



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes Ordinance & License Committee

Monday, February 23, 2015

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

Ald. Skinner appeared after the approval of Minutes.

Present 4 - Perry
Manion
Patton
Johnson
Absent 1 - Skinner

2. Approval of Minutes

A. ID#15-2066 Minutes for February 9, 2015

Attachments: O&L Minutes 2-9-2015

A motion was made by Manion, seconded by Chairperson Johnson, that the Minutes for February 9, 2015 be approved. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Patton and Johnson

Aye: 4 - Perry, Manion, Patton and Johnson

Absent: 1 - Skinner

Absent: 1 - Skinner

3. Licenses

A. ID#15-2109 INVITED Bartenders

Attachments: Bartenders 02 23 15

Alicia Gracia appeared with Darlene, agent for Stop n Go. Gracia has an OWI from 2014. Gracia has been employed for one year at Stop n Go. Her employment is contingent on her obtaining a bartender's license. Gracia is over 21 years of age. Stop n Go's policy is to card anyone 40 years of age and younger.

A motion was made by Patton, seconded by Perry, that this license be approved. The motion carried by the following vote:

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

*Austin Pulver failed to appear. He will be invited for a final time.
Cheyenne Sandstrom appeared before the Committee at its request. Her agent did not appear. She is working at the Speedway on Sunset. Johnson put this on hold until the next meeting to give the agent an opportunity to appear.*

B. ID#15-2110 Bartenders Applications

Attachments: Bartenders 02 23 15

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

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

C. ID#15-2112 Other Applications for licenses considered by Ordinance & License Committee on February 23, 2015.

Attachments: Other Licenses 2 23 15

*Sidewalk Cafe permits contingent on:
Key Westconsin providing furniture specs
Generations at 5 points providing pictures of furniture
Dave's Restaurant providing pictures of furniture*

Mia's - umbrellas not to hang over curb

A motion was made by Chairperson Johnson, seconded by Skinner, that the Other Applications for Licenses be approved. The motion carried by the following vote:

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

4. Discussion and Recommendation

A. ID#15-2126 Discussion and recommendation establishing a Sober Server Ordinance.

Attachments: Ordinance 9.160

CA Running prepared a draft Sober Server ordinance that he provided to the Committee this evening. It came about as a result of his membership in the Drug Free Communities Coalition. It addresses drunk driving, underage drinking and vandalism occurring late at bar time. Bar employees are the first line of enforcement in preventing serving of minors and overserving; they cannot have their judgment impaired. This ordinance would make it illegal for licensees and employees working in licensed premises to be intoxicated while working. This would not prohibit a bar owner who is not working to have a few drinks in his business. This would only affect someone engaged in the act of serving. A .04 BAC or greater creates a presumption of intoxication. The penalties would include immediate closure until a sober employee can take over; 1st offense \$0 - \$500; 2nd offense up to \$1500 with continuing offenses considered as separate offenses. This draft is a basis for discussion, however, it is based on an existing ordinance in Wausau. Patton said the level should be .00 in his opinion. Running said a .04 BAC would not be necessary to establish compromised judgment. Ofc. Neill said the Police Dept. is in favor of the ordinance. Running said anyone showing signs of intoxication, such that their judgment is affected, would be in violation of this ordinance. If someone is .04 or greater they are

in violation, however, .04 is not required. Skinner asked if we are looking for a solution for a problem that doesn't exist. Ofc. Neill said they have had documented issues, i.e. Kicker's. Because there is no ordinance now, these incidents are not documented, so every incident report would have to be reviewed to determine how often this occurs. Skinner hasn't heard of any problems prior to today; he would like to see data from the last 12 months. He asked how this would be enforced. Skinner asked if businesses have been consulted. Running said that he has not; he presumes some businesses will be in opposition and some will be in support of it. Perry has had mixed feedback from bar owners. Running said this ordinance would most likely only be applied if there is a situation at a bar that requires police response; the Police Dept. will not be giving random tests to bartenders. Ofc. Neill said this would not be put in place to prevent bartenders from drinking; it would be a deterrent for them to drink in excess. Skinner asked why .04 and not .08? Running said .04 is the acceptable level in the medical field as the point where someone's judgment is affected by alcohol. Skinner asked for data from municipalities that have enacted a similar ordinance. Skinner has received mixed feedback on the proposed ordinance. Johnson would like to put this on hold until the next meeting to allow for review.

A motion was made by Patton, seconded by Perry, that this item be held. The motion carried by the following vote:

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

B. ID#15-2127 Discussion regarding changes to the Social Host Ordinance 9.16

CA Running said this is a change that the Drug Free Communities Coalition is requesting. He provided a draft ordinance to the Committee this evening. This would be a revision to sec. 9.16 which currently prohibits adults from allowing the consumption of alcoholic beverages by underage persons on premises owned by the adult or under the adult's control. The revision is based on an ordinance in Menomonee Falls. The difference is in the penalties and a more expansive definition of "premises". This would prevent parents from renting hotel rooms for underage drinking parties.

Skinner was not aware of the number of occurrences that the City has had with these situations.

There was no action taken on this item.

5. Communications

Ald. Patton questioned the Plan Commission changing ordinances regarding parking ratios. Ald. Johnson will look into this.

Ofc. Neill reported that Hannon's was issued a citation for operating after hours.

6. Adjournment

A motion was made by Chairperson Steve Johnson, seconded by Vance Skinner, that the meeting be adjourned. The motion carried by the following vote:

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

Ald. Steve Johnson, Chairman