

MINUTES
COMMITTEE ON LAW & LICENSING

April 26, 2011 - 5:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Mark Hanna, Vice Chairperson Ald. Jodi VanderWeele, Ald. Julie Kath, Ald. Eric Rindfleisch
Excused: Ald. Scott Versey
Others in Attendance: Assistant City Attorney Charles Adams, Lt. Scott Mittelstadt, Licensing Clerk Cinda Langhoff, Development Manager Chad Pelishek, Corey Copeland, Travis Siegl, Andrew W. Siegl, Kim Vernick, Chueman Lee, Frank Abnet, John Winter

Chairperson Hanna called the meeting to order at 5:00 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members and staff.

A motion to approve the minutes of the previous meeting held April 12, 2011 was made by Ald. VanderWeele and seconded by Ald. Kath. **All ayes; motion approved.**

Presentations to the Committee by City Attorney's Office and City Clerk's Office

ACA Adams discussed the various types of licenses the committee will be dealing with, and also other issues the committee will handle, including ordinance changes, quasi-judicial hearings on the suspension/revocation of licenses, and matters referred to the City's ethics board.

Licensing Clerk Cinda Langhoff discussed the licensing process in the City of Sheboygan and discussed the various licenses handled by the City Clerk's office. She indicated that the license fees generate revenue of over one-third of a million dollars.

Adoption of the policies and procedures of the Law & Licensing Committee

Copies of the following policies and procedures of the committee were distributed and discussed briefly:

- Policy Statement on Issuance of Original "Class A" Intoxicating Liquor Licenses
- Guidelines To Be Used For Granting & Denial of Liquor Licenses
- Law & Licensing Committee Policy Regarding Treatment of Licenses

A motion to adopt the policies and procedures of the Law & Licensing Committee was made by Ald. Rindfleisch and seconded by Ald. VanderWeele. **All ayes; motion approved.**

R.C. No. 467-10-11 (26-32) [see also R.O. Nos. 467-10-11 (25-71) and 449-10-11 (24-51)] – Various License Applications: Taxicab Op. Lic. App. No. 9038 (Corey Barnett Copeland), Bev. Op. Lic. App. No. 5479 (Tariék T. Gahiji II), Taxicab Op. Lic. App. No. 9024 (Travis W. Siegl)

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Corey Barnett Copeland appeared before the committee to discuss his application. After discussion of his record, Ald. Rindfleisch moved, seconded by Ald. VanderWeele, to deny the license application based upon Mr. Copeland's failure to accurately reveal all relevant convictions on his application, his record of violations, and public safety concerns. **All ayes; motion approved.**

Tariq T. Gahiji II failed to appear before the committee. Ald. Rindfleisch moved, seconded by Ald. VanderWeele, to deny the license application based upon Mr. Gahiji's failure to accurately reveal all relevant convictions on his application and his failure to cooperate with the committee. **All ayes; motion approved.**

MOTION TO CONVENE IN CLOSED SESSION was made by Ald. VanderWeele, seconded by Ald. Rindfleisch, under the exemption provided in § 19.85(1)(f) of the Wisconsin Statutes for the purpose of considering social or personal histories of the following licensees, applicants or agents: Travis W. Siegl, which if discussed in public would be likely to have a substantial adverse effect upon the reputation of such person. Each of these persons has the right to demand that consideration of that person's matter be held in open session. **All ayes; motion approved.**

MOTION TO RECONVENE IN OPEN SESSION was made by Ald. VanderWeele, seconded by Ald. Kath. **All ayes; motion approved.**

Action on matter considered in closed session

Ald. VanderWeele moved to grant the license. **Motion died for lack of a second.** Ald. Kath moved, seconded by Ald. Rindfleisch, to deny the license application based upon public safety concerns. **Three ayes and one nay (Ald. VanderWeele); motion approved.**

Andrew W. Siegl and Kim Vernick also spoke on behalf of Travis Siegel.

Discussion and possible action regarding Alc. Bev. Lic. 2818-Midnight Rush Liquor Store

Chuan Lee appeared before the committee to discuss Midnight Rush Liquor Store's violation of the continuation of business ordinance. Mr. Lee indicated that at the time he applied for the license it was not clear to him that he would need to open the business within six months. He indicated that he now has an appointment set up to obtain the occupancy permit.

