

H.21



414-425-7500

**License Committee  
Agenda\***

**Franklin City Hall Hearing Room  
9229 W. Loomis Rd  
Franklin, WI  
November 15, 2022 – 5:45 p.m.**

1.	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>
2.	<b>Applicant Interviews &amp; Decisions</b>	
<b>License Applications Reviewed</b>		<b>Recommendations</b>

Type/ Time	Applicant Information	Approve	Hold	Deny
Reserve Class B Combination 2022-2023 5:50 p.m.	DBA Andy's On Ryan Rd <b>Ryan Fuel LLC</b> Kavita Khullar, Agent 5120 W Ryan Rd			
Operator 2022-2023 New	<b>Beaudot, Lauren T</b> Pick'n Save #6431			
Operator 2022-2023 New	<b>Drahonovsky, Cruz</b> Walgreens #05459			
Operator 2022-2023 New	<b>Jaime, Castiven</b> No Location			
Operator 2022-2023 New	<b>Tengel, Lindsay</b> Hideaway Pub & Eatery			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Xaverian Missionaries – Annual Mission Festival</b> Fee waivers: Extraordinary Event License, Temporary Class "B" Beer and Wine License, Operator Licenses, Temporary Food Licenses, and Sign Permits Dates of Event: 6/24/2023 – 6/25/2023 Location: Xaverian Missionaries, 4500 W. Xavier Dr.			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Fleet Reserve Association Branch 14 – St Martin's Fair</b> Fee Waivers: St. Martin's Fair Permit Dates of the Event: Sept 3 – 4, 2023 Location: St. Martin's Labor Day Fair			
3.	An Ordinance to Amend the Municipal Code to Update the Specified Duties of the License Committee as set forth in §19- 4A.(3) License Committee.			

Type/ Time	Applicant Information	Approve	Hold	Deny
4.	License Committee Administrative Rules and Procedures Amendments.			
5.	<b>Adjournment.</b>	Time:		

\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per State ex rel. Badke v. Greendale Village Board, even though the Common Council will not take formal action at this meeting.

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> November 15, 2022
<b>REPORTS AND RECOMMENDATIONS</b>	An Ordinance to Amend the Municipal Code to Update the Specified Duties of the License Committee as set forth in §19-4A.(3) License Committee	<b>ITEM NUMBER</b> H. 3.

Attached is a copy of the above, as referred by the License Committee and which has been reviewed by the Legal Services Department. The current Municipal Code §19-4A.(3) provision is: "License Committee. The Committee shall review applications for business applications and submit its recommendations to the Council."

**COUNCIL ACTION REQUESTED**

A motion to approve An Ordinance to Amend the Municipal Code to Update the Specified Duties of the License Committee as set forth in §19-4A.(3) License Committee.

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO UPDATE THE SPECIFIED DUTIES OF THE LICENSE COMMITTEE AS SET FORTH IN §19-4A.(3) LICENSE COMMITTEE

WHEREAS, §19-4A.(3) of the Municipal Code currently provides: “License Committee. The Committee shall review applications for business applications and submit its recommendations to the Council.”; and

WHEREAS, the License Committee having reviewed §19-4A.(3) and having recommended an update thereof to the Common Council to provide further specificity of the actual duties of the Committee.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: §19-4A.(3) License Committee, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to read as follows: License Committee. The Committee shall review items as directed by the Common Council, items as may be required by the Wisconsin Statutes, applications for alcohol beverage licenses and permits and authorizations, special event permits, coin-operated amusement devices licenses and permits as may be required and/or permitted by the Wisconsin Statutes, and review licensed establishment concerns as may be presented by the Health Department, the Fire Department and/or the Police Department, and then submit its recommendations to the Council.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

ORDINANCE NO. 2022-\_\_\_\_\_

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Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> November 15, 2022
<b>REPORTS AND RECOMMENDATIONS</b>	License Committee Administrative Rules and Procedures Amendments	<b>ITEM NUMBER</b> <i>H. 4.</i>

Attached is a copy of the current License Committee Administrative Rules and Procedures, and a copy of a draft with amendments thereto. The Administrative Rules and Procedures Amendments have been reviewed by the License Committee.

