the council create a cap on the percentage of sales that alcohol can account for at convenience stores? LB

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Revocation

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- Hearing examiners should be engaged for revocation hearings. RL/RG

General/Miscellaneous

- Amend chapter 90 to require that applicants (new and renewal) summarize and document any contacts that they have had with Council members during the time of their initial or renewal application. Consideration should be given to requiring Council members to prepare the same documentation. The documentation should be available to the public and the Licenses Committee. GL/BS
- [Further recommendation to be submitted by City Attorney Grant Langley relating to rules or other procedures when a member of the licenses committee wishes to advocate a position relating to the new license or renewal]
- The License Committee should continue to be staffed by the alderpersons. SF
- A special date should be set aside for the longer agenda items (example: "Questions"; "Pizza Shuttle"; "Last Chance"). SF
- Suggest break and lunch times be allowed when preparing the agenda. I feel the Alderpersons would not appear to be so irritated towards each other or the applicant if proper breaks were taken at the same time. SF
- Other avenues of reviewing applications such as bartenders, direct sellers, home improvement contractors, and junk collectors should be explored to allow the licensing committee to concentrate on other applications. RL/RG
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- Should the council create a cap on the percentage of sales that alcohol can account for at convenience stores? LB

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March 17, 2009

Honorable Louis Butler
c/o Tobie Black
License Division
City Hall, Room 105

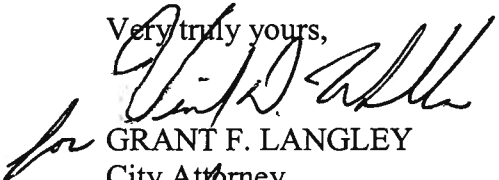
Re: Suggestion for Alcohol Beverage Licensing Task Force

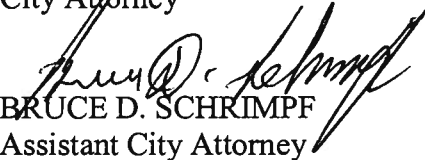
Dear Justice Butler:

In addition to the previous suggestions we have made regarding bringing more transparency to the processing of alcohol beverage licenses, we believe that it would be the best practice for Licenses Committee members to refrain from making indications of support or opposition to any new license application or renewal. However, if a Licenses Committee member does present relevant facts to the Committee, then we recommend that this member should abstain from voting on this matter at the Committee. This would not preclude that member from voting on the matter when it comes before the full Common Council.

The basis of this recommendation is two-fold. First, there is due process and the need to have the Licenses Committee recommendation free of any hint of pre-judgment or bias. Second, since the concept of aldermanic privilege has received considerable attention, we believe that alderpersons refraining from openly opposing or supporting a license and voting on the license in Committee will alleviate the appearance of aldermanic privilege.

Very truly yours,


GRANT F. LANGLEY
City Attorney


BRUCE D. SCHRIMPF
Assistant City Attorney

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**City
of
Milwaukee**

INTERDEPARTMENTAL CORRESPONDENCE
LEGISLATIVE REFERENCE BUREAU

Memorandum

To: Justice Louis Butler, Chair
City of Milwaukee Alcohol Beverage Licensing Task Force

From: Richard Withers, Legislative Fiscal Analyst
Legislative Reference Bureau

Date: March 17, 2009

Re: Draft Preliminary Recommendations of the Alcohol Beverage Licensing Task Force (ABLTF) Adopted Through March 16, 2009

The following are draft preliminary recommendations adopted by the ABLTF through March 16, 2009.

The Alcohol Beverage Licensing Task Force (ABLTF) recommends the following:

Pre-Application

- The City Clerk's License Division should create and make available a pamphlet that describes the process for new license applications or license renewals, including a statement of the applicant's rights and obligations during the process.

Application, Certification and Scheduling

- Notice of a Licenses Committee meeting scheduled to consider a new or renewal license application should be provided to all addresses within 500 feet of the premises identified in the application.
- The Common Council should enact periods of 60 days or 2 council cycles, whichever is less, for scheduling of a new or renewal license application before the Licenses Committee upon certification by the License Division that the application is complete.

- The decision to schedule a renewal application before the Licenses Committee shall be made administratively by the License Division and based solely upon information contained in a police summary.

Committee Hearing (initial license application, renewal and revocation)

- Once scheduled, a new application may be held only one time at the request of the applicant, interested parties or the local Common Council member for a specific reason chosen from those enumerated by the Common Council by ordinance. The motion relating to the hold should include a specific timeline for rescheduling, be made in writing and be presented at the scheduled hearing. The timeline for rescheduling should not exceed 2 regularly-scheduled committee meetings after the date of scheduling of the initial hearing, unless special circumstances are presented to committee members at the hearing.
- The Common Council should adopt rules of decorum for members of the Licenses Committee.
- The Licenses Committee should institute a reasonable, uniform time limit for neighbor testimony to be applied equally to all witnesses.
- The Common Council should establish criteria for determining when concentration is an issue based on land use for that particular neighborhood.
- The Common Council should require that objections to a new license or license renewal made by a Council Member be substantiated in a form to be prescribed by the Common Council.
- Members of the Common Council, who are not members of the Licenses Committee, should not recommend penalties to the Licenses Committee.
- The Licenses Committee should establish a “pre-signup” sheet outside the committee room to record the names and addresses of those prepared to speak in support of or opposition to the license.
- With the exception of the applicant, counsel for the applicant, and law enforcement personnel, witnesses should be required to use the standing microphone.
- The method by which the Board of Zoning Appeals schedules and conducts hearings should be explored by the Licenses Committee with special attention given to the scheduling of contested versus non-contested items, and the time the meetings begin.
- Greater attention should be paid to the “business plan” of the applicant. There should be a requirement that the applicant have the resources to follow the plan.

The issuance of a license and occupancy permit should be conditional on fulfillment of the business plan.

- Police reports on “problem buildings” should be considered by the Licenses Committee.

Common Council Deliberation

- When the Licenses Committee recommends denial of a new license establishment, the applicant for the new license should be provided an appeal to the Common Council.

General/Miscellaneous

- The Common Council should amend chapter 90 to require that applicants (new and renewal) summarize and document any contacts relevant to the new or renewal application that they have had with Council members during the time of their initial or renewal application. Consideration should be given to requiring Council members to prepare the same documentation. The documentation should be available to the public and the Licenses Committee.

There are 10 remaining recommendations from ABLTF members to be considered. In addition, one recommendation relating to neighborhood meetings for new applications was tabled for later discussion at the ABLTF meeting of February 23, 2009. The initial discussion about neighborhood meetings is summarized at pages 4 and 5 of the approved minutes.

LRB09045-memo 2
RLW
3/17/2009



April 17, 2009

Alcohol Beverage Licensing Task Force
City Hall, 200 E. Wells Street
Milwaukee, WI 53202
(414) 286-2221
(414) 286-3456

RE: Feedback on the Preliminary Report and Recommendations & Follow-up to April 16th, 2009 Public Hearing

Justice Louis Butler, Task Force Chair:

I commend the efforts by the Alcohol Beverage Licensing Task Force (ABLTF) in developing the 22 recommendations. It is in my opinion, that the recommendations show fairness for both potential and current licenses holders and the Licenses Committee.

As a follow-up to my comments made at the April 16th Public Hearing, below is a list of concerns, suggestions and feedback based on the recommendations made by ABLTF.

- **AWARENESS:** ABLTF has recommended that a pamphlet be created and published for licenses renewal application. ABLTF has also recommended an increase of 500 feet for notices.

I would also suggest **that hearing dates are published** and listed in all Licenses Committee promotional materials including **websites and the City of Milwaukee E-Notify system**. Information for the Licenses Committee **should be less than “two-clicks” away** from the City of Milwaukee home page on the internet.

- **CONFLICT RESOLUTION:** ABLTF has recommended that objections be substantiated in a form to be prescribed by the Common Council.

I would also suggest for contested hearings, **pre-meetings are scheduled with all involved parties** (license applicant, residents, Common Council and Police Department) to be held at the respective District Police Station. These meetings are to inform all parties of the objections and to decide if a written solution can be drafted to be presented at the licenses hearing.

- **HEARING SCHEDULES:** ABLTF has recommended that special attention be given to the scheduling of contested versus non-contested items.

I would also suggest that contested items have **hearing times that are conducive to the hours** (where applicable) of working residents, where residents have contested.

- **COMMUNITY INPUT:** ABLTF has recommended an increase of 500 feet for notices.

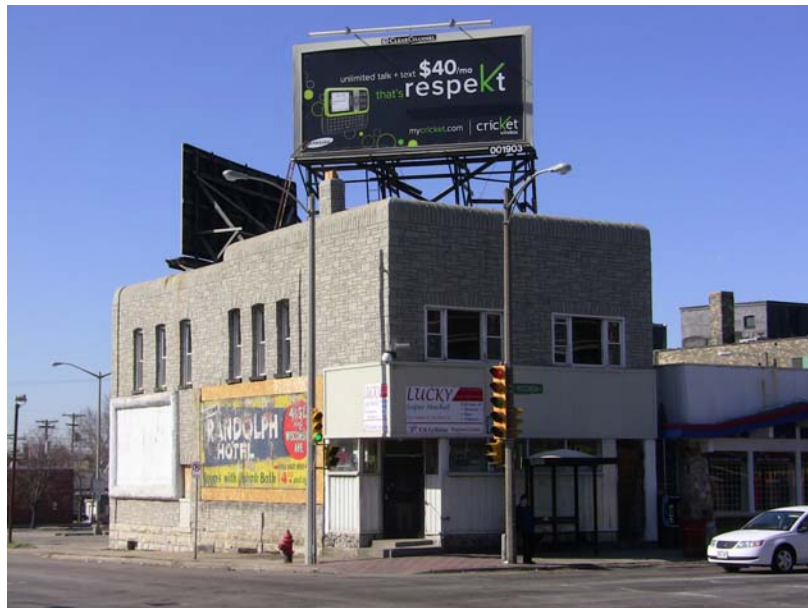
In recent years, communities have relied on the representation of the Common Council when supporting or denying a license applicant. Recommendations by ABLTF should **consider other ways communities are able to give input.**

For example, the Near Westside Comprehensive Plan adopted by the Common Council in 2004 details recommendations in revitalizing and improving the quality of life for communities. Such plans developed by many stakeholders should be a part of the “body of evidence” when the Licenses Committees is reviewing an applicant.

- **QUALITY BUSINESS OPERATIONS:** ABLTF has recommended the decision to schedule a renewal application be made administratively by the License Division and based solely upon information contained in a police summary. ABLTF has recommended that the Common Council establish criteria for determining when concentration is an issue based on land use. ABLTF has recommended that greater attention be paid to the “business plan” of the applicant.

From the start of the process to the license hearing, special consideration must be made on how applicants have maintained their business operations. Such “body of evidence” **should not be limited to police reports.** Licenses Committee should have the opportunity to review current business plans that address such issues as **code violations, security and façade treatment.**

Many licensed establishments within a few miles of City Hall for decades **have kept the lowest standards** for maintaining their property (see pictures).



Property located on 27th & Wisconsin continues to have code violations with little thought or care as to the aesthetics of the building or surrounding neighborhood.



The above liquor store located at 28th and Fond du lac Avenue has maintained a property and façade that includes trashy, old, scratched windows, exterior security grates, an over use of signage, a crumbling porch, broken fencing and host of other issues. Once again, not much consideration has been made on the aesthetics of the building or surrounding neighborhood by owner.

In keeping with quality business operations, City of Milwaukee **inspectors should inspect applicants' property** at a minimum of 60 days prior to a license hearing.

Such inspections are currently required by commercial and residential property owners and license applicant should have the same standards. Such “due diligence” by the City will help determine if applicant has operated as a quality business owner.

The Licenses Committee should consider concentration of liquor licenses where no other additional activity is taking place such as dining and/or entertainment. **Communities should not be seen as liquor depots** for the City of Milwaukee where the only available activity is to “buy liquor and stand on the corner to drink it”.

I appreciate the opportunity to share my feedback, suggestions and recommendations to ABLTF. It is not my goal to either deter business within the City of Milwaukee or “pick a fight” with any future applicants including the businesses stated in this letter. However, it is my goal to inform ABLTF, Common Council President Willie Hines and the Common Council on ways to improve the Licenses Committee proceeding that neither limits or adds too much weight to the process.

Regards,

Keith S.
SOHI District Manager
manager@sohidistrict.org

Written comments from Thomas McNeal

it is important that the council take a good look at the way the license committee handles situations regarding people leaving businesses after closing. it is argued that business owners should have the power to control the actions of anyone who enters or leaves their establishment. my position is that adults are uncontrollable unless they want to be controlled. jails, prisons and other types of controlled environments are unable to stop adults in their care from acting badly..we are in most cases unable to control our children which in some cases leads to abuse of our children in order to gain compliance.

this unreasonable expectation alone is the major cause of mainly black and other non white owned liquor establishments being closed by the common council. when we ask, what should we do to control the adults who enter our businesses? the Chairman will respond that, "if i tell my kids to keep the noise down they vary well better." how does one tell adults who has kids of their own to act like good kids? Kids don't drink or attend these establishments, what are we to do?

regarding the plans of operations and whether they should be followed to the letter . in my experience i've found that the goal of most small businesses, large corporations and even cities and states is to move the business forward. now, to move a business forward does not always mean straight ahead. in other words deviation from the original plan is sometimes necessary in order to advance and move forward. if businesses are held to the letter of their original plans and punished when they make changes or if they find that the plan is not cost effective and do not implement. should they close their business? it is unreasonable to expect the average small business owner to predict what the future holds when no one else can. sometimes we have to make quick changes based on what's best for our business. give us a chance and time. sometimes it takes longer than a year but of course we can't make five year plans for business in the city of milwaukee. doing business in milwaukee is like being a minority head coach of the milwaukee bucks or the green bay packers, one year and out, right or wrong.

Written comments from Sharon Ward

After appearing at public hearing last Thursday night at City Hall, I wanted to re-affirm the the comments I made to the committee members and Judge Butler. My understanding of the task force's charter was that it was to address ways to correct the inadequacy of licensing regulations and aldermanic "privilege" that allowed Mr. Michael McGee, a former alderperson, recently convicted of illegal & criminal actions with the alcohol licensing policies of the City of Milwaukee. I was in attendance of the first meetings before Judge Butler was appointed by Council Chair Hines to oversee this task force. I do not think that the tentative recommendations described at the public hearing do what the task force was commissioned to do.

I think they put the focus on the applicant again. There is a real solution to all of this.

After the Occupance Permit is issues and the Department of Neighborhood Services approved a location, the license could be issued by the State of Wisconsin, thus taking the ability of an alderman to act in the manner Mr. Michael McGee Jr did out of the picture entirely. The local alderman could present a written statement with the applicant's license information and they could then be approved on the same basis for all applications. If there is a special letter or police objection, that could also be attached to the submission to the State of Wisconsin for consideration prior to approval or denial. By removing the Alderperson of the area of the City of Milwaukee that the license is being applied for, any chance of a repeat performance is removed. I understand moving the application process to the State would be an undertaking but not an insurmountable one. Any attempt by the task force to make it more difficult on the applicant is not addressing the original problem, criminal misuse of the power of a City Official, namely an Alderman, who should NOT have the power to require donations or campaign contributions as part of being approved; nor any other special favors or compensation.

Thank you for the taking the time to reflect on my comments.

Sharon Ward, 1979 S. 15 St., Milwaukee

Finance & Personnel Committee

[illegible]

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City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master

File Number: 081023

File ID: 081023

Type: Communication

Status: In Committee

Version: 0

Reference:

Controlling Body: STEERING &
RULES
COMMITTEE

Requester:

Cost:

File Created: 11/07/2008

File Name:

Final Action:

Title: Communication from the Comptroller's office relating to exploring the value of leasing the operations of the Water Works, on a long term basis.

Notes:

Code Sections:

Indexes: WATER WORKS

Sponsors: THE CHAIR

Attachments: Communication from Comptroller ,Handout submitted by Wally Morics - Comptroller ,Letter to Comptroller re Options to Privatizing Water Works ,Letter to City Attorney re Legal opinion ,Hearing Notice List

Drafter: tjm

Contact:

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

Effective Date:

Extra Date 2:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	11/07/2008	ASSIGNED TO	STEERING & RULES COMMITTEE			
	Action Text: This Communication was ASSIGNED TO to the STEERING & RULES COMMITTEE						
0	STEERING & RULES COMMITTEE	11/14/2008	HEARING NOTICES SENT		11/19/2008		
0	STEERING & RULES COMMITTEE	11/17/2008	HEARING NOTICES SENT		11/19/2008		
0	STEERING & RULES COMMITTEE	11/19/2008	HELD TO CALL OF THE CHAIR				Pass
	Action Text: A motion was made by ALD. MURPHY that this Communication be HELD TO CALL OF THE CHAIR. The motion PREVAILED by the following vote:						
	Notes: <i>Comptroller Wally Morics, Deputy Comptroller Mike Daun and Carrie Lewis, Superintendent, Dept. of Public Works, Water Works appeared on this matter.</i>						
	<i>Ald. Murphy moved to make handout submitted by Mr. Morics a part of the file.</i>						

Mover:	ALD. MURPHY	Aye:8 - Hines Jr., Murphy, Davis, Hamilton, Witkowiak, Bauman, Donovan, and Bohl	8-0
		No:0	
0	STEERING & RULES COMMITTEE	06/08/2009 HEARING NOTICES SENT	06/15/2009
0	STEERING & RULES COMMITTEE	06/08/2009 HEARING NOTICES SENT	06/15/2009
0	STEERING & RULES COMMITTEE	06/15/2009	

Text of Legislative File 081023

..Number

081023

..Version

ORIGINAL

..Reference

..Sponsor

THE CHAIR

..Title

Communication from the Comptroller's office relating to exploring the value of leasing the operations of the Water Works, on a long term basis.

