

**MINUTES
LICENSE COMMITTEE
August 24, 2023 at 8:30 a.m.**

1. The meeting was called to order at 8:30 a.m.
2. On roll call, the following Committee members were present: Ald. Kurkowski, Ald. Gehl, and Ald. Ruetz. Also in attendance were Police Chief David Stecker and Deputy City Clerk Christa Miller.
3. Ald. Gehl, seconded by Ald. Kurkowski, moved to approve the minutes of 5/9/23, with the addition of Ald. Ruetz being excused from the last meeting. On roll call, all voted aye.
4. The application for Sergio Gonzales, 104 E. Mason St., Milwaukee was withdrawn prior to the meeting.
5. The Committee reviewed an application submitted by Kawanda Hampton, 3160 S. 48th St., Milwaukee, WI (Kwik Trip). Ms. Hampton was in attendance.

Deputy Clerk Miller advised the Committee of Attorney Karls' review and the reasons an Operator license may be denied. As noted in Sections 7.82 and 7.83 of the City's Municipal Code, an application may be denied if the applicant has been convicted of a felony or is a habitual offender.

While Ms. Hampton does not appear to be a habitual offender, she was cited and convicted of Felony Child Abuse Intentionally Cause Harm in 2006.

The Committee discussed this conviction, and combined with the fact that Ms. Hampton doesn't appear to have had any citations/convictions in the past 13 years, felt that this conviction did not directly relate to the license activity.

Ald. Gehl, seconded by Ald. Ruetz, moved to grant the approval of an Operator license to Kawanda Hampton, 3160 S. 48th St., Milwaukee, WI (Kwik Trip). On roll call, all voted aye.

6. The Committee reviewed an application submitted by Richard Lein, 3416 S. 15th Pl., Milwaukee, WI (Pick 'n Save).

Deputy Clerk Miller advised the Committee of Attorney Karls' review and reminded the Committee of the reasons allowed for denial regarding felony and/or habitual offender convictions.

While Mr. Lein does not appear to be a habitual offender, he has had four OWI convictions since 2003, with the last two (2018 and 2019) felony OWI convictions.

The Committee discussed these convictions and felt that four OWI's total, two of which are felony OWI's within the prior five years, were directly related to the license activity. Further it was noted that a person can work at an establishment without an Operator license, providing that all alcohol sales/service is directly overseen by a licensed operator.

Ald. Gehl, seconded by Ald. Ruetz, moved to deny the approval of an Operator license to Richard Lein, 3416 S. 15th Pl., Milwaukee, WI (Pick 'n Save), based on his two felony OWI convictions. On roll call, all voted aye.

7. Earlier this month, Ald. Kurkowski advised Deputy Clerk Miller that he had received a request to review the City's allowable hours of sales for off-site consumption alcohol sales (Class "A" (beer) and "Class A" (intoxicating liquors). He asked if the this item could be placed on the next License Committee agenda for discussion and possible action. Deputy Clerk Miller provided the Committee with background information on these licenses, as well as any changes that had been made over the years.

Currently, the closing time for both of the Class A alcohol sales is 9:00 p.m. to 8:00 a.m.

State Statutes allow Class "A" (beer) sales between 6:00 a.m. and midnight and "Class A" (intoxicating

liquors) sales between 6:00 a.m. and 9:00 p.m., and provides municipalities the authority to impose stricter hours.

Deputy Clerk Miller queried 10 additional municipalities in the Oak Creek area and found that half allowed alcohol sales beginning at 6:00 a.m., while the other half, which includes Oak Creek, set the starting sales time at 8:00 a.m. The majority of all municipalities queried had a closing time for all alcohol of 9:00 p.m.

Police Chief Stecker was asked to provide input on his concerns for a potential time change. He indicated that he felt if a change were to be made to the hours of sale, that they be consistent with the same start/end time for both beer and intoxicating liquors to avoid any confusion by the consumer and/or business owner. He further noted that with several surrounding municipalities already allowing sales as early as 6:00 a.m., he didn't feel it would have a negative affect on the City, but rather that it could be a benefit to the Oak Creek businessowners that hold these licenses, with a potential for additional sales revenue.

The Committee agreed that a change to the end time of 9:00 p.m. would not be amended, but felt that moving up the start time from 8:00 a.m. to 6:00 a.m. was acceptable. It should also be noted that if there were a change to be made, allowing alcohol to be sold beginning at 6:00 a.m., that each business would be able to set their own hours of sales, provided that they fell within the allowed times approved by the Council.

Ald. Kurkowski, seconded by Ald. Ruetz, moved to propose an amendment to the Municipal Code regarding Closing Times for Class "A" and "Class A" alcohol licenses and to direct staff to prepare an ordinance to present to the Common Council at their next meeting for review and action. On roll call, all voted aye.

Ald. Gehl, seconded by Ald. Kurkowski, moved to adjourn the meeting at 8:57 a.m. On roll call, all voted aye.