**COUNCIL ACTION REQUESTED**

A motion to approve the License Committee Administrative Rules and Procedures Amendments, in the form and content as presented to the Common Council at this meeting.

**License Committee**

**Administrative Rules and Procedures**

**Article I. Name of Committee**

The name of this Committee shall be the "License Committee" of the City of Franklin, Wisconsin, hereinafter referred to as the "Committee"

**Article II. Authorization**

The authorization for the establishment of the Committee is set forth in §10-22 of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as "§10-22", which is incorporated herein by this reference and is presented in Exhibit A

**Article III. Membership**

- Section 1 The composition of the Committee shall be as established in §10-22 and as may otherwise be specified by the Common Council
- Section 2 The terms of the members shall be as established in §10-22 and as may otherwise be specified by the Common Council
- Section 3 Each member shall have one (1) vote The Chairman votes according to Common Council policy, which follows Roberts Rules of Order Voting by proxy is not permitted On a tie vote, the motion is lost In the event the Committee is comprised of co-chair status for each member, each member shall have a vote on all matters, absent any conflict of interest or any other reason for abstention
- Section 4 All members shall serve without compensation
- Section 5 A quorum shall be two (2) members
- Section 6 Actions, communications, etc. of Committee members shall be subject to the provisions of the Wisconsin Statutes, including but not limited to the Open Meetings Act, and the Municipal Code and policies of the City of Franklin, including but not limited to the Code of Ethics

**Article IV. Duties**

- Section 1 The duties of the Committee shall be as established in §10-22 of the Municipal Code of the City of Franklin, and as may otherwise be specified by the Common Council
- Section 2 The City of Franklin's City Clerk or designee shall provide administrative staff support to the Committee

**Article V. Officers**

- Section 1 The officers of the Committee shall be the Chair, Vice-Chair and Secretary. In the event the Committee is comprised of Co-Chair status for each member, one member shall additionally be elected Secretary and no Vice-Chair shall be elected during such status.
- Section 2 The Chair and Vice-Chair shall be elected by and from the Committee members.
- Section 3 The term of Chair and Vice-Chair shall be from election to the next election. Elections to fill these offices shall be held at the first Committee meeting and the first Committee meeting on or after May 1 of each subsequent year. Elections to fill vacancies will be held at the first Committee meeting after the vacancy occurs.
- Section 4 The Chair shall preside at all meetings and hearings of the Committee and shall have the duties normally conferred by parliamentary usage to such office. The Chair, with the assistance of the City Clerk, shall:
- a) Call meetings of the Committee as needed to fulfill the duties of the Committee and determine the time and place of such meetings.
  - b) Prepare agendas for meetings.
  - c) Prepare reports of Committee actions.
  - d) Provide notice to all Committee members.
  - e) Attend to correspondence of the Committee as approved by the Committee.
  - f) Determine that the Secretary keeps the official records of the Committee.
  - g) Determine that all Committee members have these Administrative Rules and Procedures and such other records as may be necessary for the satisfactory conduct of the duties of Committee members.
  - h) Have other duties as may from time to time be assigned by the Committee.
- Section 5 When the Chair is unable to preside or fulfill the duties of the Chair, the Vice-Chair (or Co-Chair) shall preside and assume the duties of the Chair until the Chair is able to preside.

**Article VI. Committees, Subcommittees**

- Section 1 The Committee may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Committee.
- Section 2 The Chair shall appoint committee and subcommittee members and officers.