..Requestor

..Drafter

CC

tjm

11/13/08

June 15, 2009

Milwaukee Common Council
City Hall, Room 205
200 E. Wells St.
Milwaukee, WI 53202

Dear Members of the Milwaukee Common Council,

Today a coalition of Milwaukee's neighborhood, faith, labor and environmental groups is asking the Milwaukee Common Council to pass a city resolution permanently suspending plans to lease the city's drinking water system.

Last October, City Comptroller Wally Morics proposed privatizing the Milwaukee Water Works as a means of generating new revenue for the city. The plan would involve leasing the city's drinking water system to a company for 75 to 99 years in return for an upfront payment to the city.

We believe the Milwaukee Water Works should not be leased and should remain publicly owned and operated. Access to safe and affordable water is vital for our families, businesses and our community. It is therefore crucial that this resource remain under the direct control of the public. While Milwaukee's financial problems are very serious, privatizing the city's drinking water is not a solution and would be the wrong choice for Milwaukee.

On May 28, members of the Milwaukee Common Council stated that would be temporarily "shelving" the lease proposal, although privatization remained "on the table." This action is not adequate to assure the people of Milwaukee that our water will remain clean, affordable and in public hands.

The undersigned groups ask that Common Council pass a resolution permanently suspending the proposal to lease Milwaukee's Water Works and concluding its inquiry into privatization of the city's water system.

Attached you will also find a petition, begun on June 3, signed by individuals opposed to any lease or sale of the Milwaukee Water Works.

Sincerely,

AFSCME District Council 48
AFSCME Local 550
Campaign Against Violence
Great Waters Group
Sierra Club
Institute for Wisconsin's Future
Keep Public Our Water Coalition
Making Milwaukee Green Coalition

Midwest Environmental Advocates
Milwaukee Riverkeeper
Riverside Park NA
Senior Water Advocates Network
Water Works Local 952
Wisconsin League of Conservation Voters

President Willie Hines, and the Common Council of Milwaukee, WI

We the undersigned, as citizens, taxpayers and voters, oppose any attempt to lease or sell Milwaukee's Water Works system. Access to safe and affordable water is vital for families, businesses and our community. The Milwaukee area and the entire state of Wisconsin has a huge stake in water as a resource for economic recovery, future growth, and quality of life. It is crucial that this natural resource remain under the direct control of the public. Water is one of our greatest assets, and not a commodity to be leased or sold to the highest bidder. It should be held in the public trust and conserved for current and future generations.

	Name	From	Comments
1.	Marylou Lamonda	Milwaukee, WI	
2.	Rob Frausto	Belleville, MI	Your personal comments increase impact!
3.	David Dunkleberger	Doylestown, PA	Your personal comments increase impact!
4.	David N Moore	Bridgeport, CT	Your personal comments increase impact!
5.	Mervi Rantala	Tampere, Finland	
6.	Carl Rosenstock	Baraboo, WI	Please add any personal comments for increased impact!
7.	James Godsil	Milwaukee, WI	I feel much more secure as a small business owner In the urban agriculture and urban aquaculture industries With Milwaukee City controlling our water supply
8.	Steve Klein	Herndon, VA	
9.	steve whitlow	milwaukee, WI	
10.	Carolina soza-gonzalez	shorewood, WI	
11.	Ingrid Buxton	Milwaukee, WI	It would be as much as a travesty to sell our water rights as the last time a budget short fall resulted in Ament's "solution". I can just hear the right wing nutters on the radio or TV going after anyone who gave away our water rights when the price of water begins to skyrocket. Water costs can be negotiated to lure companies into our city. It already lures citizens like us into the city. Water is our golden goose and it is insane to sell the goose for a couple of eggs. With global warming, water rights are going to be like oil drilling rights were in the last century. Nobody in their right mind would sell it for a pittance or sell it at all. And then hock the rights for the next 100 years? Anybody thinks private business does it better can look at (continues on next page)

	Name	From	Comments
11.	Ingrid Buxton	Milwaukee, WI	<i>(continued from previous page)</i> Wall street and the American car industry and see where that goes. We need legislation banning any sale of any water rights anywhere in the US.
12.	tim huth	east troy, WI	
13.	Julia O'Connor	Milwaukee, WI	I lived in Indianapolis when they sold what little water they controlled. This is a bad idea. No local control and the "manager" answers to stockholders NOT the city or its water drinkers
14.	Pat Mueller	Milwaukee, WI	Our water is one of our greatest assets and is valuable. This decision needs to be made very thoughtfully. Water will be even more valuable in the future. I think we need to hold out as long as we can.
15.	Michelle Roder	Milwaukee, WI	
16.	Jeffrey Jordan	Milwaukee, WI	to insure that this asset is never let out of public hands, please consider an ordinance that requires a referendum vote. This ordinance should be inclusive of even funding a study of this subject.
17.	Jessica Popp	Oconomowoc, WI	Why don't you privatize AIR and SUN while you're at it! Please! RECLAIM YOUR SANITY!
18.	Cor Heemskerk	Milwaukee, WI	
19.	Tom Rodman	Milwaukee, WI	
20.	Marva Pattillo	Milwaukee, WI	
21.	Marva Pattillo	Milwaukee, WI	
22.	julilly kohler	milwaukee, WI	OUR water belongs to everybody. As a matter of principal, it cannot and should not be "sold" to a private corporation to make a profit off of us.
23.	Eleanor Pearson	Shorewood, WI	I understand that this issue is currently tabled and I certainly hope that the rights to manage our public water services remains a public service and responsibility.
24.	Robert Pavlik	Glendale, WI	
25.	michael rosen	Milwaukee, WI	Privatization will lead to huge increases in water rates and the loss of public control over the investment in and maintenance of the city's water works. The former is really nothing more than a regressive tax on the city's poorest residents. The latter sacrifices the long term health and welfare of the community for short-term economic gain. The city's revenue shortfalls are real. Rather than look for quick fixes that mortgage Milwaukee's future, let's have an honest debate on how to fix the city's finances.
26.	Zachary Holochwost	Milwaukee, WI	Everytime water (or anything else for that matter) is privatized the rates go up and the quality goes down. We've seen it all over the world (Bolivia being a prime example). Please keep our drinking water in the hands of the people for a safer future.

	Name	From	Comments
27.	William Schlise	Milwaukee, WI	Private interests never prioritize public health and safety, let alone liberty and the pursuit of happiness. Turning management of our water over to private interest would be a most basic violation of the trust we hold in you as a public official.
28.	Stephanie Sandy	Milwaukee, WI	Dear President Hines, I oppose the sale or lease of our water to a private company. Milwaukee's fiscal problems should not be sold or leased to someone whose ultimate concern is their corporation's bottom line. Sincerely, Stephanie Sandy
29.	Gregory Jacobson	Milwaukee, WI	
30.	Kori Schneider Peragine	Milwaukee, WI	
31.	Joshua Biggley	Charlottetown, Canada	No company should ever own the right to control, either via distribution or preservation, the right to sustain life. Privatizing water is a step back in the freedom of all of humanity.
32.	Diana Sieger	Milwaukee, WI	Keep our water in the public trust. I speak for all the Milwaukeans who are just trying to survive day to day - water is crucial to our survival and the survival of our kids.
33.	Michael Groen	Milwaukee, WI	
34.	James Goulee	Wauwatosa, WI	
35.	Matthew Holochwost	Milwaukee, WI	
36.	John and Mary Bowden	Portland, OR	The necessities of life must never be "for profit" so we strongly oppose Privatization of the Milwaukee Public Water Works. It's a public responsibility and should remain in the hands and under the control of the public who depend on it. There's far too much commercialism as it is so please don't create a catastrophe for future generations who will undoubtedly be expected to pay ever spiraling costs in the name of shareholder profits.
37.	Jamie Fraundorf	Milwaukee, WI	Our water needs to remain safe. Our water needs to remain affordable. We already pay a quarterly water bill.
38.	Joe Radoszewski	Milwaukee, WI	Let us not allow a small group we elected to serve us, to instead, serve the powers for a quick fix, quick profit ... and enduring regret. A simple study of recent history, a viewing of FLOW and some thoughtful reflections of the multiple abuses of un-restrained corporate misconduct should all be road signs of impending danger in hasty actions regarding our precious resources. The lands and bounties we, as a nation, stole from the Native Americans are now being considered for sale for another thirty pieces of silver <i>(continues on next page)</i>

	Name	From	Comments
38.	Joe Radoszewski	Milwaukee, WI	<i>(continued from previous page)</i> to those who could eventually abuse that purchase and create more hardship for us all. We adamantly must say, "No more!"
39.	David HB Drake	Milwaukee, WI	After air, water is the most critical factor in sustaining life. It is a right that cannot be bought or sold. No non-public entity should ever control one of our necessities of life.
40.	Llysa Spencer	Milwaukee, WI	if we privatize our water, part of the largest fresh water reserve on the the planet, we should also change the name of our city from Milwaukee. Ominowaking meant a gathering place by water, but if the water is treated in this matter it no longer belongs to the people or the earth, but to corporate powers that will now hold our vitality and livelihood in their hands!!
41.	Michael John Moynihan	Milwaukee, WI	Keep our Waterworks Public and owned by we the people.
42.	Robin Squier	Milwaukee, WI	
43.	Todd Leech	Milwaukee, WI	
44.	Todd Fillingham	Milwaukee, WI	
45.	Rev. Claire Beutler Cruise	Milwaukee, WI	Water is a necessity of life, and must be held in the public trust for all, not privatized into a commodity to be leased or sold to the highest bidder.
46.	Erica Henson	Shorewood, WI	I can't imagine how making water a private enterprise would benefit anyone.
47.	Ellen Callahan	Milwaukee, WI	Please keep the water works a public entity.
48.	Todd Brennan	Milwaukee, WI	
49.	sarah schneider	milwaukee, WI	Clean, safe, affordable water is too vital a resource to be handing over to private interests. Our water is a part of our city's "true wealth". Please keep it a public prize and don't trade it for short term gain!
50.	Andrea Zwintscher	milwaukee, WI	
51.	Barbara Basaj	Milwaukee, WI	
52.	Noah Gimbel	Milwaukee, WI	The impacts of water privatization can be seen all over the world. Privatization of Milwaukee's water supply represents part of a global move to further consolidate resource assets into the hands of a few for-profit enterprises at the expense of the vast majority of the population. Instead of selling off Milwaukee's water, the great debt the city faces should be viewed as a spur to improve the cleanliness and efficiency of process for Milwaukee water works.
53.	Matthew Brusky	Milwaukee, WI	

	Name	From	Comments
54.	Dale Olen	Germantown, WI	As a citizen living within Lake Michigan water basin, what the city of Milwaukee does with our water is of utmost importance to me. The very idea of considering water an asset or commodity that can be leased/sold should be permanently rejected for consideration. Water is a human right, an vital natural resource, essential for every living being. Thus, it is owned in common by all the people. Representative governments, including the Common Council must hold water in the public trust and manage and distribute it in the public sector.
55.	Nick DeMarsh	Milwaukee, WI	
56.	Margaret Mittelstadt	Wauwatosa, WI	
57.	Ann Brummitt	Shorewood, WI	
58.	Jeneice Rainey	Milwaukee, WI	Please add any personal comments for increased impact!
59.	Walter Wilson	Glendale, WI	I am firmly against privatizing Milwaukee "Public" water works. Too many examples of privatized water works exist in other counties, and they are all bad examples. Milwaukee should not want to entertain such a BAD idea for one second. Privatized water is yet another pay-to-play scheme designed to descrimiate against people of meager means. Why not kill off poor people or move them to a deserted island off of the U.S. coast, if you want to get rid of them!
60.	Leslie Braze	Wauwatosa, WI	Do not allow our water to be privatized. This must keep under the control of the local citizens
61.	Greg Machotka	Milwaukee, WI	Keep MKE's water truly public. The long-term losses definitely outweigh the short-term gains. Please watch the documentary F.L.O.W. when you get a chance.
62.	Michele Duckert-Braze	Wauwatosa, WI	This sets a dangerous precedent. Think twice, think again before you consider privatizing one of our most precious resources!
63.	Adam Skalecki	Milwaukee, WI	gas prices have already risen enough to compensate for the economy. We do not want our water prices to do the same. Price control is a huge issue with allowing it to become privately owned.
64.	Jodi Delfosse	Milwaukee, WI	Any gains that might be obtained from this transaction will be short-term and short-sighted. Management and protection of one of our key regional assets belongs in the hands of government and should not be signed over to private parties.
65.	Ed Sahagian-Allsopp	Milwaukee, WI	The practice of using a short term solution to a long term problem is the reason we are having so many financial problems here and across the nation. Privatizing water is exactly that; a short term solution to a long term problem. Please be responsible and make choices that help us now and in the future.

	Name	From	Comments
66.	Carrie Ann Moore	Shorewood, WI	
67.	Eddee Daniel	Wauwatosa, WI	I oppose the privatization of the public water supply. I do not oppose lobbying the state to make it legal for the city to raise rates, provided there is good cause.
68.	Krista Wolff	Milwaukee, WI	
69.	Joann Sustachek	Union Grove, WI	
70.	Jason Otto	Milwaukee, WI	
71.	Christopher Chiu	Milwaukee, WI	We should learn the lesson from the city of Indianapolis and the country of Bolivia that came to grief when the water service was privatized.
72.	Christina Radomski	West Allis, WI	If people can't control their water they aren't going to feel any sense of responsibility or ownership to it. It's hard enough as it is to get people to be concerned about the supply and quality. This could only make it worse.
73.	Jamie Spagnolo	Milwaukee, WI	What would be next? Privatizing our air?
74.	Ruth Weill	Milwaukee, WI	Utilities such as water and energy should be publicly owned, not by some corporation that cares more about stockholders than ratepayers.
75.	Jean Andrew	Milwaukee, WI	
76.	Jeffrey A Hicks	Milwaukee, WI	We don't need another entity getting their hands on control of a milwaukee public work.
77.	Tess Reiss	Milwaukee, WI	Keep it publicly owned for the common good!
78.	Diana David	Milwaukee, WI	
79.	Daniel Gray	Milwaukee, WI	Water is a right, not a commodity.
80.	Melissa Froiland	Milwaukee, WI	
81.	Jack Norman	Milwaukee, WI	The city's in financial trouble, but there are alternative ways of finding the needed revenue. We can't do it by selling our waterworks.
82.	Corinne Rosen	Milwaukee, WI	As a resident of Milwaukee I do not want elected officials that are willing to sell off our water. Signing a 99 year lease would be irresponsible and would hurt the people of Milwaukee. I am completely against this and would not vote for any politician who works in favor of this proposal.
83.	Katherine Kraiss	Shorewood, WI	
84.	Manu Garay	Milwaukee, WI	Don't try to make a quick profit. 99 year lease. Think of your legacy!
85.	Dale Nook	Milwaukee, WI	As a retired Federal employee I do not believe that privatization produces better results, nor often times does it reduce costs.
86.	Danny Babb	Milwaukee, WI	
87.	Joe Hill	Milwaukee, WI	

	Name	From	Comments
88.	Jacquelyn Block	Milwaukee, WI	Oversight of the Milwaukee Water Works needs to remain under the control of elected, public officials--elected, public officials who act in the interest of the public good--not in the interest of the highest individual bidder! The management of WATER--one of the most vital, critical, natural resources on our planet--presents many challenging public health, safety, commerce and welfare issues--not to mention National Security Interests. Our welfare as a civilized society should not be put up for sale! What happens to the "stock" in Waldo's Water Works, Inc. when we have a little problem like crypto in the water? Will the records of quality controls for purification of drinking water be open to public scrutiny? Or will a privately held company keep secret the contents of "its" water supply? Should we privatize management of the Port of Milwaukee, too? Our public leaders need to think about the potentially nightmarish ramifications of this proposal. As stated elsewhere in this petition, a public referendum should be required...keeping in mind that the public is currently wide awake...given the 80 percent turnout we had at the polls during the last presidential election. Privatize Water? No way, No how, KPOW!
89.	Emma Lui	Ottawa, Canada	
90.	Nancy Grider	Milwaukee, WI	Do not privatize our precious resource!
91.	Yumi Kotani	Ottawa, Canada	Don't privatize something as essential to life as water.
92.	Amy Burger	Brookfield, WI	
93.	Elise C. Boucher	Milwaukee, WI	
94.	Robert Smth	Milwaukee, WI	Privatization is the wrong solution. Lets not sell one of the city's crown jewels solve a short term financial problem. If we privatize, water quality is likely to suffer. When the contract ends the City will have to fix the broken water system and and repair the inevitable damage to our economic infrastructure. Bad idea!!!
95.	Annie Weidert	Milwaukee, WI	
96.	Larry L Duetsch	Milwaukee, WI	
97.	Bill Sell	Milwaukee, WI	Water is Milwaukee's major asset and should not be sold for dollars. But it could be used to build political alliances, winning in our major urban objectives.
98.	Jon Kerkman	Fox Point, WI	Do not consider privatizing water in Milwaukee. Control of this resource will be vital to the future prosperity of this region. Privatization would be short sided and wrong.
99.	Christopher Hamm	Milwaukee, WI	This water belongs to the people, not the City. Don't create another City of Milwaukee farce, please.

