



City of Madison
Meeting Minutes - Final
ALCOHOL LICENSE REVIEW
COMMITTEE

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

Wednesday, September 20, 2006

5:30 PM

210 Martin Luther King, Jr. Blvd.
Room GR-27 (City-County Building)

Call to Order

Initial Roll Call

Present: Maribeth Witzel-Behl, Marsh Shapiro, Jay Lengfeld, Jennifer Zilavy, McNamara, Wheaton, Sentmanat, Rearick, LaMarr Q. Billups and Joel Plant

Absent: Verveer and Hart

Excused: Olson

Public Comment

Change of Agent

1. [04435](#) Change of Agent
Team R n' B Wisconsin, LLC • dba Famous Dave's • 900 S Park Street
Old Agent: Terry Meeks • New Agent: Kyle Seedorf
Class B Combination Liquor & Beer
Aldermanic District 13 (Ald. Knox) • Police Sector 306

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

Change of Corporate Control

2. [04436](#) Change of Corporate Control - one additional Officer
Schwoegler Park Towne Lanes, Inc. • dba Schwoegler Park Towne Lanes
444 Grand Canyon Drive • Agent: Daniel A. Schwoegler
Class B Combination Liquor & Beer • 28% alcohol, 13% food
Aldermanic District 19 (Ald. Radomski) • Police Sector 113

Registration in Support: Carter Smith (applicant), Attorney Michael Christopher.

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

Change of Premise

3. [04276](#) Change of License Premise Application
Irish Waters Inc • dba Irish Waters • capacity 315
702 N Whitney Way • Agent: Christine Campion
Class B Combination Liquor & Beer • 38% alcohol, 62% food
Aldermanic District 19 (Ald. Radomski) • Police Sector 109
Request to expand licensed premise to include deck.
A motion was made by McNamara, seconded by Wheaton, to RECOMMEND TO COUNCIL TO PLACE ON FILE - REPORT OF OFFICER. The motion passed by acclamation.

New License - Recessed Public Hearing

4. [03522](#) Public Hearing - New License
Le Chardonnay, Inc. • dba Le Chardonnay • capacity 65
320 W. Johnson Street • Agent: Sami Fgaier
Class B Combination Liquor & Beer • 30% alcohol, 70% food
Aldermanic District 4 (Ald. Verveer) • Police Sector 403
Appearance: Sami Fgaier (applicant).
A motion was made by McNamara, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - RECESSED PUBLIC HEARING with the following conditions: 1) There will be no more than six stools. 2) Alcohol will not be served without food. 3) Establishment must meet the definition of a restaurant as defined in Section 38.02 of the Madison General Ordinances. The motion passed by acclamation.

Roll Call

Present: Olson, Verveer, Maribeth Witzel-Behl, Marsh Shapiro, Jay Lengfeld, Jennifer Zilavy, McNamara, Wheaton, Hart, Sentmanat, Rearick, LaMarr Q. Billups and Joel Plant

5. [04239](#) Public Hearing - New License
1 & 1 Food LLC • dba Ay! Caramba • est. capacity 52
702 N. Midvale Blvd., Suite W198 • Agent: Gilmer Chan
Class B Combination Liquor & Beer • 25% alcohol, 75% food
Aldermanic District 11 (Ald. Gruber) • Police Sector 108
A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the ALCOHOL LICENSE REVIEW COMMITTEE. The motion passed by acclamation.