**Article VII. Meetings**

- Section 1 The Committee, its committees and subcommittees shall meet as needed to fulfill the duties of the Committee
- Section 2 The Committee shall meet at the call of the Chairman as needed to fulfill the duties of the Committee
- Section 3 All meetings of the Committee shall be open to the general public, subject to the provisions of the Wisconsin Statutes (Open Meetings Act)
- Section 4 Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Committee shall be as provided in Robert's Rules of Order Newly Revised, as approved by the Common Council
- Section 5 A record of all Committee actions shall be kept as part of its minutes
- Section 6 Any member of the Committee may place on a Committee agenda for consideration, discussion, action, etc any matter that is properly within or related to the duties, rules, procedures, activities, etc of the Committee, by notice to the Chair and the Secretary
- Section 7 All materials and information related to matters to be considered by the Committee shall be delivered to the City Clerk not later than seven (7) working days preceding the meeting at which the matter is to be considered Matters submitted for consideration by the Committee may be rescheduled to a subsequent Committee meeting when the Committee has determined that any required materials and information have not been received by the specified time
- Section 8 Agendas and other materials for each meeting shall, whenever possible, be mailed to the members of the Committee not later than three (3) working days preceding the meeting
- Section 9 Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a majority of all the members of the Committee and approval by the Common Council. All other actions shall require approval of a majority of all the members of the Committee

**Article VIII. Order of Business**

- Section 1 Each Committee agenda shall provide for the following order of business
- I Call to order and roll call
  - II Approval of minutes of previous meeting(s)
  - III Old business (listed)
  - IV New business (listed)
  - V Other business (e.g , items for future agendas, Committee rules and procedures, etc )
  - VI Schedule next meeting
  - VII. Adjournment
- Section 2 In general, the order of business shall follow the printed agenda The order of business may vary from the printed agenda by consensus of the Committee members present

**Article IX. Non-member Participation**

- Section 1 Letters, documents and other records relevant to matters before the Committee or within Committee duties are welcome at any time by submission to the Secretary, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Committee will be considered when the specific matter is considered Submissions related to other matters within the Committee duties will be considered in the Other Business section of the agenda or as otherwise deemed applicable by the Committee
- Section 2 Except for properly noticed and scheduled public hearings, non-member testimony during Committee meetings shall be limited to a) applicants with matters before the Committee, b) persons with knowledge or expertise relevant to matters before the Committee or within Committee duties and c) the Mayor and Aldermen of the City of Franklin Such non-member testimony shall be permitted at the discretion of and upon recognition by the Chair or on consensus of the Committee members present, and upon statement of name, address and basis for testimony
- Section 3 At a properly noticed and scheduled public hearing of the Committee, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address

**Article X. Reconsideration**

- Section 1 The Committee may reconsider any action taken by it during the same meeting at which the action was taken and at the next succeeding meeting

**License Committee**

**Administrative Rules and Procedures**

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Exhibit

- A. §10-22. Of the Municipal Code of the City of Franklin, Wisconsin.

**EXHIBIT A.**

§10-22. License Committee. [Added 3-6-2001 by Ordinance No. 2001-1639]

The License Committee shall consist of three Alderpersons appointed by the Mayor and confirmed by the Common Council, each to serve a one-year term commencing May 1. (See §19-4. of this Code.)

**License Committee**

*redraft 11/8/22*

**Administrative Rules and Procedures**

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**EXHIBIT A:** Sections of the Municipal Code of the City of Franklin, Wisconsin

§10-22 License Committee.

[Added 3-6-2001 by Ord. No. 2001-1639]

The License Committee shall consist of three Alderpersons appointed by the Mayor and confirmed by the Common Council, each to serve a one-year term commencing May 1. (See §19-4 of this Code.)

§19-4 Committees.

A. Committee appointments. At the first regular Council meeting in May, the Mayor shall appoint the following committees, subject to Council confirmation: \*\*\*

(3) License Committee. [Amended/Added x by Ordinance x] The Committee shall review items as directed by the Common Council, items as may be required by the Wisconsin Statutes, applications for alcohol beverage licenses and permits and authorizations, special event permits, coin-operated amusement devices licenses and permits as may be required and/or permitted by the Wisconsin Statutes, and review licensed establishment concerns as may be presented by the Health Department, the Fire Department and/or the Police Department, and then submit its recommendations to the Council.