	Name	From	Comments
100.	Alexander Choi	Milwaukee, WI	<p>Hi, I have been living in Milwaukee's Southside and previously the Bayview area. I see that Lake Michigan plays a crucial role for drinking water, particularly as a safely regulated overflow protection for rainwater runoff. Such an important public service as tap water is public for a good reason - tap water adheres to a common set of regulations and is an investment for all who use it under city jurisdiction. To privatize our drinking water, especially given that it comes from an ecologically significant body of water, would open the regulation to interest groups whose first priority is not necessarily, unlike the city, the well-being of the public.</p> <p>Sincerely, Alex Choi</p>
101.	Jo Liz Lehtikainen	Tampere, Finland	
102.	Kendra Heidkamp-Young	Milwaukee, WI	
103.	Ryan O'Rourke	Milwaukee, WI	
104.	David Redemann	Milwaukee, WI	
105.	Mieke Bernaards	Gent, Belgium	
106.	Eric Gesell	Milwaukee, WI	
107.	Carl Hoffman	Milwaukee, WI	
108.	Paul Wechter	Milwaukee, WI	<p>Water is so obviously important and critical for our very existence, it must remain not only under public oversight, but under the public's direct control as well - and not subject to the pressures and concerns of the marketplace.</p>
109.	Rebecca Goossen	Milwaukee, WI	
110.	Barbara Gruenwald	MILWAUKEE, WI	<p>In the future, wars will be fought over water, not oil. We must keep our Water public. If funds need to be raised, increase water rates. Perhaps that might help people realize water is precious and not to be wasted.</p>
111.	Sarah Biondich	Milwaukee, WI	
112.	R Jay Gruenwald	Milwaukee, WI	
113.	Concerned Citizens Coalition of Stockton	Stockto, CA	<p>The Concerned Citizens Coalition of Stockton (CCCoS) is an organization with roots going back more than 10 years. In 2001, we became concerned that the Stockton City Council was prepared to outsource the operations and maintenance of the city's water utilities without adequate public hearings or an opportunity to let residents vote. CCCoS lobbied, educated, and finally circulated a petition to let people vote on any water contracts of \$5 million dollars or greater. We won by over a 60% margin. Since the Stockton City Council signed the contract prior to the measure passing, CCCoS, Sierra Club, and the League of</p> <p><i>(continues on next page)</i></p>

	Name	From	Comments
113.	Concerned Citizens Coalition of Stockton	Stockto, CA	<i>(continued from previous page)</i> Women Voters of San Joaquin County filed a lawsuit to challenge the City's action; the basis being that the city failed to perform an environmental report that is required under California law called CEQA: the California Environmental Quality Act.
114.	Virginia Cassel	Milwaukee, WI	The government is a group of people who are accountable to the citizens. A corporations is only accountable to its shareholders; it has every reason to exaggerate its performance; and it can keep its records more private than a public organization. Privatization only places another obstacle between the people and democracy.
115.	Julio Guerrero	Milwaukee, WI	
116.	Jeremy Le Veque	Milwaukee, WI	
117.	Cindy P	Milwaukee, WI	I can't believe that this is even an option... Haven't you read about the consequences of water privatisation in places such as Bolivia, China..? corporate greed has run amuck.
118.	Rebecca Tesch	Milwaukee, WI	CCCoS won in court, and on March 1, 2008, Stockton's water was returned to municipal operations. For more information check our website: www.cccos.org
119.	William Bridge	Yonkers, NY	
120.	Anthea Watson	Milwaukee, WI	
121.	Kay Wosewick	Shorewood, WI	
122.	Sylvia & Karl Kothe	Stockton, CA	
123.	Charles Goldman	Milwaukee, WI	
124.	Laura Kukor	Cudahy, WI	I was disappointed in the extreme to learn of the inept shortsightedness of my local Milwaukee government. The very last thing we should consider is selling off our water for 99 years to anyone. The opposite tack must be insured. We need to keep all waterways, lakes and drinking water for the future of our area and descendants, not sell it to a corporation. In fact we should eliminate corporations from any involvement in governing. Permanently.
125.	Ellen Finn	Milwaukee, WI	
126.	christopher wall	milwaukee, WI	
127.	Steven Shea	Milwaukee, WI	
128.	Diane Barton	Milwaukee, WI	Please add any personal comments for increased impact!
129.	Angela C Trudell Vasquez	Milwaukee, WI	
			This option has not worked other places, and there's no reason to think it will work here. A 99 year contract is beyond unbelievable. Water is too important and too basic a need for us all. Let's not do this!
			Water should not be a commodity for corporations to barter in and profit from. It should be held publicly.

	Name	From	Comments
130.	Brad Lichtenstein	Milwaukee, WI	Water is a commons. It belongs to nature, first. Then it belongs to all of us as we use our funds to clean and distribute it. It must be safe and available to all no matter what the demands of the private markets might be.
131.	Nicole Bickham	Milwaukee, WI	
132.	judith bringe	south milwaukee, WI	It is this short sighted view of "money now and let the future generations be damned" that created the financial crisis we are in now. The policy makers and the taxpayers have to be willing to bite the bullet, think outside of the politically comfortable box and not privatize Milwaukee's water. We are meant to be stewards of this and other vital resources. DO NOT PRIVATIZE MILWAUKEE'S WATER.
133.	Jason C. Haas	Milwaukee, WI	The public ownership of our water resources is an issue of immense concern. With the state having recently signed the Great Lakes Water Compact, it is vital that the City of Milwaukee keep its rights to the very water our home state has vowed to protect. Selling it out of interest of making an immediate profit would undermine the city's ability to control its own interests and future. In signing this petition, I urge our city's representatives to firmly reject any and all such actions.
134.	Steven Alexander	Milwaukee, WI	Water is required for humans to live. Job one for a civil servant in the Milwaukee Water Works is to deliver water to the commons. The job for a corporation is to make a profit. I do not want an organization whose number one job is in conflict for what I need to survive. Water is so critical and important to life that no one should make a profit from it. The myopic view that the short term 'profit' the city would realize from selling water is in line for the higher price all the people of the commons will pay on a critical resource required for life is completely off the mark. See the cost of the Iraq war due to privatization.
135.	Egon Lass	Milwaukee, WI	I shall try to refrain from sarcastic remarks. With the utmost discipline, I calmly ask the city of Milwaukee not to privatize our water.
136.	valerie fendt	milwaukee, WI	how can you even consider this after the repeatedly proven disaster of selling off public utilities to private companies?
137.	Nicholas Jaszewski	Glendale, WI	
138.	Louisa Gallas	Milwaukee, WI	
139.	Stephanie Peterson	Bay View, WI	
140.	cate deicher	milwaukee, WI	
141.	Linda Jardee	Milwaukee, WI	

	Name	From	Comments
142.	Christa Marlowe	Milwaukee, WI	Mr. Hines-Please consider the adverse implications, such as rate increases and lost revenue, before deciding to turn your back on Milwaukee's progressive history. Our water supply should remain public! -Christa Marlowe
143.	Roberta Hanus	Milwaukee, WI	Stop thinking of the water supply here as cash flow. Begin thinking of it as your life blood and care for it like it is sacred... respectfully and w/o greed or ownership.
144.	Kori Kubusek	Milwaukee, WI	There is a large amount of evidence that privatization of water usually has negative effect on the quality of the water. I strongly believe the water needs to stay a public entity.
145.	Molly Moriarty	Portland, OR	Dear Council members, Take a look around the country and I think that you will find that privatization local utilities has very, very rarely resulted in better performance and lower costs to the public. You will also find that undoing such a move is practically impossible. Selling you water system to some outside company may very well result in a big one time bonanza, but you will regret it in the future.
146.	James Lommel	Dexter, MI	
147.	Marty Horning	Milwaukee, WI	Councilman Hines, Nic Kovac- Privatization of public assets for short term financial gain is a bad idea. In a couple of years, you'll have spent the money and we'll be paying through the nose for water...No Way!
148.	James J Gallagher	Milwaukee, WI	Any attempt to lease (i.e., sell the exclusive right to distribute for a time) the public resource represented by the Milwaukee Water Works is a offense against the past and those who sought to secure the health of our community when no private concern was so motivated. Furthermore, it is an offense against the future as the present will again say that money in our pockets today outweighs the value of a past investment and sustaining the same into the future. For shame ...
149.	Sarah Moore	Milwaukee, WI	
150.	Janet Gamble	East Troy, WI	
151.	Jennifer Drake	Milwaukee, WI	
152.	Clyde A Taylor	Milwaukee, WI	
153.	Quinn Bennett	Milwaukee, WI	
154.	Paul Schwarzkopf	Milwaukee, WI	
155.	Robert A Rienzi	Shorewood, WI	
156.	Dianna Dentino	Wauwatosa, WI	
157.	Kathryn Schaefer	Milwaukee, WI	
158.	Jacqueline Lalley	Milwaukee, WI	

	Name	From	Comments
159.	Steven Ulrich MD	Milwaukee, WI	Privitizing our water resources is quite an insane and myopic solution to our current city revenue porblems ! Why not also privatize the air we breath and all the trees in all our marvelous parks ?
160.	Tatiana Costa	Sao Paulo, Brazil	
161.	don wallace	Milwaukee, WI	Some things should be developed and remain in the public sector. I loathe the trend of municipalities to sell of resourses for shor term gain. A perfect example of this is the fiasco in Chicago with the parking meters.
162.	Karin Long	Milwaukee, WI	Please protect us from the privitization of MPWW's. We do not need the greed of for profit corp.'s selling us water. We have recent proof that coporations should not be in the business of air, water or shelter.
163.	Sylvia Scott	Ottawa, Canada	
164.	Joseph Moriarty	Milwaukee, WI	Hello, I oppose the Senator Feingold sponsored Bill S 787 as well. To become aware of this fleecing of the American people their precious Natural resource - look on Youtube for "The Great Water Heist".
165.	Thea Watters	Milwaukee, WI	
166.	Margee Foulke-Evans	Milwaukee, WI	
167.	Mike and Judy Howden	Milwaukee, WI	
168.	Saptadwipa Kundu	Wauwatosa, WI	
169.	Barbara Holt	Milwaukee, WI	
170.	Jason Broadwell	Milwaukee, WI	As a new resident of the city of Milwaukee I'm looking for city leaders who put citizens before corporations and demonstrate thoughtful long range strategic decision making. My family recently moved from a municipality in Michigan which had privatized many of its public works and the residents had nothing but complaints. We are currently looking to buy a house in the Milwaukee area, please give us reason to keep searching within the city limits. Thank you- Jason Broadwell and family
171.	Deaduri Gales	Milwaukee, WI	
172.	James Klisch	Milwaukee, WI	With the recent revelations regarding privatization in the military and the mess in Chicago with the parking meters, I would not want to see the City sell the future for some quick cash today. Water will be what makes the area attractive in the future. Already desert area cities are drying up. I do not want any water to leave the Great Lakes basin. <i>(continues on next page)</i>

	Name	From	Comments
172.	James Klisch	Milwaukee, WI	<i>(continued from previous page)</i> Privatization would open the door for this because of the profit incentive. Sincerely yours, Jim Klisch
173.	Suzanne Moynihan	Mount Calvary, WI	
174.	Gerry Broderick	Milwaukee, WI	
175.	Cheryl Wankowski	Milwaukee, WI	
176.	Marya Bradley	Milwaukee, WI	There is no good reason to sell the control of a natural resource to a private corporation; to do so undermines the fundamental principle of a representative democracy, that the power of governance should reside in representatives of the interest of the people. Furthermore, all evidence to date indicates that the very worst motive of private profit prevails when a private company takes hold of a publicly shared resource. The water must not fall into the hands of narrow private interests--it is the shared gift to us all and the shared responsibility of us all.
177.	Jill San Agustin	Milwaukee, WI	
178.	maureen megan kane	milwaukee, WI	
179.	Glenn Siettmann	Milwaukee, WI	
180.	John Couture	Milwaukee, WI	
181.	Bob Graf	Milwaukee, WI	
182.	Jason Schroeder	Milwaukee, WI	
183.	Carolyn Mello	Milwaukee, WI	Privatization of Water Resources has failed miserably in Atlanta and other cities. We don't want a private company setting the standards for our drinking water!!! Find another way to generate city funds!!!
184.	Kurt G Johnson	Milwaukee, WI	I do not want to see our water resources in the hands of a for-profit corporation. It is the citizens' water, and its control should and must remain with them and those they elect to represent them.
185.	Melissa Scanlan	Milwaukee, WI	
186.	robert reed	milwaukee, WI	s the best drinking water in the state of Wisconsin.
187.	Carol Waskovich	Milwaukee, WI	Selling the rights to our water supply is wrong. It is a public asset that we all have responsibility for.
188.	Mary Celi	Glendale, WI	
189.	wendy pologe	milwaukee, WI	
190.	Suzanne Rosenblatt	Shorewood, WI	We need water for our very survival. It must be owned by the public, not by those who would soak us!

	Name	From	Comments
191.	J. Gerard Capell	Milwaukwee, WI	Dear President Hines: The concept of selling the Milwaukee water system to a private company for a short term gain is truly a bad idea. If the City needs greater flexibility to move funds from one department to another tackle that, but thinking that a \$500 million cash infusion will solve the City's problems for the next 50 years not to mention 99 years is a major folly.
192.	Mary Ann Onorato	Milwaukee, WI	
193.	Clara Dugan, RN	Bayside, WI	"What's happening is that water itself is being carved up and will be parceled out according to people who have the ability to pay," says Tony Clarke, author of Blue Gold and a critic of global water corporatization. David Boys, who works for a federation of public trade unions, says the same reason water is profitable is why it shouldn't be a private business. "You're clients are captive because they can't decide, 'Well, I'm not going to buy water anymore, I'm not going to turn my tap on,'" he says. "You can't do that. You can switch from Coke to Pepsi but you can't switch from water to... what?"
194.	Barbara Eisenberg	Milwaukee, WI	There is nothing as important and basic a need as water. It is not something that should be controlled by a private corporation motivated by profit. The Milwaukee Water Department is currently self sufficient- it should not be used as a vehicle to make money for other city departments. Private water utilities charge 80% more for water, are NOT more efficient than a public utility and are not accountable to the public.
195.	Rachel Morgan	Milwaukee, WI	
196.	Rich Manson	Glendale, WI	This water is your water, this water is my water. Keep it public !!
197.	Kathy Drury	Milwaukee, WI	
198.	Roger Bybee	Milwaukee, WI	Dear Common Council President Hines and Council members: Milwaukee's public water system was established more than a century ago to assure clean drinking water for all at an affordable price. It is truly one of the most intrinsically public services; in private hands, the water system loses accountability and generally affordability, as in Bolivia, South Africa, and other nations. Milwaukee and the state both face severe fiscal crises. In this context, why not first consider terminating absurd subsidies to giant corporations like Manpower, Harley Davidson, and others? Why not press the state to begin collecting corporate income taxes from the 62% of corporations earning \$100 million or more in revenues, who now pay no state income taxes? <i>(continues on next page)</i>

