



City of Madison
Meeting Minutes - Final
ALCOHOL LICENSE REVIEW
COMMITTEE

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

Wednesday, December 20, 2006

5:30 PM

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

Roll Call

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

Excused: Sentmanat

Approval of Minutes

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

Public Comment

There was no public comment.

Change of Agent

1. Change of Agent
International Commons, Inc. • dba CUNA International Commons
5810 Mineral Point Road
Old Agent: Dennis Westendorf • New Agent: Anton Schlein
Class B Combination Liquor & Beer • 0.5% alcohol, 99.5% food
Aldermanic District 19 (Ald. Radomski) • Police Sector 111
A motion was made by Olson, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.

Change of Corporate Control

2. Change of Corporate Control - loss of one Officer/Stockholder
Cardinal Cafe & Bar, Inc. • dba Cardinal Cafe & Bar
418 E. Wilson Street • Agent: Corey Rogers
Class B Combination Liquor & Beer • 100% alcohol
Aldermanic District 6 (Ald. Olson) • Police Sector 406
A motion was made by Olson, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.

Change of Licensed Premise

3. Change of License Premise Application
D B, Inc. • dba Bowl-A-Vard Lanes
2121 East Springs Drive • Agent: Donald Bussan
Class B Combination Liquor & Beer • 25% alcohol, 15% food, 60% other
Aldermanic District 17 (Ald. Rosas) • Police Sector 517
Request to expand licensed premise to include front parking lot for Bike Nights on Thursdays May - August.
Appearance: Don Bussan (applicant).
A motion was made by Olson, seconded by McNamara, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.
4. Change of License Premise Application
Tony Frank's, LLC • dba Tony Frank's Tavern
1612 Seminole Highway • Agent: James Frank
Class B Combination Liquor & Beer • 50% alcohol, 50% food
Aldermanic District 10 (Ald. Golden) • Police Sector 103
Request to demolish existing restrooms and construct new restrooms.
Appearance: James Frank (applicant).
A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.
5. Change of License Premise Application
Wingra Services, LLC • dba Edgewood College
1000 Edgewood College Drive • Agent: Richard Keintz
Class B Combination Liquor & Beer • 16% alcohol, 84% food
Aldermanic District 10 (Ald. Golden) • Police Sector 302
Request to expand licensed premise to include three rooms in Edgewood High School.
Appearances: Richard Keintz (applicant), Judd Schemmel, Philip Hansen (applicant).
A motion was made by Verveer, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.

Nightclub License Application

6. Nightclub License Application
Provisions & Merchantile, LLC • dba The Old Fashioned • capacity 167
23 N. Pinckney Street • Agent: Tami Lax
Class B Combination Liquor & Beer • 30% alcohol, 70% food
Aldermanic District 4 (Ald. Verveer) • Police Sector 406
Appearance: Tami Lax (applicant).
- A motion was made by McNamara, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by acclamation.**

New License - Public Hearing

7. Public Hearing - New License
Saini, Inc. • dba Maharani Restaurant
707 N. High Point Road • Agent: Resham Singh • estimated capacity 115
Class B Combination Liquor & Beer • 5% alcohol, 85% food, 10% other
Aldermanic District 9 (Ald. Skidmore) • Police Sector 126
Appearance: Anwar Abbas (applicant).
- A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.**
8. Public Hearing - New License
Doaba Brothers, Inc. • dba Maharani Restaurant
380 W. Washington Avenue • Agent: Resham Singh • estimated capacity 270
Class B Combination Liquor & Beer • 5% alcohol, 85% food, 10% other
Aldermanic District 4 (Ald. Verveer) • Police Sector 405
Appearances: Anwar Abbas (applicant), Cliff Fisher. Registered in support: Robert Holloway.
- with the following conditions: 1) Establishment will close at midnight. 2) Food will be available at all times establishment is open.*
- A motion was made by Verveer, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) Establishment will close at midnight. 2) Food will be available at all times establishment is open. The motion passed by acclamation.**
9. Public Hearing - New License
Sundance Cinemas, LLC • dba Sundance Cinema
430 N. Midvale Boulevard • Agent: Peter Christianson • capacity unknown
Class B Combination Liquor & Beer • 12.5% alcohol, 27.9% food, 59.5% other
Aldermanic District 11 (Ald. Gruber) • Police Sector 108
Appearances: Peter Christianson (applicant), Alderperson Tim Gruber, Gietajo Northrop.

