



## MINUTES OF AN OFFICIAL MEETING:

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, June 2, 2020 at 6:30 pm

Location: City Hall, 2000 N. Calhoun Road – Council Chambers

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

Members Excused: None

Others Present: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Alderman Christopher Blackburn, Alderman Dan Sutton

### 1. ROLL CALL

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

### 2. ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, June 16, 2020 at 6:30 pm.

### 3. MINUTES

**A. Motion by Alderman Carnell, seconded by Alderman Blumer, to approve the minutes of the May 19, 2020 Legislative & Licensing Committee meeting. Motion carried Ayes 5, No's 0.**

**B. Motion by Alderman Carnell, seconded by Alderman Owen, to approve the minutes of the May 26, 2020, Special Legislative & Licensing Committee meeting. Motion carried Ayes 5, No's 0.**

### 4. UNFINISHED BUSINESS

**a.** Intentionally left blank.

### 5. NEW BUSINESS

**A.** Legislative Referral – Consideration of an Ordinance to Ban Wildlife Feeding to bolster the City's public nuisance ordinance, and to prohibit human health hazards. (Ald. Sutton and Ald. Carnell).

Alderman Sutton stated several residents have concerns with feeding the Canadian geese. It draws flocks of geese. The geese leaves behind their feces on sidewalks, driveways, lawns, etc.

The end result is effecting the quality of life for his constituents. He would like the committee to prevent or discourage the feeding of geese. Residents can't enjoy their lawns.

Alderman Carnell clarified he is looking for an ordinance banning feeding on private property. The geese are affecting the neighbors who are not feeding the geese. It was stated that public basketball courts are very filthy as well. It is very unsanitary.

City Attorney Merten asked is the committee interested in banning feeding to deer and turkey, too? The ordinance will be enforced by the Police Department or Building Inspection and there will be a penalty involved. Attorney Merten stated the Ordinance will have a human health hazard methodology to it.

Alderman Blumer stated he would be open to banning wildlife feeding all together. He has seen coyotes come around because of feeding to other wildlife. There was a question by Alderman Nelson regarding private and public property enforcement, and if we are in good footing, public enforcement may be applied as well, such as in parks and around parks.

Alderman Mahkorn stated he doesn't support a broad prohibition against all wildlife feeding. However, nobody is saying take the bird feeder down.

Alderman Owen stated he tends to not like putting laws on the books. Maybe this needs more evidence. Alderman Sutton stated there is more than one person complaining. Now-a-days, people have easy access to video recording on their phones.

Alderman Nelson stated there is a consensus to move forward, and the City Attorney is directed to draft an ordinance to discuss again at a future Legislative & Licensing Committee. The focus should be on feeding Canadian Geese, but also felt there should be options on feeding other wildlife. Two different versions of ordinance perhaps. There was also a directive to the City Attorney to survey other municipalities with how they enforce the feeding of geese or other wildlife.

## 5. NEW BUSINESS (continued)

*b. Postponed Resolution regarding an applicant for an Original Bartender/Operator's License with a Record – Mott C. Abrams.*

Mr. Mott Abrams did not appear for the second time. The Committee agreed that because of the numerous infractions that happened in 2016, 2017, and 2018, the applicant would be a poor candidate for a license as he disregarded the law. Alderman Mahkorn stated he also untruthfully answered "no" to convictions on his application.

***Motion by Alderman Carnell, seconded by Alderman Owen, to deny the original bartender/operator license for Mott C. Abrams. Motion carried 5-0.***

*c. Resolution regarding an applicant for a Renewal Alcohol License – Reserve Class B Beer and Liquor license – with a New Agent with a record – Carrabba's Italian Grill LLC; d/b/a Carrabba's Italian Grill, 18375 W. Bluemound Rd.; Agent- Austin G. Duy.*

Alderman Carnell asked for clarification on what an agent does. City Attorney Merten replied the agent is legally responsible for the control of the business and alcohol.

