



# 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, July 6, 2010

6:15 PM

City Hall Room 128

### SPECIAL MEETING

#### A. CALL TO ORDER

*The meeting was called to order by Chair Czaplewski at 6:15 p.m.*

#### B. ROLL CALL

Present: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel  
Excused: 1 - Ald. Sengstock

*Others present: Staci LM. Rettig, Shane E. Ragland, Fred & Sue Scardina., Issa H. Kamal & Attorney Othman Atta, Gurlal Singh, Jenifer Lee Daniels, Mark S. Silber, Krysta Montville, Lt. Terry Morrissey, West Allis Police Dept., Jenna Merten, Assistant City Attorney and Ann Marie Neff, Secretary to the Committee.*

#### C. APPROVAL OF MINUTES

**A motion was made by Ald. Weigel, seconded by Ald. Roadt, to approve the minutes of the special meeting of June 15, 2010 and recess meeting of June 15, 2010. The motion carried unanimously.**

#### D. NEW AND PREVIOUS MATTERS

63. [2010-0436](#)

2010-2012 Tavern Operator License renewal application no. 12-199 of Staci LM. Rettig.

*Appearance by Staci LM. Rettig. Ald. Czaplewski cautioned Ms. Rettig about revocation of her license if she has additional OWI's. Ms. Rettig told the Committee this was her first violation and she had learned her lesson.*

**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

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

Present: 5 - Ald. Czaplewski, Ald. Sengstock, Ald. Barczak, Ald. Roadt and Ald. Weigel  
Excused: 0

65. [2010-0409](#)

2010-2012 Package Goods Operator License application no. 1690 of Jacob C. Hovie.

*Nonappearance of Jacob C. Hovie. Mr. Hovie did not contact the Clerk's Office. The Committee requested he be ordered to appear at the next scheduled License & Health meeting.*

**Held**

66. [2010-0411](#) 2010-2012 Package Goods Operator License application no. 1687 of Shane E. Ragland.
- Appearance by Shane E. Ragland. Mr. Ragland informed the Committee he is a cashier at Pick 'n Save full time for the summer and would work part time while he attended college. Ald. Barczak said he would give Mr. Ragland a chance because Pick 'n Save's has a policy to check identification for everyone before they sell it.*
- A motion was made by Ald. Weigel, seconded by Ald. Sengstock, that this matter be Recommended For Approval. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0
67. [2010-0431](#) 2010 Special Event Direct Sellers Permit application no. 1 of Glywin R. McJennett, Jr.
- Nonappearance of Glywin R. McJennett, Jr. Mr. McJennett did not contact the Clerk's Office. The event Mr. McJennett was applying for had passed.*
- A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0
68. [2010-0410](#) 2010 Special Event Direct Sellers Permit application no. 2 of Robert S. Meek.
- Nonappearance of Robert S. Meek. Mr. Meek did not contact the Clerk's Office. The event Mr. Meek was applying for had passed.*
- A motion was made by Ald. Sengstock, seconded by Ald. Barczak, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0
69. [2010-0412](#) Communication from Assistant City Attorney regarding non-payment of personal property taxes for Scardina Bakery and Delicatessen.
- Appearance by Fred & Sue Scardina. Mr. Scardina told the Committee that business has been slow and that the construction is hurting sales even more. He commented on there not being any available parking near the store because of the construction workers vehicles and the trucks taking up the spaces. Mr. Scardina said that his elderly customers should not have to park a block away. Mr. Scardina was hopeful that the summer festivals would help make up some of the lost sales. Attorney Merten recapped the agreement, the amount of delinquent personal property taxes and when the last payment was received. Attorney Merten reminded Mr. Scardina and the Committee that the 2009 personal property taxes are also delinquent and needed to be added to the amount due. Ms. Scardina told the Committee she has drawn up a financial business plan for repayment, in anticipation of the sales at the festivals doing well. Ald. Sengstock said the economy and the construction is a struggle for all businesses. He commented that other businesses have met their financial obligations. Ald. Sengstock said it is not the intention of the Committee to close them down and asked Mr. Scardina to make a good faith effort in paying. Mr. Scardina told the Committee he is waiting for a bond refund from the Building Inspections Department. He completed the landscaping requirements and is waiting for the reinspection. Attorney Merten informed Mr. Scardina he needs to contact the Building Inspections and Neighborhood Services to schedule a reinspection. Mr. and Ms. Scardina were advised to contact Ms. Merten to report on their status and make their payments.*
- Attorney Merten asked the Committee to have Mr. and Ms. Scardina reappear in August to report on their progress.*