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

10. Public Hearing - New License
Froyland Miranda Ruiz • dba La Queretana • 1417 Northport Road
Class A Liquor
Aldermanic District 18 (Ald. Van Rooy) • Police Sector 505
Appearance: Froylan Miranda (applicant).
A motion was made by McNamara, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by the following vote:
Excused: Sentmanat
Aye: Olson, Verveer, McNamara, Wheaton and Rearick
Abstain: Hart
11. Public Hearing - New License
Taqueria Y Carnitas La Queretana LLC • dba Taqueria La Queretana
6644 Odana Road • Agent: Froyland Miranda Ruiz • estimated capacity 80
Class B Combination Liquor & Beer • 30% alcohol, 70% food
Aldermanic District 19 (Ald. Radomski) • Police Sector 113
Appearance: Froylan Miranda (applicant).
A motion was made by McNamara, seconded by Olson, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.
12. Public Hearing - New License
Arcides Portillo Cabrera • dba La Zacatecana • 4921 Commercial Avenue
Class A Beer
Aldermanic District 3 (Ald. Cnare) • Police Sector 609
Appearance: Arcides Cabrera (applicant).
with the following conditions: 1) No sale of 40 ounce bottles of fermented malt beverages. 2) No sale of single bottles or single cans of beer or fermented malt beverages. 3) Display of beer will be limited to one 15 square foot section of cooler.
A motion was made by Wheaton, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING with the following conditions: 1) No sale of 40 ounce bottles of fermented malt beverages. 2) No sale of single bottles or single cans of beer or fermented malt beverages. 3) Display of beer will be limited to one 15 square foot section of cooler. The motion passed by acclamation.
13. Public Hearing - New License
The Norton Company, Inc. • dba Cranberry Creek Cafe
1501 Lake Point Drive • Agent: James Norton • capacity 130
Class B Combination Liquor & Beer • 5% alcohol, 95% food
Aldermanic District 14 (Ald. Bruer) • Police Sector 313
Appearance: James Norton (applicant).
A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO GRANT - PUBLIC HEARING. The motion passed by acclamation.

14. Public Hearing - New License
El Cabrito, LLC • dba El Cabrito
811 S. Gammon Road • Agent: Carlos Solis • estimated capacity 20
Class B Beer, Class C Wine
Aldermanic District 1 (Ald. Sanborn) • Police Sector 114
Appearances: Carlos Solis (applicant), Kathy Bastien.

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

Operator's License Applications - Appearance Requested

15. Operator License Application
Christopher Johnson - Establishment where employed: None
Appearance: Christopher Johnson (applicant).

A motion was made by McNamara, seconded by Wheaton, to RECOMMEND TO COUNCIL TO GRANT - REPORT OF OFFICER. The motion passed by the following vote:
- Excused:** Sentmanat
- Aye:** Olson, Verveer, McNamara, Wheaton and Rearick
- No:** Hart
16. Operator License Application
Jeffrey Mast - Establishment where employed: Locker Room.
A motion was made by McNamara, seconded by Wheaton, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by acclamation.
17. Operator License Application
Reginald Hoskin - Establishment where employed: Wagner's Mobil.
A motion was made by Wheaton, seconded by McNamara, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by acclamation.
18. Operator License Application
Kyle Adler - Establishment where employed: Adler's Pub & Grill.
A motion was made by Hart, seconded by Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by acclamation.
19. Operator License Application
Ben Serum - Establishment where employed: Gaston's.

A motion was made by Wheaton, seconded by Olson, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by acclamation.

20. Operator License Application
Otha McGee - Establishment where employed: Open Pantry.

A motion was made by Wheaton, seconded by McNamara, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE January 17 meeting. The motion passed by acclamation.

21. Operator License Application
Jeremiah Otto - Establishment where employed: Red Robin.

Appearance: Jeremiah Otto (applicant).

A motion was made by Olson, seconded by Verveer, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by acclamation.