Austin Duy appeared before the committee and he explained the circumstances of the night he was stopped in 2018. He was picking up a friend in Waukesha and thought he was on a one-way street, but was driving the wrong direction. He stated he had one beer. Unfortunately that night, he refused a breathalyzer. A field sobriety test was done, though. Alderman Mahkorn stated that he is trying to ascertain credibility but it is hard to believe that Austin only had one beer that night. Austin Duy stated his friend was drinking and the car smelled of liquor. He told the judge the same facts. It was the worst mistake of his life. He is trying to move forward. It is extremely embarrassing. Alderman Mahkorn stated this OWI could not have happened with one beer. Attorney Merten agreed. Alderman Mahkorn stated he can't justify giving the applicant a license when the facts told by the applicant falls in the gray area. The violation happened 16 months ago.

Alderman Carnell stated that he can't support granting the applicant a license. Agents are responsible for training staff and should have an exemplary record.

Austin Duy explained to the committee that he has a clean record beyond what happened, he comes from a good family, and Carrabba's wants to give back by donating food to the police and fire departments and teachers. He also is a partial owner of Carrabba's.

Alderman Nelson asked why Questions #2 and #6a were incorrectly marked 'no'. Mr. Duy replied that was a mistake. He wanted to keep the OWI in secrecy as it is very embarrassing. Alderman Nelson asked if the license was denied, would anybody else be qualified to be an agent. Mr. Duy stated he can check with his managers. Alderman Nelson stated that this is taken very seriously and Brookfield has a high standard for review.

It was stated that the revised liquor application with a revised agent form from the Legislative & Licensing Committee on June 16<sup>th</sup> can be brought directly to the Common Council for approval the same night, based on the limited time frame.

***Motion by Alderman Nelson, seconded by Alderman Carnell, to postpone the granting of the license and to allow Carrabba's to substitute the agent on their renewal liquor license application. Motion carried unanimously.***

## New Business (cont.)

d. Resolution regarding an applicant for a Renewal Alcohol License – Reserve Class B Beer and Liquor license – with an Agent with a record – OSI/Flemings LLC; d/b/a Flemings Prime Steakhouse and Wine Bar, 15665 W. Bluemound Road, Agent: Kelly M. Beyer.

Kelly Beyer appeared before the Committee and explained the events of the evening. She typically doesn't go to bars, but had four glasses of wine. She also refused the breathalyzer. She has tried to keep this matter private, but she has spoken to her boss and legal team. This was a huge mistake and she is doing everything she can to rectify this such as taking classes, the interlock device on her car, etc. Alderman Mahkorn stated the violation only happened six months ago. He asked if anyone can step in her shoes if she wasn't allowed to be the agent. Ms. Beyer explained that she has been doing this over 11 years in many different states. Alderman Blumer stated that he can see the applicant is genuinely upset but he can't treat this applicant differently than the previous applicant.

***Motion by Alderman Blumer, seconded by Alderman Carnell, to postpone the granting of the license and to allow Fleming's to substitute the agent on their renewal liquor license application. Motion carried unanimously.***

It was stated that the renewal application from the Legislative & Licensing Committee on June 16<sup>th</sup> can be brought directly to the Common Council for approval the same night, based on the time frame.

## New Business (cont.)

e. Discussion and consideration of Renewal Class B Beer and Liquor licenses for applicants with pending violations –

O’Sullivan’s Public House, Inc., d/b/a O’Sullivan’s Public House  
12525 W. North Avenue; Agent: Rebecca M. Sullivan

Andyrad, Inc.; d/b/a Saloon on Calhoun with Bacon  
17000 W. Capitol Dr.; Agent: Jennine M. Paoli

***Motion by Alderman Nelson, seconded by Alderman Owen, to postpone to the next Legislative & Licensing Committee on June 16<sup>th</sup>, as both applicants didn’t appear and to explain why they violated the law. Motion carried unanimously.***

f. Resolution regarding an applicant for an Original Class B Beer and C Wine license. (Applicant currently holds a Class B Beer license).

