



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Meeting Minutes

License & Health Committee

Aldersperson Michael J. Czaplewski, Chair

Aldersperson James W. Sengstock, Vice-Chair

Alderspersons: Gary T. Barczak, Daniel J. Roadt, Martin J. Weigel

Tuesday, August 24, 2010

6:00 PM

City Hall Room 128

REGULAR MEETING

A. CALL TO ORDER

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

B. ROLL CALL

Present: 3 - Ald. Czaplewski, Ald. Barczak and Ald. Roadt

Excused: 2 - Ald. Sengstock and Ald. Weigel

Others present: Steven K. Mitchell, Kristen S. Sromalla, Colleen M. Santner, Joe Brocksmith, Richard F. Weis, Joseph A. Jeffords, Fred & Sue Scardina, Mary Lou Gardipee, Loretta A. Matovich, Laura L. Kolnik, Court Reporter from Colleen Reed Reporting, LLC, Ted Atkinson, Director of Building Inspections and Neighborhood Services, Lt. Terry Morrissey, West Allis Police Dept., Scott Post, City Attorney, Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.

C. APPROVAL OF MINUTES

A motion was made by Ald. Roadt, seconded by Ald. Barczak, to approve the minutes of the special meeting of August 3, 2010 and recess meeting of August 3, 2010. The motion carried unanimously.

A second roll call was taken to reflect Ald. Weigel present at this time.

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

Excused: 1 - Ald. Sengstock

F. NEW AND PREVIOUS MATTERS

3. [2010-0510](#) 2010-2011 Tavern Operator License application no. 11-534 of Steven K. Mitchell.

Appearance by Steven K. Mitchell. Chair Czaplewski reminded Mr. Mitchell that he needs to answer question no. 4 on the application completely regardless of how old a violation is. Mr. Mitchell replied he forgot about the violation he had received fourteen years ago. Ald. Barczak informed all in attendance of the City's compliance check program and reminded them to check identification and call 911. Ald. Barczak stated that the bartender has the right to hold onto any suspicious identification and call the police for validation. If the party wants to take their ID back and leave then they may do so. Ald. Barczak said the bartender needs to be in control and responsible and sometimes make difficult decisions for the good of the patron. Chair Czaplewski informed Mr. Mitchell and all in attendance that due to the smoking ban and patrons smoking outside, the establishment is still responsible for noise control and to call 911 for any disturbances.

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

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

No: 0

4. [2010-0511](#) 2010-2012 Tavern Operator License application no. 12-227 of Kristen S. Sromalla.
- Appearance by Kristen S. Sromalla. Ms. Sromalla presented her paid receipt to Lt. Morrissey for the outstanding warrant. Chair Czaplewski commented on Ms. Sromalla's driving record and stated that a driver's license and a bartender's license come with rules and responsibilities. Chair Czaplewski said her driving record shows a lack of respect for driving laws and he hoped she didn't have the same disregard for rules associated with a bartender's license. Attorney Merten noted that full disclosure was not submitted on question no. 4. Ms. Sromalla said she did not finish the application before her manager sent her application in. Ald. Weigel informed Ms. Sromalla that any future applications need to include all violations.*
- A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
5. [2010-0523](#) 2010-2012 Tavern Operator License application no. 12-230 of Colleen M. Santner.
- Appearance by Colleen M. Santner. Ms. Santner presented her paid receipt to Lt. Morrissey for the outstanding warrant. Chair Czaplewski commented on Ms. Santner's violations on the police report for the past year. Ms. Santner explained she had some personal problems and was not making good choices. Ald. Barczak stated the Committee has a degree of responsibility to the Community. He said if the Committee would grant this license and Ms. Santner would have something else happen in relation to her license, the Committee would need to be accountable to the Community. Ald. Barczak said he would not vote in favor of this license being granted due to the violations being so current. Ald. Barczak suggested if Ms. Santner does not receive any more violations she could reapply in a year.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Denial. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0
6. [2010-0468](#) Police Department Report regarding June 5, 2010 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with three (3) selling tobacco to an underage person without requesting identification (2010-2011 Cigarette License no. 1100 of Wisconsin CVS Pharmacy, LLC, Joe Brocksmith, Agent, d/b/a CVS Pharmacy #8765 at 9220 W. Greenfield Ave.).
- Appearance by Joe Brocksmith. Mr. Brocksmith informed the Committee that his company has a zero tolerance policy for failing compliance checks.*
- This Matter was Recommended to be Placed on File on a Block Vote.**
7. [2010-0469](#) Police Department Report regarding June 5, 2010 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with three (3) selling tobacco to an underage person without requesting identification (2010-2011 Cigarette License no. 473 of Weis Oil, Inc., Richard F. Weis, Agent, d/b/a Weis Oil, Inc. at 12004 W. Greenfield Ave.).
- Appearance by Richard F. Weis. Chair Czaplewski commented that this was the second failed compliance check for this establishment. He cautioned Mr. Weis that failure of future compliance checks could result in revocation of the license.*
- This Matter was Recommended to be Placed on File on a Block Vote.**