## **License Committee**

### **Administrative Rules and Procedures**

#### **Article I. Name of Committee**

The name of this Committee shall be the “License Committee” of the City of Franklin, Wisconsin, hereinafter referred to as the “Committee”.

#### **Article II. Authorization and Duties**

Section 1. The authorization for the establishment of the Committee is set forth in §10-22 of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as “§10-22”, which is incorporated herein by this reference and is presented in Exhibit A.

The duties of the Committee shall be as set forth in §19-4A.(3) of the Municipal Code of the City of Franklin, as amended, and as may otherwise be specified by the Common Council, hereinafter referred to as “§19-4A.(3)” which is incorporated herein by this reference and is presented in Exhibit A.

Section 2. The City of Franklin City Clerk or designee shall provide record retention services, administrative staff support to the Committee and shall produce the agenda working with the then presiding Co-Chair. Committee members may individually submit proposed agenda items to the City Clerk or the Clerk’s designee. Minute transcription shall be recorded as the action taken by the Committee upon its consent to such action. Upon a change to the Committee’s recommended action by the Common Council, the Committee meeting minutes shall note the action change therein. The presiding Co-Chair shall deliver a copy of the Committee’s recommended actions sheet to the City Clerk or the Clerk’s designee upon adjournment of the subject meeting, which recommended actions sheet shall be the minutes.

#### **Article III. Membership**

Section 1. The composition of the Committee shall be as established in §10-22 and as may otherwise be specified by the Common Council by way of amendment thereto.

Section 2. The terms of the members shall be as established in §10-22 and as may otherwise be specified by the Common Council by way of amendment thereto.

Section 3. Each member shall have one (1) vote. Voting by proxy is not permitted. On a tie vote, the motion is lost. In the Committee as comprised of Co-Chair member status, each member shall have a vote on all matters, absent any conflict of interest or any other reason for abstention.

Section 4. All members shall serve without compensation.

Section 5. A quorum shall be two (2) members.

Section 6. Actions, communications, etc. of Committee members shall be subject to the provisions of the Wisconsin Statutes, including but not limited to the Wisconsin Open Meetings Law, and the Municipal Code and policies of the City of Franklin, including but not limited to the Code of Ethics.

#### **Article IV. Officers and Staff Assistance**

Section 1. The officers of the Committee shall be Co-Chair on a 3-month rotation, who shall preside to call the meeting to order and perform meeting recording duties. Under the Co-Chair status, for each member, one member shall serve as Chair on a 3-month rotational status presiding as Chair during said period. No Vice-Chair or secretary shall be elected during such status. In the event the present Chair cannot fulfill the duty or term, the office of the Chair will rotate to the following Co-Chair in the order under Section 2. below.

Section 2. Using the rotating Co-Chair status, the rotation shall begin in sequence of the numerical order of the respective Districts Nos. of the Alderpersons appointed to the Committee, with the highest numbered (*ie.*, Districts Nos. 6 through 1) Aldermanic District to preside at the first Committee meeting on or after May 1 of each year, then following that 3-month rotation term or upon an absence or inability of the presiding Co-Chair during that rotation term, the next highest numbered Aldermanic District No. member on the first meeting date, and then the third member Co-Chair thereafter, accordingly, with the process to continue thereafter from the start for every 3 months, with the rotation ending on May 1 of each subsequent year.

Section 3. The Co-Chair shall preside at all meetings and hearings of the Committee and shall have the duties normally conferred by parliamentary usage to such office. However, the City Clerk, acting as staff assistance or the Clerk's designee, with the input of the Co-Chair, shall:

- a) Call meetings of the Committee as needed to fulfill the duties of the Committee and determine the time and place of such meetings.
- b) Prepare agendas for meetings.
- c) Prepare reports of Committee actions.
- d) Provide notice to all Committee members.
- e) Attend to correspondence of the Committee as approved by the Committee.
- f) Keep the official records of the Committee.
- g) Provide all Committee members a copy of these Administrative Rules and Procedures, and such other records as may be necessary for the satisfactory conduct of the duties of Committee members.
- h) Perform such other duties as may from time to time be assigned by the Committee or the Common Council.