New License - Public Hearing

6. [04439](#) Public Hearing - New License
HJ Madison, Inc. • dba Happy Joe's • est. capacity 200
202 S. Gammon Road • Agent: Tim Gantz
Class B Beer, Class C Wine • 2% alcohol, 82% food, 16% other
Aldermanic District 9 (Ald. Skidmore) • Police Sector 125
Appearance: Tim Gantz (applicant).
A motion was made by Wheaton, seconded by McNamara, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.
7. [04445](#) Public Hearing - New License
Cosi, Inc. • dba Cosi • est. capacity 116
250 State Street • Agent: Nathan Heeney
Class B Beer, Class C Wine • 2% alcohol, 98% food
Aldermanic District 4 (Ald. Verveer) • Police Sector 403
Appearance: Nathan Heeney (applicant).
A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following condition: 1) Must meet the definition of a restaurant as defined in Section 38.02 of the Madison General Ordinances. The motion passed by acclamation.
8. [04446](#) Public Hearing - New License
Laundry 101 of Madison, LLC • dba Laundry 101 • capacity 99
437 W. Gilman Street • Agent: Richard Anderegg
Class B Combination Liquor & Beer • 3% alcohol, 7% food, 90% other
Aldermanic District 4 (Ald. Verveer) • Police Sector 403
Appearance: Zach Brandon (applicant).
A motion was made by Hart, seconded by McNamara, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.
9. [04447](#) Public Hearing - New License
GD 3, LLC • dba The Great Dane Pub • est. capacity 300
357 Price Place • Agent: Ted Peterson
Class B Combination Liquor & Beer • 38% alcohol, 60% food, 2% other
Aldermanic District 11 (Ald. Gruber) • Police Sector 108
Appearances: Ted Petersen (applicant), Robert LoBreglio (applicant), Alderperson Tim Gruber.
A motion was made by Verveer, seconded by Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) Establishment will cease all exterior amplified music by 11 p.m. The motion passed by acclamation.

10. [04448](#) Public Hearing - New License
The Bamboo House, LLC • dba The Bamboo Hut • est. capacity 50
1318 S. Midvale Boulevard • Agent: Tou Vue
Class B Combination Liquor & Beer • 95% alcohol, 5% food
Aldermanic District 10 (Ald. Golden) • Police Sector 106
Appearance: Tou Vue (applicant).
A motion was made by Verveer, seconded by McNamara, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.
11. [04460](#) Public Hearing - New License
Adair Enterprises, LLC • dba Adair's Lounge • est. capacity 99
121 W. Main Street • Agent: Rita Adair
Class B Combination Liquor & Beer • 95% alcohol, 5% food
Aldermanic District 4 (Ald. Verveer) • Police Sector 405
Appearances: Rita Adair (applicant), Larry Lichte, Jack Williams.
A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by the following vote:
Aye: Olson, Verveer, McNamara and Sentmanat
Abstain: Wheaton, Hart and Rearick
12. [04463](#) Public Hearing - New License
Rising Sons Deli, LLC • dba Rising Sons Deli • est. capacity 40
617 State Street • Agent: Sinarack MacVilay
Class B Beer, Class C Wine • 10% alcohol, 90% food
Aldermanic District 8 (Ald. King) • Police Sector 403
Appearances: Sinarack MacVilay (applicant), Alderperson Austin King.
A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.

13. [04462](#)

Public Hearing - New License

Samba, LLC • dba Samba Steak House • est. capacity 358

240 W. Gilman Street • Agent: Jongyeon Lee

Class B Combination Liquor & Beer • 40% alcohol, 55% food, 5% other

Aldermanic District 8 (Ald. King) • Police Sector 403

Appearances: Jongyeon Lee (applicant), Attorney Michael Christopher, Jeremy Cynkar, Melissa Destree, Gary Tipler, Joseph Tachovsky, Randy Page, Alderperson Austin King, Jamie McCarville, Gene Devitt, Ledell Zellers, Fred Mohs, Elizabeth Gokey, Erica Sim, Rosemary Lee, Robert Holloway.

A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) The first floor of the establishment will close at 12:30 a.m., and the second floor (main dining room) will close at midnight every night. The only exception to these hours will be for special occasions such as weddings and banquets where the closing time would be 1 a.m. on the second floor and mezzanine. These special events will be limited to no more than 12 events per year. 2) No live music will be played after 11 p.m. 3) Total licensed capacity will be limited to 339 with 320 dining seats and no more than 19 seats at the second floor bar. 4) No patron will be permitted to consume alcohol without food being served except in a designated waiting area on the first floor. 5) The facility will be operated so that it will be maintained as a restaurant as defined in the Madison General Ordinances. There will be a full kitchen staff, a full-time host and a full menu offered until 11 p.m. 6) The existing stage to be utilized for evening entertainment, limited to classical guitar, acoustic performances and traditional Brazilian music. No in-house amplification will be permitted. 7) A written employee policy will be in place for staff which will include a detailed training "sober server" training policy. 8) High quality HVAC and a quiet exhaust system will be installed. The hood for the exhaust system will be located in such a way as to reduce the potential of odors for the surrounding neighbors. 9) Any dumpster use will be completed by no later than 11 p.m., and will begin no earlier than 7 a.m., excepting Sundays when any dumpster use will be after the last church service. Dumpsters will be locked. 10) Delivery times will be limited to the hours of 8 a.m. to 5 p.m. with no deliveries to occur on Sunday. Delivery vehicles will be instructed to approach Samba's on Gilman coming from University Avenue and returning via Broom Street to avoid going through neighborhood streets. 11) A noise abatement plan will be incorporated into the construction so that the city's noise ordinance is complied with fully. 12) A detailed security plan will be implemented that will include the installation of residentially sensitive lighting throughout the site, security cameras and aesthetically pleasing security signs as well as a decorative screening or landscaping.

