



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. Mike Verveer;
Stephanie A. Rearick; Jose M. Sentmanat; Janice C. Wheaton;
LaMarr Q. Billups; Captain Jay Lengfeld; Marsh Shapiro; Jennifer Zilavy; Maribeth Witzel-
Behl*

Wednesday, April 20, 2005

5:30 PM

215 MLKJ BLVD RM 300 (MMB)

Applications will go to the Common Council Meeting of May 3, 2005.

Call to Order

Roll Call

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

Approval of Minutes

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

Change of Agent

1. [00745](#) Change of Agent
GMRI, Inc. (dba The Olive Garden Italian Restaurant #1300)
4320 East Towne Boulevard
Old Agent: Laurie Beth Preston
New Agent: Todd Armbrecht
Class B Combination Liquor & Beer (11% alcohol, 89% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

2. [00873](#) Change of Agent
WHG Real Estate South, LLC (dba Applebee's Neighborhood Grill & Bar)
4710 East Towne Boulevard
Old Agent: Ammar Anbouba
New Agent: Benjamin J. Martinsen
Class B Combination Liquor & Beer (15% alcohol, 85% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

3. [00931](#) Change of Agent
Hooters of Madison, Inc. (dba Hooters of Madison, capacity of 388)
6654 Mineral Point Road
Old Agent: Jerri Boxer
New Agent: Shane Beecraft
Class B Combination Liquor & Beer (35% alcohol, 65% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
4. [00944](#) Change of Agent
Chili's of Wisconsin, Inc. (dba Chili's Grill & Bar #327)
4344 East Towne Boulevard
Old Agent: Scott Dietze
New Agent: Karen A. Marquis
Class B Combination Liquor & Beer (20% alcohol, 80% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
5. [00947](#) Change of Agent
Lulu's Restaurant, LLC (dba Lulu's Restaurant)
2524 University Avenue
Old Agent: Saleh Al-Ashkar
New Agent: Sari I. Atteyih
Class B Beer, Class C Wine (8% alcohol, 92% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
6. [00948](#) Change of Agent
Roaring Fork, LLC (dba Qdoba Mexican Grill)
2741 University Avenue
Old Agent: Eric Wagner
New Agent: Dave DeMarco
Class B Combination Liquor & Beer (1% alcohol, 99% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

7. [00949](#) Change of Agent
Roaring Fork, LLC (dba Qdoba Mexican Grill)
6650 Mineral Point Road
Old Agent: Eric Wagner
New Agent: Dave DeMarco
Class B Combination Liquor & Beer (2% alcohol, 98% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
8. [00950](#) Change of Agent
Roaring Fork, LLC (dba Qdoba Mexican Grill)
548 State Street
Old Agent: Michael McMorrow
New Agent: Dave DeMarco
Class B Combination Liquor & Beer (1% alcohol, 99% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
9. [00951](#) Change of Agent
GMRI, Inc. (dba Red Lobster #377; capacity of 243)
4502 East Towne Boulevard
Old Agent: Ann M. Schwartz
New Agent: Minetta C. Salvatore
Class B Combination Liquor & Beer (10% alcohol, 90% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
10. [00958](#) Change of Agent
GB'z of Madison, LLC (dba Luther's Blues)
1401 University Avenue
Old Agent: Steven Murphy
New Agent: William Curtis
Class B Combination Liquor & Beer (30% alcohol, 65% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

11. [00964](#) Change of Agent
Open Pantry Food Marts of Wisconsin, Inc. (Open Pantry Food Mart #1335)
2216 University Avenue
Old Agent: Kelly J. Mindiola
New Agent: Ron James
Class A Beer
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
12. [00965](#) Change of Agent
Open Pantry Food Marts of Wisconsin, Inc. (Open Pantry Food Mart #1245)
2201 S. Park Street
Old Agent: Kelly J. Mindiola
New Agent: Ron James
Class A Beer, Class A Liquor
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
13. [00966](#) Change of Agent
Open Pantry Food Marts of Wisconsin, Inc. (Open Pantry Food Mart #1215)
1412 Pflaum Road
Old Agent: Kelly J. Mindiola
New Agent: Ron James
Class A Beer
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
14. [00967](#) Change of Agent
Open Pantry Food Marts of Wisconsin, Inc. (Open Pantry Food Mart #1200)
2703 W. Beltline Highway
Old Agent: Kelly J. Mindiola
New Agent: Ron James
Class A Beer, Class A Liquor
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