Ald. VanderWeele moved, seconded by Ald. Rindfleisch, to grant a 90-day extension. **Two ayes and two nays (Ald. Kath and Ald. Hanna); motion failed.**

Ald. Rindfleisch moved, second by Ald. Kath, to hold a quasi-judicial hearing. That **motion was withdrawn** after Chuan Lee informed the committee that he wanted to voluntarily surrender the Midnight Rush Liquor Store license at tonight's Law & Licensing meeting. The committee accepted that surrender and allowed him to present as a potential license applicant for available "Class A" alcohol beverage licenses.

Presentations by potential applicants for available “Class A” alcohol beverage licenses

Ald. Hanna recused himself from any discussions regarding the applications for “Class A” licenses because of Q Mart’s involvement. Vice Chairperson VanderWeele chaired the meeting from this point.

John Winter of Q Mart, Frank Abnet of Festival Foods, and Chueman Lee appeared before the committee and presented information regarding their pre-applications for the available “Class A” liquor licenses.

John Winter indicated that Q Mart is interested in two (2) of the available licenses for the stores located at 1006 Geele Avenue and 1211 Weeden Creek Road. Mr. Winter indicated they thoroughly train their employees and also discussed their security measures.

Frank Abnet indicated that Festival Foods will be opening in Fall and he discussed their training and security measures.

Chueman Lee indicated that Midnight Rush intends to be open before June.

Discussion and action regarding granting opportunity to apply for available “Class A” alcohol beverage licenses

Ald. Kath moved to invite Festival Foods and the two Q Mart locations to apply for the three available liquor licenses. **Motion died for lack of a second.**

Ald. Rindfleisch moved, seconded by Ald. Kath, to invite Festival Foods to apply for one of the available liquor licenses. **Three ayes; motion approved.**

Ald. VanderWeele moved, seconded by Ald. Rindfleisch, to hold the decision regarding the remaining two available liquor licenses until the committee’s first meeting in June (June 9th) and invite Midnight Rush and Q Mart, as well as any other applicants the City Clerk’s office becomes aware of, to again make presentations at that meeting. **Three ayes; motion approved.**

Gen. Ord. No. 61-10-11 (26-23)

An ordinance repealing and recreating Subsection 70-6(a)(2) of the Municipal Code so as to clarify the definition of an enclosed place in the statewide smoking ban.

ACA Adams explained that the purpose of this revised ordinance language is to be less restrictive as to what is and isn’t allowed with regard to the smoking rooms while still preserving the integrity of the law, and still making it very clear what is and isn’t allowed.

Ald. Hanna was excused from the meeting at 6:53 p.m.

Ald. Rindfleisch moved, seconded by Ald. Kath, to approve the proposed ordinance and submit it to the common council with a favorable recommendation. **Three ayes; motion approved.**

R.O. No. 484-10-11 (26-37) – Various License Applications

Submitting various license applications for the period ending June 30, 2011 and June 30, 2012.

Ald. Rindfleisch moved, seconded by Ald. Kath, to approve the change of premise request of JMKAC (Alc. Bev. Lic. No. 2726) based on their verbal agreement at the meeting to amend the application to just the beer serving area. **Three ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Bev. Op. Lic. App. No. 9047 (Jonathan J. Decker) to discuss his application with the committee. **Three ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Bev. Op. Lic. App. No. 7081 (Joseph M. Mertens) to discuss his application with the committee. **Three ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Bev. Op. Lic. App. No. 7616 (Eryn L. Shaha) to discuss her application with the committee. **Three ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Taxicab Op. Lic. App. No. 9049 (Justin E. Quade) to discuss his application with the committee. **Three ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Rindfleisch, to call in Taxicab Op. Lic. App. No. 9044 (Tammy L. Ringel) to discuss her application with the committee. **Three ayes; motion approved.**

Ald. Rindfleisch moved, seconded by Ald. Kath, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. **Three ayes; motion approved.**

Discussion and possible action regarding law violations that may require future action by the Committee

After hearing a brief report from Lt. Mittelstadt regarding a disturbance at Bourbon Street Pub & Grill involving an intoxicated off-duty bartender, Ald. Rindfleisch made a motion, seconded by Ald. Kath, to call in Bev. Op. Lic. No. 6011 (David M. Nennig) to discuss the matter with the committee. **Three ayes; motion approved.**

Ald. Rindfleisch made a motion to adjourn. Ald. Kath seconded the motion. **Three ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 7:21 p.m.

The next committee meeting is scheduled to be held on Thursday, May 5, 2011 at 5:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.