The motion passed by acclamation.

Nightclub License

14. [04510](#) Nightclub License Application
Samba, LLC • dba Samba Steak House • est. capacity 358
240 W. Gilman Street • Agent: Jongyeon Lee
Class B Combination Liquor & Beer • 40% alcohol, 55% food, 5% other
Aldermanic District 8 (Ald. King) • Police Sector 403
- Appearances: Jongyeon Lee (applicant), Jeremy Cynkar, Melissa Destree, Gary Tipler, Joseph Tachosky, Attorney Michael Christopher.**
- A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.**

Operator License - Appearance Requested

15. [04282](#) Operator License Application
Tiffany Kohl - Establishment where employed: K&J Foods.
- Registration in Opposition: Tiffany Kohl (applicant).**
- A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.**
16. [04283](#) Operator License Application
Skyler Davis - Establishment where employed: Nitty Gritty.
- A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.**
17. [04284](#) Operator License Application
Larry Stluka - Establishment where employed: Greig Club.
- A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.**
18. [04424](#) Operator License Application
Jerrold Hise - Establishment where employed: The Crave Lounge.
- A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.**
19. [04425](#) Operator License Application
Christopher Robinson - Establishment where employed: None.
- Registration: Christopher Robinson.**

A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.

20. [04428](#) Operator License Application
Jonathan Eldridge - Establishment where employed: Tony Frank's.
A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.

21. [04430](#) Operator License Application
Blake Trimbell - Establishment where employed: Mifflin Street Co-op.
A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.

22. [04431](#) Operator License Application
David Lavarias - Establishment where employed: Kimia Lounge.
A motion was made by Verveer, seconded by Sentmanat, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE October 18 meeting. The motion passed by acclamation.

Discussion

23. [04130](#) Formation of a Subcommittee on Nightclub License Ordinance Revisions
Ms. Rearick and Mr. Hart agreed to serve on the Subcommittee on Nightclub & Performing Arts License Ordinance Revisions.

24. [04453](#) Rebuttal of Presumption
Mr. Plant explained that there is a burden on liquor license applicants to prove the worthiness of their applications to the committee.

Report of the Madison Police Department

25. [03238](#) Summary of Liquor License Violations
Captain Lengfeld distributed the attached report.

Report of the Subcommittee on Process

26. [03936](#) License Density Plan
Registered in Support: Susan Crowley, Jamie McCarville. Registered in Opposition: Larry Lichte. Registered Neither Support Nor Oppose: Robert Holloway.
Mr. Shapiro said that when he purchased the Nitty Gritty in 1968, the Madison

General Ordinances would not allow any more licenses in the campus area. He had to pay \$20,000 to purchase his license from an existing establishment. Within one year, the Ordinance was changed and anybody who wanted to get a license could do so.

Mr. Plant said evidence shows that the density of alcohol related establishments affects alcohol related problems. Over time, reducing the number and capacity of liquor licenses should reduce the strain on city resources. Mr. Plant said this could be accomplished by restricting the types of licenses entertained by the ALRC, and through voluntary and involuntary attrition. He said it would take a minimum of five years to measure the effect of this proposal.

Mr. Plant suggested auditing the books of liquor license holders on a more regular basis, particularly for establishments reporting that 50 percent of their sales are from alcohol and 50 percent of their sales are from food. The Madison General Ordinances provide that false statements on a liquor license application will nullify that liquor license.

