



City of Madison
Meeting Minutes - Final
ALCOHOL LICENSE REVIEW
COMMITTEE

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

*David Hart; Ken Kamp; Ald. Judy Olson; Ald. Warren E. Onken;
Stephanie A. Rearick; Jose M. Sentmanat; Janice C. Wheaton;
LaMarr Q. Billups; Captain Jay Lengfeld; Marsh Shapiro; Jennifer Zilavy; Maribeth Witzel-
Behl*

Wednesday, February 23, 2005

5:30 PM

City-County Building (210 MLK), Court Room 2-D

(Rescheduled from February 16)

ROLL CALL

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

APPROVAL OF MINUTES

A motion was made by Hart, seconded by Alderperson Onken, to Approve the Minutes. The motion passed by acclamation.

CHANGE OF AGENT

1. 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 Alderperson Onken, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by acclamation.

CHANGE OF LICENSED PREMISE

2. Change of Licensed Premise
Imperial Palace, Ltd.
Old Agent: Bobby H. Lee
New Agent: Sean Lee
DBA: Bluefin (Capacity is 300)
1291 N. Sherman Avenue
Class B Combination Liquor & Beer
Request to move bar and remodel.

A motion was made by Sentmanat, seconded by Alderperson Onken, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by acclamation.

3. Change of Licensed Premise
Irish Heart Enterprises, LLC
Agent: Lawrence Walsh
DBA: Cappy's Corner Pocket/Brass Ring (Capacity is 220)
701 E. Washington Avenue, Suite 104
Class B Combination Liquor & Beer
Request to expand use to an outdoor seating area (approximately 1,700 square feet)

A motion was made by Rearick, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Larry Walsh, Agent for Irish Heart Enterprises, LLC. The motion passed by acclamation.

4. Change of Licensed Premise
State Street Brathaus of Madison, Inc.
Agent: Kelly J. Meuer
DBA: State Street Brats (Capacity is 450)
603 State Street
Request to remove license condition "Voluntary closure of second floor to be vacated at 1:30 a.m. with exit at Frances Street."

A motion was made by Rearick, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearances: Kelly Meuer, Agent for State Street Brathaus of Madison, Inc.; and Alderperson Michael Verveer. The motion passed by acclamation.

RECESSED PUBLIC HEARING

5. Recessed Public Hearing - New License
MKS Petroleum, LLC
Agent: Kuldip Singh Mavi
DBA: Williamson Mini Mart
1130 Williamson Street
Class A Beer
with conditions

A motion was made by Alderperson Olson, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - RECESSED PUBLIC HEARING Appearances: Kuldip S. Mavi, Agent for MKS Petroleum, LLC; and Murthy Polasa. The motion passed by acclamation.

Recommendation - Grant with the following conditions: 1) No sale of single cans or single bottles of beer. 2) No sale of 40 ounce bottles of fermented malt beverages. 3) Beer will be limited to one 15 square foot section of cooler.

NEW LICENSE - PUBLIC HEARING

6. Public Hearing - New License
Bella Vita, LLC
Agent: Shawn Bacon

DBA: Bella Vita
6546 Town Center Drive
Reserve Class B Combination Liquor & Beer

A motion was made by Alderperson Onken, seconded by Alderperson Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearances: Shawn Bacon, Agent for Bella Vita, LLC; and Elizabeth Gabrielse. Ms. Wheaton abstained. The motion passed by acclamation.

7. Public Hearing - New License
Dobhan, LLC
Agent: Krishna Pradhan
DBA: Dobhan Restaurant
2110 Atwood Avenue
Reserve Class B Combination Liquor & Beer
- A motion was made by Rearick, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING** Appearance: Krishna Pradhan, agent for Dobhan, LLC. The motion passed by acclamation.

8. Public Hearing - New License
Ho-Chunk Nation
Agent: Karen Martin
DBA: Ho-Chunk Nation DeJope Bingo (Capacity is 2,508)
4002 Evan Acres Road
Reserve Class B Combination Liquor & Beer (1% alcohol, 3% food)
- A motion was made by Rearick, seconded by Hart, to Table. The motion passed by acclamation.**

A motion was made by Rearick, seconded by Alderperson Olson, to Take Off The Table. The motion passed by acclamation.

