



City of Madison
Meeting Minutes - Draft
ALCOHOL LICENSE REVIEW
COMMITTEE

City of Madison
Madison, WI 53703
www.cityofmadison.com

*David Hart; Ken Kamp; Ald. Judy Olson; Ald. Mike Verveer;
Stephanie A. Rearick; John McNamara; Janice C. Wheaton;
LaMarr Q. Billups; Captain Jay Lengfeld; Marsh Shapiro; Jennifer Zilavy; Maribeth Witzel-
Behl*

Wednesday, January 19, 2005

5:30 PM

215 MLKJ Blvd, Rm 300

CALL TO ORDER

ROLL CALL

Present: Olson, Onken, Jay Lengfeld, Marsh Shapiro, Jennifer Zilavy, Sentmanat, Wheaton, Kenneth R. Kamp, Rearick, Maribeth Witzel-Behl and Hart

Excused: LaMarr Q. Billups

APPROVAL OF MINUTES

A motion was made by Ald. Olson, seconded by Rearick, to Approve the Minutes.
The motion passed by acclamation.

CHANGE OF LICENSED PREMISE

1. 00108 The Noodle Shop Co., Inc.
 Agent: Wayne Kimmel
 DBA: Noodles & Company
 232 State Street
 Class B Beer, Class C Wine
 Request to completely renovate the premises

 A motion was made by Ald. Olson, seconded by Onken, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Wayne Kimmell, representing Noodles & Company. The motion passed by acclamation.

2. 00125 The Noodle Shop Co, Inc.
 Agent: Wayne Kimmell
 DBA: Noodles & Company
 7050 Mineral Point Road
 Class B Beer, Class C Wine
 Request to renovate premises

 A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Wayne Kimmell, representing Noodles & Company. The motion passed by acclamation.

3. 00109 Spices Restaurante, Inc.
 Agent: Vincenzo Amodeo
 DBA: Frida Mexican Grill

117 State Street
Class B Combination Liquor & Beer
Request to eliminate condition that restaurant close one hour before bar time.

A motion was made by Wheaton, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearances: Mohamed Barkehelleh, representing Spices Restaurante, Inc. Attorney Rick Petri, representing Spices Restaurante, Inc. The motion passed by acclamation.

4. [00110](#)

Woodman's Food Market, Inc.
Agent: Dale Martinson
DBA: Woodman's Food Market
711 S. Gammon Road
Class A Liquor, Class A Beer
Request to move liquor department into new expansion to allow more retail area for the store. Liquor store size will remain the same.

A motion was made by Onken, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearances: Dale Martinson, representing Woodman's. Gary Fox, representing Woodman's Clinton Woodman
The motion passed by acclamation.

CHANGE OF AGENT

5. [00112](#)

Bridges Golf Course, LLC
Old Agent: James Thomas
New Agent: SuAnn Byrd
DBA: Bridges Golf Course
2702 Shopko Drive
Class B Combination Liquor & Beer
Request to Change Agent

A motion was made by Sentmanat, seconded by Ald. Olson, to Table. The motion passed by acclamation.

A motion was made by Onken, seconded by Wheaton, to Take Off The Table. The motion passed by acclamation.

A motion was made by Onken, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation

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6. [00111](#)

Change of Agent
Imperial Palace, Ltd.
Old Agent: Bobby H. Lee
New Agent: Sean Lee
DBA: Bluefin (Capacity of 300)
1291 N. Sherman Avenue
Class B Combination Liquor & Beer

A motion was made by Sentmanat, seconded by Ald. Olson, to Table. The motion passed by acclamation.

A motion was made by Onken, seconded by Wheaton, to Take Off The Table. The motion passed by acclamation.

A motion was made by Onken, seconded by Ald. Olson, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by acclamation.

CHANGE OF CORPORATE CONTROL

7. [00113](#) Creative Host Services, Inc.
Agent: Matthew Mlsna
DBA: Creative Croissants
4000 International Lane
Class B Combination Liquor & Beer
Application for Approval of Change of Corporate Control
- A motion was made by Ald. Olson, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearances: Matthew Mlsna, representing Creative Host Services, Inc. Doug Shirely, representing Creative Host Services, Inc. The motion passed by acclamation.