The targeted area in the Density Proposal consists of Police Sectors 403, 404, 405, and 406 (Blair Street to Lake Street and Lake Monona to Lake Mendota). Mr. Plant reported that 100 liquor licenses, or 29 percent of Class B Combination Liquor & Beer licenses in the City of Madison, are located in the targeted area (43 licenses in Sector 403, 5 licenses in Sector 404, 25 licenses in Sector 405, and 27 licenses in Sector 406). The capacity of the establishments holding these 100 liquor licenses is significantly higher than 12,000.

Under the Density Proposal, Class A license applications in these police sectors will be entertained only for full-service grocery stores, license transfers under MGO 38.05(8), or the sale of a business that holds a valid Class A license. Class B Beer, Class C Wine, and Class B Combination Liquor & Beer license applications in these police sectors will be entertained only for bona fide restaurants, license transfers under MGO 38.05(8), or the sale of a business that holds a valid license. The committee would consider the establishment's hours of operation, hours of food service, type of food offered, entertainment, seating, server scheduling, and use of security staff.

Requests to increase capacity would be entertained only for bona fide restaurants. Only license applications for bona fide restaurants would be considered for locations where a license was surrendered for a reason other than the sale of the establishment.

The Density Proposal was referred to the Subcommittee on a Process on a motion made by Hart, seconded by Verveer. The motion passed by acclamation.

Report of the City Clerk's Office

27. [01705](#) Summary of Licenses Issued

The following summary was distributed for the current license year:

Class A Beer (Liquor Store): 56 issued
Class A Beer (Grocery): 62 issued
Class A Liquor: 57 issued
Class B Beer: 76 issued

Class B Liquor & Beer: 342 issued*
Class C Wine: 49 issued
Wholesale Beer: 5 issued
Visual & Performing Arts: 11 issued
Nightclub: 72 issued
Adult Entertainment Tavern: 4 issued
Operator: 2,914 issued
Provisional Operator: 416 issued
Food & Drink (\$1 to \$10,000): 125 issued
Food & Drink (\$10,001 to \$100,000): 271 issued
Food & Drink (\$100,001 to \$250,000): 256 issued
Food & Drink (\$250,001 to \$1,000,000): 288 issued
Food & Drink (\$1,000,001 to \$5,000,000): 102 issued
Food & Drink (Greater than \$5,000,000): 16 issued
Sidewalk Cafe: 54 issued
Picnic Beer License: 40 issued

Madison has a quota of 396 Class B Combination Liquor & Beer licenses under state law. 56 of 71 Reserve licenses have been granted. 291 of 325 Grandfathered licenses have been granted. Taking into consideration the Class B Combination Liquor & Beer Licenses that were recommended to Council to Grant at tonight's meeting, 49 Class B Combination licenses are currently available in the City of Madison.

Discussion & Action

28. [04561](#) Procedures for Holding a Hearing
- Committee members established the following policies for disciplinary hearings:
- Hearings shall take place in a single meeting.
 - The committee shall make a decision the day of the hearing.
 - Stipulations shall be filed by counsel one week before the hearing.
 - Witness lists shall be submitted one week before the hearing.
 - Attorneys shall give the committee an estimate of how long their case will take.
 - Questions from committee members shall be funneled through the Committee Chair.
 - The Committee Chair shall determine the length of recess.
 - At the discretion of the Committee Chair, the committee may have to recess and hold a multiple-day hearing.
 - Closings arguments shall be oral rather than through written briefs. (A motion was made by McNamara, seconded by Rearick, to allow only oral closing arguments. Ayes: McNamara, Olson, Rearick, Sentmanat, Verveer. No: Hart.)
29. [04566](#) Schedule a hearing for the appeal of the Chief's Security Plan for Club Majestic, LLC, doing business as Majestic Theatre.
- A hearing on the Club Majestic, LLC, appeal of its Chief's Security Plan will be held on Wednesday, October 11, 2006, at 5:30 p.m. in room 201 of the City-County Building.

Approval of Minutes

A motion was made by Verveer, seconded by Sentmanat, to Approve the Minutes of August 15, 2006. The motion passed by acclamation.

Adjournment

A motion was made by Olson, seconded by Sentmanat, to Adjourn at 9:55 p.m.
The motion passed by acclamation.