



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, January 25, 2011

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. Roadt and Ald. Weigel
Excused: 2 - Ald. Sengstock and Ald. Barczak

Others present: Rachel T. Jaworski, Charles F. Malak, Jon Robert Cervantes, Carol L. McMahon, Mark R. Holbert, Jacob M. Silber, Mohammad Rafiq, Joseph A. Jeffords, Cosmo R. Lomagro, Donald P. Anderson, 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 regular meeting of October 26, 2010 and recess meetings of November 3, 2010, November 16, 2010, December 7, 2010, December 21, 2010, January 4, 2011 and January 18, 2011. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

1. [2011-0055](#) 2010-2011 Tavern Operator License application no. 11-595 of Rachel T. Jaworski.

Appearance by Rachel T. Jaworski. Ald. Weigel informed Ms. Jaworski and all in attendance to call 911, to work as partners with the police, be courteous to the officers, give good descriptions, to take notice of what is going on in the establishment and not over serve customers. Ald. Weigel informed all in attendance of the City's compliance check program.

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: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0

3. [2011-0016](#) 2010-2011 Tavern Operator License application no. 11-592 of Charles F. Malak.

Appearance by Charles F. Malak. Mr. Malak explained about his past charges. Ald. Czaplewski told Mr. Malak he would not be voting for approval of this license based on the previous drug charge.

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: 2 - Ald. Roadt and Ald. Weigel
No: 1 - Ald. Czaplewski

4. [2010-0705](#) Police Department Report involving Night Court, 7127 W. National Ave. (2010-2011 Class B Tavern License no. 1594 of Parops, LLC, Hans T. Anderson, Agent, Incident Date: November 11, 2010).
- Appearance by Hans T. Anderson. Lt. Morrissey commented that according to the police report the party involved in this incident was intoxicated, belligerent and out of control. Ald. Weigel said the bartender has the responsibility and the right to not serve an intoxicated patron.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0
5. [2010-0706](#) Police Department Report involving Jonny Hammers, 6300 W. Lincoln Ave. (2010-2011 Class B Tavern License no. 1415, Dance Hall License no. 1417 and Instrumental Music License no. 1418, of Jonny Hammers, LLC, Jon Robert Cervantes, Agent, Incident Date: November 6, 2010).
- Appearance by Jon Robert Cervantes. Mr. Cervantes said the bartender waited to call the police because one of the parties involved said they had called the police.*
- A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0
6. [2011-0022](#) Police Department Report involving Stacey's, 6711 W. Beloit Rd. (2010-2011 Class B Tavern License no. 817 and Dance Hall License no. 819 of Stacey's, Inc., Carol L. McMahon, Agent, Incident Date: November 25, 2010).
- Appearance by Carol L. McMahon. Ms. McMahon told the Committee she heard the customers voices getting louder but did not realize there was a fight. The parties involved left the establishment right after the glass broke. Ms. McMahon said she was unaware that the glass was used as a weapon to hit someone until the police came in several hours later to investigate. Lt. Morrissey stated the police were called to the hospital regarding injuries sustained at the bar.*
- A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0
7. [2011-0026](#) Police Department Report involving Sportz Medicine, 7731 W. Becher St. (2010-2011 Class B Tavern License no. 1453 and Dance Hall License no. 1455 of Sportz Medicine, LLC, Mark R. Holbert, Agent, Incident Date: December 18, 2010).
- Appearance by Mark R. Holbert. Ald. Weigel commented that the police were called to the hospital for injuries from an attack. Mr. Holbert said a short while after the parties left a man came back in with his head bleeding. Mr. Holbert explained that the bartender did not call the police because friends of the injured party took him to the hospital. Mr. Holbert told the committee he reviewed his surveillance tapes and did not see any signs of an altercation starting inside the establishment. This incident happened outside.*
- A motion was made by Ald. Weigel, seconded by Ald. Roadt, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0

