

MINUTES
COMMITTEE ON LAW & LICENSING

August 14, 2012 - 2:00 p.m.
Common Council Chambers, City Hall

Members Present: Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Kevin Matichek, Ald. Julie Kath, Ald. Susan Lessard, Ald. Scott Lewandoske
Others in Attendance: Assistant City Attorney Charles C. Adams, Chief Christopher Domagalski, Sgt. Kurt Zempel, Licensing Clerk Cinda Langhoff, Ryan M. Hermann, Edwin R. Lehmann, Tracy J. Konz, Aaron R. Schiefelbein, Lekhanath Timilsaina, Christos G. Balassi, Panfilo Escobar, Javier F. Yera, Heath R. Champeau

Chairperson VanderWeele called the meeting to order at 2:00 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 July 24, 2012 was made by Ald. Matichek and seconded by Ald. Lewandoske. **All ayes; motion approved.**

R.O. No. 82-12-13 (7-2-12) – Various License Applications: Taxicab Op. Lic. App. Nos. 8936 (Shelly L. King), 9625 (Noah Yang), 9386 (Ryan M. Hermann), 6977 (Edwin R. Lehmann), 9411 (Roxanna M. Ramirez)

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Shelly L. King failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to deny the license application based upon Ms. King's failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and her failure to cooperate with the committee. **All ayes; motion approved.**

Noah Yang failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to deny the license application based upon Mr. Yang's failure to accurately reveal all relevant convictions on his application, his record of violations related to the licensed activity, and his failure to cooperate with the committee. **All ayes; motion approved.**

Ryan M. Hermann appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record, Ald. Matichek moved, seconded by Ald. Kath, to grant the license with instructions to correct the application. **All ayes; motion approved.**

Edwin R. Lehmann appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record and his failure to include violations on his application, Ald. Matichek moved, seconded by Ald. Lessard, to deny the license renewal application based upon Mr. Lehmann's failure to accurately reveal all relevant convictions on his application and his record of recent violations in 2011 and 2012 related to the licensed activity. **All ayes; motion approved.**

Roxana M. Ramirez failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to deny the license renewal application based upon Ms. Ramirez' failure to accurately reveal all relevant convictions on her application, her record of recent violations in 2012 related to the licensed activity, and her failure to cooperate with the committee. **All ayes; motion approved.**

Shelly L. King failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to deny the license application based upon Ms. King's failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and her failure to cooperate with the committee. **All ayes; motion approved.**

R.O. No. 94-12-13 (7-16-12) – Various License Applications: Bev. Op. Lic. App. Nos. 3336 (Tracy J. Konz), 9637 (Nicole M. Morgan), 9631 (Aaron R. Schiefelbein), 8891 (Lekhanath Timilsaina); Taxicab Op. Lic. App. Nos. 5356 (Christos G. Balassi), 9326 (Johnathan J. Dergantz), 8429 (Panfilo Escobar), 9633 (Verlin C. Wicker), 9351 (Javier F. Yera)
Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Tracy J. Konz appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Kath moved, seconded by Ald. Lewandoske, 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.**

Nicole M. Morgan failed to appear before the committee. Ald. Kath moved, seconded by Ald. Matichek, to request via certified mailing Ms. Morgan's appearance before the committee at its August 28th meeting. **All ayes; motion approved.**

Aaron R. Schiefelbein 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.**

Lekhanath Timilsaina appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Kath moved, seconded by Ald. Matichek, 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.**

Christos G. Balassi appeared before the committee to discuss his application. After discussion of his record and his failure to include violations on his application, Ald. Kath moved, seconded by Ald. Matichek, 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.**

Johnathan J. Dergantz appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation on his application, Ald. Lessard moved, seconded by Ald. VanderWeele, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **Two ayes and three nays (Ald.**

Matichek, Lewandoske and Kath); motion failed. Ald. Matichek moved, seconded by Ald. Kath, to hold this application until the end of the meeting to allow for time to obtain the police report regarding the hit and run unattended violation from 2011. **Four ayes and one nay (Ald. VanderWeele); motion approved.** After the police report was reviewed, Ald. Lessard moved, seconded by Ald. Lewandoske, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **Four ayes; motion approved.**

Panfilo Escobar appeared before the committee to discuss his application. After discussion of his record and his failure to include a violation 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.**

