



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, February 24, 2009

6:00 PM

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

Others present: Thomas L. Miller, Terry Brandenburg, Health Commissioner, Paul Ziehler, City Administrative Officer, Dorian C. Haggerty, Sr., Kelly A. Wirth, Dawn M. Buss, Brian C. Roeder, Michael O'Connor, Christopher J. Bitz, 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. Barczak, seconded by Ald. Weigel, to approve the minutes of the regular meeting of January 27, 2009 and recess meetings of February 3, 2009 and February 17, 2009. The motion carried unanimously.

D. NEW AND PREVIOUS MATTERS

8. [2008-0633](#)

2008-2009 Class B Tavern License renewal application no. 662 of William Miller, Inc., Thomas L. Miller, Agent, d/b/a Shakey's Pizza & Buffet premises located at 9638 W. National Ave.

Appearance by Thomas L. Miller. Mr. Miller provided the Committee an update on the sale of his property. He told them he has had a couple of prospects but no concrete offers yet. The Committee requested he appear again in June to discuss the renewal, if necessary.

A motion was made by Ald. Barczak, seconded by Ald. Roadt, 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

9. [O-2008-0054](#) An Ordinance to Repeal Subsections 7.121(3), (4) and (5), Repeal and Recreate Section 7.16 and Create Section 7.126 of the Revised Municipal Code Relating to Dangerous Dogs.

Sponsor(s): Michael J. Czaplewski

Terry Brandenburg, Health Commissioner, reported that he has been in contact with Scott Post, City Attorney and Jenna Merten, Assistant City Attorney regarding MADACC comments, a review board process, the chain of command and amount of involvement with the Police Department and MADACC. Paul Ziehler, City Administrative Officer, volunteered to speak with MADACC regarding their input and expertise in determining a dangerous dog if the police should request their assistance. Ald. Czaplewski questioned whether all dogs, regardless of size and ability to do harm, would be treated the same. Ald. Barczak commented on having the ability to declare other species of domestic animals dangerous. He suggested this topic be brought up for discussion at a future date.

Held

1. [2009-0115](#) 2008-2010 Tavern Operator License application no. 10-304 of Julaine S. Ostrowski.

Nonappearance by Julaine S. Ostrowski. Ms. Ostrowski did not contact the Clerk's Office. The Committee requested she be ordered to appear at the next scheduled License & Health meeting.

Held

2. [2009-0123](#) 2008-2009 Tavern Operator License application no. 09-636 of Dorian C. Haggerty, Sr.

Appearance by Dorian C. Haggerty, Sr. Ald. Barczak commented on the reason Mr. Haggerty was notified to appear and the length of time since Mr. Haggerty's violations. Ald. Barczak informed all in attendance about the City's compliance check program and reminded them to check identification. He suggested that if in doubt of the identification matching the person presenting it, that the bartender hold onto the identification until the patron leaves the establishment. Ald. Barczak stated to call the police immediately for any signs of fighting.

A motion was made 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

3. [2009-0093](#) 2008-2010 Tavern Operator License application no. 10-300 of Kelly A. Wirth.

Appearance by Kelly A. Wirth. Ms. Wirth informed the Committee she left off a prior OWI because her insurance agent had told her it was no longer on her background. Ald. Barczak stated that question number 4 says "ever been", not "what still appears" on your background. He informed Ms. Wirth she could be charged with falsifying an application. Ald. Weigel commented that some communities issue a fine for falsifying an application.