8. [2011-0025](#) Police Department Report involving The Network, 9541 W. Cleveland Ave. (2010-2011 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC., Jacob M. Silber, Agent, Incident Date: December 19, 2010).
- Appearance by Jacob M. Silber. Ald. Weigel was concerned with the language in the song that was playing on the jukebox, according to the police report, while the police were investigating the incident. Mr. Silber said it was an internet jukebox and he did not have control as to what was playing. Ald. Weigel informed Mr. Silber that he can block internet jukebox music by title, genre and artist if he chooses to do so. He advised Mr. Silber to consider looking into that.*
- This Matter was Recommended to be Placed on File on a Block Vote.**
9. [2011-0030](#) Police Department Report regarding violations of the Wisconsin Indoor Clean Air Act Smoking Ban for the month of December 2010 involving six (6) West Allis businesses (2010-2011 Class B Tavern License no. 786, and Dance Hall License no. 788 of The Network, LLC., Jacob M. Silber, Agent, d/b/a The Network, 9541 W. Cleveland Ave., Incident Date: December 7, 2010, 3rd Offense).
- Appearance by Jacob M. Silber. Ald. Weigel advised Mr. Silber to instruct his bartenders to stop serving a patron if they are smoking or light up inside the establishment.*
- This Matter was Recommended to be Placed on File on a Block Vote.**

Passed The Block Vote

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

Votes: Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0

10. [2011-0029](#) Police Department Report regarding December 11, 2010 Tobacco Compliance Check involving ten (10) West Allis businesses, resulting with one (1) selling tobacco to an underage person without requesting identification. (2010-2011 Cigarette License no. 1400 of Rahan, LLC, Mohammad Rafiq, Agent, d/b/a Hwy 100 Mobil at 3061 S. 108 St.)
- Appearance by Mohammad Rafiq. Mr. Rafiq told the Committee he gives his employees a warning for their first offense. Chair Czaplewski advised Mr. Rafiq to instruct all of his employees to check identification at all times.*
- A motion was made by Ald. Roadt, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0
11. [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 has completed the asphalt resurfacing and has the other outside repairs scheduled as the weather permits. Assistant City Attorney Merten advised the Committee to place this matter on file and she would update them after Mr. Jeffords next court appearance.*
- A motion was made by Ald. Czaplewski, seconded by Ald. Weigel, that this matter be Recommended to be Placed on File. The motion carried by the following vote:**
- Votes:** Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0

2. [2011-0009](#) 2010-2011 Tavern Operator License application no. 11-589 of Donald P. Anderson.

Appearance by Donald P. Anderson. Mr. Anderson apologized for being late. Mr. Anderson told the Committee he has tended bar before. Ald. Weigel informed Mr. Anderson about calling the police for any problems, and being helpful when the police respond. Chair Czaplewski cautioned Mr. Anderson about receiving a third OWI and putting his license in jeopardy of revocation. Mr. Anderson replied he has learned his lesson and understood.

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

Votes: Aye: 3 - Ald. Czaplewski, Ald. Roadt and Ald. Weigel
No: 0

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

12. [2011-0059](#) Discussion regarding building code violations at 9524 W. Greenfield Ave., Cosmo R. Lomagro, d/b/a Cosmo's.

Appearance by Cosmo R. Lomagro and Mark R. Holbert. Mr. Holbert informed the Committee that all necessary repairs on the inside of the building are complete except for the furnaces, which should be completed in the next two (2) weeks. Mr. Holbert told the Committee that Mr. Ted Atkinson, Director of Building and Neighborhood Services, was going to issue Jilly Beans a conditional occupancy permit and the outside repairs could be done when the weather permits. Chair Czaplewski stated the Committee would like to receive a communication from Mr. Atkinson regarding the agreement made.

Held

F. ADJOURNMENT

A motion was made by Ald. Roadt, seconded by Ald. Weigel, to adjourn at 6:45 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*