	Name	From	Comments
198.	Roger Bybee	Milwaukee, WI	<i>(continued from previous page)</i> Clean public water is a precious legacy left to us from past Milwaukee generations. We must not allow democratic, fully public control to be pried from our passive fingers. Respectfully, Roger Bybee
199.	hilary Chavez	Wauwatosa, WI	
200.	David Schwid	Wauwatosa, WI	Water is a resource that belongs to all. It is not a for profit commodity. Please protect our resources by keeping them in public control.
201.	Edith Wagner	Milwaukee, WI	Please add any personal comments for increased impact! Why fix it if it's not broken?
202.	Timothy Yanasak	Milwaukee, WI	"We need water for our very survival. It must be owned by the public, not by those who would soak us!" - Milw. Poet, Suzanne Rosenblatt.
203.	Deanna Schmidt	Shorewood, WI	Milwaukee has a long history of high quality public services given to us by past generations. We have no right to deny high quality public services to future generations.
204.	Vickie Strattner	Milwaukee, WI	Water is one resource we cannot live without. It need to remain as part of the public trust, with affordable access for all.
205.	Nathaniel Holton	Bloomington, IN	As a Milwaukee native who will be returning to the city next year, I'm someone who cares deeply about our most important and most impressive natural resource: our water! The suggestion that the water be privatized was hastily made, without regard to 1) whether privatization was necessary to make water money available to help the city budget (sounds like it's not); 2)the fact that privatization would likely take two years and would thus not assist with short-term budget concerns; 3) whether privatization would have to go before the voters in a referendum; 4) whether it would be a good idea for a city attempting to become the fresh water capital of the world to give its water supply to a private corporation for 75 or 99 years; 5) whether it's a good idea to take a critically important public good and put it into the hands of a corporation that may be more concerned with profit margins than water quality. Milwaukee's budget woes are dead serious, and every remedial avenue deserves consideration. But, water privatization was seemingly not thought out at all before being rolled out, and for a city attempting to stake its claim to fresh water to consider privatizing its own water supply, that seems completely backward and asinine.
206.	R. B.	Shorewood, WI	Where are the checks & balances of the water system if it is privatized?? There won't be any! How can the city of Milwaukee politicians even begin to consider privatizing this most important and vital public utility? First and foremost the politicians in this city have a responsibility to <i>(continues on next page)</i>

	Name	From	Comments
206.	R. B.	Shorewood, WI	<p><i>(continued from previous page)</i></p> <p>protect the health & safety of its citizens, if the water system is privatized that protection will be gone - Privatization is "FOR PROFIT!!! FOR PROFIT!!!!!! Not for the health and well-being of the citizen. If the water system is privatized the citizens voice will be silenced. People cannot live without clean, safe and affordable water! It is a vital necessity - there are no guarantees to have such a utility if it is privatized when the bottom line will be more important than the citizen. It is beyond comprehension that you would privatize the City of Milwaukee's water supply - you have been elected to and have a responsibility to protect the health & well-being of the men, women & children of the City of Milwaukee, not some bottom line amount.</p>
207.	Alexa Bradley	Milwaukee, WI	The water is all of ours, a vital resource for life not a commodity. We must manage it with an eye to our well being and health, and that of future generations as well.
208.	Larry Miller	milwaukee, WI	Keep Milwaukee's most beautiful attraction beautiful.
209.	Mary Thoreson	milwaukee, WI	Privatization rarely saves money. Privatizing essential services and needed resources is incredibly short sighted and detrimental to our community.
210.	Ellen C. Warren	Milwaukee, WI	Our water is sacred. Please don't hand over its care to a profit-driven entity with no stake in the lives of the people who are dependent upon it.
211.	Martha Davis Kipcak	Milwaukee, WI	
212.	Renee Kubesh	Whitefish Bay, WI	
213.	Todd Matke	Milwaukee, WI	I don't think it should be legal for any state or city to sell water from Lake Michigan.
214.	Sher Schachameyer	Mequon, WI	Our water should not be provided by a company motivated by profit. It should be provided with the well-being of us all as top priority.
215.	Jessica Zalewski	Milwaukee, WI	Milwaukee has ensured that our water is the safest possible. I don't feel that the same would be true, or even possible, under a private corporation.
216.	Kathleen Barry	milwaukee, WI	Privatizing essential services and needed resources is extremely short sighted and detrimental to our entire community. I understand it won't save users any money, and may likely cost us more.
217.	RICK WIER	OAK CREEK, WI	<p>WATER RIGHTS MUST BE RETAINED TO PROTECT FUTURE GENERATIONS.</p> <p>PRIVATIZING WILL TAKE CONTROL AWAY FROM MILWAUKEE & LEAVE A MONOPOLY TO ANY ENTITY THAT CONTROLS IT FOR PROFIT.</p>

	Name	From	Comments
218.	Brian Breider	Milwaukee, WI	Water is a resource that belongs to all. It is not a for profit commodity. Please protect our resources by keeping them in public control.
219.	Michael Kuhr	Milwaukee, WI	
220.	James Stratte	Milwaukee, WI	The private sector has screwed us again and again. Just look at AIG, look at the banks, look at Enron. Why would we allow these people to screw us one more time? If there's money to be made, let the city make it and use it to fund its services. Change whatever laws need changing. Thank you!
221.	Howard Caplan	Milwaukee, WI	A quick cash infusion doesn't amount to a hill of beans compared to what Milwaukee would give up in exchange. Control over the only natural resource this region has. Water is more valuable then oil.
222.	Jeff Bussanich	West Allis, WI	Every time public water works has been privatized, the cost of water has gone up. This is an underhanded way for city officials to raise taxes without having to vote to raise taxes, they'll call it a lease to the private water works company. The revenue from the lease money will go to the city of Milwaukee. I am a residence of the city of West Allis, and my water bill will include money toward that lease. If the water works is privatized I will then be paying taxes to the city of Milwaukee without representation.
223.	Emily Goddard	Milwaukee, WI	
224.	David Rosenberg	Bayside, WI	
225.	James Harris	Shorewood, WI	It is absolutely vital that we all protect our most important natural resources. Water is the community's lifeblood and should not be treated as a transferable commodity to raise some needed cash for the city; rather, the city should consider its obligation as a public steward of this resource, and ensure its protection and conservation by resisting calls for privatizing the water works.
226.	Sandra Zellmer	Wauwatosa, WI	We would loose our accountability with privatization of Milwaukee water. i am totally against this. We have seen what happens in other areas recently when we lost accountability oversight-disaster!
227.	Timothy Schafer	South Milwaukee, WI	Water is public domain. Keep it that way!
228.	Walter F. Kelly	Milwaukee, WI	In the ancient and classical traditions water is one of the four basic elements and belongs to the living world, the other elements, and all those to whom it gives life. We are blessed with our water and should receive it in trust for ourselves and future generations rather than to treat it as quantifiable property to be leased for profit.
229.	Gregory Grudzske	Thiensville, WI	

	Name	From	Comments
230.	Leslie Frick	Wauwatosa, WI	Water is a most precious resource and everyone has the right to clean water. If it is taken out of the public trust, it would be more difficult to protect it and keep it safe for all to drink.
231.	Todd Zietlow	West Allis, WI	I have read that if water is privatized it would be through a foreign company. My mom used to say "The world is going to hell in a handbasket."..This would be an ultimate slap in the face(as if we haven't had enough of that already)..Get Real ..we need ownership of our water!!!!
232.	Katherine McCann	Milwaukee, WI	
233.	Stephanie Bloomingdale	Milwaukee, WI	Water is a natural resource that should be held in the public trust. If privatized the city loses it's water bill revenue, the public ends up paying, gradually, more and more as the profits of the privateer must inevitably increase.
234.	David Woerpel	Burlington, WI	
235.	Regina Gallero	Cudahy, WI	Water is a vital resource that cannot be left to corporations drunk with greed. The obsession with money is a serious disease and the money interests in this country have demonstrated amply that they cannot be trusted because they don't care what happens to the people of this country or any other country. Look what they have done to the land! NOT THE WATER TOO, PLEASE!
236.	Sura Faraj	Milwaukee, WI	Dear President Hines, I am a community organizer and a constituent of Milele Coggs. I strongly oppose any effort to privatize water and will fight to keep it public. Please stand with us. Thank you.
237.	Patricia Klappa	Milwaukee, WI	Please add any personal comments for increased impact! The water sold to New Berlin was at pennies on the dollar. The privatization can only accelerate this foolishness. The true public cost of removing the lake water is huge and selling it encourages further sprawl and environmental damage. Stop the privatization and stop the sales.
238.	Peter Goldberg	Milwaukee, WI	
239.	juanita malloy	milwaukee, WI	
240.	John Heywood	Shorewood, WI	
241.	Howard Handelman	Shorewood, WI	Water is like air--essential for life. It is not a commodity. What is wrong with you people to even consider such an abomination????
242.	PJ Boylan	Greenfield, WI	
243.	Patrick Flaherty	Milwaukee, WI	Mortgaging our future is not the answer to Milwaukee's existing fiscal problems.

	Name	From	Comments
244.	Dianne Halligan	Milwaukee, WI	<p>Please do not privatize Milwaukee's water works. Private companies will inevitably increase the water rates tremendously to the great disadvantage of all of Milwaukee's citizens and taxpayers.</p> <p>The City is on the right path with the new suggestions to find ways to increase the revenue the city receives from the Water Works and to increase water rates to a level that will eliminate having to dip into Water Works reserves to fund operations - this could be done gradually over a number of years to lessen the burden to citizens. The Water Works could also change the rate structure so that large users would pay more and small users would pay less, rather than the current system. This makes more sense.</p> <p>Thank you for hearing my concerns.</p>
245.	Vanessa Kuehner	Milwaukee, WI	
246.	Cynthia Hiltunen	South Milwaukee, WI	<p>This hasn't worked in other cities, why in the world would it work here. MMSD is a perfect example of privatizing "success" How many gallons of untreated waste have they dumped into Lake Michigan so far? The treatment plant is never 100% operational to save costs. What will happen to our drinking water?</p>
247.	Molly Collins	Glendale, WI	
248.	Dianne Henke	Pewaukee, WI	<p>Water is a "common" and is needed by all people. A corporation's first priority is to its shareholders thus if a corporation in charge of water distribution has to choose between providing clean affordable water for all the people or making a profit for its shareholders, the corporation is obligated to put shareholders first at the expense of the people. Water should not be privatized.</p>
249.	Jennifer Morales	Milwaukee, WI	
250.	Tom Schwarz	Milwaukee, WI	<p>Water quality is a public safety issue and should not be left to for-profit enterprise. Also, with the availability of fresh water in the world in general some have suggested that water may be the next "oil". This precious resource is far too valuable and important to be left to those whose basic values are "profit maximization". Keep this water resource safe, clean and ours!</p>
251.	Ann Terwilliger	Wauwatosa, WI	<p>Privatization of our water system is likely to have decision making regarding water use further removed from the democratic process. This resource should remain under public supervision and control, not farmed out for present monetary gain.</p>
252.	Louis Maris	Shorewood, WI	<p>Milwaukee's water is some of the best in the country. Please don't sell it for short term gain. Public utilities exist for the public good, not for private gain.</p> <p>Thank you</p>

	Name	From	Comments
253.	Karen Johnson	Milwaukee, WI	
254.	Donna K. Mrugala	Milwaukee, WI	While we as a community have far to go in understanding the role of how much water we can appropriately use in our homes and communities. Even before we realize that we misuse it and how we have other options to use instead of water, it is a human need that cannot be justified to any high bidder.
255.	Clare Lewis	Milwaukee, WI	
256.	Miriam Miranda	Milwaukee, WI	It appears as though the Great Lakes area has water to spare. We have a remarkable resource; however, the water levels have been decreasing. Also, there has been contamination to the rivers that feed these wonderful lakes. Milwaukee rivers are not fit to swim in like our citizens used to be able to just a few short decades ago. If the control of city water is put into private company hands, there is no telling what could happen.
257.	Casey Twanow	Milwaukee, WI	
258.	Patricia L. Yunk	Milwaukee, WI	Dear Alderman Kovac: I am deeply concerned about the City's consideration to sell off our public water system to a private firm. Such actions, by other municipalities and states have been disastrous. Not only is the short term fix concept flawed, it also leads to a total loss of control over quality, quantity, pricing and most important accountability. We certainly have had adequate examples of these in Milwaukee. Look at the Chicago example, where they are still in deep financial crisis despite their one time fix actions. This is not good public policy and frankly, I can't imagine a scenerio when this would be acceptable. I emlore you to continue your opposition to this initiative. Patty Yunk
259.	Shelby Keefe	Milwaukee, WI	
260.	Stephanie Harling	Milwaukee, WI	
261.	Christopher Fons	Milwaukee, WI	Keep our most vital natural resource public!
262.	Micah Roschke	Milwaukee, WI	
263.	Dena Aronson	Milwaukee, WI	
264.	Julie Edell-Berlin	Milwaukee, WI	
265.	Dorothy Mietz	Cudahy, WI	
266.	Adolph Rosenblatt	Shorewood, WI	Water is a necessity for life. We cannot let a private monopoly hold us hostage.
267.	Steven Cupery	Milwaukee, WI	As water bcomes more scarce in the south, it has the potential to be the resource attracting new development and business. Moves to privatize water in other areas have universally resulted in rapid increases in water prices which will drive businesses and new development away <i>(continues on next page)</i>

	Name	From	Comments
267.	Steven Cupery	Milwaukee, WI	<i>(continued from previous page)</i> from the city as it has in other locations. Keep our water public.
268.	Yvette Mitchell	Milwaukee, WI	
269.	Thomas Radoszewski	milwaukee, WI	
270.	Brenda Greuel	Thiensville, WI	Turning community water into a private business venture would be taking a huge risk that a majority of people would not have affordable access to water. Water is a basic human resource and since it cannot be manufactured by a private company, it deserves to be shared equally by all residents. Will we consider bottling and selling air sometime soon?
271.	Kelly Cook	Milwaukee, WI	Privatizing water... the first step to corrupting our lands and making our water expensive. Way to let corporations control our life. Hell no.
272.	Aracelis Garcia	Milwaukee, WI	
273.	Miguel Salas	Milwaukee, WI	Water is the foundation of all life on our planet, I do not want this resource privatized under any circumstances.
274.	Brenda Wingard	Grafton, WI	I don't think many people realize what a resource water is and how it could become the "next crisis". I also don't think many people realize how our nation's history has been shaped by water rights. We need to keep our water--not "sell" it to the highest bidder.
275.	Marietta Love	Milwaukee, WI	While I understand the need to find new sources of revenue, I would hope that the search would not include quick fixes that will most certainly cause more problems for the citizens in the very near future. Privatization of our water is not a solution, it is a financial disaster waiting to happen. Marietta Love
276.	Michael Garvin	Milwaukee, WI	Don't make this mistake...privatization has failed in almost every place it's been tried. Leave Milwaukee Water Works alone...
277.	Melanie Benesh	Milwaukee, WI	
278.	John Goldstein	Milwaukee, WI	The private sector has made a mess of our entire economy. It is especially important that we, the people, maintain control of our water works. It is a crucial public utility, and has the potential to be extremely valuable in the future.
279.	Jude Kesi	Milwaukee, WI	
280.	Kenneth O'Reilly	Milwaukee, WI	
281.	David Schall	Greenfield, WI	Water is such an important commodity, it should be kept in the public trust with a maximum of transparency in its service and delivery.

	Name	From	Comments
282.	Joyce Colliins	Milwaukee, WI	This is a sort term stop gap to a long term problem that I believe will only cause more problems in the future. Please do not privatize a public resource. This in the long run will cost the public more in fees passed on by the companies that will be running it. This is what has always happened in the past.
283.	Susan McNeely	Brookfield, WI	
284.	Jesse Blom	Milwaukee, WI	
285.	Sharon Wolf	Milwaukee, WI	Privization of public water would not be beneficial to the people who use the water. As we have seen with many commercial enterprises, capital gain takes precedence over the needs to those served. It seems likely that rates will increase, quality suffer and ther continues to be the possibility that local water will be shipped out of the region. None of these possibilities are for the good of the people of Milwaukee.
286.	Rachel Crites	Milwaukee, WI	
287.	Melissa Gaido	Waukesha, WI	
288.	Cheri Fuller	Milwaukee, WI	
289.	Peggy Hong	Milwaukee, WI	
290.	Thomas Fritz	Milwaukee, WI	
			This great resource and necessity of life should remain under the control of the people and not be exploited for profit by private industry. The long-term welfare of our cities resources should not be sacrificed for short-term gain.
291.	James Thompson	West Milwaukee, WI	Essential services should be run by the state.
292.	Kathleen Strattner	Milwaukee, WI	
293.	Douglas Udell	Milwaukee, WI	
			Please do not privatize! It will only create a mess someone's going to have to deal with in twenty years. We're leaving enough of a mess as it is!
294.	Mary and Greg Weitzer	Greendale, WI	In these economic times we do need to find ways to modify our spending, HOWEVER, please do not do so by jeopardizing the quality of the water used in our community through privatization. We have seen the effects on other services that once worked effectively being compromised and diminished when turned over to the private sector. In this case the very health of the people who rely on the water we drink will be threatened. The water supply could turn so quickly from "the best water available...even more trusted than bottled water" to a health risk. Please, don't privatize the water. Thank you.
295.	Mary Prince	Brown Deer, WI	
			Tap water is not available in much of the world. We should treasure this resource.