15. [00986](#) Change of Agent
Open Pantry Food Marts of Wisconsin, Inc. (Open Pantry Food Mart #705)
1401 Regent Street
Old Agent: Rose K. Neumeyer
New Agent: Ron James
Class A Beer
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
16. [00969](#) Change of Agent
Center for Advanced Studies in Business (Fluno Center)
601 University Avenue
Old Agent: Amy McIlvaine
New Agent: Lance Baldus
Class B Combination Liquor & Beer (80% alcohol, 20% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

Change of Corporate Control

17. [00831](#) Change of Corporate Control -- 2 new Officers
M & B, Inc. (dba Oak Crest Tavern, capacity of 78)
5370 Old Middleton Road
Agent: William Sweeney
Class B Combination Liquor & Beer (49% alcohol, 51% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
18. [00867](#) Change of Corporate Control -- vacancy of Vice President/Treasurer
Shopko Stores, Inc. (dba Shopko #29)
7401 Mineral Point Road
Agent: Marc Wynne
Class A Beer, Class A Liquor
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

19. [00899](#) Change of Corporate Control -- 2 new members on Board of Directors
Nakoma Golf Club, Inc. (dba Nakoma Golf Club)
4145 Country Club Road
Agent: Lawrence Avery
Class B Combination Liquor & Beer (30% alcohol, 70% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
20. [00952](#) Change of Corporate Control -- New director/officer/stockholder
Madison Lounge, Inc. (dba Crowne Plaza Madison)
4402 E. Washington Avenue
Agent: James S. Davis
Class B Combination Liquor & Beer (24% alcohol, 76% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.
21. [00953](#) Change of Corporate Control -- New director/officer/stockholder
Madison Beverage Control Corporation (dba Holiday Inn Madison East)
3841 E. Washington Avenue
Agent: James S. Davis
Class B Combination Liquor & Beer (24% alcohol, 76% food)
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation
.

Change of Licensed Premise

22. [00751](#) Application for Change of Licensed Premise
Jackal, Inc. (dba High Noon Saloon; capacity of 400)
701-A E. Washington Avenue
Agent: Catherine Dethmers
Class B Combination Liquor & Beer (90% alcohol, 10% food)
Request to expand bar service to outdoor patio area. Patio is approximately 1,000 square feet, and is adjacent to the main entrance of premises.
A motion was made by Ald. Olson, seconded by Committee Member Sentmanat, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER -- Appearance: Catherine Dethmers (applicant) -- Ms. Rearick and Ms. Wheaton abstained. The motion passed by acclamation.

23. [00754](#) Application for Change of Licensed Premise
Jongyeon Lee (dba Church Key; capacity of 86)
626 University Avenue
Class B Combination Liquor & Beer (90% alcohol, 10% food)
Request to expand bar to a portion of the first floor.
with conditions

A motion was made by Ald. Verveer, seconded by Rearick, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER with the following conditions: 1) Management will encourage patrons to use the rear exit by announcing this option to its customers prior to bar time. 2) The maximum capacity for the first and second floor bar areas will not exceed 190. 3) Hand-held counters shall be used by staff at the entrance after 8:00 p.m. 4) Food service shall be available at all times beginning at 11:00 a.m. 5) Staff will be assigned to encourage patrons to leave and be stationed outside the building at closing time to assist patrons in leaving the area. 6) Staff will remain stationed outside the building until patrons have dispersed. 7) Applicant may come back before the committee for a Change of Licensed Premise six months after completion of the renovation. --
Appearances: Jongyeon Lee (applicant), Melissa Destree representing Church Key Bar, Thomas Harris, Attorney Michael Christopher representing Jongyeon Lee, and Alderperson Austin King. -- The motion passed by acclamation.