Rerefer to Alcohol License Review Committee.

A motion was made by Alderperson Olson, seconded by Rearick, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING Appearances in support: Karen Martin, Agent for Ho-Chunk Nation; Darren Brinegar, representing DeJope Bingo & Entertainment; John Nebeck, representing DeJope Bingo & Entertainment; Ken Artes, representing Ho-Chunk Nation; Ona Garvin, representing DeJope Bingo Hall. Appearances in opposition: Mark Zimmer; Kate Nolan; Matt Duddleston. The motion passed by acclamation.

9. Public Hearing - New License
Kelley Williamson Company
Agent: Ronald Trachtenberg
DBA: Mobil Mart
33 Junction Court
Class A Liquor
- A motion was made by Alderperson Olson, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING** Appearance: Ron Trachtenberg, agent for Kelley Williamson Company. The motion passed by acclamation.

Recommendation - Grant with the following conditions: 1) License limited to the sale of wine and wine coolers only. 2) Wine and wine coolers limited to one shelf of walk-in cooler and one five-square-foot rack of wine.

10. Public Hearing - New License
Kelley Williamson Company
Agent: Ronald Trachtenberg
DBA: Mobil Mart
8230 Watts Road
Class A Liquor

A motion was made by Alderperson Olson, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.

Recommendation - Grant with the following conditions: 1) License limited to the sale of wine and wine coolers only. 2) Wine and wine coolers limited to one shelf of walk-in cooler and one five-square-foot rack of wine.

11. Public Hearing - New License
Loyal Order of Moose, Lodge 1451
Agent: Larry Frahmman
DBA: Loyal Order of Moose, Lodge 1451
6402 Millpond Road
Reserve Class B Combination Liquor & Beer

A motion was made by Rearick, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearances: Larry Frahmman, agent for Loyal Order of Moose, Lodge #1451; Ralph Hauptli; and Larry Johannung. The motion passed by acclamation.

12. Public Hearing - New License
Provisions & Merchantile, LLC
Agent: Tami Lax
DBA: The Old Fashioned
23 N. Pinckney Street
Reserve Class B Combination Liquor & Beer

A motion was made by Alderperson Olson, seconded by Alderperson Onken, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING Appearances: Tami Lax, agent for Provisions & Merchantile, LLC; Patrick O'Halloran; Alderperson Michael Verveer. Ms. Wheaton abstained. The motion passed by acclamation.

DISCUSSION

13. Reserve Class B Combination Liquor & Beer Licenses

Attorney Zilavy explained that, in the past, the City of Madison has treated licenses issued under the quota system prior to December 1, 1997 (grandfathered licenses), as address-specific. She said there is no Statutory requirement that these licenses be tied to a specific address.

Alderson Olson confirmed that Reserve licenses may not be transferred to another location.

Alderson Onken said the committee still needs a thoughtful approach for dealing with Madison's remaining available licenses.

Alderson Olson noted that it took eight years to grant 64 Reserve Class B Combination Liquor & Beer licenses, but that it has granted about 25 liquor licenses (both Reserve and grandfathered) this past year.

Ms. Rearick suggested scheduling a special meeting to discuss this issue before April.

Alderson Olson suggested inviting members of the public to address the committee or subcommittee, making it clear that the committee would like information in writing or in person about what criteria Madison residents would like the committee to apply when considering license applications. Mr. Kamp and Mr. Sentmanat both expressed support for this suggestion.

Ms. Rearick suggested that the Subcommittee on Process lay out options to guide the discussion for the public hearing. Mr. Hart agreed with Ms. Rearick.

Alderson Olson said it may be hard to hold both a special meeting and a subcommittee meeting before Alderson Onken retires in April. Alderson Onken responded that there is plenty of talent on the committee, and that if he had any thoughts to add to the discussion he would share them with the committee.

OPERATOR'S LICENSE APPLICATION (referred from January)

14. Operator's License Application
Benjamin J. Swenson, 6218 Strathmore Lane, Madison
A motion was made by Alderson Onken, seconded by Sentmanat, to **RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER**. The motion passed by acclamation.