22. Operator License Application
Steve Blevins - Establishment where employed: Open Pantry.

A motion was made by Verveer, seconded by Wheaton, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE January 17 meeting. The motion passed by acclamation.

23. Operator License Application
Amy Sawyers - Establishment where employed: Barrique's Coffee Trader.

A motion was made by Olson, seconded by Wheaton, to RECOMMEND TO COUNCIL TO PLACE ON FILE WITHOUT PREJUDICE -REPORT OF OFFICER. The motion passed by the following vote:

Excused: Sentmanat

Aye: Olson, Verveer, McNamara, Wheaton and Rearick

Abstain: Hart

24. Operator License Application
Reginald Hoskin - Establishment where employed: Wagner's Mobil.

This matter was Place On File (this item was inadvertently listed on the agenda twice). The motion passed.

25. Operator License Application
Barrett Casto - Establishment where employed: Spot Liquor.

A motion was made by Verveer, seconded by Olson, to Refer to the ALCOHOL LICENSE REVIEW COMMITTEE January 17 meeting. The motion passed by acclamation.

Ordinance

26. SUBSTITUTE - Creating Sections 38.03(7) and 38.05(3)(l) and renumbering current Section 38.05(3)(l) to (m) of the Madison General Ordinances to create a provisional retail liquor license.

Mr. Plant told committee members that is important that they not let the fact that an applicant has a provisional license weigh in on their decision to grant or deny a license.

Ms. Rearick mentioned that provisional licenses may complicate things if a density plan is in place.

Mr. McNamara said banks may require a license for financing purposes.

Attorney Zilavy told the committee that license holders could obtain a provisional license if they failed to file a timely renewal application. Captain Lengfeld suggested that a standard be established to prohibit the use of provisional licenses to avoid the renewal process.

Attorney Zilavy said that the City of Milwaukee will not issue a provisional license until their license committee rules on an original application. By limiting circumstances like the City of Milwaukee, and applicant could get a provisional license the morning after an Alcohol License Review Committee meeting.

Attorney Zilavy will draft a substitute ordinance that would limit provisional licenses to applications that the ALRC has Recommended to Council to Grant, and to emergency circumstances for existing businesses.

as amended in the Substitute Ordinance.

A motion was made by Verveer, seconded by Wheaton, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER as amended. The motion passed by acclamation.

Report of the Subcommittee on Process

27. Report on meeting regarding procedures for operator's license applications and distinguishing restaurants from taverns.

Mr. Plant reported that Ms. Zilavy will draft an Ordinance for an improved operator license application process. He reminded committee members that the presumption is that an establishment is a tavern, not a restaurant.

Report of the Madison Police Department

28. Summary of Liquor License Violations
Captain Lengfeld distributed the attached report.

Report of the City Clerk's Office

29. Summary of Licenses Issued

The following summary was distributed for the current license year:

Class A Beer (Liquor Store): 58 issued
Class A Beer (Grocery): 62 issued
Class A Liquor: 58 issued
Class B Beer: 76 issued
Class B Liquor & Beer: 349 issued*
Class C Wine: 49 issued
Wholesale Beer: 5 issued
Visual & Performing Arts: 11 issued
Nightclub: 75 issued
Adult Entertainment Tavern: 4 issued
Operator: 3,102 issued
Provisional Operator: 531 issued
Food & Drink (\$1 to \$10,000): 132 issued
Food & Drink (\$10,001 to \$100,000): 266 issued
Food & Drink (\$100,001 to \$250,000): 255 issued
Food & Drink (\$250,001 to \$1,000,000): 287 issued
Food & Drink (\$1,000,001 to \$5,000,000): 107 issued
Food & Drink (Greater than \$5,000,000): 18 issued
Sidewalk Cafe: 49 issued

Madison has a quota of 399 Class B Combination Liquor & Beer licenses under state law. 56 of 74 Reserve licenses have been granted. 296 of 325 Grandfathered licenses have been granted. Taking into consideration the licenses recommended to Council to Grant at tonight's meeting, 47 Class B Combination licenses are currently available in the City of Madison.

Adjournment

A motion was made by Hart, seconded by Wheaton, to Adjourn at 7:10 p.m. The motion passed by acclamation.