RECESSED PUBLIC HEARING

Referred from December ALRC Meeting

8. [00068](#) Beeber, LLC
Agent: Peter J. Beeber
DBA: Pete's Place
4915 Commercial Avenue
Reserve Class B Combination Liquor & Beer
Non-Smoking Establishment
- A motion was made by Rearick, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -PUBLIC HEARING. The motion passed by acclamation.
9. [00072](#) MKS Petroleum, LLC
Agent: Kuldip Singh Mavi
DBA: Willy Street Mini Mart
1130 Williamson Street
Class A Beer
- A motion was made by Ald. Olson, seconded by Onken, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by acclamation.

TRANSFER OF LICENSE

10. [00114](#) Las Palmas Group, LLC
Agent: Mary Belderas
DBA: Las Palmas
Old Location: 2105 Sherman Avenue
New Location: 2810 E. Washington Avenue
Class B Combination Liquor & Beer
Application for Transfer of License
- A motion was made by Ald. Olson, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Maria Balderas. The motion passed by acclamation.**

NEW LICENSE - PUBLIC HEARING

11. [00121](#) Larry B's, Inc.
Agent: Timothy Kasmar-Ehlers
DBA: Larry B's
617 State Street
Class B Beer, Class C Wine
Non-Smoking Establishment
- A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearance: Tim Kasmar-Ehlens. The motion passed by acclamation.**
12. [00117](#) One Fish, LLC
Agent: Charles Taylor
DBA: Blue Marlin Restaurant
101 N. Hamilton Street
Class B Comination Liquor & Beer
- A motion was made by Rearick, seconded by Onken, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearances: Charles Taylor**
- Aldersperson Mike Verveer**
The motion passed by acclamation.

13. [00118](#) Thomas G. Cooler, LLC
Agent: Thomas G. Cooler
DBA: Gaston's
2105 Sherman Avenue
Reserve Class B Combination Liquor & Beer
- A motion was made by Onken, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearances: Tom Cooler, representing Gaston's. with the expectation that the applicant will change application to identify establishment as a restaurant. Chad W. Gaston, representing Gaston's. Michael Matty, representing Gaston's. The motion passed by acclamation.

OPERATOR'S LICENSE APPLICATION

Referred from December ALRC Meeting

14. [00119](#) Robert E. Brunious, 38 Harding Street, Madison
- A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by acclamation.

OPERATOR'S LICENSE APPLICATION

Appearance Requested by the Madison Police Department

15. [00120](#) Operator's License Application
Benjamin J. Swenson, 6218 Strathmore Lane, Madison
- A motion was made by Ald. Olson, seconded by Onken, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER. The motion passed by acclamation.

REPORT OF SUBCOMMITTEE ON PROCESS

16. Denial Issues
- Attorney Zilavy outlined valid reasons for the denial of a liquor license application . They included:
1. General concern for the health, safety and welfare of the community
 2. Adverse impact on traffic
 3. Adverse impact on the peace, quiet and cleanliness of the neighborhood
 4. Insufficient parking for patrons
 5. Proximity to other licensed establishments, residential areas, schools, churches or hospitals
 6. Ability or inability of the police to provide law enforcement services to the new establishment.
 7. Impact of new establishment on the ability of the police department to provide law enforcement services to the balance of the community at all times.

17. Density Issues

The Clerk's Office provided a list of liquor licenses on State Street. There are 31 establishments with Class B Combination Liquor & Beer licenses, 5 establishments with Class B Beer licenses and Class C Wine licenses, 2 establishments with Class B Beer licenses only, 1 establishment with a Class A Beer license and a Class A Liquor license, 1 pending application for a Class B Beer license and a Class C Wine license, and 1 pending application for a Class A Beer License and a Class A Liquor license.

Alderson Olson said the density issue becomes more ambiguous outside of the State Street/University Avenue area, and that Attorney Zilavy's review should help illuminate this issue.