24. [00942](#) Application for Change of Licensed Premise
BGM Capital, LLC (dba Brocach; capacity of 291)
7 W. Main Street
Agent: Brad Bailey
Class B Combination Liquor & Beer (60% alcohol, 40% food)
Request to expand licensed premise to include outdoor seating cafe of 6-7 tables.

A motion was made by Ald. Verveer, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
-- Appearance: Brad Bailey (applicant) -- The motion passed by acclamation.

25. [00849](#) Application for Change of Licensed Premise
Mr. Tequila, Inc. (dba Cancun)
704 S. Whitney Way
Agent: Miguel Guerrero
Class B Combination Liquor & Beer (15% alcohol, 85% food)
Request to convert liquor service station to an eight-seat bar.

A motion was made by Rearick, seconded by Committee Member Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
-- Appearance: Miguel Guerrero (applicant) -- The motion passed by acclamation.

26. [00970](#) Application for Change of Licensed Premise
Raymond Jacobson (dba Ray's Bar & Grill)
2526 E. Washington Avenue
Class B Combination Liquor & Beer (95% alcohol, 5% food)
Request to expand premise into space next door.

A motion was made by Ald. Olson, seconded by Ald. Verveer, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE

-- Appearance: Raymond Jacobson (applicant) -- The motion passed by acclamation.

New License - Recessed Public Hearing

27. [00223](#) 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 Ald. Olson, seconded by Committee Member Sentmanat, to RECOMMEND TO COUNCIL TO REREFER - RECESSED PUBLIC HEARING to the ALCOHOL LICENSE REVIEW COMMITTEE Subcommittee to include the City Attorney designee, the Madison Police Department, the Alderperson, and two voting members of the Alcohol License Review Committee (Mr. Kamp and Ms. Wheaton), to bring back an agreement to the Alcohol License Review Committee. -- Appearances: Karen Martin (applicant), Wendy Helgemo representing the Ho-Chunk Nation, Darren Brinegar representing DeJope Bingo & Entertainment, Rosemary Lee, Dan Waisman, and Alderperson Compton. -- The motion passed by acclamation.

The following discussion and motion took place prior to the vote to refer this application.

Mr. Kamp said he would expect a smoking ban when Madison's ordinance becomes effective. Ms. Helgemo responded that the extent of the city's authority relates to liquor only, and that any other health, safety and welfare standards would have to come from federal law.

Captain Lengfeld said the Madison Police Department has not seen a clear plan on how underage drinking will be prevented. He said he would like clarification in writing on the ability of the Madison Police Department to enter the premises.

Dan Waisman spoke about his observations of liquor service at the Ho-Chunk Casino in Wisconsin Dells. He said he has observed neglect of responsibility there, as the only concern of the wait staff seemed to be getting as many drinks as possible into the poker room. He said he hoped for tight restrictions on the service of liquor in Madison.

Mr. Sentmanat asked the Ho-Chunk representatives whether they believed the city could put conditions on their liquor license. Ms. Helgemo responded that conditions would be a stretch, and that they would need to be strongly rooted in Chapter 125 of the State Statutes.

Attorney Zilavy said she has studied relevant case law, and that this is not the place to debate the legality of whether conditions would apply.

Mr. Hart asked the Ho-Chunk representatives whether they would be willing to accept a smoking ban. Ms. Helgemo said it would have to be a law that the Ho-Chunk Nation itself enacts.

Aldersperson Olson expressed concerns about the outstanding details mentioned by Captain Lengfeld. She asked the applicants if they understand what the outstanding details are, and whether they were ready to address these details. Mr. Brinegar responded that they are looking at options for 18-21 year olds, and that they understand that the Police Department would like clearer lines to be drawn.

