



MINUTES OF AN OFFICIAL MEETING:

Regular Meeting of: Legislative & Licensing Committee

Date and Time: Tuesday, June 16, 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 Dan Sutton

1. ROLL CALL

Alderman Mahkorn noted a quorum present and called the Legislative & Licensing Committee to order at 6:32 pm.

2. ANNOUNCEMENTS

The Next Regularly Scheduled meeting will be held on Tuesday, July 21, 2020.

3. MINUTES

A. Motion by Alderman Nelson, seconded by Alderman Carnell, to approve the minutes of the June 2, 2020 Legislative & Licensing Committee meeting. Motion carried Ayes 5, No's 0.

4. UNFINISHED BUSINESS

a. Postponed Legislative Referral: Consideration of Ordinances to Ban Wildlife Feeding, to Bolster the City's Public Nuisance Ordinance, and to Prohibit Human Health Hazards. (Alderman Sutton and Alderman Carnell)

City Attorney Jenna Merten informed the committee that there are three ordinances before them. The first is a proposed ordinance prohibiting the feeding of geese; secondly, the prohibiting the feeding of non-domesticated animals; and thirdly, is an ordinance relative to Human Health Hazards.

Alderman Owen stated he supports the ordinance but prefers the ordinance prohibiting the feeding of wild animals in general. Alderman Nelson agreed that we should include wild animals in the ordinance. Alderman Blumer agreed as well. He gave examples of problems with deer in addition to coyote. Alderman Carnell felt that what is important in the ordinance is laying out food on the ground is in violation and is considered a nuisance. It will stop feeding hopefully.

Alderman Sutton thanked the committee and the City Attorney. He stated if he could choose which ordinance, he would choose the more restrictive ordinance. When animals find free food, they bring their friends and family. This is a quality of life issuance and it's a considerable problem in his district.

Alderman Mahkorn stated the City Attorney did a great job with her research and writing the ordinances. He supports the banning of feeding wildlife as well. He felt the natural order of defense for animals should occur. He supports the added restrictions. We should not encourage residences to feed wildlife.

Motion by Alderman Blumer, seconded by Alderman Carnell, to approve the proposed ordinance prohibiting of feeding of wild animals and the Human Health Hazards ordinance. Motion carried unanimously.

- b.** Postponed Resolution regarding applicants for Renewal Alcohol Licenses with New Agent.

Motion by Alderman Owen, seconded by Alderman Blumer, to approve the Renewal Class B Beer and Liquor license for Carrabba's Italian Grill; d/b/a Carrabba's Italian Grill, 18375 W. Bluemound Rd., Agent: Darren J. MacKenzie. Motion carried unanimously.

Motion by Alderman Carnell, seconded by Alderman Blumer, to approve the Renewal Class B Beer and Liquor license for OSI/Fleming's LLC; d/b/a Flemings Prime Steakhouse & Wine Bar, 15665 W. Bluemound Rd., Agent: Crystal C. Fritsch. Motion carried unanimously.

- c.** Postponed Resolution regarding applicants for Renewal Alcohol Licenses with Pending Violations – **(1)** Bougey's Bar & Grill LLC, d/b/a Bougey's Bar & Grill, 16760 W. Greenfield Ave., Agent – Gareth E. Trinko; **(2)** O'Sullivan's Public House, Inc., d/b/a O'Sullivan's Public House, 12525 W. North Ave.; Agent – Rebecca M. Sullivan; **(3)** Andyrad Inc., d/b/a Saloon on Calhoun with Bacon, 17000 W. Capitol Dr., Agent – Jennine M. Paoli.

All three applicants appeared before the Committee. Alderman Mahkorn asked each of them to explain why they disregarded the directive from the Governor. He stated that Brookfield is happy to have these establishments in the City, but it raises a red flag.

Bougey's – Gareth Trinko stated that he has a staff of 15. He was trying to follow social distancing guidelines. He had orders to go and pick up orders; however, he tried the best he could at the time. There were no people sitting down for service. He allowed people to only pay for food inside.

Saloon on Calhoun – Dave Dayler stated it was his decision to stay open. It is under review by the District Attorney. He stated that he only had three hours notice to close. There were people in his establishment and it was St. Patrick's Day. There was tons of inventory. He felt there was no logic and no law and the order wasn't clear. There were six people in his establishment plus a few employees at the time the police came to close him. Alderman Mahkorn stated technically it was a violation and rules have to be followed. Mr. Dayler stated when he got informed by the Police Department, everybody left immediately. It was stated that basically, they were in violation for 2 hours. He stated there was confusion about the order.

O'Sullivan's – Rebecca Sullivan agreed that there was confusion on the order. March 17th, St. Patrick's Day, was the day the order was put in place. She was told that it was 10 people or less, starting at 5:00 pm and take out after that. She thought that as long as they weren't serving inside and no sit down service, that they were in compliance. She felt there was definitely confusion with the specific order from the Governor.

Alderman Mahkorn stated he was pleased with the information received from the three applicants.

