



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: Legislative & Licensing Committee
Date and Time: Tuesday, February 18, 2020 @ 6:30 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, Administration & Licensing Clerk Mary Schulz

1. Roll Call

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee meeting to order at 6:30 pm.

2. Announcements

The Next Regularly Scheduled meeting will be held on March 3, 2020 at 7:15 pm.

3. Minutes of the February 4, 2020 meeting

Motion by Alderman McCarthy, second by Alderman Jurken to approve the minutes of the February 4, 2020 meeting. Motion carried 5-0.

4. Unfinished Business

- a. Ordinance repealing Section 9.08.110 and repealing and recreating Section 9.08.120 of the Brookfield Municipal Code regarding Smoking.

Attorney Merten indicated the Ordinance has been updated to include electronic smoking devices to the definition of smoking, the school district ordinance was amended to mirror our ordinance, the correct penalty was added to the ordinance and the outside area for smoking is now in conformance with State law.

The members were glad the ordinance has been updated.

Motion by Alderman Blumer, second by Alderman McCarthy to approve an ordinance repealing Section 9.08.110 and repealing and recreating Section 9.08.120 of the Brookfield Municipal Code regarding Smoking. Motion carried 5-0.

5. New Business

- a. Legislative Referral: Amending Chapter 15.16 of the Sign Code to permit sub lessees the ability to apply for signage. (Alderman Blumer)

Alderman Blumer stated a resident, who is a customer of Tri City Bank, came to him with a concern about Tri City Bank, which operates a branch inside of the Pick N Save on Greenfield Avenue. After speaking with him, the branch manager of Tri City and city staff, it became clear that our current sign code does not permit a business such as this to apply for and be granted signage as they could get in other communities. He feels this is

detrimental to businesses of this kind and affects their ability to serve their customer base. Therefore, he felt he needed to make a legislative referral.

Attorney Merten stated that Chapter 15 is reviewed by the Legislative and Licensing Committee. Alderman Mahkorn asked if the ordinance would then go to the Plan Commission for drafting. Attorney Merten noted this item could go to the Plan Commission, but it is not required by code. She has been working on a sign code update. Alderman Mahkorn asked Attorney Merten if she sees any problems with this. She stated 'no'.

Alderman Carnell asked how many other requests for signage the City receives for businesses that are sub leasing. Alderman Blumer noted that Larry Goudy, Zoning and Building Administrator had mentioned this, as there is another company that has requested similar signage. Therefore, Alderman Blumer was unsure on how to proceed with this issue. Alderman Carnell questioned how many buildings have sub lessees.

Alderman Mahkorn said the code currently limits the amount of signage on the outside of the building. If every business in a building wanted a sign, it would contradict the sign code. He wondered if there is some agreement that this issue should go further. If so, we should start by laying some parameters. He feels the Plan Commission should weigh in on this.

Alderman Carnell questioned what harm has been done to this business by not having any signage on the building. Alderman Blumer stated he was unsure of any harm to Tri City Bank at this location. The customer, who contacted him, was concerned that it was harmful to the business and the business may close. This is the only location in their network that does not have exterior signage. Alderman Carnell felt that an exterior sign does not necessarily draw people into a business.

Alderman Mahkorn stressed that we have to be careful to not open the floodgates, as all businesses will want exterior signage. Alderman Blumer felt staff should investigate this further. Tri City has been in contact with Alderman Blumer on updates. Alderman Carnell noted the building on the Northwest corner of Calhoun Road and North Avenue has many tenants and wondered how do we allow or differentiate these tenants. Attorney Merten said we have to be careful not to regulate 'content' on the sign.

Alderman McCarthy asked if we could draft verbiage to say it has to be a retail establishment vs. office space and sublease must have a certain amount of square footage to qualify for signage. Attorney Merten said the new sign code draft have provisions for square footage.

Alderman Blumer stated that other communities do allow signage for sub lessees. He is unsure if they have any problems with this. Alderman Jurken agrees with Alderman Blumer stating these needs to be looked into, but stated that we need to also look at the size of the signage, is there any lighting, etc.

Alderman Mahkorn said work needs to be done on the sign code. Requests for signage need to meet several tests. Alderman McCarthy stated that it would be hard for Tri City to come forward and say "we are losing business because we do not have exterior signage". How do they prove this? Most of their customers are going in to Pick N Save to shop and the convenience of having the bank inside. The benefit of the sign would be for Tri City customers that normally go to a different branch of the bank and happen to be in the area and using this Tri City bank. The sign is pointing out a convenience to a customer. Grocery stores with banks have a different customer base. Alderman McCarthy added that if Tri City was his company and was not allowed any signage, he would not have his bank in this location.

Alderman Carnell stressed that investigating this issue would greatly increase staff time. Alderman Mahkorn added the sign code is 'stiff' for all the right reasons. Alderman Blumer noted that some grocery stores have additional signage for their pharmacy, drive-thru, etc. Alderman Mahkorn noted that these businesses fall within the parameters of the sign code. Attorney Merten added that the new sign code has no restrictions for subleases and the Master Sign Program would limit the sign size and allow 5 sign faces. Alderman Jurken stated his concern that many sub lessees would want signs. Alderman Carnell said the city has been strict in allowing signage. Alderman McCarthy stated we need to get a count of businesses like this and we need a sense of the

whole picture. Alderman Mahkorn stressed this would take a lot of time and not an easy solution. Staff needs to be involved. The city attorneys are already working on the sign code.

Alderman Jurken asked if Tri City came to Alderman Blumer or the city and asked for signage. Alderman Blumer said 'no', not that he was aware of. Alderman Jurken indicated that if Tri City Bank did not ask for signage, then it is not very important to them. Attorney Merten noted that Pick N Save could apply on behalf of Tri City Bank. Alderman Mahkorn noted that if this issue was removed from the sign code, Tri City could apply for signage. Alderman Blumer added that we could inform Tri City Bank on what is allowed per code and they can apply for signage if they wish to do so.

Motion by Alderman Blumer, second by Alderman Jurken to postpone amending Chapter 15.16 of the Sign Code to permit sub lessees the ability to apply for signage to the Legislative & Licensing Committee meeting of March 17, 2020. Motion carried 5-0.

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

Firkus, Rebecca A.
Garcia, Sandra

Hargett, Christopher P.
Quinn, Craig S.

Ross, Caitlin A.

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

Items 5c and 5d were taken together.

- c. Resolution regarding an applicant for a Temporary Bartender/Operator License.

Poad, Nikki M.

- d. Resolution regarding a Temporary Class B Beer & Wine License.

Immanuel Lutheran Church
13445 Hampton Road
Annual Auction
Friday, March 7, 2020
5:00 p.m. to 11:00 p.m.
Beer/Wine sold/served in gymnasium
Bartender: Nikki Poad

Motion by Alderman McCarthy, second by Alderman Jurken to approve applicants for a Temporary Bartender/Operator License and a Temporary Class B Beer & Wine License, respectively. Motion carried 5-0.

6. Adjournment

Motion by Alderman McCarthy, second by Alderman Blumer to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 6:56 pm.

Respectfully Submitted:
Mary Schulz, Administration & Licensing Clerk