



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes - Final Ordinance & License Committee

Monday, March 23, 2015

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Present 5 - Perry, Manion, Patton, Skinner, and Johnson

2. Approval of Minutes

A. [ID#15-2225](#) Minutes for March 9, 2015

A motion was made by Chairperson Johnson, seconded by Patton, to approve the Minutes for March 9, 2015. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

4. Licenses

A. [ID#15-2265](#) INVITED BARTENDERS

Julia Podevels failed to appear before the Committee at its request. She will be invited to the next meeting.

B. [ID#15-2266](#) Bartender Applications

A motion was made by Chairperson Johnson, seconded by Patton, to approve the remaining bartender licenses. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

C. [ID#15-2267](#) Other Applications for licenses considered by Ordinance & License Committee on March 23, 2015.

A motion was made by Chairperson Johnson, seconded by Perry, to approve all Other Applications. The motion carried by the following vote:

Aye: 5 - Perry, Manion, Patton, Skinner and Johnson

5. Discussion and Recommendation

A. [ID#15-2126](#) Discussion and recommendation establishing a Sober Server Ordinance.

Chief Jack spoke in favor of a Sober Server ordinance. He believes it would reduce the number of OWI's in the City, as bartenders would have better judgment in serving alcohol. Jack is in favor of a .04 BAC for the ordinance. Sgt. Bergner presented alcohol statistics. Lt. Pergande, 3rd shift supervisor spoke in favor of a Sober Server ordinance; he said it is helpful when they respond to a licensed premise and they have a sober person to relay information to them.

Johnson asked if a person pulled over for OWI who said they were drinking at a bar, would the Police Department go to that bar to determine who served that driver? Chief Jack said staff permitting, they would follow up at the bar as part of their investigation.

Skinner questioned why the data supplied by the Police Department only included downtown establishments; Ofc. Neill said he questioned officers and information gathered was based on their recollection; the OWI statistics are from all OWI arrests city-wide;

Michael (last name unknown) spoke in favor of the ordinance. Dimitrios Dakilias, owner of Bosc's Social Club stated that his bartenders/employees are not allowed to drink while working; he said Bosc's is one of the top establishments for OWI's in the City, he said he is one of the busiest bars in the City, so the numbers are skewed. Dakolias said his bartenders have been pulled over 7 times after bar close - none received OWI's.

The Executive Director of Drug Free Coalition spoke in favor of the ordinance. He views the bar owners as partners in this effort.

Mayor Reilly said bars are heavily regulated by state law; he is in favor of the Sober Server ordinance with a .08 BAC limit. He said the .04 would be hard for a bartender to determine; a .08 BAC is more recognizable as a level of intoxication.

Dinah Vankrevel-Polzin spoke in favor of the ordinance with a .04 BAC.

Skinner asked for data from communities that have this in effect. Atty Running said the ordinances were passed in 2013, he doubts that there are statistics available at this time. Chief Jack said it would take extensive research to determine if any change in OWI rates was a result of the ordinance. Jack added that the ordinance will not hurt. Skinner spoke in favor of a .08 BAC.

Perry said while the .04 BAC makes the most sense, he is in agreement to amending the draft to .08 BAC as it is more recognizable to individuals.

Johnson said he is fine with a .04 BAC or .08 BAC. As a bar owner, he would not be in favor of bartenders drinking.

Patton favors a .00 BAC - what other occupations allow drinking on the job?

Manion's initial response is to not support this ordinance; he doesn't feel that the data is there to support an ordinance. He has received mixed public comment. He added that the top bars for incidents do not allow their bartenders to drink. He will not support it tonight, but may reconsider at Council based on public outcry.

Johnson asked why anyone would want someone operating their business while they are impaired.

Per Attorney Running, approval of the concept tonight would allow the Council to review the ordinance in final draft form from his office.

A motion was made by Perry to adopt the Sober Server ordinance with an amendment in sec. 4 to reflect a blood alcohol concentration of .08 or greater, motion was seconded by Patton. The motion carried by the following vote:

Aye: 4 - Perry, Patton, Skinner and Johnson

Nay: 1 - Manion

6. Communications

There were no communications.

7. Adjournment

Meeting adjourned at 6:58 p.m.

Ald. Steve Johnson, Chairman