



MINUTES OF AN OFFICIAL MEETING

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, February 16, 2021 at 6:00 pm

Location: Council Chambers, City Hall, 2000 N. Calhoun Road, Brookfield WI 53005

Members Present: Alderman Gary Mahkorn (Chair), Alderman Brad Blumer, Alderman Bill Carnell, Alderman Jenna Meza, Alderman Mark Nelson

Members Excused: None

Others Present: City Attorney Jenna Merten, Administration & Licensing Clerk Mary Schulz, Louise Davenport-Applicant

1) ROLL CALL

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee to order at 6:04 p.m.

2) ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, March 2, 2021.

3) MINUTES

Motion by Alderman Carnell, seconded by Alderman Meza, to approve the minutes of the February 2, 2021, Legislative & Licensing Committee meeting. Motion carried 5-0.

4) NEW BUSINESS

a. [Resolution regarding an applicant for an Original Bartender/Operator License with violations.](#)
Davenport, Louise E.

Louise Davenport appeared before the committee and introductions were made.

Alderman Mahkorn noted most of Ms. Davenport's violations were traffic related, however, she had a violation for possession of a controlled substance and paraphernalia. Ms. Davenport explained she was 18 and stupid. She was hanging out with the wrong people and was pulled over. Her car was searched and the police found a pipe in her car. It was a stupid mistake which was three years ago. She is a different person now.

Alderman Mahkorn noted that her excessive speeding is problematic and she never followed through on those. Ms. Davenport said when her license was suspended, she was pulled over, did not have her insurance card on her, and received a \$10 ticket, which she forgot to pay, and therefore, her license was suspended. It became a chain reaction as she kept forgetting to pay things that she could have easily taken care of. Alderman Mahkorn noted that if that had been an isolated incident, it would not be a concern; however, there are quite a few Operating While Suspended violations. Ms. Davenport replied she gets scatterbrained and did not realize her license was

suspended when she was pulled over to a gas station parking lot. She had to wait for her mother to pick her up. She received her license a short time later.

Alderman Carnell gave Ms. Davenport a copy of the memo noting her violations to review. He stressed it shows violation after violation, many pertaining to no proof of insurance. Ms. Davenport stated she was unsure of the violations before 2019. She remembered the December 2019 'failure to pay forfeiture' violation. Her court date regarding a speeding ticket was on Zoom. There was a glitch and she was logged out of the meeting. She made a new court date; therefore, she did not pay the forfeiture.

Alderman Mahkorn pointed out that there are so many violations that it is hard to keep them straight. The committee is responsible to make sure applicants make good judgement when serving alcohol. Bartenders need to be responsible. An applicant can use the license anywhere in the city. He was bothered by violation after violation which Ms. Davenport could explain only a few. He was concerned with the repetitiveness of the violations, especially the 'Operating without a License' and 'No Proof of Insurance' violations. She should not be driving without a driver's license or insurance. He stated is a good thing that she had no OWI violations.

Alderman Nelson stated no one is perfect. He feels the applicant has a problem with speeding and following rules and hopes Ms. Davenport's judgement gets better. The committee looks at past violations to see possible future violations and what may come. He is inclined to favor granting a license, as there are no violations regarding alcohol. Alderman Blumer agreed with Alderman Nelson stating the committee has granted licenses for applicants with violations but it is a balance between the severity of the violations and how recent they were along with the quantity of violations. With the pattern of violations and how recent they are, he would not be in support of a license at this time.

Alderman Meza asked Ms. Davenport to clarify the 2020 violations. Ms. Davenport stated she had broken up with her boyfriend and was very emotional while driving to work and not paying attention. She stated she normally does not drive that way. She feels she has good judgement. She brought a letter from her manager, which was distributed, to the committee members. She gave the committee a school class schedule to review.

Alderman Meza agrees with Alderman Nelson stating, as Ms. Davenport's violations are not alcohol related rather due to a lack of attention to details. What time on New Year's Day were you pulled over? Ms. Davenport said she did not remember, it could have been a headlight issue, but it definitely was not due to alcohol. She did work New Year's Day, so she assumed it was on her way to work or coming home.

Alderman Nelson pointed out that Ms. Davenport was not pulled over due to drinking. Ms. Davenport noted if she was pulled over by an officer they would have seen how many times she had been pulled over before then, they would not have let her go if they suspected she had been drinking. Alderman Carnell appreciated the letter from Outback Steakhouse and that she was going to school. It shows a level of maturity. He stated he would not recommend a license if there was not the letter from her manager. He sees two different types of behavior. He feels he would support a license at this time.

Alderman Blumer agreed with Alderman Carnell indicating it is nice to see the manager putting their name on the line for you. He is willing to give her the benefit of the doubt. Alderman Mahkorn stated this is an unusual circumstance. He feels he cannot support a license at this time due to the totality of the circumstances, the violations showing disregard for the law, non-disclosure of the drug violation on application and pattern of behavior. He appreciates the letter from the manager. Alderman Carnell stated this is a difficult decision. He recanted his position, stating he could not support a license.

Motion by Alderman Nelson, seconded by Alderman Meza, to approve an Original Bartender/Operator License for the above applicant. Motion carried 3-2, with Alderman Mahkorn and Alderman Carnell voting no.

b. Resolution regarding an applicant for an Original Bartender/Operator License.