Mr. Kamp asked where the 18-21 year olds are now, and whether alcohol would be served in the food service area. Mr. Brinegar responded that 18-21 year olds currently are allowed throughout the entire facility, and that alcohol would not be available in the food service area because, with food being only three percent of revenue, they would not qualify for a restaurant liquor license.

Aldersperson Olson asked if there was a clear path to achieving agreement on outlining the authority of the Madison Police Department to respond to calls. Ms. Helgemo said she thought the police would operate as they would elsewhere in the city. Captain Lengfeld said he was under the impression that the police would have to be invited into the establishment. Ms. Helgemo said she did not think that was the case.

Captain Lengfeld asked if the Ho-Chunk Nation could be brought to municipal court on liquor law violations. Ms. Helgemo said the city has the authority to enforce Chapter 125 of the State Statutes. Attorney Zilavy said the city's position is that it also has the authority to enforce Chapter 38 of the Madison General Ordinances, which also incorporates unruly patrons, smoking, delivery of alcohol, unlawful devices for vending alcohol, the ability to impose a Chief's Security Plan, the ability to get a search warrant, adult entertainment tavern licenses, and conformance to all health, sanitation, building and fire regulations of the city and state.

Aldersperson Olson asked what kind of security staff would be on site. Mr. Brinegar said their current security staff is already better than any licensed establishment in Madison. He said there are 13 security guards, one shift supervisor, and one security director, with four or five on duty at any given time. He was not certain about the number of security guards on duty or where they would be posted.

Ms. Rearick asked if the applicants would continue to have a non-smoking room. Mr. Brinegar said they have not yet made that decision.

Ms. Rearick asked if DeJope has taken any measures to make arrangements with the Safe Ride designated driver program. Mr. Brinegar said they have not looked at Safe Ride, but that security has called taxis for intoxicated customers in the past. Ms. Helgemo said security is looking at the policies of other Ho-Chunk facilities with liquor licenses.

Aldersperson Compton told the committee that she is never in favor of open-ended approvals, but that the Tribal Council cannot make a statement until the city has made a decision. She said she would like a decision to be made.

Mr. Shapiro said the Tavern League opposes this application because they are looking for a level playing field. He said Safe Ride is operated by the Tavern League, and that they would supply rides for DeJope if asked to do so. He expressed concerns about DeJope being licensed as a tavern with 18 year olds on premises. He said the ability of police to go on premises is unclear, and that he hoped the committee would see fit to deny the license if Ho-Chunk chooses not to comply with the Madison General Ordinances.

Downtown resident Rosemary Lee told the committee that she is concerned about the awfully large capacity of this entertainment venue, the unresolved questions about keeping underage patrons from drinking, and the undue burden placed on police with 1,200 people leaving the establishment at night.

Aldersperson Olson said that, due to the size of the facility and its unusual relationship with the Madison Police Department, it would be best to have everything clearly outlined and agreed upon before making a recommendation to the Common Council.

Ms. Rearick said she would not feel comfortable granting a tavern license to an establishment with access to underage individuals.

Captain Lengfeld said he needs to see something in writing, signed off by the Ho-Chunk Nation, for enforcement purposes.

Attorney Zilavy suggested working out the details of this license application through another ALERT meeting. Ms. Rearick said she would be open to the issue of a smoking ban being decided through a Common Council amendment.

Aldersperson Olson said she does not want to send something half-baked to Common Council. She said the Common Council would refer this back to the committee if the details were not already in order. A cleaner process would be to refer this to a subcommittee, she said.

Ms. Rearick said an ALERT meeting had already taken place, and was not adequate. Aldersperson Compton said the applicants would like the license to be voted up or down.

Mr. Kamp said he would not support the approval of this license without addressing smoking and underage issues. He said he did not believe that DeJope would be happy limiting its licensed premise to such a small room in their facility.