Passed The Block Vote

A motion was made by Ald. Barczak, seconded by Ald. Weigel, including all the preceding items marked as having been adopted on a Block Vote. The motion carried by the following vote:

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

No: 0

8. [2010-0470](#)

Police Department Report regarding June 5, 2010 Tobacco Compliance Check involving twelve (12) West Allis businesses, resulting with three (3) selling tobacco to an underage person without requesting identification (2010-2011 Cigarette License no. 498 of Walgreens Co., Melinda M. Smyczek, Agent, d/b/a Walgreens #5231 at 10725 W. Greenfield Ave.).

Nonappearance of Melinda M. Smyczek. Ms. Smyczek did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

Held

9. [2010-0428](#)

Police Department Report involving West Allis Cigarette Depot, 7023 W. Greenfield Ave. (2010-2011 Cigarette License application no. 513 of Atlas Tobacco & Grocery Wholesale Corp., Kamal H. Issa, Agent, Incident Dates: June 12, 2010 and June 17, 2010).

Nonappearance of Kamal H. Issa. Attorney Merten informed the Committee that she had received a signed stipulation from Mr. Issa's attorney agreeing to a closure of the premises for thirty (30) consecutive days beginning September 1, 2010.

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

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel

No: 0

10. [2010-0486](#)

Communication from Assistant City Attorney regarding Smokin' Joe's failure to complete the landscaping and screening plan for the property at 6139 W. Beloit Rd.

Appearance by Joseph A. Jeffords. Mr. Jeffords told the Committee he needed a few more months to complete the required repairs. Chair Czaplewski advised Mr. Jeffords to call Terry Tauschmann in the Building Inspections & Neighborhood Services Department and tell him exactly what he still has left to do, what his plans are for completing it and his estimated completion date. Mr. Jeffords said he planned to have the work completed by winter. Attorney Merten informed Mr. Jeffords there was a default judgement against him and he needed to contact the Municipal Court Clerk to have the case reopened. Ald. Weigel told Mr. Jeffords his license could be subject to revocation if he does not follow through. Attorney Merten suggested to the Committee to have Mr. Jeffords reappear in September.

Held

11. [2010-0461](#) Police Department Report involving Smokin' Joe's Pub, 6139 W. Beloit Rd., (2010-2011 Class B Tavern License no. 1427, Dance Hall License no. 1428 and Instrumental Music License no. 1430 of Smokin' Joe's Pub, LLC, Joseph A. Jeffords, Agent, Incident Dates: June 13 and June 15, 2010).

Appearance by Joseph A. Jeffords. Chair Czaplewski commented that the police report was unclear as to who called 911. Mr. Jeffords told the Committee that while he was in the basement getting supplies the fight had started and ended quickly. Mr. Jeffords said his sister was tending bar that evening and she called the police.

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

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

12. [2010-0412](#) Communication from Assistant City Attorney regarding non-payment of personal property taxes for Scardina Bakery and Delicatessen.

Appearance by Fred & Sue Scardina. Attorney Merten informed the Committee that the refund of the landscape bond has been transferred to the personal property taxes. Ms. Scardina said the construction is still a factor in the decrease of business and even more so with absolutely no parking allowed in front of their establishment. Mr. & Ms. Scardina told the Committee that they are confident sales will improve with the beginning of the football season and completion of the construction. Ald. Barczak advised Mr. & Ms. Scardina to keep up their effort in making payments.

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

Votes: Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

G. OTHER MATTERS TO COME BEFORE THE COMMITTEE FOR DISCUSSION/ACTION

13. [2010-0462](#) Discussion relative to delinquent taxes for various license and permit applicants.

Appearance by Mary Lou Gardipee.

Nonappearance by Scott Repinski, Bob McCormack & Erich Schwenker, James A. Foti, Laura Cagle, Mohammad Chowdry, Rodney Robinson, David P. Bickler, Sr.

*Lam Enterprises, LLC, Loretta Matovich, Shawna's, 1101 S. 60 St.,
Personal Property Taxes*

Attorney Merten informed the Committee that Ms. Matovich's delinquent personal property taxes are part of the Summons and Complaint. See legislative file no. 2010-0425.