Maltezos, Konstantinos F.

Motion by Alderman Carnell, seconded by Alderman Blumer, to approve an Original Bartender/Operator's License for the above applicant. Motion carried 5-0.

c. Ordinance Repealing and Recreating Section 2.12.160 regarding Legislative Referrals and Requests for Services.

Motion by Alderman Blumer, seconded by Alderman Nelson, to approve an Ordinance to repeal and recreate Section 2.12.160 regarding Legislative Referrals and Requests for Services. Motion carried 5-0.

d. Consideration of proposed Black History Month resolution.

Mayor Ponto handed out his proclamation to committee members, staff and audience to review.

Mayor Ponto commended the five high school students for their hard work on the resolution. On February 3, 2021, President Biden signed a proclamation designating the month of February as 'National Black History Month'. He believes it is appropriate and important to recognize and celebrate the wide range of achievements by black Americans. The City of Brookfield should proclaim the month of February as 'Black History Month'. However, he feels all city proclamations that have been adopted while he is Mayor have been very positive. He noted that part of the resolution drafted by the students has negative comments. Consequently, he had prepared an alternative resolution which he believes is completely positive in tone, proclaims the month of February as 'Black History Month' in the City of Brookfield and thanks the students for their efforts in this matter. He urged the committee to review his proposed resolution to see that it meets the three criteria he has mentioned: positive in tone, proclaims February as 'Black History Month' and thanking each student by name for their hard work. He urges the committee to adopt the resolution that he has prepared.

Alderman Carnell agreed with the Mayor's proclamation stating in keeping with past proclamations it is positive, not negative, and states what we want to say about 'Black History Month'. He would not have supported the resolution prepared by the students.

Alderman Blumer noted he would support either resolution, however, he prefers the original. He understands the differences in tone. When reading the original resolution, one could take it personally, but he has not. He sees it as a statement of known facts, which have occurred in our country for generations. It points out important issues.

Alderman Nelson said he appreciated the Mayor's proclamation. It captures what a proclamation ought to be, it is consistent with proclamations at the Federal level and positive in tone. He commended the five students who worked on the original resolution. He had received supportive emails from constituents that the city is considering a proclamation. He feels the city should adopt the Mayor's proclamation.

Alderman Meza agreed with Alderman Blumer's comments on the original resolution but would support either resolution. She liked the tone of the Mayor's proclamation as 'Black History Month' is supposed to celebrate black individuals and black history and how it mixes with American history and it should be celebratory. We do see the effects of racism through 'Black History Month'. Do we want 'Black History Month' to be celebratory and have a positive tone or do we want to be a recognition of whom we are and how we got here.

Alderman Mahkorn noted we all want to be polite, positive and to be understood. We want to be a welcoming community. In general, when looking at the original proclamation, one could say the tone is harsh and accusatory.

He stated it was nice to see two students; Jana Gharia and Cynthia Lu are in the audience who contributed to the original resolution. All five students did a great job on the resolution. He stated he is thrilled to see 'Black History Month' come in February every year. Anytime we embrace unsung heroes, we should celebrate that. Clearly, this resolution and 'Black History Month' underscored that. Even though the student's resolution has some of the Mayor's comments, the Mayor's resolution is more positive. He stressed that it is a delicate balance in the community where local government wears a non-partisan 'hat'.

Alderman Mahkorn indicated that he researched other resolutions and most were positive. The Town of Amherst, Massachusetts had the most negative resolution put it turned positive. They were shamed for having slavery from 1638 through 1783, and then they were honored for abolishing slavery in 1783. He quoted Hal Jackson, an African American Judge, who stated 'Kill them with Kindness', as the motivation for a message that is uplifting and positive.

Alderman Blumer said that he had no disrespect for the Mayor or other Alderman, but where the Mayor's proclamation is positive, it does not list details to inequality in the Milwaukee region. Alderman Carnell stated he could not support the original resolution. He does not agree with the fifth paragraph, which states "*WHEREAS, Wisconsin is one of the worst states in the country for racial equality, and is considered to be one of the most segregated states in America. We acknowledge the damage caused by the historical use of redlining, restricted access to FHA loans, cultural barriers, and other financial or governmental regulations by suburban municipalities which resulted in the under representation of Black families in these communities*". He added that he was a member of the Elmbrook School board and voted for the 220 program. He has been a member of the Common Council for 15 years and feels the original resolution is against the council members and the City of Brookfield. The city is supportive of the Cultural Center and Mosque located in the city.

Alderman Mahkorn noted the committee wants to be fair. Labels are thrown around unfairly. He stated he has thought about this a lot. He grew up in Milwaukee and has participated in various programs to get a better understanding of what minorities go through. He wants us all to come together. The motives of the Legislative & Licensing committee are 'pure'. The tone of the resolution is important. He does not want the resolution to be seen as negative. The City of Brookfield is a welcoming community.

**Motion by Alderman Carnell, seconded by Alderman Nelson to approve the proclamation by Mayor Ponto.
Motion carried 5-0.**

5. ADJOURNMENT

**Motion by Alderman Nelson, second by Alderman Meza to adjourn the meeting. Motion carried 5-0.
Meeting adjourned at 7:10 p.m.**

RESPECTFULLY SUBMITTED:
MARY SCHULZ, CAP
CITY CLERK'S OFFICE, ADMINISTRATION & LICENSING CLERK