Mr. Sentmanat said he did not feel comfortable voting to approve this license without a sense of what will be done regarding smoking. Ms. Wheaton said she believes the city does not have the power to dictate to a sovereign nation. Aldersperson Olson said that, as with all other licenses before the committee, it would be best to deal with the details before recommending approval of a license.

Captain Lengfeld said the Madison Police Department still opposes this application until the details have been worked out. Mr. Shapiro said the applicants seem happy to take the liquor license, but none of the conditions that go with it. Mr. Billups said the committee needs to get some advice on how to deal with a sovereign nation.

A motion was made by Ms. Rearick, seconded by Ms. Wheaton, that the committee recommend granting with the following conditions: 1) Alcohol service to be limited to the current non-smoking room, accessible only to individuals ages 21 and older. 2) Licensed Premise to include the Bingo Hall for special events only, with access limited to individuals ages 21 and older. 3) The Ho-Chunk Tribal Council must have agreed to these conditions in writing before the Madison Common Council meets on May 3, 2005.

The motion failed with a vote of 3-3. Ayes: Mr. Hart, Ms. Rearick, and Ms. Wheaton. Nos: Mr. Kamp, Aldersperson Olson, and Mr. Sentmanat.

28. [00549](#)

New License - Public Hearing
Lando Holdings, LLC (Trade Name to be Determined)

1601 Rowland Avenue
Agent: Chancellor Crowther
Class A Liquor, Class A Beer.

A motion was made by Rearick, seconded by Ald. Verveer, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -PUBLIC HEARING -- Appearance: Diane Calhoun. Registered in Opposition: S. Michael Shivers. -- The motion passed by acclamation.

New License - Public Hearing

29. [00756](#) New License - Public Hearing
2 Beans, LLC (dba Real Chili; estimated capacity of 67)
449 State Street, Suite A
Agent: Aaron Upton
Class B Beer (5% alcohol, 95% food)
Non-Smoking Establishment
A motion was made by Ald. Verveer, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING -- Appearance: Aaron Upton (applicant) - The motion passed by acclamation.
30. [00757](#) New License - Public Hearing
Deja Food, LLC (dba L'Etoile; estimated capacity of 87)
25 N. Pinckney Street
Agent: Traci Miller
Class B Combination Liquor & Beer (26% alcohol, 74% food)
Non-Smoking Establishment
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING -- Appearances: Tory Miller (applicant), Traci Miller (applicant), and Odessa Piper representing L'Etoile Restaurant -- The motion passed by acclamation.

31. [00758](#) New License - Public Hearing
Hot Soup, LLC (trade name to be determined; capacity of 200)
617 Williamson Street
Agent: Phillip Hurley
Class B Combination Liquor & Beer
Non-Smoking Establishment
A motion was made by Rearick, seconded by Committee Member Wheaton, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING -- Appearance: Phillip Hurley (applicant) -- The motion passed by acclamation.
32. [00759](#) New License - Public Hearing
Itsmeholiday, LLC (dba Cafe Zoma; estimated capacity of 45)
2326 Atwood Avenue
Agent: Ann Freiwald
Class B Beer, Class C Wine (20% alcohol, 80% food)
Non-Smoking Establishment
A motion was made by Rearick, seconded by Ald. Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING -- Appearance: Ann Freiwald (applicant) -- Mr. Sentmanat abstained. The motion passed by acclamation.
33. [00761](#) New License - Public Hearing
Szechuan Palace, Inc. (dba China Palace; estimated capacity of 250)
1291 N. Sherman Avenue
Agent: Dan Qi
Class B Combination Liquor & Beer (20% alcohol, 80% food)
Non-Smoking Establishment
with condition
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the condition that the basement be used only for storage. -- Appearance: Dan Qi (applicant) -- The motion passed by acclamation.
34. [00762](#) New License - Public Hearing
Winnie's, LLC (dba The Frog's Log; estimated capacity of 50)
521 Cottage Grove Road
Agent: Shannon Winburn
Class B Combination Liquor & Beer (95% alcohol, 5% food)
Non-Smoking Establishment
A motion was made by Rearick, seconded by Ald. Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING -- Appearances: Shannon Winburn (applicant) and Trish Reilly. Registered in support: David Winburn, Thomas Reilly, and Kathy Reilly. -- The motion passed by acclamation.