*Connoisseur House of Chocolate, Scott Repinski, 1942 S. 76 St.,
Retail Food Permit - Personal Property Taxes*

Second nonappearance of Scott Repinski. Mr. Repinski did not contact the Clerk's office. A motion was made by Ald. Weigel, seconded by Ald. Barczak that Connoisseur House of Chocolate be referred for Summons and Complaint to the City Attorney due to nonappearance, non-payment of personal property taxes and non-payment of real estate taxes. The motion carried by the following vote:

*Ayes: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
Noe: 0*

*East Samaria-Tri-Corp Housing, Bob McCormack & Erich Schwenker, 6640-67 W. Beloit Rd.,
Restaurant Permit & Rooming House Permit - Personal Property Taxes
Nonappearances of Bob McCormack & Erich Schwenker. Mr. McCormack & Mr. Schwenker
did not contact the Clerk's office. Attorney Merten informed the Committee that East
Samaria-Tri-Corp Housing was in the process of foreclosure.*

*Golden Chicken, James A. Foti, 8901 W. Greenfield Ave.,
Personal Property Taxes - Restaurant Fee
Nonappearance of James A. Foti. Mr. Foti did not contact the Clerk's Office. The Treasurer's
Office had a paid receipt dated August 20, 2010 for the personal property taxes. The Health
Department fees were paid as of July 31, 2010.*

*The Learning Years, Inc., Laura Cagle, 932 S. 60 St.,
Personal Property Taxes
Nonappearance of Laura Cagle. Ms. Cagle did not contact the Clerk's Office. The
Treasurer's Office had a paid receipt dated August 17, 2010 for the personal property taxes.*

*Papa Johns Pizza, PJ Milwaukee, LLC. Rodney Robinson, 7520 W. Greenfield Ave.,
Restaurant Permit - Personal Property Taxes
Nonappearance of Rodney Robinson. Mr. Robinson did not contact the Treasurer's Office.
The Treasurer's Office had a paid receipt dated August 24, 2010 for the personal property
taxes at 7520 W. Greenfield Ave. Attorney Merten informed the Committee Papa John's still
owes personal property taxes for the location on S. 108 St. The Clerk's Office was asked to
contact them before any further action.*

*Mary's on the Corner, LLC, Mary Lou Gardipee, 7033 W. Becher St.,
Real Estate Taxes
Appearance by Mary Lou Gardipee. Ms. Gardipee was advised by Chair Czaplewski to speak
with Attorney Merten to set up a payment agreement. He suggested Ms. Gardipee contact
Attorney Merten if she would have any problems making her payments. Attorney Merten
confirmed a contact number and address with Ms. Gardipee.*

*DDT Bobblehedz, Inc., David P. Bickler, Sr., Agent, d/b/a Bobblehedz, 5630 W. Lincoln Ave.,
Class B Tavern License & Instrumental Music License - Real Estate Taxes
Nonappearance by David P. Bickler, Sr. Attorney Merten informed the Committee that on
August 24, 2010 Mr. Bickler had signed a payment agreement.*

*Fratella Restaurant Group, LLC, Timothy Sanchez, 6202 W. Lincoln Ave.,
Restaurant Fee - Personal Property Taxes
Nonappearance by Timothy Sanchez. Attorney Merten informed the Committee that Mr.
Sanchez had signed a payment agreement.*

*Children's Creative Corner, Inc., Toni Hamelin, 7330 W. Lincoln Ave.,
Personal Property Taxes
Nonappearance by Toni Hamelin. Attorney Merten informed the Committee that Ms. Hamelin
had signed a payment agreement and she made her final payment August 24, 2010.*

*Scardina Bakery & Delicatessen, Fred Scardina, 5921 W. Beloit Rd.,
Restaurant Permit & Weights & Measures, - Personal Property Taxes
Appearance by Mr. & Ms. Scardina under separate jacket. See legislative file no. 2010-0412.*

Discussed and Consensus Given

E. CLOSED SESSION

A closed session was not held.

D. HEARING

A hearing was not held.

1. [2010-0425](#)

Summons and Complaint in the matter of the complaint against LAM Enterprises, LLC, Loretta A. Matovich, Agent, for the premises located at 1101 S. 60 St., d/b/a Shawna's Pub & Grub (2009-2010 Class B Tavern License no. 1579).

Appearance by Loretta A. Matovich. City Attorney Scott Post informed all parties involved of the procedure process. He advised everyone to speak one at a time and give verbal responses so that the court reporter could get an accurate recording of the proceedings.

Attorney Post asked Ms. Matovich if she had counsel with her. Ms. Matovich said she did not because she wasn't aware this meeting was for the hearing.

A discussion ensued regarding if the Committee would adjourn until a future date so Ms. Matovich could have representation.

The hearing was rescheduled for Tuesday, September 28, 2010 at 6:00 p.m.

Held

2. [2010-0365](#)

2010-2011 Class B Tavern License renewal application no. 1579, Instrumental Music License application no. 1675, and Dance Hall License renewal application no. 1580 of LAM Enterprises, LLC, Loretta A. Matovich, Agent, d/b/a Shawna's Pub & Grub for premises located at 1101 S. 60 St.

See legislative file no. 2010-0425.

Held

H. ADJOURNMENT

A motion was made by Ald. Barczak, seconded by Ald. Roadt, to adjourn at 6:50 p.m. The motion carried unanimously.

Respectfully submitted,

Ann Marie Neff

Secretary to the Committee