



City of Waukesha

City Hall,
201 Delafield Street
Waukesha, WI 53188

Meeting Minutes Ordinance & License Committee

Monday, November 9, 2015

6:00 PM

Council Chambers, City Hall
Use lower level glass door.

1. Call to Order

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

2. Approval of Minutes

A. ID#15-3688 Minutes for October 26, 2015

Attachments: O&L Minutes 10-26-15

A motion was made by Helgestad, seconded by Chairperson Johnson, to approve the Minutes for October 26, 2015. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Johnson and Helgestad

Absent: 1 - Skinner

3. Licenses

A. ID#15-3671 INVITED Bartender Applications 11 9 15

Attachments: Bartenders 11 09 15

Matthew Achatz failed to appear. He will be invited to the next meeting.

Pamula Srujan appeared before the Committee at its request. He is an electronic engineer. He is new to the country and does not know the rules and regulations. He applied for a bartender license the day following the sting. Srujan said he was called to the liquor store because the owner's wife was sick and the owner had to take her to the hospital. This is when DOR came to the store.

Perry would like this put on hold for the purpose of informing the owner of Bottle Stop and to have both parties appear before the Committee.

A motion was made by Perry, seconded by Manion, to hold this license for the next meeting on November 23, 2015. The motion carried by the following vote:

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

Kylee Garrett appeared with Phil Santiago (Fuzzy's Southside). Garrett has two underage drinking violations (2010 and 2013). She also has a possession of THC conviction from earlier this year. She did not appear for the court date in that matter due to a miscarriage; she said the THC was not hers, it was in a pill bottle that had her name on

it, but it belonged to a friend.

Santiago said he has 48 employees and a bar manager for his three locations. Garrett said she is much more responsible now than she was a year ago. Ald. Skinner appeared at 6:07 p.m.

A motion was made by Perry, seconded by Manion, to approve this license. The motion carried by the following vote:

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

Andrea Van Alstynne appeared before the Committee with Phil Santiago. She has an OWI from 2011 with two pending charges for operating without a bartender license. She is a licensed bartender in Oconomowoc, but did not have a license to operate in Waukesha.

Skinner does not support this application due to the two pending citations and other reasons.

A motion was made by Perry, seconded by Chairperson Johnson, to approve this license. The motion carried by the following vote:

Aye: 4 - Perry, Manion, Johnson and Helgestad

Nay: 1 - Skinner

B. ID#15-3672 Bartender Applications 11 9 15

Attachments: Bartenders 11 09 15

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

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

C. ID#15-3674 Applications for licenses ending June 30, 2015, considered by Ordinance & License Committee on November 9, 2015.

Attachments: Other Licenses 11 9 15

A motion was made by Manion, seconded by Helgestad, to approve the applications for licenses ending June 30, 2015. The motion carried by the following vote:

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

4. Discussion and Recommendation

A. ID#15-3612 Consider, and make recommendation to Council on adoption of, proposed landscape irrigation ordinance.

Attachments: Irrigation Ordinance.pdf

Donna Scholl, Administrative Services Mgr for the Water Utility appeared. The Water Commission is recommending the Committee consider this ordinance. New underground irrigation or substantially altered existing systems would require a permit. Skinner would like a definition of "substantial". Would this include maintenance? Atty Running stated

if more than 25% of sprinkler heads are replaced, the system would have to be brought into compliance. He said the goal is to get irrigation systems to comply with Water Sense certification as soon as possible. This would be a new section to the Code. Irrigation systems currently do not require a permit, so this would be a new fee. Scholl said the Building Dept. was considering a sliding scale for fees dependant on the complexity of the system.

Manion pointed out the language "misting be minimized" how would that be measured? Running said this would speak to the people in the industry as to what the City's goal is. Scholl explained the installation/permit process. Scholl said it was written so that a smart do-it-yourselfer can install a system. Perry asked if systems will be inspected each year to make sure they are drained. Atty Running said no, just like other plumbing systems, they won't be annually inspected.

Perry was concerned about the fees; Running said the fees have to correlate with the cost related to the inspections and will be determined at a later time. Perry said it is backwards to not have the fees known at this time. Running said the Committee could recommend that the fees be in line with other plumbing fees. Manion is not comfortable supporting this until the fees from the Building Dept. are known.

Skinner said he is ok with the ordinance as written and the fee is a separate issue.

Cummings spoke in support of this ordinance.

A motion was made by Chairman Johnson, seconded by Skinner, to approve the proposed landscape irrigation ordinance. The motion carried by the following vote:

Aye: 4 - Manion, Skinner, Johnson and Helgestad

Nay: 1 - Perry

B. ID#15-3724 Consider changes - 9.09 - Restrictions re: grant licenses

Attachments: 9.09 - Restrictions re grant licenses

Ald. Perry said Meijer brought to his attention that their business plan is not consistent with our ordinances. Having one checkout that could be used for all of their merchandise would support customer convenience. Had any store brought this to Perry, he would have supported it. Atty Randall spoke on behalf of Meijer and in favor of eliminating the requirement for a separate checkout for liquor. Atty Randall has met with Chief Jack regarding this.

