



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes

Ordinance & License Committee

Monday, February 8, 2016

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Rollcall

Present 4 - Perry, Manion, Skinner, and Helgestad

Absent 1 - Johnson

2. Approval of Minutes

ID#16-131 Minutes - January 25, 2016

Attachments: O&L Minutes 1-25-16

A motion was made by Helgestad, seconded by Manion, to approve the Minutes for January 25, 2016. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Skinner and Helgestad

Absent: 1 - Johnson

3. Licenses

A. ID#16-152 Bartenders 2 8 16

Attachments: Bartenders 02 08 16

A motion was made by Skinner, seconded by Manion, to approve the bartender applications. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Skinner and Helgestad

Absent: 1 - Johnson

B. ID#16-059 Other Applications for Licenses considered by Ordinance & License Committee on January 11, 2016 - Starbucks "Class B" Beer & Liquor Combo

Attachments: Starbucks Business Plan

Starbucks - floor plan with fence

Mark Zanowski spoke on behalf of Starbucks. Their proposal indicates there will not be a gate on the fence surrounding the patio area. Customers will order drinks in the store

which will be delivered to them by staff. Staff will also be stationed in the outdoor area to take orders for additional drinks that customers may order.

Resident Ron Kading spoke against a Class B license being issued to Starbucks. He cited a high rate of drinking and driving in Wisconsin.

Atty Running said the Committee has discretion regarding the fencing. He has not seen the plans and cannot comment specifically to it.

Manion is opposed to the patio area as presented; he would like to see a door from the store area to a completely fenced in patio area. He has no fundamental opposition to Starbucks selling alcohol. Skinner believes an open area in the fencing may be required in fire and building codes.

Running urged the committee to not use this license application as a means to address alcohol issues in the City; he stated a denial cannot be for arbitrary or capricious reasons. There has to be a legitimate concern to deny a license. Sec. 9.09 addresses restrictions on granting licenses; we have to follow our ordinances and operate under the rule of law and not attack a problem using improper means. He said a court would not find a valid government interest in questioning a business plan that includes selling beer and wine. He doesn't want to turn the committee into a business plan review board.

Starbucks serves alcohol in 8 states, over 200 locations.

A motion was made by Manion, seconded by Helgestad, to approve the Starbucks application with the condition that access to the patio is controlled from the interior of the building as required by law and complies with safety code requirements under state and city laws.

Aye: 2 - Manion and Helgestad

Nay: 2 - Perry and Skinner

Absent: 1 - Johnson

C. ID#16-154 Other Applications for licenses considered by Ordinance & License Committee on February 8, 2016.

Attachments: Other Licenses 2 8 16

A motion was made by Helgestad, seconded by Perry, to approve the Other Applications presented for approval. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Skinner and Helgestad

Absent: 1 - Johnson

4. Discussion and Recommendation

A. ID#16-164 Consider and make recommendation to the Common Council on proposed Beekeeping Ordinance.

Attachments: Beekeeping Memo to O&LBeekeeping Ordinance O&L Draft

Ald. Hernandez made this referral after he was approached by one of his constituents.

Atty Running said the point of the ordinance is to control the safety and nuisance aspect. The draft ordinance would require a permit to practice beekeeping. Permitting would verify that the beekeepers are aware of City ordinances; we would know where the beekeepers are. A two year, \$50 permit has been contemplated. The draft ordinance proposes completion of a beekeeping course; there are several courses available in the area with a cost of approx. \$125 - \$150. Running said that problems can rise to a nuisance level from poorly kept hives. Bees would be limited to honey bees. Hives would be subject to inspection. Fencing around the hives is proposed. The number of hives allowed would be determined by the size of the property. Inspections would be limited to setback and water source requirements. See draft ordinance for details.

The president and vice-president of the Milwaukee/Waukesha Beekeepers Association have reviewed the draft ordinance.

Helgestad questioned liability in the event a neighbor is allergic to bees. Running said honey bees are the least aggressive of bees; they generally won't attack you.

Manion asked if we have any other ordinance involving the keeping of animals that required education; Running was not aware of any. Manion asked if this would apply to a commercial use. Running said it would and that it would then be subject to proper zoning.

Andy Hempken, Village of Big Bend, a commercial beekeeper spoke in favor of beekeeping. He has trained the City of Milwaukee inspectors on beekeeping; he assisted various municipalities in writing their ordinances. He stated the cities of San Francisco and New York have beekeeping ordinances.

Sandy Casterline, Village of Summit, a 3 year beekeeper spoke in favor of the hobby. She recommended not limiting the type of bees. She feels the flyway barrier and yard fencing would be costly. She plants tall grass around her hive to promote a flyway.

Perry proposed waiving the fee if the applicant shows proof that they have completed a beekeeping course. Manion asked the public to speak to the availability of courses in the area. Hempken said courses are usually offered the beginning of February; bees are usually delivered in April; classes are seasonal. He said start up costs are approx. \$350 plus the cost of clothing.

Sandra R., Town of Waukesha, said the UW-Waukesha course is booked 3 years in advance. She said most beekeepers are in clubs that meet regularly and depend on each other for information.

Perry suggested that an education class not be required; he is in agreement with the \$50 permit fee. The education aspect may be revisited in a few years. Skinner is in favor of waiving the permit fee if education is completed.

Manion supports no education stipulation to alleviate the building dept. from determining

what is considered credible education.

Perry made a motion to approve the proposed beekeeping ordinance, seconded by Helgestad; Skinner made a friendly amendment to remove the fencing language and removing the fee in lieu of completion of a related course completion; amendment accepted by mover and seconder. The motion carried by the following vote:

Aye: 3 - Perry, Skinner and Helgestad

Nay: 1 - Manion

Absent: 1 - Johnson

5. Communications

Perry and Skinner discussed a review of the requirement of plumbing and electrical permits relative to applicances; how they are applied and the cost aspect.

6. Adjournment

Meeting adj. 7:41 pm

Ald. Steve Johnson, Chairman

"A majority of the Council members may be in attendance"

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