Portillo’s Hot Dogs, LLC; d/b/a Portillo’s Hot Dogs  
17685 W. Bluemound Road; Agent: Dejan Radisic

***Motion by Alderman Owen, seconded by Alderman Carnell, to approve the Original Class B Beer and C Wine license for Portillo’s Hot Dogs, 17685 W. Bluemound Road. Motion carried unanimously.***

g. Resolution regarding an applicant for an applicant for an Original Class B Beer & Liquor License. (Applicant is changing from a sole Proprietor to an LLC).

Devine’s Lariat, LLC; d/b/a Devine’s Lariat  
4165 N. 124<sup>th</sup> St.; Agent: Diane L. Townsend

***Motion by Alderman Carnell, seconded by Alderman Blumer, to approve the Original Class B Beer & Liquor license for Devine’s Lariat, 4165 N. 124<sup>th</sup> Street. Motion carried unanimously.***

h. RESOLUTION REGARDING APPLICANTS FOR RENEWAL ALCOHOL LICENSES.

### CLASS A BEER & LIQUOR

Lakes Venture, LLC; D/b/a: Fresh Thyme Farmers Market #702  
17300 W. Bluemound Road; Agent: Tracy L. Staff

Shop-Rite, LLC; D/b/a: Metro Market #301  
17630 W. Bluemound Road; Agent: Carrie M. LaPointe

Mega Marts, LLC; D/b/a: Metro Market #853  
12735 W. Capitol Drive; Agent: Brenda L. Kromanaker

Mega Marts, LLC; D/b/a: Pick N Save #373  
2205 N. Calhoun Road; Agent: Sarah M. Drezdson

Ultra Mart Foods, LLC; D/b/a: Pick N Save #368  
17295 W. Capitol Drive; Agent: Anthony M. Montini

Ultra Mart Foods, LLC; D/b/a: Pick N Save #397  
15170 W. Greenfield Avenue; Agent: Dominique M. Mclure

Target Corporation; D/b/a: Target Store T-2780  
12725 W. Bluemound Road; Agent: Kelsey L. Karnopp

Wisconsin Fine Wines & Spirits, LLC; D/b/a: Total Wine Spirits & More  
17300 W. Bluemound Road, Suite 200; Agent: Scott G. Busche

Cost Plus, Inc.; D/b/a: World Market  
625 Main Street; Agent: Cynthia Sayles-Albers

CLASS C WINE

The Jar, Inc.; D/b/a: The Jar  
200 N. Moorland Road; Agent: Tami G. Swanto

CLASS B BEER & C WINE

BTH Pizza, LLC; D/b/a: Blaze Pizza  
17530 W. Bluemound Road; Agent: Paul S. Thompson

CLASS B BEER & LIQUOR

Brookfield Bar Inc.; D/b/a: Bar Louie  
95 N. Moorland Road, E7; Agent: Jacob L. Schermetzler

Boulder Junction, Inc.; D/b/a: Boulder Junction  
12550 W. Burleigh Road; Agent: Josephine Militello

FoodFirst Global Restaurants, Inc.; D/b/a: Bravo Cucina Italiana  
95 N. Moorland Road; Agent: Kate M. Parkhurst

Bluemound Restaurant Corporation; D/b/a: Champps Americana  
1240 S. Moorland Road; Agent: Anthony W. Lewanovich

Cooper's Hawk Brookfield, LLC; D/b/a: Cooper's Hawk Winery & Restaurant  
15 S. Moorland Road; Agent: Garrett M. Wootan

Aimbridge Concessions, Inc.; D/b/a: Doubletree Milwaukee Brookfield  
18155 W. Bluemound Road; Agent: Brittany L. Alvarez-Avila

Greenwood Hospitality Management, LLC; D/b/a: Embassy Suites Brookfield  
1200 S. Moorland Road; Agent: Kevin P. Schneider