OPERATOR'S LICENSE APPLICATION (appearance requested by Madison Police Department)

15. Operator License Application
Susan K. Adams, 5605 Thunderbird Lane, Madison
A motion was made by Alderson Onken, seconded by Alderson Olson, to **RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Susan Adams**. The motion passed by acclamation.

16. Operator License Application
Brian K. Dickinson, 1023 Fiedler #4, Madison
A motion was made by Rearick, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Brian Dickinson. The motion passed by acclamation.
Recommendation - Grant with the following conditions:
1) City Clerk's Office receiving a letter from Mr. Dickinson's employer, stating they have full knowledge of his record. 2) City Clerk's Office receiving a letter from Mr. Dickinson's probation agent.
17. Operator License Application
Natasha S. Ellis, 887 Hughes Place #1, Madison
A motion was made by Rearick, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.
18. Operator License Application
Kris D. Fluckiger, 4001 Claire Street, Madison
A motion was made by Rearick, seconded by Wheaton, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.
19. Operator License Application
Karl E. Graser, 4589 Golf Drive, Fennimore
A motion was made by Rearick, seconded by Alderperson Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER Appearance: Karl Graser. The motion passed by acclamation.
20. Operator License Application
Thomas M. Gray, 702 Bear Claw Way #304, Madison
A motion was made by Alderperson Onken, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Thomas Gray. The motion passed by acclamation.
Recommendation - Grant with the following condition: City Clerk's Office receiving a letter from Mr. Gray's employer, stating they have full knowledge of his record.
21. Operator License Application
William G. Patton, 1975 E. Washington Avenue, Madison
A motion was made by Alderperson Onken, seconded by Rearick, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.
22. Operator License Application
Brian P. Walsh, 380 W. Washington Avenue #320, Madison
A motion was made by Rearick, seconded by Alderperson Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER Appearance: Brian Walsh. The motion passed by acclamation.

Recommendation - Grant with the following conditions:

1) City Clerk's Office receiving a letter from Mr. Walsh's employer, stating they have full knowledge of his record. 2) City Clerk's Office receiving a letter from Mr. Walsh's probation agent.

REPORTS

City Attorney

23. Online Beverage Server Training Courses

Attorney Zilavy said she would report on this item at the March 16 meeting of the Alcohol License Review Committee.

24. Density Policies in Other Communities

Attorney Zilavy said she would report on this item at the March 16 meeting of the Alcohol License Review Committee.

City Clerk

25. Summary of Licenses Issued

The City Clerk's Office provided the following summary for the current license year.

Class A Beer (Liquor Store): 38 issued, 1 pending
Class A Beer (Grocery/Convenience Store): 70 issued, 2 pending
Class A Liquor: 48 issued, 4 pending
Class B Beer: 63 issued, 1 pending
Class B Combination Liquor & Beer: *333 issued, 9 pending
Class C Wine: 36 issued, 1 pending
Wholesale Beer: 5 issued, 0 pending
Adult Entertainment Tavern: 3 issued, 0 pending
Operator: 2,189 issued, 985 pending
Provisional Operator: 367 issued, 0 pending
Cabaret: 46 issued, 1 pending
Food & Drink (\$1 to \$10,000): 131 issued, 6 pending
Food & Drink (\$10,001 to \$100,000): 285 issued, 22 pending
Food & Drink (\$100,001 to \$250,000): 215 issued, 6 pending
Food & Drink (\$250,001 to \$1,000,000): 282 issued, 2 pending
Food & Drink (\$1,000,001 to \$5,000,000): 95 issued, 0 pending
Food & Drink (greater than \$5,000,000): 18 issued, 0 pending
Sidewalk Cafe: 17 issued, 0 pending
Temporary "Class B" Retailer: 44 issued, 0 pending

*59 of 64 available Reserve licenses have been granted.

Aldersperson Olson asked if anyone saw a need to put a brief moratorium on new license applications. Mr. Sentmanat said the committee would need to explain itself to individuals who are putting together business plans, especially in light of criticism the city has recently received.

Aldersperson Onken asked if it would be reasonable to ask applicants if they needed a Class B Combination Liquor & Beer license.

