



## MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: Legislative & Licensing Committee  
Date and Time: Tuesday, February 4, 2020 @ 7:15 pm  
Location: Main Conference Room at City Hall, 2000 N Calhoun Road, Brookfield

Members Present: Alderman Gary Mahkorn\*, Alderman Brad Blumer, Alderman Bill Carnell, Alderman Buck Jurken, Alderman Jeff McCarthy (\*denotes Chairman)  
Members Excused: None  
Others Present: Attorney Jenna Merten, City Clerk Kelly Michaels, Alderman Mark Nelson, Alderman Scott Berg, Alderman Christopher Blackburn

### 1. Roll Call

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee meeting to order at 7:15 pm.

### 2. Announcements

The Next Regularly Scheduled meeting will be held on February 18, 2020 at 6:30 pm.

### 3. Minutes of the January 21, 2020 meeting

**Motion by Alderman Carnell, second by Alderman McCarthy to approve the minutes of the January 21, 2020 meeting. Motion carried 5-0.**

### 4. Unfinished Business

- a. Ordinance creating Chapter 10.28 of the Brookfield Municipal Code regarding regulation of Electric Scooters.

Attorney Merten reported she had drafted an ordinance based on the discussions and directives from the November 5<sup>th</sup> meeting. Blumer noted he would be voting 'no' as he did at the prior meeting, as he feels someday the city will regret approving this ordinance. He acknowledged there are problems and stated he didn't have a solution, however he felt there was a place in our community for these scooters. Alderman Mahkorn supported the ordinance and believed scooters were more problematic than beneficial.

**Motion by Alderman Jurken, second by Alderman McCarthy to approve an ordinance creating Chapter 10.28 of the Brookfield Municipal Code regarding regulation of Electric Scooters. Motion carried 4-1, with Alderman Blumer casting the dissenting vote.**

### 5. New Business

- a. Legislative Referral: Changing definition of "Smoking" to include use of E-Cigarettes and other Vaping Devices. (Alderman Blumer)

Clerk Michaels read Alderman's Blumer's email which noted the change he was requesting: *'Section 110: This is especially lacking due to its explicitly narrow definition of smoking, such that it seems that use of e-cigarettes would be allowed on school grounds by any adults (students or otherwise), provided it doesn't contain tobacco.'*

Section 120: Citizens have an expectation that any enclosed space defined by state statute where smoking is banned would also include a ban on e-cigarettes. The as-of-yet undetermined side effects of secondhand vapor should be of concern, especially as the vapor may contain an unknown combination of chemicals or drugs that are even more variable than tobacco smoke ever was. Several other municipalities have recently added such language. I think similar simple language inserted as a new section and/or alterations to the current sections would be perfectly adequate.

**Franklin's definition:**

**ELECTRONIC SMOKING DEVICE**

Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The Term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

**SMOKING**

Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which created an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.

A link to Cudahy's ordinance was also noted.

Alderman Mahkorn suggested postponing the item to the February 18, 2020 Legislative and Licensing Committee in order to obtain further information. Attorney Merten indicated she was familiar with the issue as she wrote a similar ordinance for West Allis and would take a look at the wording to offer advice at the next meeting.

**Motion by Alderman Blumer, second by Alderman McCarthy to postpone the matter to the February 18, 2020 Legislative & Licensing Committee with instruction to staff to draft an ordinance with definition of vaping. Motion carried 5-0.**

- b. Resolution regarding applicants for Original Bartender/Operators Licenses.

Dimitropoulos, George A.

Kowalski, Billy J.

Pfaffenbach, Peter D.

Frank, Timothy J.

Larson, Sarah M.

Spidell, Therese F.

Jankowski, Alexis R.

Morgan, Sarah W.

Stribbling, Heavenly M.

**Motion by Alderman Jurken, second by Alderman McCarthy to approve applicants for Original Bartender/Operators licenses as named above. Motion carried 5-0.**

Items 5c, 5d and 5e were taken together.

- c. Resolution regarding an applicant for an Original Class B Beer and Liquor License (new owner) – Brookfield Ventures LLC, dba: Ground Round, 1005 S. Moorland Road, Agent: Angela M. Cleland.
- d. Resolution regarding a Temporary Class B Beer License.

St. Dominic Catholic Parish  
18255 W. Capitol Drive  
Fish Fry's  
March 6, 2020  
March 27, 2020

May 15, 2020  
4:00 p.m. to 8:00 p.m.  
Beer sold/served in PAAC  
Bartender: Michael Ricci

- e. Resolution regarding a change of agent for a Class A Beer and Liquor License.

Ultra Mart Foods LLC; dba: Pick N Save  
17295 W. Capitol Drive; Agent: Anthony MC Montini

**Motion by Alderman McCarthy, second by Alderman Jurken to approve an Original Class B Beer and Liquor License, Temporary Class B Beer Licenses, and a change of agent for Class A Beer and Liquor License for the above applicants, respectively. Motion carried 5-0.**

6. Adjournment

**Motion by Alderman Carnell, second by Alderman Blumer to adjourn the meeting. Motion carried 5-0.  
Meeting adjourned at 7:25pm.**

Respectfully Submitted:  
Kelly Michaels, City Clerk