Alderson Onken reported that the Mayor's office is on track to hire an Alcohol Policy Coordinator by the first of April. Captain Bach suggested that the Policy Coordinator work with Madison Police Department Problem Analyst Nicole DeMotto, who has been analyzing alcohol-related crime in the city of Madison.

Alderson Olson said density is an issue that is a bit slippery, and that the committee could use the support of the Alcohol Policy Coordinator in defining a density policy.

Mr. Shapiro asked if the Policy Coordinator could say the city will not be granting any more licenses on State Street. Alderson Onken responded that the committee would need to make a recommendation to the Common Council.

Alderson Olson said that the ALRC had previously been concerned about denying licenses to worthy businesses, and that she would like to explore what the unintended consequences of such a policy would be. Mr. Shapiro said there could be some justification for granting licenses to restaurants and denying licenses for bars in high density areas, but that some restaurants may become bars. Alderson Onken said the Nightclub license could help mitigate some of these problems.

Committee members requested that the City Clerk's office expand the report on State Street licenses to include the area from Regent Street to Blair Street, and include the ratio of food and alcohol sales in the report.

Captain Bach said part of the issue is the number of people drawn to the downtown area, not just the number of bars downtown. He said the revitalization on and around the Capitol Square contributes to the amount of activity at bar time

Alderson Olson said it makes sense to start looking at this issue so the Alcohol Policy Coordinator knows what their first order of business will be.

18. Class A Liquor License Applications for Gas Stations/Convenience Stores

Alderson Olson reported that the committee would see two Kelley Williamson applications for Class A Liquor licenses on its February 16 agenda. The subcommittee had suggested ways to set limits on the amount of wine being sold, with an eye toward assuring that the establishment does not become a liquor store. Items for consideration included limiting the sale of liquor to a percentage of gross sales, limiting the overall square footage of display area for liquor, limiting the type of product sold, and limiting the number of places liquor would be on display.

Mr. Kamp said the Kelley Williamson stores applying for liquor licenses are in hotel areas. Alderson Olson said there has been a recent proliferation of retail liquor licenses. Mr. Kamp said the committee will have to play it by ear for each retail liquor license application.

Alderson Onken said the committee should limit retail liquor licenses to beer, wine, and wine coolers only.

Captain Bach said the police department has concerns about retail establishments being lax in monitoring alcohol when they are really busy, but that limiting the license to a certain number of wines in a certain location should help address these concerns.

Alderson Onken said it was important for the committee to endorse parameters that are reasonably fair and easily understood so the Clerk's office can provide this information to applicants at the counter. He added that the committee would listen to the alderperson and neighborhood regarding each application.

Alderson Olson said one of the limitations should be that the licensee not sell any fortified wines. Ms. Rearick said she would like the license conditions to prohibit the sale of half pints, fortified wines, and single cans or bottles.

19. Update on ALRC Training Manual

Ms. Rearick provided the following outline of materials that could be included in an ALRC training manual:

- I. Mission of the ALRC
- II. Relevant Ordinances
- III. Roberts Rules and Internal Protocol
 - a. Public Hearing time limits
 - b. Adding agenda items
- IV. Open Meetings Law
 - a. What constitutes a quorum
 - b. Negative quorum
 - c. What interactions are allowed outside of posted meetings
- V. Go through a typical meeting
 - a. Types of licenses and application forms
 - b. Reserve licenses, and the number available
 - c. Issues to consider/criteria under which licenses may be denied
 1. Public Safety
 2. Layout
 3. Location
 4. Density
 5. Management experience of applicant
- VI. Disciplinary Action
- VII. Other Responsibilities
 - a. Development of legislation
 1. Public process issues - how to notify and involve affected parties

Ms. Rearick suggested that staff or the Alcohol Policy Coordinator facilitate trainings. She said the city may develop a template training program for members of all city committees.

Attorney Zilavy said training may work best in a structured orientation, and that she would compile some materials for an orientation. The Clerk's office will contact committee members about scheduling an orientation within the next month so the committee can discuss the orientation at its February 16 meeting.