	Name	From	Comments
296.	Rose Lee	Cedarburg, WI	Usually when services are privatized there are no regulatory constraints placed on the owners. Public services are scrutinized somewhat by the public.
297.	Veronica Neumann	Shorewood, WI	It is urgent that Milwaukee not privatize its water. There is a misconception that privatization = improved quality + efficiency. But the remit of private companies is to maximize profit at the expense of quality and accountability. This is a risk we cannot take with something so fundamental to life as water.
298.	Gina Palazzari	Menomonee Falls, WI	Since I live in a suburb that purchases water and sewer from the city, I have an interest in keeping the water works public, not private. I believe the city does a great job and have heard mostly negative things about privatizing water elsewhere. Let's look to the state for additional revenue for local government and keep our water public.
299.	Rose Fabian	Lake Villa, IL	I don't want our water privatized! Things are running smoothly with this whole system now and it should not be threatened in any way. We can not trust a company who would run our water system for profit. We can come up with other ways to help solve the cuts in funding from the federal government.
300.	Karen Siegel	Bayside, WI	
301.	Maria Figueroa	Milwaukee, WI	Our water works is one of the few things that we have managed to continuously keep running well. Jeopardizing that by privatizing it is simply foolish and myopic in range.
302.	Brendan Churchill	Shorewood, WI	
303.	Jim Draeger	Milwaukee, WI	Do not sell our water! Keep our water in the public sector.
304.	Elizabeth Stern	Mequon, WI	
305.	Dakin Emerson	Milwaukee, WI	
306.	Valerie Gabriel	Milwaukee, WI	
307.	William Moore	New Berlin, WI	
308.	Sara Spence	milwaukee, WI	
309.	Ienore lee	mke, WI	
310.	Daniel Miller	Milwaukee, WI	
311.	Tamara Kroupa	Milwaukee, WI	

The water that borders more than half of our state is one of our biggest resources, let alone the countries or the world. We sit next to one of the largest bodies of fresh water in the WORLD. Why would we intrust such a priceless gift to others who do not have our best interests at heart. If water prices have to go, well then they do. But I'd rather we rec. the revenue.

We fought very hard to align all of the US and Canada govenors to sign the Great Lakes Water Treaty, why move backwards.

(continues on next page)

	Name	From	Comments
311.	Tamara Kroupa	Milwaukee, WI	<i>(continued from previous page)</i> PLEASE!!! Consider the alternative of us remaining in control and adjusting the current water costs. It is still a BARGAIN!!! Sincerely, Tamara Kroupa
312.	GA Fitch	Milwaukee, WI	Our local government does a good job. It is best suited to be in charge of Milwaukee-area public assets such as our Lake Michigan drinking water.
313.	Bill Smith	Milwaukee, WI	
314.	Sharifah Qureshi	milwaukee, WI	
315.	kenneth hanson	milwaukee, WI	please keep our water system public. the people operating the system are concerned with quality, not personal gain.
316.	dolores knopfelmacher	Milwaukee, WI	
317.	Monroe Lerner	Shorewood, WI	Water should be a public trust and not a raw material to be exploited for private interests. We have had a long and successful record of effective public management and would be foolish to risk private management for some fee benefits.
318.	natalie streppone	milwaukee, WI	
319.	Barbara Todd	Milwaukee, WI	Our water needs to be protected as a valuable resource, not used as a money maker for the county. Increase taxes if more funds are needed.
320.	Carol Wylie	Milwaukee, WI	Water is THE necessity of life. It belongs to our citizens, and should be nationalized--NOT SOLD TO A FOREIGN COMPANY. WHEN WILL THE GREED STOP, AND COMMON SENSE TAKE OVER? Dennis Kucinich faced a similar situation when he was mayor of Cleveland (1977-1979), and refused to the privatization of the electric utilities. He wasn't reelected, but his move turned out to be the best thing for the people of Cleveland. WE SHOULD NATIONALIZE ALL OF OUR NATURAL RESOURCES--THEY BELONG TO ALL OF THE AMERICAN PEOPLE.
321.	phyllis mc williams	milwaukee, WI	
322.	Edwina Beanum	Milwaukee, WI	
323.	Irene Senn	West Allis, WI	
324.	Suzanne Zipperer	Milwaukee, WI	Water is a public resource that people in Wisconsin take for granted. In a sense "you don't know what you've got until it's gone." We need to keep water resources in the hands of the public who can guard it for the common good.

	Name	From	Comments
325.	Robert Welker	Milwaukee, WI	I believe that privatization of the supply and distribution our water will lead to profiteering that will make the commercialization of our medical system look like child's play. As our population grows there will be an increased demand for a limited resource necessary for survival. Privatizing the supply of water will set the stage for the next round of robber barons.
326.	Kenneth Vonderberg	Milwaukee, WI	Milwaukee's water supply is a public trust, not an opportunity for private profit! Keep the city's water resource publicly owned.
327.	Jenna Benz	Shorewood, WI	
328.	Shirley Turner	Milwaukee, WI	As a citizen of Milwaukee I am very concerned about the privatization of Public Water Works. I believe this would mean that our quality of water would decreased greatly. Please do not take such a risk with one of our most precious natural resources.
329.	Heidi Moussa	Milwaukee, WI	
330.	Ed Miller	Mukwonago, WI	
331.	Kayla Wilde	Milwaukee, WI	I't 'public water' KEEP IT PUBLIC!!!
332.	Kant Muchhala	Shorewood, WI	
333.	Jean David	Milwaukee, WI	
334.	Jarrett English	Milwaukee, WI	Bad economic times are what opportunist and too often the singularly self-interested used to tie the noose around the neck while strapping the chains of calamity around the people. Natural resources of regions should not be leased or owned by anyone except the collective group of citizenry of that region. Utilities period, necessary to the life and well being of the people, should NEVER be operated for profit. It is a huge and terrible mistake to give something as precious and vital to the community as fresh water (one of the very few large amounts left on EARTH) to ANY organization or corporation not under direct control of the people of Wisconsin. If this passes it will and should be the undoing of Mayor Tom Barrett and the entire common council. There are far worse things than taxes and fees going up if what they are paying for directly and immediately benefits the entire community. Giving away literally one of the greatest natural resources on earth is equivalent to the injustice brought upon native americans in centuries past when entire swathes of precious land where unknowingly traded for blankets and beads. Those native americans didn't have the background information on their trading partners to know that they were being ripped off but we have the hindsight of that great misdeed AND the knowledge of what a for profit unchecked entity does when it is given a monopoly on something so (continues on next page)

	Name	From	Comments
334.	Jarrett English	Milwaukee, WI	<p><i>(continued from previous page)</i></p> <p>valuable. 1. It is a license for them to print money at the expense of the people and 2. It is an unchecked opportunity for them to take advantage of the people to make even more money. If the common council and the mayor allow this travesty to pass. They would have literally given away the greatest natural resource the world has left that is not under the sole control of robber baron conglomerates, cartels, and principalities. They will be giving away something far more valuable than Manhattan for something worth far less than the beads and blankets then that sold for. They will have betrayed the very people who placed them in their positions in the first place not to mention their own children and families. No lease for 99 years or even 9 seconds else the mayor and his common council will have squandered the last greatest resource the people have.</p>
335.	Lynn Broaddus	wauwatosa, WI	<p>Milwaukee Public Water Works has some of the best professional staff around - dedicated, knowledgeable, hard working. Why would we throw that all away so that a private company can make a profit off of local ratepayers? In addition, we need to make sure that water conservation, which is in the public's long term interests, is promoted. This is unlikely to be possible when the interests being promoted are those of a privately held, for-profit corporation.</p>
336.	Susan Ruggles	Milwaukee, WI	<p>Don't privatize the Milwaukee Public Water Works! Water is a vital natural resource that belongs to all of us, not a commodity to be bought and sold for profit. Keep the Great Lakes -- and Milwaukee's water supply -- public.</p>
337.	David Behrendt	Milwaukee, WI	<p>If anyone is to make profit from selling City of Milwaukee water, it ought to be the City of Milwaukee itself, not some private entity.</p>
338.	Robert Miller	Milwaukee, WI	
339.	Annette Jackson	Milwaukee, WI	
340.	Lucille Rosenberg	Milwaukee, WI	<p>I strongly object to the privatization of our precious water supply.</p>
341.	Timothy Vargo	Milwaukee, WI	<p>Privatizing our water is one of the worst ideas I've EVER heard.</p>
342.	Sharon Kusmirek	Milwaukee, WI	
343.	Abigail Nash	Bayside, WI	<p>Don't sell this vital natural resource to the highest bidder! Water should remain in the public trust.</p>
344.	george baritt	milwaukee, WI	<p>Because of the way our city accounting is set up you cant take money form the water works to use in other areas, well you made the regulations, you can also change them. By leasing our water of to a private company we all know</p> <p><i>(continues on next page)</i></p>

	Name	From	Comments
344.	george baritt	milwaukee, WI	<i>(continued from previous page)</i> the rates will go up, but the profit leaves our city and state, maybe even country. Come on guys, change our accounting and keep our money here to grow Milwaukee
345.	Dora Jones	Milwaukee, WI	Now this is scary. It is a decision like this that would cause an individual who contributes financially to this city to relocate to another area where water, our valuable resource will not be sold. If we cut and sell out in this area we will see expenses in another area. We don't want any cutting corners, poor water hygiene/health, or lawsuits. Is it worth it? Come on Milwaukee--lets put our heads together and do better than this decision!!
346.	Babette Kaufman	Milwaukee, WI	
347.	susan miller	Milwaukee, WI	
348.	Jonathan Bales	Milwaukee, WI	Don't be foolish Milwaukee and consider our water a commodity to be sold to the highest bidder. Haven't you been told that water is going up in value?
349.	Suzy Clarkson Holstein	Shorewood, WI	
350.	Karen J. Nutter	Milwaukee, WI	Keep our water under the direct control of the public. It is too important to give up.
351.	Mary Medo	River Hills, WI	
352.	Barbara Wallner	Milwaukee, WI	I work for a public institution. I have known people who have been privatized and have gone back to the "old" ways because privatization didn't work and costed more money to run. We are taxed enough and our Water Department in Milwaukee is doing just fine. We have the best water in the country and I do much traveling. It tastes good, it's cold, and we don't add to solid waste because we use bottled water. Yes on occasion there have been problems, but they were fixed in short order. Leave it in the public's hands.
353.	Shirin Cabraal	Milwaukee, WI	I'd rather pay more taxes than have water, a precious natural resource privatized.
354.	Frank Gallo	Milwaukee, WI	
355.	kyle schulz	milwaukee, WI	
356.	Steve Servais	Milwaukee, WI	No matter the price, we'd be underselling this invaluable resource.
357.	S. Shaw	Milwaukee, WI	I sincerely hope you will act in accordance with citizens' best interest by not voting for privatization of Milwaukee Public Water Works. Please protect our future with your vote!
358.	joan janus	Milwaukee, WI	
359.	Mary Evans	Milwaukee, WI	Please do not , DO NOT! put our water in the control of a corporation. I'm begging you: PLEASE.

	Name	From	Comments
360.	James Maillis	Milwaukee, WI	
361.	Pamela Penn	Milwaukee, WI	In view of the various comments about how easy it would be for terrorists to poison our food supply, I would think it impossible for any governmental agency to find it beneficial to turn over the handling of this precious commodity to a private entity. There are too many examples of disasters that have occurred when private entities have been awarded work that should be done by those in public service.
362.	Jordan Stone	Milwaukee, WI	
363.	Larry Boyer	River Hills, WI	
364.	Paul Stafford	Milwaukee, WI	Privatization of our water is not an acceptable option under any circumstances. Please don't even think about squandering this most essential public asset. It is outrageous that some politicians would even entertain mortgaging this vital fluid of all life to cover their proverbial fannies for the short term.
365.	EA Hughes	Oak Creek, WI	Water supplies and services need to remain public. I am fearful that water would be diverted and transported to our water hungry states in the southwest to be used to create water parks and even more golf courses.
366.	Grace Jessen	Milwaukee, WI	PLEASE keep Wisconsin water belonging to all its citizens. DO NOT HIDE potential cost increases by privatizing another of our precious natural resources. Water will be the biggest issue in the future, way more than oil. We cannot afford to let corporations profit. Haven't we seen enough with WE energies, big oil, factory farming? Milwaukee water is excellent but it belongs to us.
367.	Richard Miller	Milwaukee, WI	Surely if it's worth millions to a management company halfway around the world that will gut staff and maintenance for short term profit, it's worth more if we keep it at home. This is a most basic and vital resource and it will be a huge mistake to hand it to outsiders to control it.
368.	Aimee Wright	Milwaukee, WI	
369.	Rebecca Guerrero	Milwaukee, WI	
370.	Gregory James	Milwaukee, WI	
371.	Susan Firer	Milwaukee, WI	
372.	Maureen Fitzpatrick	Milwaukee, WI	Please do not sell our water! It belongs to us and we don't want it sold to a nameless corporation with a horrid track record!
373.	Jeffrey Bray	Milwaukee, WI	Keep quality high, costs low! NO TO PRIVATIZATION!

	Name	From	Comments
374.	Molly Ryan	Milwaukee, WI	
375.	Jamie Wanek	Milwaukee, WI	
376.	Bradley Nommensen	Milwaukee, WI	
377.	Ryan Rytlewski	Shorewood, WI	Milwaukee has been doing a great job making our water some of the best in the world, why would we want to change that. Keep Milwaukee being the number one place for safe good water.
378.	David Hofmann	Whitefish Bay, WI	There are other options to utilize the revenue stream of the Water Works for the city budget. Privatizing the Water Works is the most radical and, if the history of water privatization is considered, the least effective.
379.	Valeria Gonzalez	Milwaukee, WI	
380.	Nicole Noftz	waukesha, WI	
381.	Jorna Taylor	Milwaukee, WI	It is ridiculous that the city would consider privatizing our water supply as a band-aid fix for tough economic conditions. This privatization puts the health of millions of Milwaukee area residents and visitors at risk. Is the long term public health of our community really worth a few bucks in the near future? I for one don't think so.
382.	George Wagner	Milwaukee, WI	For the city to sign away our water works is the most penny wise and pound foolish scheme I've heard in a long time. I'll pay more in taxes for the services we need, but don't give away our crown jewel and potential future to some profit-making firm. Ask yourself: what would Frank Zeidler do?
383.	Roman Edirisinghe	Milwaukee, WI	A big thumbs down for this ridiculous proposal to privatize our water.
384.	Lane Hall	Wauwatosa, WI	Privatizing our water is a very bad idea for many reasons. This should not be pursued! There will be a very energetic movement against this idea should it develop.
385.	Dana Schultz	Milwaukee, WI	Water is not the city's to sell. The government needs to protect and serve the people, not by selling off it's resources!
386.	Jane Edgar	West Milwaukee, WI	I do NOT like the idea of privatizing our water system. This is clearly only a municipal matter and the rights of consumers can be trampled upon and have too little oversight available if there are problems...and there's a much higher risk of problems to go private because, for such companies, it's ALL about profit and NOT about quality!!! Please don't do this!! We'll pay more to prevent it!
387.	Todd Sprewer Sr.	Milwaukee, WI	

	Name	From	Comments
388.	Xav Leplae	Milwaukee, WI	Water is a common right of all life. It is not a commodity to be traded any more than our bodies or the air we breath. Now is the time to take the lead and do the right thing rather than that which is easier or safer for your career. Not just you, but your children and your children's children's children will inherit your choice, so please, if not for all people's sake, for the sake of your own children and your own long term reputation, stand-up and do what's right by allowing water to remain a fully public interest. Thanks for taking the time to think this through, Xavier
389.	Caryl Sewell	Brookfield, WI	
390.	NJ Unaka	Milwaukee, WI	Nothing in the world is as soft and yielding as water, Yet nothing can better overcome the hard and strong, For they can neither control nor do away with it. Lao Tze
391.	Elizabeth Olson	Fox Point, WI	Water is unquestionably necessary for life!! The quality of our drinking water directly related to our health. What's up with you Milwaukee Common Council? You are to represent THE BEST interests of the people you were chosen in our democratic society to represent not work against them. Why would you even consider privatizing our water source??? It makes me question, very seriously, your leadership capabilities.
392.	Jeffrey Betz	Oconomwoc, WI	This really seems like a bad idea. A Short term financial gain for the city for long term effects that will potentially make families pay more for worse water doesn't seem like a good trade off any day.
393.	Chris Olson	Milwaukee, WI	
394.	Amy Monahan	Glendale, WI	
395.	Diane Eisen	shorewood, WI	
396.	Elizabeth Jach	Brookfield, WI	
397.	Thomas Moore	Milwaukee, WI	How can you think of accepting a lump sum of money for a commodity that will have an increasing value in the future? Let alone jeopardize the health and safety of the people you serve and jeopardize the jobs of the skilled people that currently provide such high quality water?
398.	marie leafblad	brookfield, WI	
399.	Rod DePue	Milwaukee, WI	
400.	Jonathan Doster	Chicago, IL	
401.	allyson lassiter	milwaukee, WI	
402.	Brent Halfwassen	Milwaukee, WI	Governments in cash crunch situations often make poor long-term decisions in favor of short-term cash to solve a current financial issue. By leasing our resources long-term, <i>(continues on next page)</i>

