



MINUTES OF AN OFFICIAL MEETING:

Regular / Special Meeting: Legislative & Licensing Committee
Date and Time: Tuesday, March 17, 2020 @ 7:00 pm
Location: Main Conference Room at City Hall, 2000 N Calhoun Road, Brookfield

Members Present: Alderman Brad Blumer, Alderman Buck Jurken, Alderman Jeff McCarthy* (*Designates Chair)
Members Excused: Alderman Bill Carnell, Alderman Gary Mahkorn
Others Present: Attorney Jenna Merten, City Clerk Kelly Michaels, Jeremy Calhoun

1. Roll Call

Alderman McCarthy noted a quorum present and called the Legislative & Licensing Committee meeting to order at 7:00 pm.

2. Announcements

The next regularly scheduled meeting is April 7, 2020 at 7:15 pm.

3. Minutes of the March 3, 2020 meeting

Motion by Alderman Jurken, second by Alderman Blumer to approve the minutes of the March 3, 2020 meeting. Motion carried 3-0.

4. Unfinished Business

a) Legislative Referral: Revisions to Sign Code Chapter 15.16.

Attorney Merten noted the revisions to the Sign Code were to comply with *Reed vs. Town of Gilbert*, which is a Supreme Court case. Basically, it said that we could not regulate the content on signs. We cannot differentiate between commercial signs, church signs, etc. We can regulate the size of the sign or how long a sign is present. Currently, the Plan Commission reviews all submitted signs. This would set up standards that staff would review the signs. If the sign requests would deviated from standards, then it would go to the Plan Commission. If staff were allowed to review signs, it would free up the Plan Commission and Plan Review Board. Attorney Merten added that subleases or tenants would be allowed signage. Regarding I-94 signage, this revision would allow more visibility for signs along I-94.

Alderman McCarthy asked if the sign content could be regulated in any way. Possibly for signs that would be deemed unacceptable for public display. Attorney Merten said it would depend on the content of the sign. It would be considered on a sign-by-sign basis. Alderman McCarthy asked if this revision would have any effect on electronic signs, which are static with messages changing every 5 minutes. Attorney Merten replied 'yes, it would'. Generally, commercial signs can be regulated more as commercial 'speech' is different from 'non-commercial speech'. However, electronic message boards can have changeable copy, temperature, time, pricing in a freestanding sign, etc. Attorney Merten noted the Supreme Court case had to do with a temporary sign for a church gathering.

Alderman McCarthy asked Attorney Merten if this item is a pressing matter or could it be postponed until a full committee is present for review. Attorney Merten stated it is not a pressing matter. The city has not been enforcing the sign code on sign content.

Motion by Alderman Jurken, second by Alderman Blumer to postpone the legislative referral regarding revisions to Sign Code Chapter 15.16. Motion carried 3-0.

5. New Business

a) Resolution regarding an applicant for an Original Bartender/Operator License with a record – *Jeremy M. Calhoun.*

Applicant Jeremy Calhoun, appeared before the committee and introductions were made. Alderman McCarthy explained the responsibilities of the committee regarding the granting of Bartender/Operator licenses. He asked Mr. Calhoun to explain the circumstances surrounding his record.

Mr. Calhoun stated that May 27, 2018 was a Sunday of Memorial Day weekend. His uncle owned a cabin on Lake Waubesa in Dane County. He was visiting with family and went out on a boat with his cousins. They parked the boat near a sand bar. Many of his cousins were in their late twenties, he was about forty and noted this is not a situation he would normally be in. He explained he hung out for a little while and it wasn't his scene but his cousins planned to stay for a while so he took a jet ski to go back to the cabin. About 100 feet away from the sand bar there is bridge that goes over the water and as he was going under the bridge a Dane County Sheriff's boat was coming from the opposite direction. They noticed that the jet ski he was on did not have current registration, which was sitting on his uncles table in the cabin. He was not aware of this and was pulled over. The officer could smell alcohol on his breath as he had consumed some beers. At this point, he was taken to shore and given a field sobriety test and informed he was being arrested for Operating a Motor Vehicle While Intoxicated.