Motion by Alderman Owen, seconded by Alderman Nelson, to approval all three applicants for a Renewal Class B Beer and Liquor license to Bougey's Bar & Grill, 16760 W. Greenfield Ave.; Saloon on Calhoun with Bacon, 12525 W. North Ave., and O'Sullivan's on Calhoun with Bacon, 17000 W. Capitol Drive.

It was stated if these violations come up again next year, the bigger picture will be looked at and will be taken very seriously. It was agreed by the Committee that there was confusion with the order regarding the timing and how quick it happened.

The motion carried unanimously.

5. NEW BUSINESS

- A. Resolution regarding an applicant for a Renewal Alcohol License with a violation: Crepalove LLC, d/b/a Vino Cappuccino, 2848 N. Brookfield Rd., Agent: Andreas Protopapas.

Andreas Protopapas did not appear. The committee wanted him to appear at the July 21st meeting to explain the violation. Even though the violation may be non-alcohol related, a message needs to be sent. The Committee agreed that the alcohol license should be on the Common Council agenda for July 21, same night as the Legislative & Licensing action.

Motion by Alderman Nelson, seconded by Alderman Owen to postpone the item until the next Legislative & Licensing Committee on July 21 and to forward action from the Common Council to the same night on July 21. Motion carried unanimously.

- B. Resolution regarding an applicant for an Original Bartender/Operator License with Violations – Brittany A. Eisenman.

The applicant did not appear but she answered all her questions correctly. The applicant did not call or give a reason for her non-appearance. The Committee decided to give her a second chance to appear.

Motion by Alderman Blumer, seconded by Alderman Carnell, to postpone the application for Brittany A. Eisenman. Motion carried unanimously.

- C. Resolution regarding an applicant for an Original Bartender/Operator License – Kevin M. Lux.

Motion by Alderman Blumer, seconded by Alderman Owen, to approve the Original Bartender/Operator License for Kevin M. Lux. Motion carried unanimously.

- D. Resolution regarding applicants for Renewal Bartender/Operator Licenses: Denice Benitez, Sarah M. Binder, Sarah E. Henkel, Fallon C. Posnanski, Henry T. Posnanski II, Steven S. Zimdars.

Motion by Alderman Carnell, seconded by Alderman Owen, to approve the Renewal Bartender/Operator licenses for the above applicants. Motion carried unanimously.

- E. Resolution regarding applicants for Renewal Alcohol Licenses:

CLASS B BEER

CHIPOTLE MEXICAN GRILL OF COLORADO, LLC; D/B/A: CHIPOTLE MEXICAN GRILL #558
15375 W. BLUEMOUND ROAD, SUITE 170; AGENT: BRIAN J. BUSHAW

GGBR MILWAUKEE LLC; D/B/A: GAME SHOW BATTLE ROOMS

12565 W. FEERICK STREET, SUITE B; AGENT: GRETA R. HUNT

CLASS B BEER & C WINE

JAB VENTURES INC.; D/B/A: GOOD LAND WING CO.
15375 W. BLUEMOUND ROAD; AGENT: MATTHEW M. SELLERS

CLASS B BEER & LIQUOR

CUDWORTH-STENZ-GRIESELL-SMITH AMERICAN LEGION POST 449
D/B/A: AMERICAN LEGION POST 449
3245 N. 124TH STREET; AGENT: DARLENE L. BACZEK

COURTYARD MANAGEMENT CORPORATION; D/B/A: COURTYARD BY MARRIOTT
16865 W. BLUEMOUND ROAD; AGENT: SHAWN J. JAREMKO

ELITE BROOKFIELD LLC; D/B/A: ELITE BROOKFIELD
13825 W. BURLEIGH ROAD; AGENT: ANTHONY BIERI

JAKE'S RESTAURANT INC.; D/B/A: JAKE'S RESTAURANT
21445 W. GUMINA ROAD; AGENT: KAREN B. REPLOGLE

SYDNEY LEE INC.; D/B/A: MAXIM'S RESTAURANT
18025 W. CAPITOL DRIVE; AGENT: DIMITRI GLAVAS

CENTRAL FLORIDA RESTAURANTS INC.; D/B/A: TGIFRIDAY'S
17430 W. BLUEMOUND ROAD; AGENT: TROY M. ALTREUTHER

1005 ELM GROVE ROAD LLC; D/B/A: THE RED MILL INN
1005 ELM GROVE ROAD; AGENT: MARK A. ZIERATH

RESERVE CLASS B BEER & LIQUOR

BLAZIN WINGS INC.; D/B/A: BUFFALO WILD WINGS
16750 W. BLUEMOUND ROAD, SUITE B; AGENT: KALI L. KILISHEK

HAUTE TACO LLC; D/B/A: JAKE'S BURGER
18905 W. CAPITOL DRIVE, SUITE 110; AGENT: KAREN B. REPLOGLE

HANBAI, INC.; D/B/A: WASABI SUSHI LOUNGE
15455 W. BLUEMOUND ROAD; AGENT: JAN Y. HAN

ADJOURNMENT

Motion by Alderman Carnell, second by Alderman Blumer to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:21 pm.

RESPECTFULLY SUBMITTED: RENEE J. TADYCH
CITY CLERK'S OFFICE / DEPUTY CITY CLERK