	Name	From	Comments
402.	Brent Halfwassen	Milwaukee, WI	<i>(continued from previous page)</i> you will be making it worse for city residents in the future. A current example of this poor government behavior are the lease of the Illinois/Indiana Tollway to a private company. The counties which used to received an annuity have gotten a lump sum and have lost a steady stream of on-going funding.
403.	Mark Lynn	Milwaukee, WI	
404.	Katie Johnson	Wauwatosa, WI	
405.	Samuel Cotter	Ames, IA	As a student in the field of environmental engineering and water rights, I am a proponent of keeping water utilities under public control. Water regulation agencies and utility cooperation are effective in keeping water safe and water rates low.
406.	Mary Lynn Connolly	Milwaukee, WI	I urge you not to privatize our water. Let us keep up the good work of making our water safe and affordable. Perhaps we can be a model for other cities.
407.	a chromy	west allis, WI	keep our water public!
408.	Kristopher Pollard	Milwaukee, WI	
409.	Kristina Paris	Milwaukee, WI	
410.	Marc Dettmann	Brookfield, WI	
411.	Tim Sonderman	Milwaukee, WI	
412.	Alison Szarzynski	Greenfield, WI	
413.	Josiah Werning	Milwaukee, WI	
414.	Heidi Rose	Shorewood, WI	
415.	LuAnne Washburn	wauwatosa, WI	
416.	Jack & Lucia Murtaugh	Milwaukee, WI	Access to quality water is a right to be protected by our elected representatives. We should not place the use and control of water into the market place.
417.	Mary Schall	Shorewood, WI	Please add any personal comments for increased impact!
418.	Aaria Troiano	Bayside, WI	
419.	Francisco Enriquez	milwaukee, WI	Selling our water would be like selling our soul.
420.	David Baker	Milwaukee, WI	
421.	Sara Racine	Milwaukee, WI	
422.	Lars Olson	Shorewood, WI	We can make fixes to how city water is run and funded without this massive change. Please don't throw out the baby with the bathwater and privatize the whole thing.
423.	sandra priebe	milwaukee, WI	I believe it would be disastrous and unjust to privatize the Public Water Works. It is a recipe for disaster. May the elected officials take the publics health and right to clean <i>(continues on next page)</i>

	Name	From	Comments
423.	sandra priebe	milwaukee, WI	<i>(continued from previous page)</i> water in the hands of a government that is accountable to the people.
424.	Marcus Kuhnert	Elm Grove, WI	
425.	theofilos rafaelidys	milwaukee, WI	what next? private fire and police protection?
426.	Catherine BAKER	SO MILWAUKEE, WI	
427.	glenda puhek	milwaukee,, WI	
428.	Heidi Dondlinger	Bayside, WI	
429.	Cheryl Maranto	Whitefish Bay, WI	
430.	Tory Snyder	Milwaukee, WI	
431.	Mary Elizabeth Germain	Milwaukee, WI	
432.	Mary Ryan	Milwaukee, WI	
433.	James Rowen	Milwaukee, WI 53211, WI	I appreciate the city's cash crunch, but leasing the water works is not the way to go.
434.	Susan Ryan	West Bend, WI	Water management is a public trust, not a business proposition.
435.	S Cordova	Milwaukee, WI	Please work to keep water public. This is a basic human right which needs to remain in the public domain
436.	M Massey	Milwaukee, WI	
437.	Chelsea Domer	Glendale, WI	
438.	Paula Tuchscherer-Jones	Milwaukee, WI	
439.	Helen Adelt	Wauwatosa, WI	
440.	William Crowley	Wauwatosa, WI	Privatization of Public responsibilities is inherently bad. Just think about our current financial problems resulting from unfettered private entities
441.	Katie Meka	Milwaukee, WI	
442.	Gerald Gunderson	West Allis, WI	
443.	Mark Gray	Grafton, WI	
444.	Shahla Werner	Madison, WI	
445.	Robert Kraig	Milwaukee, WI	
446.	Ashley Miller	Milwaukee, WI	
447.	Robert Goss	Cudahy, WI	The selling of a public utility will only lead to higher rates to the taxpayers!
448.	Nancy Periman	Waukesha, WI	
449.	Holly Graves	milwaukee, WI	
450.	Louis Andrew	Milwaukee, WI	

	Name	From	Comments
451.	Kenneth Pitt	New Berlin, WI	
452.	patricia obletz	MILWAUKEE, WI	
453.	Dennis Casper	Milwaukee, WI	
454.	Miriam Ben-Shalom	Milwaukee, WI	<p>Do_NOT_ privatize our water works. First of all, privatizing will result in higher water bills for all citizen. Secondly, there will be no competition for this private corporation, allowing it to charge whatever it will. Thirdly, 99 years is a long time: what if the private corporation does not produce clean water? water that is acceptable?</p> <p>I don't know whose idea this is or where it came from, but it is a plumb dumb idea. Don't do it.</p>
455.	Mary Rose	Millwaukee, WI	
456.	Ingrid Richardson	Franklin, WI	
457.	Terri Kinis	Milwaukee, WI	<p>The values of substances such as gold and oil pale in comparison to that of water. Clean water that is available to and affordable for all is one of the few True Necessities of Life. Keep Milwaukee a ♦Great Place On A Great Lake♦ and Keep Public Our Water.</p>
458.	Michael Dorszynski	Milwaukee, WI	<p>I am writing to express my complete objection to any further money to be spent on consultants for the privatization of our precious resource, our water. Past politicians, without foresight, allowed industry, manufacturing, and the breweries leave Milwaukee. The last resource we have is OUR water. It is a known fact that great demands for water will exist in the future. Allowing these profits to be captured by private owners is ludicrous. Water quality will deteriorate and water bills will skyrocket. Look at MMSD: the maintenance issues, the infrastructure neglect, the billions of gallons of overflow into our beautiful Lake Michigan...this is what we get from private companies running our utilities. Also remember how Milwaukee is viewed by our state government in Madison. They have no regard for our city, if this scheme of privatization reaps any financial rewards odds are that Madison will probably deduct these monies from their distribution to Milwaukee. Therefore there will be no gain for our city, only the loss of our WATER! In closing I would also like to express my extreme displeasure regarding the clandestine approach our city government had taken regarding the privatization scheme. You work for us not the privateers! This entire effort must stop now!</p>
459.	Susie Seidelman	Milwaukee, WI	
460.	Jeffrey Gehlhoff	Milwaukee, WI	<p>Access to safe water is the most fundamental of all human rights. As such, decisions about water quality, safety, and access should not be put in the hands of corporate actuaries in an office removed from the community, whose (continues on next page)</p>

	Name	From	Comments
460.	Jeffrey Gehlhoff	Milwaukee, WI	<i>(continued from previous page)</i> concern for the shareholders' bottom line (by law) trumps concern for the common good.
461.	arleen hofmann	brookfield, WI	Please, our water should stay like it is. the best tasting. Do not least or sell to anyone.
462.	Hrysanthi Kinis	Milwaukee, WI	Really? This is even a consideration? Are you kidding me? Please protect our natural resources and keep them public. Thanks.
463.	Karen Elizabeth Haynes	Brookfield, WI	
464.	Michael Luke Sharkey	Lincolnshire, IL	
465.	K. Haynes	Elm Grove, WI	Please do not privatize our water!
466.	James Waisbrot	Stevens Point, WI	he waters of Wisconsin belong to the people of Wisconsin, and the resource must remain public to keep it safe and affordable. When water and sewer systems fall into private hands, costs grow and consumers end up paying too much for poor-quality water. It can lead to sewage spills and service problems. Because of these failures, taxpayer money should neither incentivize nor subsidize private ownership, management or operation of water and sewer systems. Another simalar debocle can happen when past People in Leadership, like Walker, have tried to privatize the arm of social services
467.	Kate Tissington	Johannesburg, South Africa	battles against water privatisation, commodification, restrictive prepayment meters, water unaffordability and inaccessibility are being fought in south africa at the moment....we support KPOW's struggle in the US and in wisconsin particularly.
468.	Theresa Lutz	Wauwatosa, WI	We can "own" the water no more than we can own the sky or the air we breathe. It is a shared resource and should remain public. Privatization is driven by greed. As we have learned from the current economy, the price of greed is high, the benefit to the greater good, low. If we go down this road we will surely resent it. And there will be no turning back.
469.	ETHEL PARKER	Milwaukee, WI	
470.	Jane Gellman	Milwaukee, WI	My grandmother taught me that if something sounds too good to be true, it probably is. Nothing about this makes sense to me. Private companies won't have the same priorities that the city does...the highest quality water at the most reasonable prices.
471.	Tom Uyehara	Milwaukee, WI	I despise and lose respect for those who seek to profit from things that is and should not be any of their business. Profiteering has never, ever benefited the general public <i>(continues on next page)</i>

	Name	From	Comments
471.	Tom Uyehara	Milwaukee, WI	<i>(continued from previous page)</i> nor will it ever. I wonder why we have downgraded ourselves to where someone must die, or people are put at extreme risk before the powers take notice. Whoever thought this up has no conscience, has no respect for others, and is in someone else's pocket. There is no other plausible explanation. You cannot even make up a story for such stupidity.
472.	John Raucci	Milwaukee, WI	The privatization of public resources is not a necessary evil; it is simply evil.
473.	Amy Moore	Milwaukee, WI	I am disheartened by the fact that this is even an issue with all we know about Privatization of Public Water. Why would we ever want to give up control of such a vital resource. Money? That feels very short sighted. Lets think about down the road. Milwaukee currently has a Public Water System that we can be proud of that works toward a high standard of practice to keep our water safe. You can't guarantee this with private organizations who may have a higher concern with cutting costs. This is a huge trust issue for many reasons....
474.	Tom Thoreson	Milwaukee, WI	Keeping our water under public control is tantamount to a future of clean and safe resources for all of the citizens of Milwaukee and not just a few.
475.	Sara Vila	Milwaukee, WI	Public utilities should be publicly owned to protect against corruption and graft. Accountability keeps people honest - including the people who manage our water systems. I don't think the people of Milwaukee can afford any more increases for whatever reason. Give these people a break and don't up the cost of essentials - pretty soon there will be an air tax administered by the Saudis or the French - whoever convinces our dupable public officials that the non-public plan (incidentally putting more money in the privateers greedy pockets) will be better for the community.
476.	brendan cummins	Milwaukee, WI	
477.	Martha Henry	Muskego, WI	
478.	Nicholas Kehl	Milwaukee, WI	Milwaukee Water Works is a well run organization within the City of Milwaukee. Our water is recognized as some of the finest quality in the WORLD. Do not screw it up to fix a budget problem somewhere else. Find a real solution to the budget problem that does not de-value City resources.
479.	Sue Behling	Glendale, WI	Clean potable water is taken for granted. It should be protected.
480.	jaclyn steinbrenner	west allis, WI	
481.	Brent Williams	South Milwaukee, WI	

	Name	From	Comments
482.	Michael Mrstik	Milwaukee, WI	After the crypto disaster, our public water works rose to the challenge and instituted some of the industry leading protocols used today...don't ruin a good thing because of your own political failures. So you get a few dollars today to patch a hole in your overblown budget by selling out? Guess what, that won't stop you from spending the same amount or more in the future. You guys are looking for short term solutions for long term problems. Get with the program.
483.	Linda Corbin-Pardee	Milwaukee, WI	Dear President Hines and members of the Common Council, I implore you to end all discussions of privatizing Milwaukee's water. I understand the urgent need for funds, but water privatization cannot be the way we find it. This basic human right is completely compromised when private concerns oversee it. There are tremendous films that speak to this issue - The Water Front, about Highland Parks, Michigan, Thirst, or Flow: For Love of Water. I urge you to watch these films in order to learn more about this issue and also urge you to please ensure that water remains under public control. There is no greater issue for our times. Thank you, Linda Corbin-Pardee
484.	Elizabeth Brodek	Madison, WI	
485.	Kathleen Mulligan Hansel	Milwaukee, WI	I am 100% opposed to privatizing our city's water. We have a huge and important resource in our proximity to lake michigan. We shouldn't even be thinking about long term leases that govern access to that water - there's simply no way to project it's future value at this point. Keep Milwaukee's water a public resource!
486.	Phillipa Tucker	Guadalajara, Mexico	Privatising water is denying people a human right.
487.	Mark Babich	Milwaukee, WI	
488.	Ryan Dowling	Milwaukee, WI	I was in California when they privatized their grid system and people were promising more competition, better rates and service for our power. Now I hear the same arguements for our water system here in Milwaukee. Turning vital public systems over to for-profit and non-publically accountable organizations is a mistake for the community at large. If the quality drops or the rates increase can I vote the private company out? Can I write my representative who will have no direct power of the private for-profit organization? Or will we have to wait until the exceedingly long contract expires? Vital services such as power, water, public works and schools should always have a public trust/option. If I wanted private for-profit water I would buy it in bottles and (continues on next page)

	Name	From	Comments
488.	Ryan Dowling	Milwaukee, WI	<i>(continued from previous page)</i> have it delivered. I appreciate your time and consideration into this matter and trust that public officials have the best interests of the community to which they owe their service to. Ryan Dowling
489.	Scott Fisk	Milwaukee, WI	
490.	Rosemary Wehnes	Wauwatosa, WI	Dear Alderman, Our fresh water resources in Wisconsin belong to the public and should not be viewed as a commodity. Keeping the Milwaukee Water Works a public operation insures accountability and access to public records. This is the only way we can continue to protect this resource for our families.
491.	Ruth Nagel	Milwaukee, WI	
492.	Anna Kehl	Milwaukee, WI	I love Milwaukee water, it's the best I've ever had!
493.	Jill Bolanowski	Milwaukee, WI	One of the best things about living here is the great water supply and the access that everyone has. We don't have a ton of things going for us, and it would be a shame to lose one of our best resources.
494.	Ashley McManus	Milwaukee, WI	
495.	Gary Halvorsen	Milwaukee, WI	Water is a basic and natural right for all living things and cannot be given to a multinational conglomerate for commercial gain. With water poised to be the new oil for foreseeable future, privatizing Milwaukee Water Works is insanity!
496.	Nancy Beaumier	Wauwatosa, WI	
497.	Susan McGovern	Milwaukee, WI	
498.	Nick Schroeder	Milwaukee, WI	The Milwaukee Water Works answers to the Mayor, the City Council and the citizens and tries to maximize quality, service and safety. A private company would answer to its stock holders and its board of directors and would work to maximize profits first and foremost. How can a private company make more money than the Water Works does without raising rates or cutting services? Privatization is not some magic act where the city can pull money out of a hat.
499.	Teresa Howard	Milwaukee, WI	
500.	BenJee Cascio	Wauwatosa, WI	Keep it public. Please raise funds an alternative way.
501.	Kyle Boggs	St. Helens, OR	
502.	Stuart D	Milwaukee, WI	Dont do it, otherwise I will be a very sad boy.
503.	Cherie Steigewald	Franklin, WI	
504.	Bruce Davies	S. Milwaukee, WI	
505.	James Maurer	Milwaukee, WI	

	Name	From	Comments
506.	Natalie Van Leekwijck	Hoevenen, Belgium	
507.	roz tornatore	milwaukee, WI	please do not privatize the water supply. water like the mountains and nature should be for everyone without restriction but to perserve them as our national parks.
508.	Michael Balistriere	Milwaukee, WI	just a bad bad idea!
509.	jack holmes	milwaukee, WI	this did not work in atlanta,ga and it won't work here!
510.	sandy schmidt	milwaukee, WI	
511.	Thea Kovac	Milwaukee, WI	Milwaukee's Water Works is a public resource that must NOT be placed in private hands. I know our elected officials, and others who strongly value the common good, will find better and more creative responses to the pressure to find new revenue sources for the City of Milwaukee.
512.	Mary Aggarwal	Wauwatosa, WI	One reason I reside in Milwaukee County is because of the clean and affordable access to water. If this commodity is privatized who knows whether we will be able to afford to use this resource. I suggest that if people want access to our water supply that individuals, companies and even perhaps other state/countries. That those they move to move to our beautiful county/State.
513.	Lillia Langreck, SSND	Milwaukee, WI	In the past years, I have read that privatization of water in other places has caused hardship to the people. Please let us not take that route. Let us not commercialize an element which is meant to be available for everyone.
514.	John Kaye	Milwaukee, WI	Privatizing our water-- or any publicly paid-for and held resource-- is very short-sighted, and not a solution to any problems, fiscal or otherwise. Contrary to popular opinion, publicly-owned infrastructure is far more efficient than the private sector. That's all besides the minor detail that it's just plain wrong and bordering on immoral to sell off our public assets. We are certainly in financial hard times, but privatization is not a solution or a step forward.
515.	Jabril Faraj	Milwaukee, WI	
516.	Your Mama	Milwaukee, WI	You guys are idiots
517.	Niles Niemuth	Milwaukee, WI	The privatization of Milwaukee's water system would be a terribly shortsighted fix to Milwaukee's fiscal problems. Is 75-99 years of water really worth \$600 million? Please think about the long term impact and consider the quality of life a public water system affords us. Please don't destroy our water to fix the fiscal problems.
518.	Elisabeth Benti	Greenfield, WI	Our water is for public use and therefore, should be owned by the public, not a private company. It needs to be managed and taken care of by people who want to make <i>(continues on next page)</i>

