



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes

License & Health Committee

Aldersperson Michael J. Czaplewski, Chair

Aldersperson Daniel J. Roadt, Vice-Chair

Alderspersons: Kevin Haass, Michael P. May, Martin J. Weigel

Tuesday, August 2, 2016

6:00 PM

City Hall Room 128

SPECIAL MEETING

A. CALL TO ORDER

The meeting was called to order by Chair Czaplewski at 6:00 p.m.

B. ROLL CALL

Present 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

Others present: Fred D. Bell, Guriqbal S. Sra, Robin L. Mastera, Krystina Nienow, Lindsay M. Wells, Thomas E. Daniels Jr. & Attorney Andrew Arena, Piper J. Rauhen, Manjit S. Shergill, Daniel Hilety, Ald. Vitale, Ald. Probst, Ald. Reinke, Lt. Jessica Johnson, West Allis Police Dept., Nicolas Cerwin, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

[2016-0490](#)

Minutes (draft) of the License & Health Regular meeting of June 28, 2016, and recess meeting of July 5, 2016.

Attachments: [06-28-16 LH Minutes \(draft\)](#)
[07-05-16 LH recess Minutes \(draft\)](#)

A motion was made by Ald. Roadt, seconded by Ald. May, that this matter be Approved. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

69. [2016-0451](#)

2016-2017 Entertainment Club License application no. 2346 of Just For Today Recovery Club, Inc., Fred D. Bell, Agent, d/b/a Just For Today Recovery Club, for the premises located at 1900 S. 60 St.

Appearance by Fred D. Bell. Discussion ensued regarding Mr. Bell subleasing the entertainment to a promoter or another party, and the capacity limit of the premises. The Committee directed Assistant City Attorney Cerwin to investigate if Mr. Bell can lease out space. The Committee told Mr. Bell he can have open mic and poetry reading by members of the Just For Today Recovery Club. Attorney Cerwin informed the Committee of Mr. Bell's pending court case.

This matter was Held.

70. [2016-0462](#) 2016-2017 Combination Class A Liquor License application no. 2351 of Kwik Pantry 6716 LLC, Guriqbal S. Sra, Agent, d/b/a Kwik Pantry, for the premises located at 6716 W. Lincoln Ave. (new-existing location).
- Appearance by Guriqbal S. Sra. Discussion ensued regarding Mr. Sra still being the owner of the building, the license holder, and only changing the entity name.*
- A motion was made by Ald. Haass, seconded by Ald. May, that this matter was Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Aye:** 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel
- No:** 0
71. [2016-0474](#) 2016-2017 Class B Tavern License application no. 2348 of Robin L. Mastera, d/b/a The Farmer's Wife, for the premises located at 6533 W. Mitchell Street. (new-nonexisting location).
- Appearance by Robin L. Mastera. Discussion ensued regarding the type of experience Ms. Mastera has in operating a restaurant, the type of food, and the hours of operation.*
- A motion was made by Ald. May, seconded by Ald. Haass, that this matter was Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**
- Aye:** 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel
- No:** 0
72. [2016-0478](#) 2016-2018 Operator's License (bartender/sales clerk) application no. 18-169 of Christine Ann Stampfel.
- Nonappearance of Christine Ann Stampfel. Ms. Stampfel did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.*
- This matter was Held.**

73. [2016-0479](#) 2016-2018 Operator's License (bartender/sales clerk) application no. 18-167 of Krystina Nienow.

Appearance by Krystina Nienow. Discussion ensued regarding Ms. Nienow's police report. Ms. Nienow was reminded to not overserve patrons, call the police department for any trouble, to be helpful and fully cooperative with the police when they arrive, to use good judgment, and to make good choices for herself and her customers.

A motion was made by Ald. Haass, seconded by Ald. Weigel, that this matter was Recommended For Approval. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

74. [2016-0480](#) 2016-2018 Operator's License (bartender/sales clerk) application no. 18-172 of Lindsay M. Wells.

Appearance by Lindsay M. Wells. Discussion ensued regarding Ms. Wells police report. Ms. Wells was cautioned that a third OWI could result in revocation of her Operator's license.

A motion was made by Ald. Haass, seconded by Ald. Weigel, that this matter was Recommended For Approval. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

75. [2016-0481](#) 2016-2017 Operator's License (bartender/sales clerk) application no. 17-487 of Thomas E. Daniels, Jr.