**Held**70. [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).

*Appearance by Issa H. Kamal & Attorney Othman Atta. Ald. Czaplewski asked Mr. Kamal if he had agreed to the dates in the stipulation to not sell cigarettes. Ald. Roadt read from the police report that not just once, but twice Mr. Kamal was caught selling cigarettes during the dates on the stipulation. Ald. Roadt said it was obvious Mr. Kamal did not abide by the stipulation. Mr. Kamal replied he had agreed on the dates, and felt he needed to inform his regular customers so they could buy cigarettes elsewhere. Mr. Kamal told the Committee he had checks clearing the bank for payment and he needed the income. Mr. Kamal said when he realized the dates were inconvenient, his Attorney was not reachable. Ald. Weigel commented that Mr. Kamal was not selling some rare commodity that could not be purchased across the street or down the block. Ald. Weigel moved for revocation of the license. Attorney Merten stated that the Summons and Complaint could be reinstated because Mr. Kamal failed to follow the stipulation. Attorney Atta said he went out of town after the stipulation was signed and was unaware of Mr. Kamal's dilemma. Attorney Atta appealed on behalf of his client, stating Mr. Kamal has been a business owner for 15 years with no prior violations. Attorney Atta asked for another chance for his client for suspension to not sell cigarettes, or total closure of the store for a period of time. Attorney Atta said he felt revocation of the license was too harsh a penalty. Attorney Merten was advised by the Chair to proceed with the Summons and Complaint. Attorney Atta was told he could contact Attorney Merten if he chose to discuss other penalty options.*

**A motion was made by Ald. Weigel, seconded by Ald. Sengstock, that this matter be Recommended For Approval to the City Attorney. The motion carried by the following vote:**

**Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0

71. [2010-0405](#)

2010-2011 Class A Beer License no. 909 of National Quick Food Mart, LLC, Gurlal Singh, Agent, d/b/a Kwik Pantry for premises located at 5631 W. National Ave.

*Appearance by Gurlal Singh. Ald. Czaplewski cautioned Mr. Gurlal that his Class A Beer License could be in jeopardy if he would receive additional OWI's.*

**A motion was made by Ald. Barczak, seconded by Ald. Sengstock, that this matter be Recommended for Approval subject to the necessary requirement(s). The motion carried by the following vote:**

**Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0

72. [2010-0239](#)

2010-2011 Tavern Operator License application no. 11-469 of Jenifer Lee Daniels.

*Appearance by Jenifer Lee Daniels. Lt. Morrissey informed the Committee that Ms. Daniels had paid her outstanding fine. The Committee cautioned Ms. Daniels about future OWI's affecting her license. Ms. Daniels stated she had learned her lesson.*

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

**Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0

73. [2010-0392](#) Police Department Report involving Flappers, 7527 W. Becher St. (2009-2010 Class B Tavern License no. 797 and Dance Hall License no. 799 of Rodeo Grill, LLC, Mark S. Silber, Agent, Incident Date: May 10, 2010).

*Appearance by Mark S. Silber. Mr. Silber told the Committee the parties involved in the altercation outside his establishment had no problems inside his bar. Mr. Silber said that his bartender reported to him that the parties left in good spirits, hugged her good bye and said to have a nice evening. Ald. Roadt stated he has concerns after reading in the police report that Flappers over serves and has trouble maintaining order. Mr. Silber said he didn't feel that was accurate reporting. Mr. Silber questioned how he can be responsible if the problems start and elevate outside, and in this case even down the block a few businesses. Lt. Morrissey advised Mr. Silber to contact Captain Fujinaka for suggestions. Attorney Merten informed the Committee that there is a court case which states that the license holder is responsible for what happens outside their establishment with their patrons. Mr. Silber said he had concerns about the smoking ban and how it will be handled. Ald. Weigel reminded Mr. Silber that when the customers are smoking outside his establishment Mr. Silber is responsible for maintaining order. Ald. Barczak reminded Mr. Silber that no alcohol is allowed outside. Ald. Czaplewski suggested Mr. Silber contact Captain Fujinaka with his questions.*

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

**Votes:** Aye: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0

64. [2010-0402](#) 2010-2012 Package Goods Operator License application no. 1685 of Krysta Montville.

*Appearance by Krysta Montville. Ms. Montville told the Committee she never had an OWI. Lt. Morrissey was able to confirm this information before the Special Meeting adjourned.*

**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: 5 - Ald. Czaplewski, Ald. Barczak, Ald. Weigel, Ald. Sengstock and Ald. Roadt  
No: 0

## E. ADJOURNMENT

**A motion was made by Ald. Weigel, seconded by Ald. Sengstock, to adjourn at 6:55 p.m. The motion carried unanimously.**

*Respectfully submitted,*

*Ann Marie Neff  
Secretary to the Committee*