A motion was made by Ald. Barczak, seconded by Ald. Weigel, 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. [2009-0098](#) 2008-2009 Tavern Operator License application no. 09-633 of Dawn M. Buss.
- Appearance by Dawn M. Buss. Ald. Czaplewski stated he would not support the approval of this license based on the four (4) OWI's on the Police Report. Ms. Buss informed the Committee she does not drive any longer and does not drink while tending bar. She said she could bring a letter from her employer stating they are not allowed to drink on duty. Ald. Barczak commented that once she is issued a license she could tend bar in any West Allis establishment. He commented on the liability of the Committee and the City. He informed Ms. Buss that the Committee has a responsibility to the Community to issue bartender licenses to responsible law abiding persons. He stated he was not in favor of the approval of this bartender's license. Recommended denial based on the Police Report.*
- A motion was made by Ald. Weigel, seconded by Ald. Barczak, 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
5. [2009-0101](#) 2008-2010 Tavern Operator License application no. 10-303 of Brian C. Roeder.
- Appearance by Brian C. Roeder. Ald. Weigel commented on the weapons and drug charges on the Police Report. Ald. Czaplewski stated it was his personal policy to not support a license with drug charges on a background check. Ald. Barczak said he was not in support of this license. Recommended denial based on the Police Report.*
- 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. [2009-0106](#) 2008-2009 Class B Tavern Special Event Permit application no. 9 of OAR, LLC, Michael O'Connor, Agent, d/b/a O'Connor's Perfect Pint, 8423 W. Greenfield Ave. (2008-2009 Class B Tavern License no. 838; 2008-2009 Dance Hall License no. 840; and Instrumental Music License no. 841) for a St. Patrick's Weekend and St. Patrick's Day Party to be held March 14-17, 2009 from 12:00 p.m.-11:00 p.m. with outdoor music ending at 9:00 p.m., Sunday-Tuesday, March 15-17, 2009. (Tents along back and side of building.)
- Appearance by Michael O'Connor. Ald. Barczak asked Mr. O'Connor if he would be willing to stop the outside music at 9:00 p.m. on Sunday, Monday and Tuesday. Mr. O'Connor said he would be willing, but pointed out to the Committee that regulations do state 11:00 p.m. Ald. Barczak reminded Mr. O'Connor he is in a residential neighborhood and these are school nights. He said the tents could stay up and drinks could be served, but is asking that the outside music stop at 9:00 p.m. He said that in summer it is not a problem because there is no school. Mr. O'Connor agreed to stop the music at 9 p.m.*
- A motion was made by Ald. Barczak, seconded by Ald. Weigel, that this matter be Recommended for Approval as Amended. The motion carried by the following vote:**
- Votes:** Aye: 4 - Ald. Czaplewski, Ald. Barczak, Ald. Roadt and Ald. Weigel
No: 0

7. [2009-0031](#) Police Department Report involving Jock Stop Sports Bar, 7930 W. National Ave. (2008-2009 Class B Tavern License no. 880 and Dance Hall License no. 882 of JOCII Enterprises, LLC, Christopher J. Bitz, Agent, Incident Date: December 27, 2008).

Appearance by Christopher J. Bitz. Ald. Weigel told Mr. Bitz that his bartender did the right thing by calling the police. Ald. Barczak suggested that the police be called immediately before fights spill out of the establishment.

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

10. [O-2009-0003](#) An Ordinance to Amend Section 9.032 of the Revised Municipal Code Relating to Live Music Licenses for Taverns.

Sponsor(s): Michael J. Czaplewski

Ald. Czaplewski suggested something be written in the Ordinance regarding off-street parking. Lt. Morrissey commented on church festivals off-street parking. Ald. Weigel questioned if current establishments would be grandfathered.

Held

11. [O-2009-0004](#) An Ordinance to Create Section 9.031 of the Revised Municipal Code Relating to Karaoke Music in Taverns.

Sponsor(s): Michael J. Czaplewski

See legislative file no. O-2009-0003.

Held

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

12. [2009-0119](#) Discussion regarding 2008-2009 Class B Tavern License no. 1424, Dance Hall License no. 1425 and Instrumental Music License no. 1426 of Susan M. Domena, Agent, d/b/a Top Gun Saloon for premises located at 1100 S. 60 St.

Nonappearance by Susan M. Domena. Ms. Domena sent a letter to the Clerk's office explaining her nonappearance. Assistant City Attorney Merten informed the Committee that the City Attorney's office has proof Ms. Domena had previously lied to the Committee. The Committee voted to Refer this Matter for Summons and Complaint to the City Attorney's office.

A motion was made by Ald. Barczak, seconded by Ald. Roadt, that this matter be Referred to the City Attorney. The motion carried by the following vote:

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

F. ADJOURNMENT

A motion was made by Ald. Barczak, seconded by Ald. Weigel, to adjourn at 7:02 p.m. The motion carried unanimously.

Respectfully submitted,

*Ann Marie Neff
Secretary to the Committee*