New Fujiyama, LLC; D/b/a: Fujiyama  
17395D W. Bluemound Road; Agent: Xue L. Zhang

North Central Management, Inc.; D/b/a: Hilton Garden Inn  
265 S. Moorland Road; Agent: Carl J. Allen

LUMA LLC; D/b/a: Lou Malnati's  
15795 W. Bluemound Road; Agent: Amit M. Klass

North Star West, Inc.; D/b/a: North Star American Bistro  
19115 W. Capitol Drive, Suite 100; Agent: Michael T. Stoner

Outback Steakhouse of Florida, LLC; D/b/a: Outback Steakhouse  
295 S. Moorland Road; Agent: Bridget M. Dahm

MSP LLC; D/b/a: Pistol Pete's Neighborhood Grill  
16755 W. Lisbon Road; Agent: Peter A. Faraciano

Red Robin International, Inc.; D/b/a: Red Robin Gourmet Burgers and Brews  
95 N. Moorland Road, Unit C; Agent: Alissa A. Jackson

Sabella's Pub Inc.; D/b/a: Sabella's Pub & Grill  
2850 N. Brookfield Road; Agent: Silvio Sabella

BLWI Associates LLC; D/b/a: Sheraton Brookfield/Milwaukee  
375 S. Moorland Road; Agent: Lisa A. Sheets

McZar's IV LLC; D/b/a: Slim McGinn's Irish Pub  
14735 W. Lisbon Road; Agent: Julie L. Baker

Sluggo's on Burleigh, Inc; D/b/a: Sluggo's Pub & Grill  
12760 W. Burleigh Road; Agent: Thomas J. Beckmann

Uncle Julio's of Florida, Inc.; D/b/a: Uncle Julio's  
245 S. Moorland Road; Agent: Eric J. Folmer

Westmoor Country Club, Inc.; D/b/a: Westmoor Country Club  
400 S. Moorland Road; Agent: Ann M. Cekosh

Skylark SL LLC; D/b/a: XGolf Brookfield  
12565 W. Feerick Street; Agent: Shawn M. DeMain

RESERVE CLASS B BEER & LIQUOR

Bonefish Grill, LLC; D/b/a: Bonefish Grill  
18355 W. Bluemound Road; Agent: Catherine R. Sharkey

Mitchell's Entertainment, Inc.; D/b/a: Mitchell's Fish Market  
275 N. Moorland Road; Agent: Tyler H. Peyton

PEDD CLASS B BEER & LIQUOR

Marcus Cinemas of Wisconsin LLC; D/b/a: Movie Tavern  
175 S. Moorland Road; Agent: Michael D. Ridgway

**Motion by Alderman Blumer, seconded by Alderman Owen to approve the Renewal Liquor license applications as listed above. Motion carried unanimously.**

I. RESOLUTION REGARDING APPLICANTS FOR RENEWAL BARTENDER/OPERATOR LICENSES.

Buchanan, Brenda J.	Petry, Elaine K.
Gruenwald, Madilyn C.	Sanfelippo, Rosalia A.
Janzer, Joseph M.	Schmirler, Bobette M.
Kaminski, Sharon L.	Schmirler, Sarah M.
Krause, Gregg P.	Schramek, Stacy L.
Krause, Nicole R.	Sheets, Lisa A.
Mainville, Candida A.	Vergolina, Alfred J.
Matthews, James C.	Waterworth, Jacob L.
Mosey, Thomas J.	Wunder, Marvin R.

**Motion by Alderman Blumer, seconded by Alderman Carnell, to approve the Renewal Bartender licenses as listed above. Motion carried unanimously.**

ADJOURNMENT

**Motion by Alderman Carnell, second by Alderman Blumer to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:42 pm.**

RESPECTFULLY SUBMITTED:

RENEE J. TADYCH

CITY CLERK'S OFFICE / DEPUTY CITY CLERK