Aldersperson Olson said this raises the question of Beverage Server Training. Ms. Rearick reminded the committee that the PACE project has offered to pay for committee members to take the Beverage Server Training course.

Ms. Rearick asked if there is a way to eliminate the option of taking Beverage Server Training courses online. Attorney Zilavy said she would look at the requirement in the State Statutes.

Aldersperson Onken suggested that the city, police department and Tavern League could have an alternative Beverage Server Training program in place. Mr. Shapiro said that would be a very good project.

Aldersperson Olson reminded committee members of the standing offer to do a Ride Along with the police department. Captain Bach told committee members to let Captain Lengfeld know if they would like to do a Ride Along, and said it would be most beneficial around bartime. Mr. Kamp suggested doing a Ride Along on a Thursday, Friday or Saturday night in the fall.

Because Beeber, LLC withdrew its application for a Reserve Class B Combination Liquor & Beer license, there are five remaining Reserve Class B Combination Liquor & Beer licenses that the city may grant. Five applications for Reserve Class B Combination Liquor & Beer licenses will be on the February 16 ALRC agenda.

Aldersperson Olson asked what the committee would like to say to applicants once there are no remaining Reserve licenses available. Mr. Kamp suggested telling the applicants that there is no license available, filing the applications in the order they are received, and contacting applicants once a Reserve license becomes available.

Mr. Sentmanat asked if this would create a waiting list of guaranteed licenses. Aldersperson Olson said no one is guaranteed a license, but that the denial of a license would need to be based on appropriate grounds.

Aldersperson Olson asked if the committee wanted to provide an advantage to certain types of businesses or to applicants in certain areas of the city, based on density. Mr. Kamp said each application would have to stand by itself. Aldersperson Onken said that, although the city has not developed a density policy, the committee has not been less than responsible in its review of license applications. He said that the Legislature created this situation, and that the committee has a reasoned approach to reviewing applications as they come.

Attorney Zilavy said the committee has to consider each application on a case-by-case basis, giving each applicant the benefit of coming before the committee and laying out what they want to do.

Ms. Rearick asked if the committee could ask applicants to change the type of license they currently hold. Mr. Shapiro responded that nobody would give up their Reserve license to switch to a Class B Beer and a Class C Wine license.

Captain Bach said a bigger issue is the amount of development on the periphery of the city. Aldersperson Olson said the committee ought to explore this issue because, irrespective of density, there are fairness issues. Aldersperson Olson suggested holding a public hearing to determine what criteria the community at large would like the committee to consider in the future.

Mr. Sentmanat asked what the objection would be if the committee made a policy decision to prioritize establishments on the periphery of the city. Ms. Rearick suggested a city-wide survey.

Mr. Kamp said most of the established neighborhoods that do not have an establishment with a liquor license do not want one.

Ms. Rearick asked if it would be fair to refer the applications on the February agenda to a later ALRC meeting. Aldersperson Onken said the committee will have to work its way through this issue because the only way to get it resolved would be to go to the State.

Attorney Zilavy said it is important for the city to come up with a plan on how it wants to distribute licenses.

Aldersperson Olson asked Attorney Zilavy if she had created a list of scenarios for the committee. Attorney Zilavy said no committee members had sent her e-mail messages listing their questions, as suggested at the subcommittee meeting on January 12.

Mr. Sentmanat asked what the committee was going to do about the remaining Reverse licenses. Ms. Witzel said she would send committee members an e-mail message the following day with the names of the current Reserve license applicants, the locations of their establishments, and their estimated opening dates.

Ms. Rearick said it seems less unfair to put the pending applications on hold because there probably are a lot of people working on business plans before applying for a license.

Attorney Zilavy said it might not be unreasonable to have a time limit, like requiring an establishment to open within 90 days of being granted a license.

Aldersperson Onken said the committee could take a 30-day time-out to think through and deal with this issue.

Mr. Sentmanat made a motion, seconded by Ms. Rearick, to hold a public hearing within 60 days. The motion carried, 4-3, with Mr. Hart, Mr. Kamp and Aldersperson Onken voting no.