Operator's License Applications

35. [00487](#) Operator License Application
Kris D. Fluckiger, 4001 Claire Street, Madison
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER
-- Appearance: Kris Fluckiger (applicant) -- The motion passed by acclamation.
36. [00594](#) Operator License Application
Ubaldo Venegas Flores, 1002 Middleton Street, Madison
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO DENY - REPORT OF OFFICER for the following reason: applicant failed to appear before the committee. The motion passed by acclamation.
37. [00657](#) Operator License Application
Phillip C. Bonney, 50 Schroeder Court, Madison
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO DENY - REPORT OF OFFICER for the following reason: applicant failed to appear before the committee. The motion passed by acclamation.
38. [00659](#) Operator License Application
Richard A. Marvin, 1766 Fordem Avenue, Apt. 201, Madison
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO DENY - REPORT OF OFFICER for the following reason: applicant failed to appear before the committee. The motion passed by acclamation.
39. [00660](#) Operator License Application
Timothy M. Vogel, 5701 Dorsett Drive, Madison
A motion was made by Rearick, seconded by Ald. Olson, to RECOMMEND TO COUNCIL TO DENY - REPORT OF OFFICER for the following reason: applicant failed to appear before the committee. The motion passed by acclamation.

Ordinances

40. [00876](#) Amending Section 38.02 and creating Section 38.07(14) of the Madison General Ordinances to create a definition for keg and to regulate the sale of alcohol beverages sold in kegs in the City of Madison.
A motion was made by Ald. Verveer, seconded by Ald. Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE -- Appearance: Alderperson Austin King -- The motion passed by acclamation.

41. [00902](#)

Creating Section 38.06(12) of the Madison General Ordinances to provide a definition for Centers for the Visual and Performing Arts and to establish licensing and operational requirements for such Centers.

A motion was made by Rearick, seconded by Ald. Verveer, to Return to Lead with the Recommendation to Approve as Substituted to the PUBLIC SAFETY REVIEW BOARD : In 38.06(12)(c)a strike "Has at least one performance stage larger than 200 square feet" and replace with "Pays a fee to the performer when live entertainment is provided." In 38.06(12)(c)b reduce the capacity requirement from two hundred (200) patrons to one hundred (100) patrons. The motion passed by acclamation.

The following discussion took place before action was taken on this ordinance.

Ms. Rearick said she would prefer to have the definition of a Center for Visual and Performing Arts to be based on a fee paid to the performer. Attorney Zilavy said this would make the license available to every establishment in town, and would be contrary to the intent of the State Statute that this be a very limited exception.

Alderson Verveer asked if the definition used by Milwaukee is very tight. Attorney Zilavy said that definition is very, very tight.

Alderson Olson suggested that the initial definition apply to a limited number of establishments so the committee can make sure this is successful. Ms. Rearick said the committee would be very careful about approving the applications for this type of license. She said she is not aiming for a free-for-all.

Alderson Austin King told the committee that, from a policy perspective, underage students could go to a Center for Visual and Performing Arts rather than house parties. He said this would undermine the fake identification industry in Madison.

Mr. Kamp said he would like to see this apply to bigger venues initially. Captain Lengfeld said this is speculation on everyone's part and that he would recommend starting out small, working out the bugs, and then expanding. He said this could take a lot of police resources.

Alderson Verveer said this has been years in the making, so he would hate to delay it another month. Ms. Rearick said it really is not lucrative for establishments to bring in underage patrons because there is no economic incentive to market something other than alcohol.

Mr. Shapiro said the Tavern League endorses this ordinance. He said operators in the industry have everything to gain, and should be willing to bend over backwards to make this work because it is a special privilege.

