

MINUTES
COMMITTEE ON LAW & LICENSING

April 26, 2012 - 5:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Kevin Matichek, Ald. Julie Kath, Ald. Susan Lessard, Ald. Scott Lewandoske
Others in Attendance: Assistant City Attorney Charles Adams, Lt. Douglas Teunissen, City Clerk Susan Richards, Chad M. Cizek, Leah M. Mason, Douglas V. Wunrow, Thomas Laiken, Akshay Patel

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

The Pledge of Allegiance was recited.

Introduction of committee members, staff and guests.

A motion to approve the minutes of the previous meeting held April 5, 2012 was made by Ald. Matichek 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.

City Clerk Susan Richards discussed the licensing process in the City of Sheboygan and discussed the various licenses handled by the City Clerk's office.

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

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

- Guidelines To Be Used For Granting & Denial of Liquor Licenses
- Policy Statement on Issuance of Original "Class A" Intoxicating Liquor Licenses
- Chart of historic averages regarding treatment of licenses
- Information regarding license suspension/revocation hearings

A motion to adopt the policies and guidelines of the Law & Licensing Committee was made by Ald. Kath and seconded by Ald. Lessard. **All ayes; motion approved.**

Presentations by potential applicants for available "Class B" alcohol beverage licenses

There is presently one "Class B" alcohol beverage license available. Thomas Laiken and Akshay Patel appeared before the committee to present their cases regarding pre-applications for the one available license.

Thomas Laiken indicated that he has purchased and is restoring the tavern at 15th and Martin Ave. (the old Second Home tavern). He is in the process of bringing the building up to code so that this neighborhood/corner bar should be ready to open in June.

Akshay Patel spoke regarding the property at 8th Street and Center Avenue (formerly Ramada Inn). Mr. Patel is purchasing the property and plans to run an EconoLodge with a bar and then eventually a restaurant also. He lives in Manitowoc and has operated the EconoLodge in Manitowoc since 2005. He stated he does not own the Sheboygan property yet, but is confident that his financing will go through within the next week or so.

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

Following a discussion by the committee regarding the two presentations, a motion was made by Ald. Kath, seconded by Ald. Lewandoske, to invite Thomas Laiken to apply for the available “Class B” alcohol beverage license. **Three ayes and two nays (Ald. Matichek and Ald. Lessard); motion approved.**

R.O. No. 402-11-12 (3-19-12) – Various License Applications: Bev. Op. Lic. App. Nos. 9499 (Chad M. Cizek), 9502 (Leah M. Mason); Taxicab Op. Lic. App. No. 9503 (Simon M. Rodriguez)

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Chad M. Cizek appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. Matichek moved, seconded by Ald. Kath, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Leah M. Mason appeared before the committee to discuss her application. After discussion of her record and her failure to include any of the violations on her application, Ald. Kath moved, seconded by Ald. Matichek, to deny the license application based upon Ms. Mason’s failure to accurately reveal all relevant convictions on her application and her record of violations related to the licensed activity. **All ayes; motion approved.**

Simon M. Rodriguez failed to appear before the committee. Ald. Kath moved, seconded by Ald. Matichek, to deny the license application based upon Mr. Rodriguez’s failure to accurately reveal all relevant convictions on his application and his failure to cooperate with the committee. **All ayes; motion approved.**

R.O. No. 410-11-12 (4-4-12) – Various License Applications: Taxicab Op. Lic. App. Nos. 9522 (Tyler M. Metzner), 9520 (Holly M. Pospichal)

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Tyler M. Metzner failed to appear before the committee, but had informed Ald. VanderWeele that he no longer wants the license. Ald. Matichek moved, seconded by Ald. Kath, to deny the license application based upon Mr. Metzner’s record of convictions substantially related to the licensed activity, as well as his oral withdrawal of his taxicab operator’s license application. **All ayes; motion approved.**

Holly M. Pospichal failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Kath, to request via certified mailing Ms. Pospichal's appearance before the committee at its May 15th meeting. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1101–Doug's Skiper Inn (Douglas V. Wunrow, Agent)

Douglas V. Wunrow appeared before the committee. Ald. Kath moved, seconded by Ald. Matichek, to issue a warning to Mr. Wunrow regarding the sale of alcohol to an underage person at Doug's Skiper Inn on April 3, 2012. **All ayes; motion approved.**

Possible action regarding Alc. Bev. Lic. No. 1089–Dave's Who's Inn (David A. Repinski, Jr., Agent)

David A. Repinski, Jr. failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Kath, to request via certified mailing Mr. Repinski's appearance before the committee at its May 15th meeting. **All ayes; motion approved.**

R.O. No. 430-11-12 (4-16-12) – Various License Applications

Submitting various license applications for the period ending June 30, 2012 and June 30, 2013.

Ald. Kath moved, seconded by Ald. VanderWeele to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 9541 (Wade J. Baier). **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Lessard to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. App. No. 9536 (Derek A. Patz). **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. VanderWeele, to grant a license with a warning to App. No. 9535. **Two ayes and three nays (Ald. Kath, Ald. Lessard and Ald. Lewandoske); motion failed.** Ald. Kath moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. App. No. 9535 (Ashley L. Pirwitz) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Lewandoske to call in Taxicab Op. Lic. App. No. 9537 (Jesse L. Lider) to discuss his application with the committee. **All ayes; motion approved.**

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

Gen. Ord. No. 88-11-12 (4-16-12)

An ordinance amending Chapter 78 of the Sheboygan Municipal Code so as to create Article III relating to Mobile Food Vendors.

ACA Adams answered the questions the new committee members had regarding provisions in this proposed general ordinance. Ald. Kath moved, seconded by Ald. Matichek, to approve the proposed

ordinance and submit it to the common council with a favorable recommendation. **All ayes; motion approved.**

Discussion and possible action regarding available “Class B” alcohol beverage licenses and letters of non-renewal

ACA Adams informed the committee that four “Class B” license holders will have been closed for six months by the end of the license year and should be sent non-renewal notices. Ald. Kath moved, seconded by Ald. Lessard, to decline to renew the licenses of Citystreets Riverside, Osteria Nonna Maria, M. T. Wine Glass and Nino’s Steak Round up. **All ayes, motion approved.** The City Clerk’s office will send out the letters of non-renewal.

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

After hearing a brief report from Lt. Teunissen regarding an incident involving a highly intoxicated bartender at Petek’s Tavern on April 8, 2012, Ald. Matichek made a motion, seconded by Ald. Lessard, to call in Alc. Bev. Lic. No. 1252-Petek’s Tavern (Stanley J. Petek, Agent) to discuss the matter with the committee. **All ayes; motion approved.**

Discussion and possible action regarding date and time of future Law & Licensing Committee meetings

The committee discussed holding future meetings during the week after council (instead of during the same week as council) in order to allow more time to get the license applications ready for the meeting, and also to hold the meeting before the end of the business day in order to lessen overtime costs for City employees. It was decided that the Law & Licensing committee meetings will be held at 2:00 p.m. on the Tuesday of the week after council.

Ald. Matichek made a motion to adjourn. Ald. Lessard seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 6:50 p.m.

The next committee meeting is scheduled to be held on Thursday, May 15, 2012 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.