Mr. Hart said he voted no because the committee is here to make the tough decisions, and a public hearing would cause undue concern and chaos where there should be order.

Aldersperson Olson suggested that each committee member identify what they would like to see happen. Ms. Rearick wanted to hold a public hearing and refer all pending Reserved license applications to a future committee meeting. Mr. Kamp said it would not be fair to refer the applications. Aldersperson Onken said he would like to see the applications, and apply the same judgment as in the past. Aldersperson Olson said she would like to deal with the five license applications in February, but have a public hearing afterward. Mr. Sentmanat said he wanted to put the pending applications on hold and have the committee come up with a policy. Ms. Wheaton wanted to refer the applications to a later meeting while the committee made a policy decision. Mr. Hart said the committee should continue business as usual with careful consideration on a case-by-case basis, without a public hearing.

Ms. Witzel said she would send committee members their February ALRC packets the following day.

Aldersperson Olson said Mr. Hart's suggestion was simplest and would keep the committee going. She agreed that the committee should deal with each license application at the February 16 ALRC meeting, as planned, and should decide in the future whether to have a public hearing.

Mr. Sentmanat requested that the committee discuss this issue immediately after dealing with the five Reserve license applications on the next agenda.

Alderperson Olson moved for reconsideration of the previous question. There were no objections.

A motion was made by Ms. Rearick, seconded by Mr. Sentmanat, to hold a Special Committee Meeting before February 16, to discuss what to do as new licenses become available in the future. The motion carried by acclamation.

A motion was made by Alderperson Olson, seconded by Mr. Sentmanat, that the committee not do anything special with the five pending Reserve license applications. Alderperson Olson said that a vote would not be necessary, and asked if committee members could just agree that this was the position of the committee. There were no objections. A vote was later taken, and the motion passed by acclamation.

Attorney Zilavy said she would talk to the State Alcohol and Tobacco Enforcement officer the following day, and that Ms. Witzel would send committee members an e-mail message confirming a date for the Special Committee Meeting .

Mr. Shapiro said the worst thing that could happen to a business person would be to find out that you may not be in business while you are in the middle of construction.

21. Beer Gardens and Outdoor P.A. Systems around Camp Randall

Alderperson Onken reported that the Common Council granted the Oakcrest Tavern license at its January 18 meeting, and directed the Plan Commission to revisit the noise issue in the fall. The commission will have to go to an actual stadium event to measure the noise levels. He said the ALRC was right on point in recommending that the neighborhood association contact the Plan Commission with its concerns.

REPORT OF THE CITY CLERK

22. Summary of Licenses Issued

Ms. Witzel gave committee members a list of all Reserve licenses and the dates those licenses were issued; a list of Class B Combination Liquor & Beer licenses in place December 1, 1997; a list of current premises with Combination licenses that held Combination licenses in 1997; a list of addresses that had Combination licenses in 1997 but now have Class B Beer and Class C Wine licenses; and a list of addresses that had Combination licenses in 1997 but do not have any liquor licenses at this time.

Ms. Witzel gave committee members another written report stating that the city has issued the following this license year: 69 Class A Beer (Grocery Store) licenses, 38 Class A Beer (Liquor Store) licenses, 48 Class A Liquor licenses, 5 Wholesale Beer licenses, 62 Class B Beer licenses, 36 Class C Wine licenses, 332 Class B Combination Liquor & Beer licenses (including Reserve licenses), 57 Reserve licenses (an additional Reserve license was approved by Common Council on December 14, and the committee recommended one more Reserve license for approval tonight).

The Mayor's office has requested that Ms. Witzel present the ALRC with monthly written reports summarizing the number of all licenses granted by the city, by type; the number of pending license applications by type, the number of available licenses, by type; and the number of license opportunities attached to specific sites. Ms. Witzel asked what committee members would like to see on future reports. Ms. Rearick responded that she would like the reports to fit on one sheet of paper.

DISCUSSION

23. Performing Arts Venue License

A motion was made by Rearick, seconded by Sentmanat, that this matter be referred to the February 16 Alcohol License Review Committee Meeting. Passed by acclamation.

ADJOURNMENT