

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: December 16, 2013

MEMORANDUM

TO: Alcohol License Review Committee

FROM: City Attorney Michael May and Assistant City Attorney Jennifer Zilavy

RE: Entertainment Licenses

Mark Woulf, Michael Donnelly, Michael May and Jennifer Zilavy met to discuss options for expanding the availability of visual and performing arts licenses to more venues. The OCA remains concerned about the legality of expanding the visual and performing arts licenses ("VPA") (18+) due to the statutory constraints, however, in the course of the meeting we came up with three potential categories for visual and performing arts licenses that we think could potentially be legally viable and are worthy of exploring further.

1. Bona fide visual and performing arts venue. This is an establishment whose primary business focus is live entertainment. Existing businesses that fall into this category are: The Comedy Club, The Majestic, Segredos, The Frequency and High Noon Saloon. There is no question that these establishments are VPAs consistent with the statute.

2. A bona fide restaurant that occasionally has live entertainment and/or uses space for banquets and/or wedding celebrations. Restaurants are allowed to have all ages on their premise for dining purposes. Those restaurants that would be interested in the occasional 18+ live entertainment events would need a VPA license that would require specific conditions and regulations for such events. Existing businesses are: The Weary Traveler, Porto Bella, AJ Bombers and Otto's.

3. Bars. A bar's primary business focus is serving alcohol. A handful of bars currently have 18+ licenses and have live entertainment on some nights. Existing businesses are: The Cardinal, Plan B, Johnny O's and Murphy's Tavern, Soto, Red Zone, Sprecher's Pub and the Bayou. The proposal is to grandfather the VPA of existing bars for the life of their business. This category of establishments presents the most difficulty in crafting a VPA without running afoul of the statute. We talked about the possibility of have temporary licenses available for such events and possibly expanding the number of temporary licenses that would be available on an annual basis.

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We seek input from the ALRC before proceeding to draft ordinances changes to follow this model.

Copy: Mark Woulf
Captain Carl Gloede