Section 4. When the current presiding Co-Chair is unable to preside or fulfill the duties of the Co-Chair, the next in line Co-Chair shall preside and assume the duties until the Co-Chair is able to preside or the rotation term has completed.

#### **Article V. Committees, Subcommittees**

- Section 1. The Committee may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Committee.
- Section 2. The member appointments thereto and formation of a committee or subcommittee shall be made by the Co-Chair in rotation at the time of such formation.

#### **Article VI. Meetings**

- Section 1. The Committee, its committees and subcommittees shall meet as needed to fulfill the duties of the Committee.
- Section 2. The Committee shall on the 1st and 3rd Tuesdays of each month prior to the meeting of the Common Council or as needed, upon the notification of the Office of the City Clerk in consultation with the Co-Chair, to fulfill the duties of the Committee.
- Section 3. All meetings of the Committee shall be open to the public, subject to the provisions of the Wisconsin Statutes (Open Meetings Law).
- Section 4. Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Committee shall be as provided in Robert's Rules of Order Newly Revised, as approved by the Common Council.
- Section 5. A record of all Committee actions shall be kept as part of its minutes.
- Section 6. Any member of the Committee may place on a Committee agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Committee, by notice to the City Clerk or the Clerk's designee.
- Section 7. All materials and information related to matters to be considered by the Committee shall be delivered to the City Clerk not later than seven (7) working days preceding the meeting at which the matter is to be considered. Matters submitted for consideration by the Committee may be rescheduled to a subsequent Committee meeting when the Committee has determined that any required materials and information have not been received by the specified time.
- Section 8. Agendas and other materials for each meeting shall, whenever possible, be mailed or otherwise delivered to the members of the Committee not later than three (3) days preceding the meeting.
- Section 9. Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a majority of all the members of the Committee and approval by the Common Council. All other actions shall require approval of a majority of all the members of the Committee.

#### **Article VII. Order of Business**

- Section 1. The Committee agenda shall provide for the following order of business as applicable:

- I. Call to order and roll call
- II. Approval of minutes (including note(s) re: Council action(s) differ(s))
- III. Business (listed)
- IV. Other business as applicable (e.g., items for future agendas, Committee rules and procedures, etc.)
- V. Next meeting date
- VI. Adjournment

Section 2. In general, the order of business shall follow the printed agenda. The order of business may vary from the printed agenda by consensus of the Committee members present.

### **Article VIII. Non-member Participation**

Section 1. Letters, documents and other records relevant to matters before the Committee or within Committee duties are welcome at any time by submission to the presiding Co-Chair or the City Clerk, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Committee will be considered when the specific matter is considered. Submissions related to other matters within the Committee duties will be considered in the Other Business section of the agenda when such subject matter is stated thereunder or as otherwise deemed applicable in relation thereto by the Committee and pursuant to the Wisconsin Open Meetings Law.

Section 2. Except for required and properly noticed and scheduled public hearings, non-member testimony during Committee meetings shall be limited to: a) applicants with matters before the Committee; b) persons with knowledge or expertise relevant to matters before the Committee or within Committee duties; and c) the Mayor and Alderpersons of the City of Franklin. Such non-member testimony shall be permitted at the discretion of and upon recognition by the Co-Chair or on consensus of the Committee members present, and upon statement of name, address and basis for testimony.

Section 3. At a required and properly noticed and scheduled public hearing of the Committee, any person may speak on the specified subject of the hearing upon recognition by the Co-Chair and statement of name and primary residence address.

### **Article IX. Reconsideration**

Section 1. The Committee may reconsider any action taken by it during the same meeting at which the action was taken and at the next succeeding meeting.