Appearance by Thomas E. Daniels, Jr. and Attorney Andrew Arena. Discussion ensued regarding Mr. Daniels police report, his prior appearance, and that he and his wife own the building the establishment is in.

A motion was made by Ald. Haass, seconded by Ald. Weigel, that this matter was Recommended For Approval. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

76. [2016-0482](#) 2016-2018 Operator's License (bartender/sales clerk) application no. 18-162 of Piper J. Rauen.

Appearance by Piper J. Rauen. Discussion ensued regarding Ms. Rauen's police report.

A motion was made by Ald. May, seconded by Ald. Haass, that this matter was Recommended For Approval. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

77. [2016-0348](#) 2016-2018 Operator's License (bartender/sales clerk) renewal application no. 18-056 of Manjit S. Shergill.

Appearance by Manjit S. Shergill. Discussion ensued regarding Mr. Shergill's police report and that his application was not filled out completely and accurately.

A motion was made by Ald. Haass, seconded by Ald. May, that this matter was Recommended For Approval. The motion carried by the following vote:

Aye: 4 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, and Ald. May

No: 1 - Ald. Weigel

78. [2016-0207](#) 2015-2016 Special Class B Beer and Wine License application no. 32 of Corvina Wine Company as a Trade Organization, for an event at West Allis Farmer's Market, 6501 W. National Ave. on Wednesday, June 1, 2016 (first date of Music at the Market).

Discussion ensued regarding Corvina's Wine Company not being a trade organization and not being able to hold an event serving or selling wine at the Farmer's Market. The Committee asked Attorney Cerwin to look into amending the Ordinance and about declaring the Farmer's Market as public property.

A motion was made by Ald. Haass, seconded by Ald. Roadt, that this matter was Recommended to be Placed on File. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

79. [O-2016-0011](#) Ordinance to Create Section 9.36 of the West Allis Revised Municipal Code Relating to Electronic Smoking Device Sales.

Sponsors: Ald. Reinke

Attachments: [New CDC Study Calls to Poison Centers](#)
[E-Cigarette Use Among Middle & High School Students](#)
[Smokers use E-Cigarettes to get high](#)
[Undercover-Dangerous synthetic drugs sold to teens](#)
[Police Warn New Way to Use Drugs Plain Sight](#)
[Vaping Latest Scourge in Drug Abuse](#)
[E-Cigarettes in the Indoor Environment \(A\)](#)
[Harmful Chemicals Electronic Cigarettes \(A\)](#)
[WMA Statement E-Cigarettes & Other Electronic Nicotine Delivery Systems \(A\)](#)
[E-Cigarettes-An Overview \(A\)](#)
[Flavoring Chemicals in E-Cigarettes \(A\)](#)
[State Health Officer's Report on E-Cigarettes \(A\)](#)
[E-Cigarettes Threaten Public Health Advances-Article \(A\)](#)
[E-Cigs Damage DNA in Lab Study-Article \(A\)](#)
[Summary Results-Lab Analysis E-Cigarettes Conducted by FDA \(A\)](#)
[E-Cigarettes & Smoke-free Laws \(A\)](#)
[Use E-Cigarettes Impairs Indoor Air Quality \(A\)](#)
[Assoc Mortality Long-Term Exposures Fine & Ultrafine Particles. Species & Sources \(A\)](#)
[E-Cigarette Factsheet A Growing Concern](#)
[ATTO-Create Sec 9 36 E Smoke Sales Update 6-7-16 Mark Up](#)
[Vaporizers E-Cig & ENDS](#)
[Retailer Overview of FDA](#)
[ATTO-Create Sec 9 36 E Smoke Sales Update July 5](#)

Discussion ensued regarding statements within the body of the ordinance, and vape sampling being allowed within the confines of the establishment. Due to time constraints, the Committee held this item until the License & Health recess meeting.

This matter was Held.

D. CLOSED SESSION

A closed session was not held.

80. [2016-0463](#)

2016-2017 Class B Tavern License application no. 709 of Daniel G. Hiley, d/b/a Sale Inn, for the premises located at 5832 W. Lincoln Ave. (new-existing location).