Sgt. Bergner said that he appreciates the efforts that Meijer has put forth, however, the existing businesses in the City have conformed to the restrictions. The Police Dept. would not like to see the ordinance changed.

Ald. Skinner does not see it as an inconvenience to purchase liquor separately. Perry said if we think the separate area deters theft, we are delusional; he said that argument holds no water. He said video surveillance makes a better difference. He believes existing stores would welcome this change as it would save costs for them.
Chairman

Johnson said we need to listen to the Police Dept., as they are the ones that will enforce the ordinance. Cummings said Meijer chose Waukesha to build their business and Waukesha has a set of ordinances. She sees no reason to change the ordinance. If this was a concern, she said it should have been brought up years ago. Helgestad pointed out that the plans for the store have already been approved.

A motion was made by Perry, seconded by Helgestad, to approve an amendment to sec. 9.09 which would eliminate the need for a separate checkout for liquor in businesses that conduct other business. The motion failed by the following vote:

Aye: 2 - Perry and Helgestad

Nay: 3 - Manion, Skinner and Johnson

- C. ID#15-3725 Consider establishing a policy for "Flashing red warding light" be used by school bus operators.

Attachments: School Bus Flashing Red Warning Lights

School Bus Flashing Red Warning Lights 2

Ald. Cummings appeared with Robert Schuelke, First Student Bus Co, who approached her concerning this item. She added that the School District is supportive as well. The Police Dept. pointed out that this would have significant impacts on traffic flow. Cummings disagrees with this. She said this would bring clarity to a misunderstood rule. She said we all know when the arm is out and the lights are flashing, to stop. She said students should come first, not traffic flow. Ald. Perry asked how many kids have been hit in the last 2 - 3 years due to the confusion. The First Student representative said that none have been hit due to bus driver safety. Perry asked if we can be more strict than state law in this regard; Running said the statute does allow for a stricter provision.

Manion is reluctant to make a final decision tonight because we may not have all the information we need to make an informed decision. He would like to see the Police Dept. look at this more closely to formulate an official opinion; engineering could also possibly look at the traffic aspects of this.

William J. McGonagil is a bus driver who pointed out that buses are delayed by trains everyday. He suggested that the aldermen ride on a bus route. He spoke to driver confusion. Darlene Miller, a bus driver for 19 years, drives special needs children. She said when she stops to pick up a special needs child, drivers don't know that the child is special needs; if the cars stop, the children will be safer.

A motion was made by Perry, seconded by Skinner, to approve establishing a policy for "Flashing red warning light" be used by school bus operators. The motion carried by the following vote:

Aye: 4 - Perry, Skinner, Johnson and Helgestad

Abstain: 1 - Manion

- D. ID#15-3726 Consider changes to the sign ordinance in the downtown business district.

Attachments: Sign Ordinances in Downtown Busines District

Chairman Johnson spoke with John Cramer from the Civic Theater who has been before

the Sign Review Board several times. They would like to change the sign ordinance. Doug Koehler said it's his understanding the Civic Theater would like to put an electronic message center on their building. Koehler said interiorly lit signs are not permitted in the downtown area. It is felt they would take away from the downtown historic ambiance. He said if this is allowed for the Civic Theater, what would stop other businesses from doing the same?

Johnson has seen what the theater wants to install, he said it's the same size as their existing sign, but they would like the ability to change the message a few times a day. They are looking for an amendment that would address only the theater, affecting business with live theater performances.

Atty Running said if this were to be done, it could be done limited to theater marquees; it could be restricted in other ways as well, i.e. prohibit scrolling, flashing, brightness. Running said the theater is in agreement to limiting the new signage to resemble the current sign. He said they are asking to have a display that can be changed with a keyboard. Johnson said the proposed sign similar to what they have now, it is black and white with a message. He said the theater is not trying to change the brightness, etc. of the sign, they are trying to allow for the ease of changing language on the sign.

Helgestad said folks downtown are concerned with the aesthetics and brightness for residents in the area and movement on the signs.

Johnson said we are looking for a motion to direct the City Attorney to draft an ordinance.

Running's preference would be for the Committee to adopt the amendment and make it applicable to all businesses. This would provide equal protection under the law.

Ald. Skinner made a motion to direct the City Attorney to draft an amendment to the sign ordinance to allow for digital signage that does not significantly impose upon the historic nature of the downtown, but functions in a similar manner to an existing historic marquee or sign that is consistent to the original it's replacing; motion was seconded by Ald. Perry. The motion carried by the following vote:

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

5. Communications

Ald. Perry asked for an update regarding the special event permit. Atty Running said a lot of work is done on his end; it has been requested that it be discussed with the mayor, city administrator, public works and other departments to weigh in on it. He said it is hard to say when it will be completed, but he anticipates having something for the Committee to review by the end of the year.

6. Adjournment

Meeting adjourned at 8:38 pm.

Ald. Steve Johnson, Chairman

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

NOTICE: Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible or that materials at the meeting be in an accessible format, please contact Fred Abadi 48 hours prior to the meeting at 524-3600, Fax 524-3898, or the Wisconsin Telecommunications Relay System so that arrangements may be made to accommodate the request.