



## May Board Cycle

**Milwaukee County Parks**  
9480 Watertown Plank Rd.  
Wauwatosa, WI 53226  
(414) 257-PARK

Date: April 20, 2018  
To: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors  
From: Guy Smith, CPRP, Interim Parks Director  
Subject: **Authorization to Designate Concessionaire "Class B" Permit for 2018 (ACTION)**

### Policy

Milwaukee County Parks requests authorization to designate a Concessionaire within Whitnall Park but outside of Boerner Botanical Gardens Education and Visitors Center to enable the State Department of Revenue to issue a "Class B" permit pursuant to Wis. Stat. 125.51(5)(b)(1)(c).

### Background

Since 1997, Parks has partnered with Wimmer Communities, a Hales Corners-based real estate development and management firm, to produce the Concerts in the Gardens series at Boerner Botanical Gardens. Concerts in the Gardens features 12 musical events throughout the summer that attracts over 35,000 visitors to a temporary stage set up adjacent to Boerner Botanical Gardens in Whitnall Park. The President of Wimmer Communities, Mark Wimmer, has financially supported the Concerts in the Gardens series and has underwritten the costs of booking bands, stages, and sound equipment which is approximately \$50,000 every Summer.

Zilli Hospitality Group is the exclusive caterer of events within the Education and Visitors Center at Boerner Botanical Gardens, 9400 Boerner Dr. (Tax Key #6999999000). Their contract was specifically drafted to allow the flexibility of other vendors catering events outside the Education and Visitor Center. The Concerts in the Gardens series takes place on an adjacent parcel that has a mailing address of 5879 S. 92nd Street (Tax Key #6609954000). The State Department of Revenue has provided to County Parks the guidance that because this is a separate Tax Key, a separate license or permit could be issued for a concessionaire to sell liquor at the Concerts in the Gardens event.

Wimmer Communities has sought to upgrade the food and beverage offered during the Concerts in the Gardens to create an ambiance similar to that offered at Ravinia in Highland Park, Illinois. In order to do so



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they have recruited That's Amore, a restaurant and catering business with a primary address of 5080 S. 108<sup>th</sup> St. in Hales Corners. That's Amore provided the catering for the Concerts in the Gardens series in 2017 but was unable to serve wine or liquor throughout the season. Wimmer and That's Amore have requested the ability to apply for a "Class B" Permit for the sale of intoxicating liquor, which requires Milwaukee County approval as the property owner. Typically, a concessionaire would apply to the local City or Village which can issue liquor licenses. In this case, the Village of Hales Corners does not have any available liquor licenses to issue as it has reached the State-mandated quota for licenses. Alternatively, That's Amore can apply directly to the State Department of Revenue for a liquor permit, but prior to doing so the State requires approval by the County Board of Supervisors of that action.

Per Wisconsin Statute 125.51(5)(b)1. the Boerner Botanical Gardens is a "public facility" and a "Concessionaire" is defined as "a person designated by resolution of the governing body of a county or municipality owning an airport or public facility to operate premises in the airport or public facility."

Per Wisconsin Statute 125.51(5)(b)2.

"The department shall issue a "Class B" permit to a concessionaire that holds a valid certificate issued under s. 73.03 (50) and that conducts business in an operating airport or public facility, if the county or municipality which owns the airport or public facility has, by resolution of its governing body, annually applied to the department for the permit. The permit authorizes the sale of intoxicating liquor for consumption by the glass and not in the original package or container on the premises."

In this Statute, the "department" is the State Department of Revenue and the "certificate issued under s. 73.03(50)" refers to the business holding a valid business certificate. This report requests the designation of That's Amore as the Concessionaire at this event to enable them to apply for a "Class B" permit for the sale of intoxicating liquor from the State Department of Revenue for 2018.

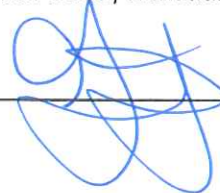
Milwaukee County Parks will by separate action contract with Wimmer for the continued production of the Concerts in the Gardens series and will collect revenue from the event through that contract. This revenue will be designated for the garden fund at the Boerner Botanical Gardens.

### Recommendation

County Board designation of That's Amore as the Concessionaire at this event to enable them to apply for a Class B liquor license from the State Department of Revenue at Tax Key #6609954000 for 2018 pursuant to Wis. Stat. § 125.51(5)(b).

Prepared By: Jim Tarantino, Director of Recreation and Business Services, Milwaukee County Parks

Approved By: Guy Smith, CPRP, Interim Parks Director



Attachments:



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- Attachment 1 – Fiscal Note
- Attachment 2 – Resolution
- Attachment 3 – Map

Copy:

- Chris Abele, County Executive
- Raisa Koltun, Chief of Staff, County Executive's Office
- Chairman, Parks, Energy & Environment Committee
- Vice-Chair, Parks, Energy & Environment Committee
- Kelly Bablitch, Chief of Staff, County Board of Supervisors
- Patti Logsdon, Supervisor District 9
- Allyson Smith, Committee Coordinator, Office of the County Clerk
- Erica Hayden, Research & Policy Analyst, Office of the Comptroller
- Jeremy Lucas, Fiscal Mgt. Analyst, Admin & Fiscal Affairs/DAS
- Shirley Dommer Walczak, Botanical Gardens Director