	Name	From	Comments
518.	Elisabeth Benti	Greenfield, WI	<p><i>(continued from previous page)</i></p> <p>water work for us - not a compnay who's looking to make money and will choose and decide on their own about water usage, price, quality issues, etc. Please keep our water public!</p>
519.	Mary Dally-Muenzmaier	Milwaukee, WI	
520.	James Green	Milwaukee, WI	
521.	Tammy Gladney	milwaukee, WI	
522.	Marc Gorelick	Wauwatosa, WI	
			<p>As a pediatrician who has done research on water and child health, I understand the importance of a reliable water supply. The Milwaukee Water Works has actually done an outstanding job of providing clean water for the people of Milwaukee. All available evidence suggests that privatization has the potential to threaten this record.</p>
523.	Suzanne Davidson	Brown Deer, WI	
524.	Tairan Sun	Milwaukee, WI	<p>Water is a public asset, like air.</p>
525.	Dianne Dagelen	wauwatosa, WI	
526.	Stephanie Marris	Milwaukee, WI	
527.	Walt Evans	Glendale, WI	
528.	Donna Lahl	Milwaukee, WI	
529.	David Guran	Milwaukee, WI	
530.	Deb Dwyer	Shorewood, WI	<p>I strongly oppose the privatization of the Milwaukee Public Water Works. I am concerned that prices for water will increase astronomically. I am concerned that one of our most valuable resources may be diverted or sold elsewhere. I am concerned that access to water for those least able to pay will be limited. Check out the story of water privatization in Highland Park, MI. It was a disaster. The waging our water supply for short term monetary gain is poor public policy.</p>
531.	Delbert dettmann	Brookfield, WI	<p>Water is a limited resource that must not be controlled by private interests and limited shareholders.</p>
532.	Mary Jefferson-Ganya	Milwaukee, WI	<p>I am absolutly against the privatization of Milwaukee's water system. I am especially concerned about the lack of accountability typically associated with privatization.</p>
533.	Mary Marks	Greendale, WI	<p>You must assure that our water is kept in the public trust. Study what has happened in other states and countries when water was privatized. Water is not to be sold to the highest bidder!</p>
534.	Anne Bales	Milwaukee, WI	
535.	Mary Nold-Klett	Wauwatosa, WI	
536.	Dawn Donner	Milwaukee, WI	

	Name	From	Comments
537.	Emily Vaill Pfaff	Bayside, WI	



Office of the Comptroller
October 1, 2008

W. Martin Morics, C.P.A.
Comptroller

Michael J. Daun
Deputy Comptroller

John M. Egan, C.P.A.
Special Deputy Comptroller

Craig D. Kammholz
Special Deputy Comptroller

Mayor Tom Barrett,
Alderman Willie L. Hines, Jr., President
Milwaukee Common Council
City of Milwaukee
City Hall Room 205
Milwaukee, WI 53202

SUBJECT: Potential New Revenue Source

Honorable Members:

Over the last several budget cycles, it has become clear to me that the City of Milwaukee is in the midst of a long term structural financial *deficit*. The City's largest non property tax revenue source, State Shared Revenue, has been frozen over the past decade. The ability to offset the shrinking value of this revenue source through the property tax is constrained by both State imposed limits as well as the ability of our taxpayers to shoulder this burden. The ability to increase the City's overall revenue through new taxes and fees is likewise constrained.

During the Finance and Personnel Committee 2008 Budget Hearings, I testified that the City desperately needed long term major, reliable revenue source(s) in order to preserve its services and restore financial well-being.

The purpose of this communication is to suggest that there may potentially be an avenue to establish that meaningful, new ongoing revenue source for the City of Milwaukee. I am proposing we explore this option as a financial solution. I am well aware that this avenue may raise significant non-financial policy issues. Those, appropriately, should be dealt with by the Mayor and Common Council. However, as a financial solution, I need to emphasize strongly, that what I am proposing is the creation of an ongoing annual revenue source. I need to further emphasize that I would vigorously oppose utilizing these resources in any other manner.

The City of Milwaukee owns and operates the Milwaukee Water Works. It would be my initial suggestion that we explore the value of leasing the operations of the Water Works, on a long term basis. Such a lease could be flexible and provide for job security of the current work force, prohibit expansion of service to any municipality without our express consent, continue existing payments to the City from the Water Works, continue high maintenance standards for the physical plant and assets, high water quality standards, funding to audit compliance with the terms of the lease, etc. This is by no means a complete list of the policy items which could be of importance to you as policy makers, but is rather to illustrate that lease terms could accommodate policy concerns which you may have.

The City would receive a lump sum payment at time of lease execution. These funds in their entirety would be invested as an Endowment. Our preliminary investigations into this matter have indicated sufficient potential value to provide an ongoing revenue source in excess of \$30 million annually.

Such an amount represents an opportunity to provide substantial ongoing revenue to the City, but only if these funds are set aside so that only future interest earnings are used. Otherwise this initiative will create a more destabilized situation, ultimately making our structural deficit worse. Therefore, the City cannot use the lump sum it receives to cover ongoing City government costs. The Endowment requirement will assure long term preservation of the original funds received by the City of Milwaukee under this Agreement.

If the City of Milwaukee proceeds in this direction, it should only do so if we are to set up such an Endowment. It is therefore critical from the outset that if we explore leasing the Water Utility, we do so with the understanding that these funds we receive be "banked", that is, set aside in some type of Endowment, or investment trust arrangement. The management of our own pension system has shown that intelligent, prudent investment management can yield significant returns. Likewise, the trustees of this Endowment should be fiduciaries, managing the funds under the "prudent investor" standard, with the goal of maximizing long term returns consistent with the preservation of principal. Again, these objectives are not unlike the long term goals of the pension system. Funds would be disbursed to the City annually based upon a formula tied to the Endowment's investment return. Thus the annual payment from this Endowment would be formula driven and a function of market returns rather than an annual discretionary withdrawal. To avoid large annual fluctuations in disbursements to the City, I believe some type of smoothing formula, such as a 7-10 year moving average of investment returns would be appropriate. Again, this would avoid sharp income fluctuations caused by a particularly volatile up or down year. Finally, it would be desirable if the composition of the Endowment or trustee board included representation and investment expertise from the private sector. My initial proposed members would be the Mayor, President of the Common Council, the City Comptroller (or their representatives), a representative from the Greater Milwaukee Committee and a representative from the Milwaukee Metropolitan Association of Commerce.

An arrangement such as the one just described will create an annual, predictable ongoing revenue stream for the City.

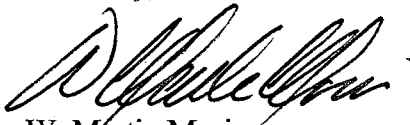
I have attached a brief outline of the steps which need to be taken if we are to further explore this proposal. I must reiterate that it makes financial sense to proceed only if we establish a permanent Endowment or investment trust, and utilize only the income generated therefrom. Any other path is eventually financially destabilizing. But properly executed, this proposal has the potential to permit the City to meet its financial obligations, and provide some meaningful relief from the burden of a growing residential property tax.

I am requesting your permission to put together a team of professionals, and begin the process outlined in the attachment. I will keep you apprised of progress both on a regular basis and as milestones are achieved. I am hopeful that the professional fees incurred would be paid at the finalization of a master lease agreement from the proceeds of the transaction. This issue will become clearer when we go through the Request-for-Proposal process for the project team.

This concept is presented primarily as a financial solution. As I noted there are a myriad of policy issues, some of which I may have touched upon, others I may have missed. These are the matters which you as policymakers must work through, and get incorporated into the lease if we are to proceed successfully.

I see this effort as a major opportunity to help close the structural deficit we face and urge your serious consideration of this proposal.

Sincerely,



W. Martin Morics
Comptroller

Members of the Common Council

Timothy R. Sheehy, President, Metropolitan Milwaukee Association of Commerce

Julia H. Taylor, President, Greater Milwaukee Committee

10-01-08/WMM/Mjd

APPROACH & TIMETABLE: IMPLEMENTING A WATER UTILITY MASTER LEASE CONCESSION AGREEMENT

TASK	TIME REQUIRED
I Engage an Advisor Team	
<ul style="list-style-type: none"> • Prepare, present and get CC adoption of resolution to fund and hire advisors and report back to CC • Prepare RFP (s) for financial/engineering/legal advisors • Oral bidders' conference(s) • Receive and evaluate bids • Present recommendations to the CC • Award contracts with advisors 	
	3-4 months
II Transaction Team Prepare Provider term sheet and RFP	
<ul style="list-style-type: none"> • Draft and achieve consensus regarding 'Endowment' Policy • Inventory potential legal (statutory) and regulatory (PSC) issues/constraints • Present alternatives regarding retained, delegated and transferred rights & related concessions such as: <ol style="list-style-type: none"> 1. Capital mandates and operating, quality and customer service standards. Inventory / document current system physical scope and condition and establish capital mandates and operating, quality and customer service standards 2. Other transferred, delegated and retained rights and responsibilities 3. Clarify and refine structure of arrangement including City reversion and other City of Milwaukee rights to remedial action. 4. Enumerate major operational issues: employee related, future service customers, etc. • Review-update as necessary City Goals and Criteria for a successful Master Lease Agreement • Evaluate Restructuring Options, feasibility, regulatory issues, compare to Goals- confirm whether to proceed with transaction • Re-estimate cost & time to successfully complete transaction • Initiate any required State legislation and f/up thru State adoption 	

- Draft City - provider term sheet and RFP
- Prepare, present and request CC adoption of resolution to approve term sheet and RFP

8-14 months

III Select Provider, negotiate Long Term Master Lease Concession Contract

- Pre-qualify bidders
- Hold pre-bidders' conference to clarify issues
- Evaluate and rank proposals
- Interview winning proposer or 2-3 finalists
- Present preferred bidder to CC for approval
- Negotiate contract with selected bidder
- Finalize and implement Endowment policy and supporting structure.
- Recommend award of contract – get CC approval.