Mr. Calhoun noted that he made a dumb mistake. He felt he did not belong with his cousins and wanted to go back to the cabin where his wife and son were so he could spend time with the rest of his family. He has never done something like this before and will not do it again. It was a bad situation where he made the wrong choice. He noted he paid for his ticket and took a boater safety class. Since that time, he has not had any issues. He stated the committee takes this issue seriously, as does he. He explained he has been working for Total Wine for 4 years, at multiple locations. He stated Total Wine wants to be a good partner with the community.

Alderman McCarthy asked Mr. Calhoun what position he holds at Total Wine. Mr. Calhoun stated he is an Assistant Manager. He originally worked at Total Wine in Arizona and is originally from northern Illinois. When Total Wine came to Wisconsin, he moved here to be closer to family.

Alderman McCarthy asked if Mr. Calhoun brought any supporting documents for committee review. Mr. Calhoun stated he brought copies of the DNR citations he received. All were dismissed, except the citation for Operating While Under the Influence - Boating. He explained that he wanted to have a character witness come to the meeting, but with the Covid-19 issue, he could not find anyone willing to attend. Alderman Jurken asked Mr. Calhoun what is Blood Alcohol Content was. Mr. Calhoun replied it was .16. He added that he had quite a few beers and made a bad decision.

Alderman Blumer appreciated Mr. Calhoun's testimony, which was one of the most thorough testimonials the committee has had in recent history. He noted he supported a license for Mr. Calhoun. Alderman McCarthy agreed with Alderman Blumer, adding that a person's livelihood is normally not taken into consideration. They listen to it, but do not weigh it in the decision. However, Mr. Calhoun's understanding of Total Wine's role in the community, his commitment in upholding their standards and his admission of circumstances surrounding his violation, all goes very well for him.

Motion by Alderman Jurken, second by Alderman Blumer to approve an Original Bartender/Operator License for Jeremy M. Calhoun. Motion carried 3-0.

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

Bieri, Anthony E.
Damijan, Nichole L.
Gebhard, Linda M.
Honeyager, Carol A.
Heyer, Alexandria E.
Knier, Ashlee N.
McCuen, Kasey R.

Niebuhr, Michael S.
Osness, Amber L.
Peterson, Maritta C.
Schlueter, Gretchen M.
Smith, Emily M.
Sowieja, Ali N.
Vohs, Courtney R.

Motion by Alderman Jurken, second by Alderman Blumer to approve Original Bartender/Operator Licenses for the above named applicants. Motion carried 3-0.

c) Resolution regarding an applicant for an Original Class B Beer License – North Central Management, Inc., d/b/a: Brookfield Conference Center, 325 S. Moorland Road, Agent: Carl J. Allen.

Motion by Alderman Blumer, second by Alderman Jurken to approve an Original Class B Beer License for North Central Management, Inc., d/b/a: Brookfield Conference Center at 325 S. Moorland Road, Agent: Carl J. Allen. Motion carried 3-0.

d) Resolution regarding an applicant for an Original Class B Beer & Liquor License – Elite Brookfield LLC, d/b/a: Elite Sports Club Brookfield, 13825 W. Burleigh Road, Agent: Anthony E. Bieri (new owner).

Motion by Alderman Blumer, second by Alderman Jurken to approve an Original Class B Beer & Liquor License for Elite Brookfield LLC, d/b/a: Elite Sports Club Brookfield at 13825 W. Burleigh Road, Agent: Anthony E. Bieri. Motion carried 3-0.

e) Resolution regarding an applicant for an Original Class B Beer & Liquor License – Luma LLC, d/b/a: Lou Malnati's at 15795 W. Bluemound Road, Agent: Amit M. Klass.

Motion by Alderman Jurken, second by Alderman Blumer to approve an Original Class B Beer & Liquor License for Luma LLC, d/b/a: Lou Malnati's at 15795 W. Bluemound Road, Agent: Amit M. Klass. Motion carried 3-0.

6. Adjournment

Motion by Alderman Blumer, second by Alderman Jurken to adjourn the meeting. Motion carried 3-0. Meeting adjourned at 7:30 pm.

Respectfully Submitted:

Kelly Michaels, MMC, WCPC
City Clerk