Appearance by Daniel Hiley. Discussion ensued regarding Mr. Hiley never being issued the 2015-2016 Class B Tavern License, that he did not open the business last year because he is trying to sell it, and applied for the license for the 2016-2017 license year with no intention of opening, but instead to increase the value of the building by having a liquor license readily available. Mr. Hiley was informed that the Sale Inn license had expired and that this is a new application he submitted which could be denied, because it is not allowable to let someone hold onto a license for the sake of its value.

A motion was made by Ald. May to deny based on there not being a viable business operating at the address. There was no seconder.

The Committee stated it wanted to be business friendly and had sympathy for long time business owners.

A motion was made by Ald. Weigel, seconded by Ald. Haass to hold this matter for ninety (90) days, during which time Mr. Hiley had to either lease the building and it be operating, or have a viable offer to purchase the business.

Ayes: 4 - Ald. Czaplewski, Ald. Haass, Ald. Roadt, and Ald. Weigel

Noes: 1 - Ald. May

Ald. May wanted his objection put on record in the minutes as follows:

"The applicant did not obtain a 2015-2016 license, nor did the applicant operate a tavern in 2015-2016. Therefore the license application before us is for a new license and must not be treated as a license renewal.

The applicant stated that he had no intent in operating a tavern, stated that he wants to sell the building, stated that he was under the impression that licenses were granted to stay with the premises itself, and stated that there was no broker or sale date certain.

Ald. May stated it is against the best interests of the City and the business community to hold a license for an individual or entity that has no intent on using such license, and it is against the best interests of the City and the business community to allow licenses to be granted and commoditized for sale. A commitment to the applicant that if he shows strong effort to sell his business he can obtain the Class B license is improper for the reasons stated above, and it is improper because the applicant would have no right to such license without a place to conduct business."

This matter was Held

81. [2015-0770](#) Summons and Complaint in the matter of the complaint against Daniel Hiley, for the premises located at 5832 W. Lincoln Ave., d/b/a Sale Inn (2015-2016 Class B Tavern License renewal application).

Attachments: [Summons Sales Inn](#)
[Complaint Sale Inn](#)
[Affidavit of Service](#)

Attorney Cerwin informed the Committee that this Summons and Complaint is no longer valid because it is for the expired license.

A motion was made by Ald. Haass, seconded by Ald. May, that this matter was Recommended to be Placed on File. The motion carried by the following vote:

Aye: 5 - Ald. Czaplewski, Ald. Roadt, Ald. Haass, Ald. May, and Ald. Weigel

No: 0

82. [2016-0475](#) 2016-2017 Class B Beer License renewal application no. 1984 of Vani's Kitchen, Inc., Vigneshwar Bhadharla, Agent, d/b/a Vani's Kitchen located at 10535 W. Greenfield Ave.

Nonappearance of Vigneshwar Bhadharla. Mr. Bhadharla contacted the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.

This matter was Held.

83. [2016-0476](#) 2016-2017 Class C Wine License renewal application no. 1985 of Vani's Kitchen, Inc., Vigneshwar Bhadharla, Agent, d/b/a Vani's Kitchen located at 10535 W. Greenfield Ave.

See legislative file no. 2016-0475.

This matter was Held.

84. [2016-0176](#) Summons and Complaint in the matter of the complaint against Vani's Kitchen, Inc., Vigneshwar Bhadharla, Agent, for the premises located at 10535 W. Greenfield Ave., d/b/a Vani's Kitchen (2015-2016 Class B Beer License renewal application no. 1984, Class C Wine License renewal application no. 1985, and Restaurant Permit).

Attachments: [Summons Vani's Kitchen 3-22-16](#)
[Complaint Vani's Kitchen 3-22-16](#)

See legislative file no. 2016-0475.

This matter was Held.

85. [2016-0231](#) Findings and Recommendations in the Matter of the complaint against Vani's Kitchen, Inc., 10535 W. Greenfield Avenue (2015-2016 Class B Beer License renewal application no. 1984 and Class C Wine License renewal application no. 1985).

Attachments: [Vani's Kitchen F&R 5-17-16](#)

See legislative file no. 2016-0475.

This matter was Held.

86. [2016-0326](#) Response of Vani's Kitchen, Inc., to the Findings and Recommendation of the License & Health Committee and Motion to Modify the Recommendation.

Attachments: [Vani's Kitchen, Inc. response](#)

See legislative file no. 2016-0475.

This matter was Held.

E. ADJOURNMENT

A motion was made by Ald. May, seconded by Ald. Weigel, to adjourn at 7:30 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*