Aldersperson Olson said her main concern is establishing the expectation that the committee would be willing to distribute the 57 grandfathered licenses to the first 57 applicants. She said she is concerned about a run on licenses, and that the committee needs to become more discretionary, considering each applicant's location and type of establishment.

Attorney Zilavy mentioned that the Bella Vita application on tonight's agenda is for a location on the periphery of the city.

Aldersperson Olson said the committee needs to move fast to come up with a policy.

26. Downtown Density Report

The City Clerk's Office provided a Downtown Density Report, listing all alcohol licenses issued to establishments located between Blair Street and Camp Randall Stadium.

In this designated downtown area, there are:

- 105 establishments with Class B Combination Liquor & Beer Licenses
- 1 pending application for a Class B Combination Liquor & Beer License
- 14 establishments with Class B Beer and Class C Wine Licenses
- 6 establishments with Class B Beer Licenses
- 9 establishments with Class A Liquor and Class A Beer Licenses
- 1 pending application for a Class A Liquor and a Class A Beer License
- 3 establishments with Class A Beer Licenses

Throughout the city of Madison, there are:

- 336 establishments with Class B Combination Liquor & Beer Licenses
- 70 establishments with Class B Beer Licenses
- 36 establishments with Class C Wine Licenses
- 51 establishments with Class A Liquor Licenses
- 109 establishments with Class A Beer Licenses

The downtown area holds 31 percent of Class B Combination Liquor & Beer Licenses, 29 percent of Class B Beer Licenses, 39 percent of Class C Wine Licenses, 18 percent of Class A Liquor Licenses, and 11 percent of Class A Beer Licenses issued by the city of Madison. Of all Class B establishments downtown, 62 percent are classified as restaurants (no more than 50 percent of their gross receipts are from alcohol), and 38 percent are classified as taverns (at least 51 percent of their gross receipts are from alcohol).

Mr. Kamp noted that 1/3 of all licensed establishments are located where 1/2 of Madison residents live. Committee members said they would review the report for future discussion.

DISCUSSION

27. Density Policy

Aldersperson Olson suggested waiting for the Alcohol Policy Coordinator position to be filled before establishing a density policy. Ms. Rearick said this issue will be brought up at upcoming meetings about Reserve licenses.

28. ALRC Orientation and Training Manual

Mr. Kamp, Aldersperson Olson, Mr. Billups, Ms. Rearick, and Mr. Shapiro all said the training/orientation held by Attorney Zilavy on February 16 was a good session. Attorney Zilavy offered to hold another training/orientation session for the two newest members of the committee, Mr. Hart and Mr. Sentmanat. Mr. Billups told Mr. Hart and Mr. Sentmanat that it would be worth their time to attend a training session with Attorney Zilavy.

29. Performing Arts Venue Licenses

Attorney Zilavy said she doubted that there would be a Performing Arts Venue draft before May. Ms. Rearick said it would be good to have this license in place for license renewal time, and that it would be a shame to have another summer go by before this license could be implemented.

Attorney Zilavy said she is working on 30 contracts, and that has been the priority recently in the City Attorney's Office. Alderperson Olson asked if the committee should ask Attorney May to re-prioritize Attorney Zilavy's workload. Attorney Zilavy said that, if this draft was that big a priority, she would try to complete it for the March 16 meeting.

Ms. Rearick said it is a major problem that bars are already operating as if they had this license. She said the committee received over 500 cards from students supporting this measure a year ago, and that the police department has made it clear that it would like to try out the Performing Arts Venue license over the summer. Ms. Rearick said the elements seem to be in place for a draft, and that she would feel like the committee had dropped the ball if it did not move forward with this proposal.

Mr. Kamp asked if a letter about the Nightclub license would be mailed at license renewal time. Ms. Witzel responded that it would.

Mr. Shapiro asked Mr. Billups if he could provide committee members with PACE booklets on house parties and the consequences of having a house party. Mr. Billups responded that he would provide copies for each committee member.

ADJOURNMENT

At 8:13 p.m., a motion was made by Ms. Wheaton, seconded by Alderperson Onken, that the meeting adjourn.