Mr. Billups said this is long overdue. He said the university has been advocating for this since the beginning of the PACE project.

42. [00930](#) Amending Sections 9.13(6)(j)2. and 9.13(6)(j)3, to eliminate the requirement that restaurant wait staff must carry and serve all food, beverage and alcohol beverages to patrons within a sidewalk cafe, and to allow patrons of all types of sidewalk cafes to carry out their own food, beverage and alcohol beverages from the restaurant to the sidewalk cafe.

A motion was made by Rearick, seconded by Ald. Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE -- Appearance: Alderperson Austin King. Registered in Opposition: Dan Waisman. -- The motion passed by acclamation.

The following discussion took place regarding the above ordinance.

Captain Lengfeld said the Madison Police Department opposes this ordinance because of concerns about patrons leaving a premises and then talking to a friend on the sidewalk with an open intoxicant. An additional concern he mentioned is that more garbage would be blown off the tables if customers carry out their own food and staff does not maintain sidewalk cafes.

Mr. Shapiro said someone could go into a bar and purchase a pitcher of beer, then carry the pitcher out to underage individuals in the sidewalk cafe. He said patrons also could walk up the street with their beer.

Alderperson King told the committee that customers who carry food out to a sidewalk cafe do not get diverted, and that establishments are required to staff and monitor sidewalk cafes.

Ms. Rearick said she has been in a situation where it doesn't make sense to have an employee carry out your beverage, but that it does make sense to have a pitcher of beer monitored.

Report of ALERT (Alcohol License Establishment Response Team)

43. Meeting with Ho-Chunk Nation

Attorney Zilavy reported that the ALERT team had talked about the ability of the Madison Police Department to do walk-throughs at DeJope. She said there were issues with the presence of underage patrons on premise. The ALERT team had talked about security inside and outside the facility, but police concerns still remain. No agreement was reached on whether Madison's smoking ordinance would be followed.

Attorney Zilavy said the fact that the Ho-Chunk Nation is a sovereign nation does not end the issue there.

Report of the City Attorney

44. Density Policies in Other Communities

This item will appear on the May 18 agenda.

Report of the City Clerk's Office

45. Summary of Licenses Issued

The following summary was provided for the current license year:

Class A Beer (Liquor Store): 39 issued, 1 pending
Class A Beer (Grocery/Convenience): 71 issued, 2 pending
Class A Liquor: 51 issued, 1 pending
Class B Beer: 69 issued, 3 pending
Class B Combination Liquor & Beer: 331 issued, 9 pending
Class C Wine: 42 issued, 2 pending
Wholesale Beer: 5 issued
Adult Entertainment Tavern: 3 issued
Operator: 2,303 issued, 976 pending
Provisional Operator: 432 issued
Cabaret: 47 issued
Food & Drink (\$1 to \$10,000): 138 issued, 4 pending
Food & Drink (\$10,001 to \$100,000): 302 issued, 2 pending
Food & Drink (\$100,001 to \$250,000): 222 issued
Food & Drink (\$250,001 to \$1,000,000): 287 issued
Food & Drink (\$1,000,001 to \$5,000,000): 95 issued
Food & Drink (Greater than \$5,000,000): 18 issued
Sidewalk Cafe: 33 issued
Picnic Beer: 48 issued, 9 pending

*Madison has a quota of 389 Class B Combination Liquor & Beer licenses under state law. 63 of 64 Reserve licenses have been granted. 57 Grandfathered licenses and 1 Reserve license are currently available.

Discussion

46. Public Hearing on consideration of license applications

Given the lack of availability of Madison Municipal Building Room 260 in May, committee members agreed to wait until June before holding this Public Hearing.

47. Alcohol Policy Coordinator position

This position may be filled prior to the May 18 ALRC meeting.

Adjournment

A motion was made by Alderperson Olson, seconded by Alderperson Verveer, that the meeting adjourn at 9:15 p.m.