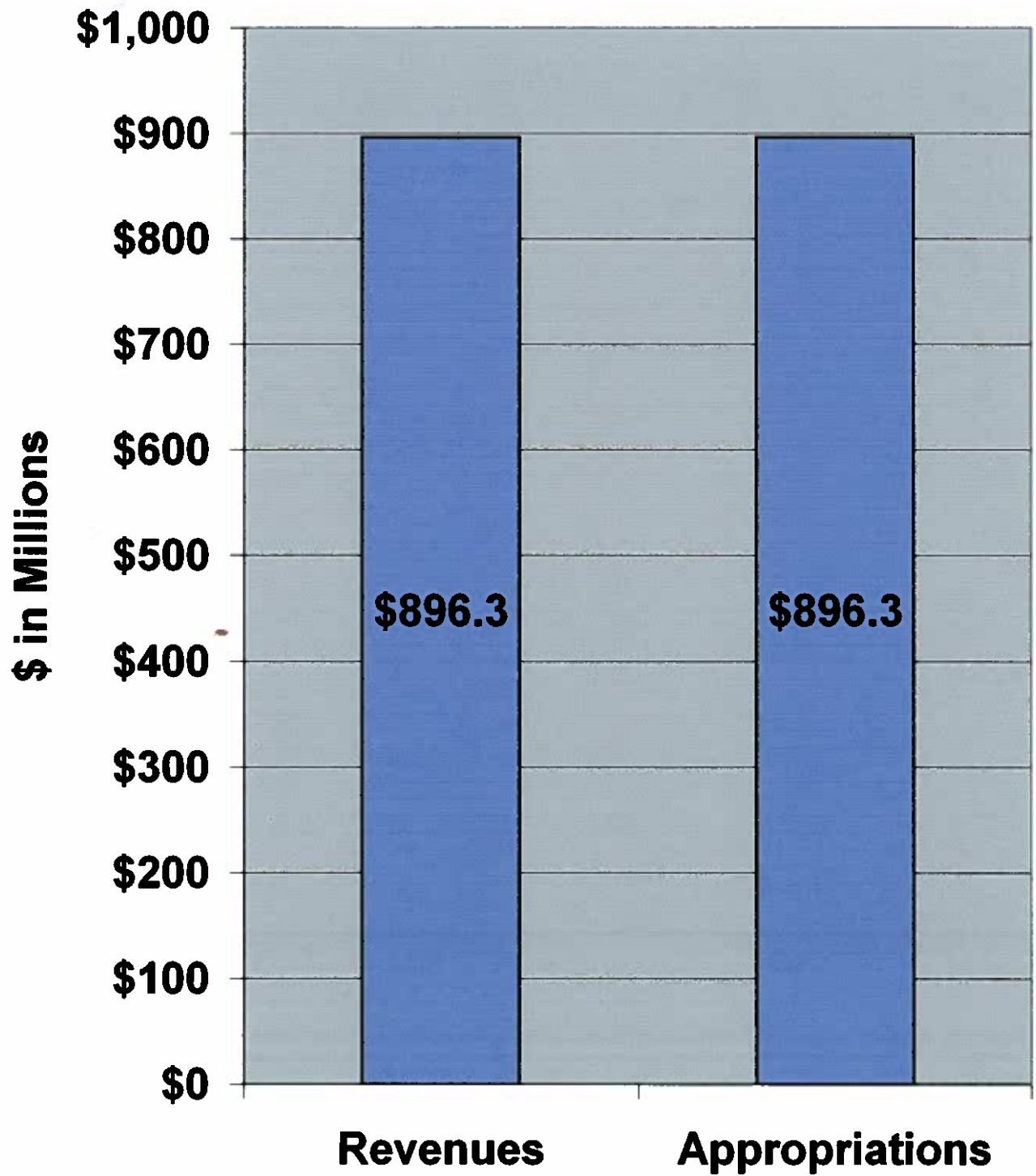
3-8 months

TOTAL TIME REQUIRED

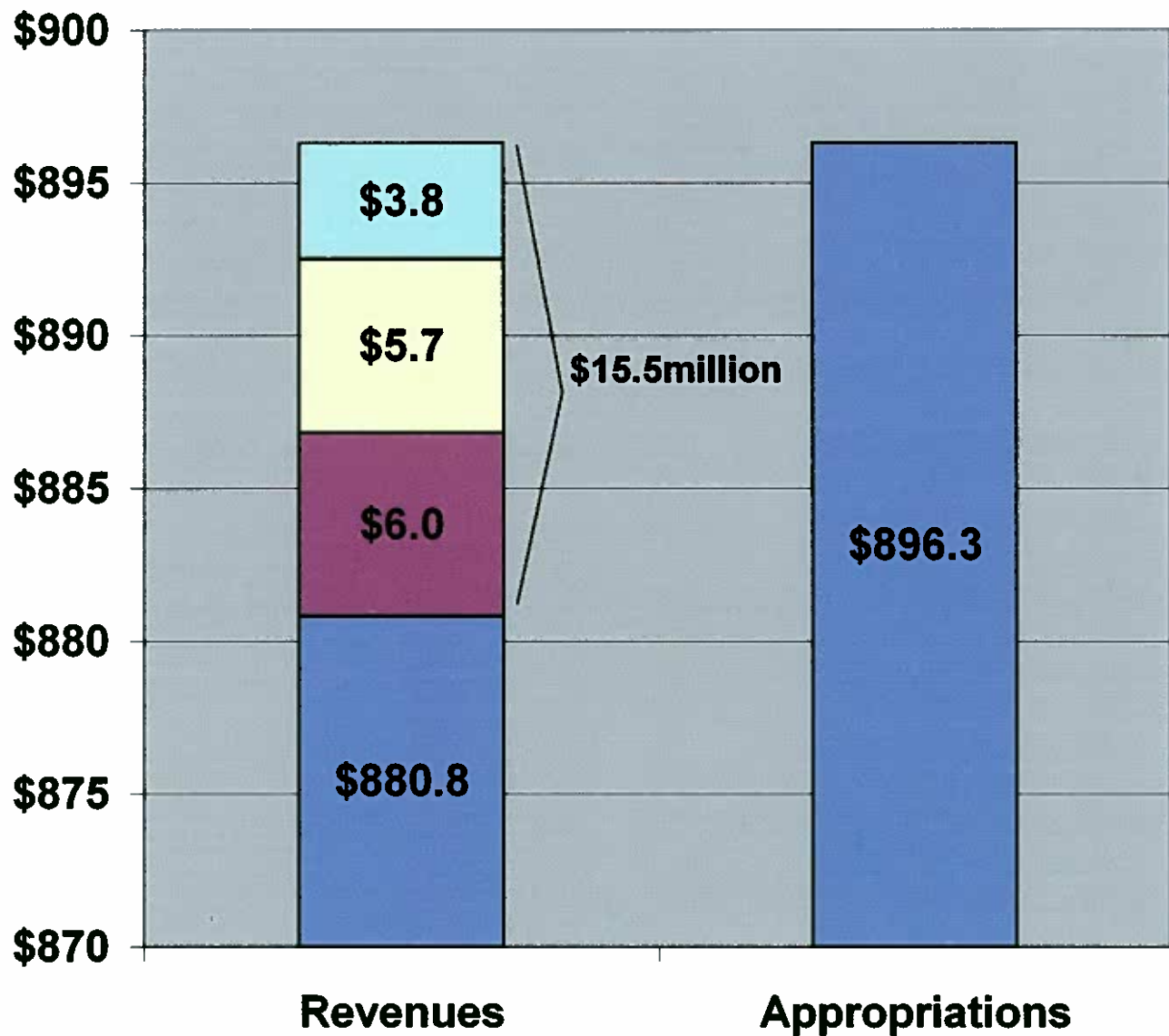
14-26 months

Wmm/Mjd9-24-08

2009 Budget



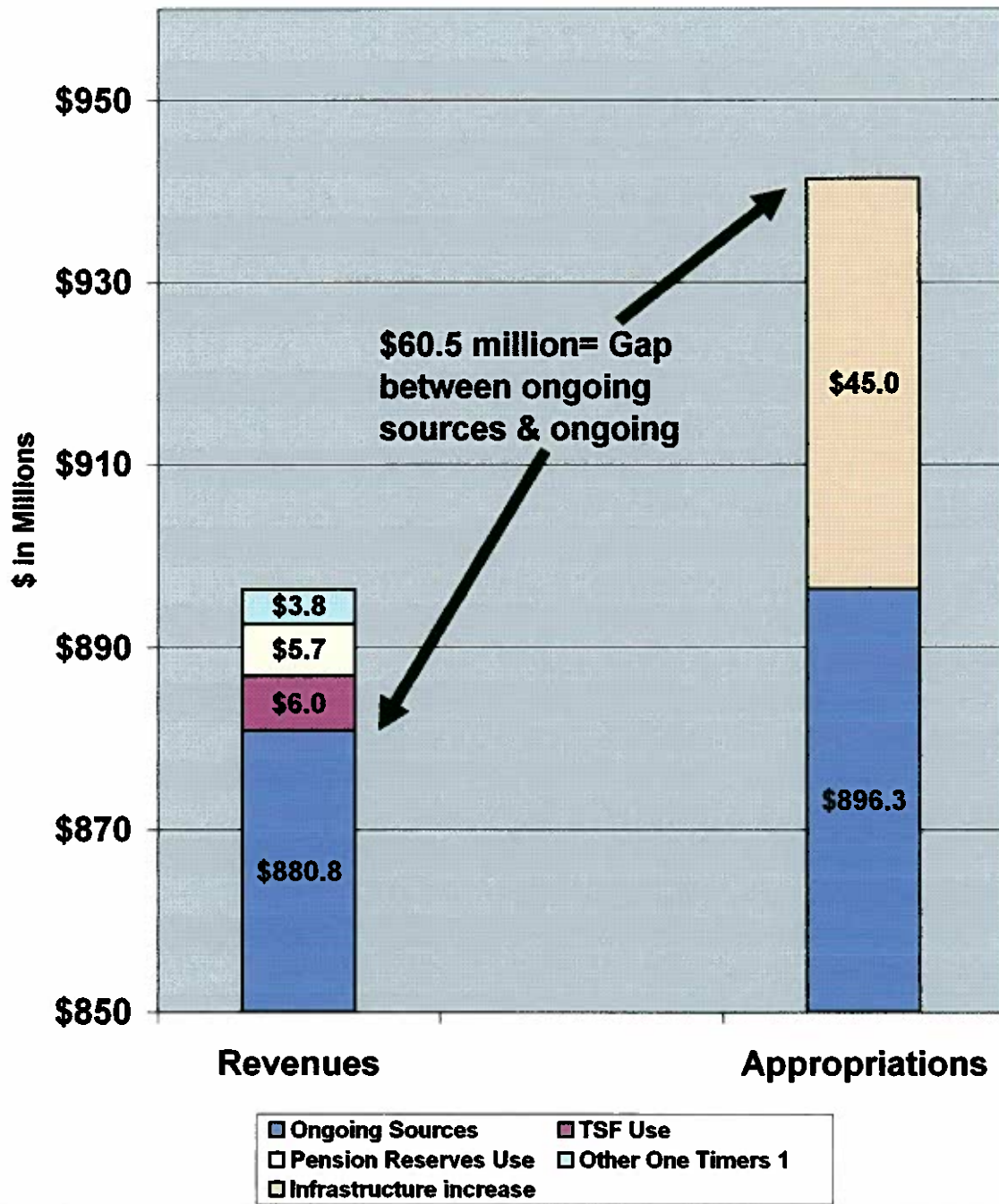
2009 Budget with TSF, Pension Draws & Other "One-Timers"



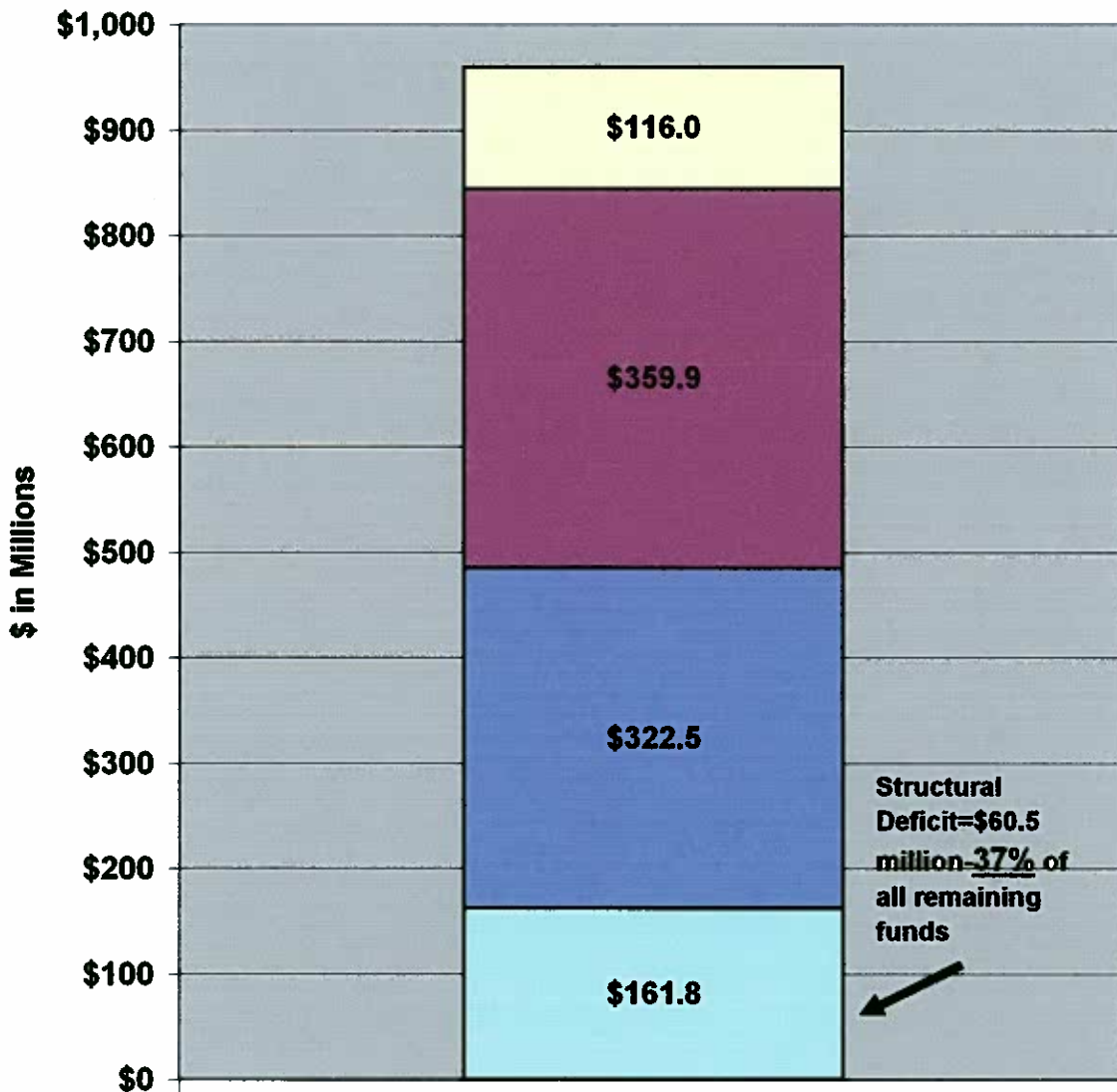
■ Ongoing Sources-Uses ■ TSF Use
□ Pension Reserves Use □ Other One Timers 1

1. "Other" = New Berlin payment, capital cash reduction.

**2009 Budget with TSF, Pension Reserves
draws, Other "One Timers" & Infrastructure
spending increase**



2009 Budget with Infrastructure Spending Increase & Structural Deficit



Budget Expenditures

Available funding-Other	Debt Service
Public Safety	Public Works

MICHAEL J. MURPHY
ALDERMAN, 10TH DISTRICT

City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

Phone (414) 286-2221
Fax (414) 286-3456

e-mail: mmurph@milwaukee.gov
website: www.milwaukee.gov/district10



CHAIR:

- Finance & Personnel Committee
- Milwaukee Arts Board
- Housing Trust Fund Advisory Board
- Employees' Retirement System Investment Committee

MEMBER:

- Zoning, Neighborhoods & Development
- Steering & Rules Committee

May 28, 2009

Mr. W. Martin Morics, City Comptroller
Office of the Comptroller
City Hall Room 404
200 E. Wells Street
Milwaukee, Wisconsin 53202

Re: Options to Privatizing the Milwaukee Water Works

Dear Mr Morics,

The Common Council appreciates the gravity of our current and projected future fiscal situation, and is glad that the Office of the Comptroller is initiating innovative thinking about potential revenue sources. One possibility your office had already begun exploring, with our approval, was the possible privatization of the Milwaukee Water Works. However, with your consent it appears more prudent to hold that study until we pursue future options. To ensure that the Common Council has a thorough understanding of this initiative, we ask that your office perform parallel analyses of relevant options to privatizing the water utility.

Specifically, we ask that the Office of the Comptroller investigate 2 options to privatization. Both these options hinge on the capacity of Water Works to pay the City of Milwaukee "dividends" from operations. We have requested the City Attorney's legal opinion on the possibility of such dividends and the circumstances of their payment (cc'd to the Office of the Comptroller). We believe some "what if" analysis will prove instructive.

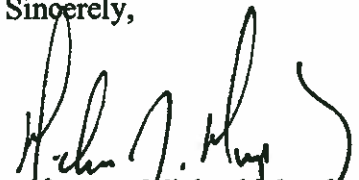
Option #1 – What if the City raises water rates to the maximum currently allowable under Public Service Commission regulations and fully exploits the current dividend paying capacity of the Water Works? Based on the highest allowable water rates, current dividend paying capacity and current Water Works operations, and factoring in water sales to the "middle" section of New Berlin, we ask your office to analyze and project what additional revenues might be available to the City in the future and how these revenues might affect the City budget.

Option #2 – What if the City was not bound by Public Service Commission regulations and could raise water rates significantly, and the dividend capacity of the Water Works


was redefined so dividends to the City could be increased without restriction so long as reasonable financial integrity of the utility was maintained? This option will require some judgment on the part of the Office of the Comptroller to generate reasonable scenarios, but should yield a snapshot of what the Water Works might look like if the City of Milwaukee was the "private" entity privatizing the utility under a long-term lease. Based on significant water rate increases, liberalized dividend guidelines and increased water sales to additional communities in the region, we ask your office to analyze and project what additional revenues might be available to the City in the future and how these revenues might affect the City budget.

We believe the analyses of these 2 additional options will help the Common Council better frame the issues of privatizing the Milwaukee Water Works and we thank you in advance for your office's prompt and thorough attention to this request.


Sincerely,



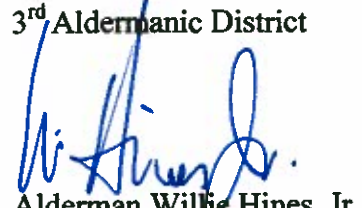
Alderman Michael Murphy
10th Aldermanic District



Alderman Robert Bauman
4th Aldermanic District



Alderman Nik Kovac
3rd Aldermanic District



Alderman Willie Hines, Jr.
15th Aldermanic District

cc: City Attorney Grant Langley

MICHAEL J. MURPHY

ALDERMAN, 10TH DISTRICT

City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

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e-mail: mmurph@milwaukee.gov
website: www.milwaukee.gov/district10



CHAIR:

- Finance & Personnel Committee
- Milwaukee Arts Board
- Housing Trust Fund Advisory Board
- Employees' Retirement System Investment Committee

MEMBER:

- Zoning, Neighborhoods & Development
- Steering & Rules Committee

May 28, 2009

Mr. Grant Langley, City Attorney
Office of City Attorney
City Hall Room 800
200 E. Wells Street
Milwaukee, Wisconsin 53202

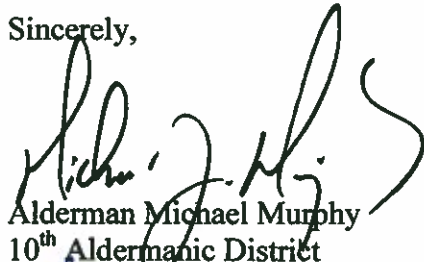
Re: Legal Opinion – “Dividend” from Water Works


Dear Mr. Langley;

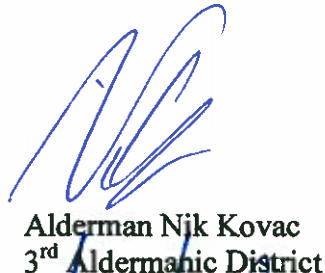
Pursuant to background research on the issues relating to a possible privatizing of the Milwaukee Water Works, please provide a legal opinion on the circumstances, terms and conditions under which the Milwaukee Water Works could pay a “dividend” to the City of Milwaukee over and above the utility’s Payment in Lieu of Taxes. This opinion should include the amount of dividend possible and what procedural steps must be taken by both the City and the Water Works to initiate such a dividend.

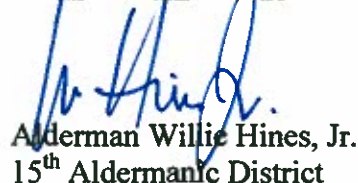
Thank you for your prompt attention to this request.

Sincerely,


Alderman Michael Murphy
10th Aldermanic District


Alderman Robert Bauman
4th Aldermanic District


Alderman Nik Kovac
3rd Aldermanic District


Alderman Willie Hines, Jr.
15th Aldermanic District

cc: Comptroller W. Martin Morics

NOTICES SENT TO:

[illegible]



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Master

File Number: 090185

File ID: 090185

Type: Communication

Status: In Committee

Version: 0

Reference:

Controlling Body: STEERING &
RULES
COMMITTEE

Requester:

Cost:

File Created: 05/27/2009

File Name:

Final Action:

Title: Communication from the office of the City Attorney relating to the status of Summerfest lease negotiations.

Notes:

Code Sections:

Indexes: LEASES, SUMMERFEST

Sponsors: THE CHAIR

Attachments:

Drafter: jro

Contact:

Agenda Date:

Agenda Number:

Enactment Date:

Enactment Number:

Effective Date:

Extra Date 2:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
0	COMMON COUNCIL	05/27/2009	ASSIGNED TO	STEERING & RULES COMMITTEE			
	Action Text: This Communication was ASSIGNED TO to the STEERING & RULES COMMITTEE						
0	STEERING & RULES COMMITTEE	06/08/2009	HEARING NOTICES SENT		06/15/2009		
0	STEERING & RULES COMMITTEE	06/08/2009	HEARING NOTICES SENT		06/15/2009		
0	STEERING & RULES COMMITTEE	06/15/2009					

Text of Legislative File 090185

..Number
090185
..Version
ORIGINAL
..Reference

..Sponsor

The STEERING AND RULES COMMITTEE may convene into closed session, pursuant to sec. 19.85(1)(e), Wis. Stats., for the purpose of formulating competitive bargaining strategies in respect to Item #3...Communication from the office of the City Attorney relating to the status of Summerfest lease negotiations.

The Committee may thereafter reconvene into open session.

THE CHAIR

..Title

Communication from the office of the City Attorney relating to the status of Summerfest lease negotiations.

..Requestor

..Drafter

Cc

JRO

6/1/09