Verlin C. Wicker failed to appear before the committee. Ald. Lessard moved, seconded by Ald. Matichek, to request via certified mailing Mr. Wicker's appearance before the committee at its August 28th meeting. **All ayes; motion approved.**

Javier F. Yera 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. Lessard, 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.**

Hearing on the appeal of Heath R. Champeau finding his dog to be a vicious animal, pursuant to Sec. 18-47(i)(2), Sheboygan Municipal Code

Ald. VanderWeele called the hearing to order at 3:04 p.m. with appearances by ACA Adams to advise the committee in their function as finder of law and fact, Police Chief Christopher Domagalski on behalf of the City, and Heath R. Champeau appearing in person. Chief Domagalski provided the committee with details regarding the July 26, 2012 incident and his initial determination that the dog named "Lady" is a vicious animal. Mr. Champeau stated that he was contesting the determination because Lady had never acted like she was vicious in the past. Mr. Champeau informed the committee that he did not wish to present any evidence and indicated that he had not actually witnessed the incident. The hearing concluded at 3:08 p.m.

Possible action regarding appeal of Heath R. Champeau

Ald. Lessard moved, seconded by Ald. Matichek, to uphold Chief Domagalski's decision and to deny the appeal. **All ayes; motion approved.**

Discussion and possible action regarding taxicab regulations

Lengthy discussion regarding taxicab regulation issues. Some of the items discussed included requiring that rates be posted, signage in large print, requiring certified meters, registration of cabs with a permanent sticker, toplighting, and inviting all taxicab business operators to a meeting to discuss any proposed changes. ACA Adams will work on a draft ordinance for review by the committee.

The committee took a five minute break at 3:43 p.m. at which time Ald. VanderWeele was excused from the meeting and Ald. Matichek took over as chair of the meeting.

Gen. Ord. 20-12-13 (7-16-12)

An ordinance amending Section 130-59 of the Municipal Code entitled “Regulations” so as to add a new subsection (d) thereof relating to required vehicle markings for taxicabs.

Ald. Lessard moved, seconded by Ald. Kath, to hold Gen. Ord. 20-12-13 as ACA Adams will be drafting a proposed ordinance which would also include signage provisions (larger size lettering).

Four ayes; motion approved.

Com. No. 4-12-13 (7-16-12) – Communication from Christos Balassi

Submitting a communication from Christos Balassi, owner of Greco Cab Co., requesting that a meter system be implemented for all taxi cabs.

Christos Balassi was present and addressed the committee regarding taxicab meters and his other suggestions concerning taxi service in the City. Ald. Lessard moved, seconded by Ald. Kath, to hold Com. 4-12-13 as ACA Adams will be drafting a proposed ordinance regarding taxicab regulations.

Four ayes; motion approved.

Com. No. 106-12-13 (8-6-12) – Communication from Nicole Robinson

Submitting a communication from Alderpersons Kath and Heidemann forwarding an e-mail from Nicole Robinson regarding “Undercut Tree Removal & Landscaping” operating their business in a residential area.

ACA Adams informed the committee that the City’s Zoning Administrator, Steve Sokolowski, will be following up on the zoning issues and send out a warning letter. In addition, the police department should be notified if there are any illegal parking issues. Ald. Kath moved, seconded by Ald. Lessard, to file this communication. **Four ayes; motion approved.**

R.O. No. 107-12-13 (8-6-12) – Various License Applications

Submitting various license applications for the period ending June 30, 2013 and June 30, 2014.

Ald. Lessard moved, seconded by Ald. Kath, to grant a license to Bev. Op. Lic. App. No. 9647 (Kathrine G. Betsa). **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Bev. Op. Lic. App. No. 9650 (Charles Blindauer) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 6833 (Paula M. Clements) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 8132 (Jenny V. Gamez) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Bev. Op. Lic. App. No. 9653 (Kathy Jackson) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 9666 (Jena M. Olderman) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. App. No. 9661 (Haleigh C. Schelk) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 9651 (Jenna L. Teal) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Bev. Op. Lic. App. No. 9662 (Araceli Vargas) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Kath moved, seconded by Ald. Lessard, to grant a license to Bev. Op. Lic. App. No. 4772 (Leanne M. Vasquez) with instructions to correct the application. **Four 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. 9652 (Casey A. Whitaker). **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9659 (Luis A. Castro-Sanchez) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9657 (Ramona E. Garcia) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9654 (Scott Ramone Goines, Jr.) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9496 (Brian K. Hahn) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Taxicab Op. Lic. App. No. 9656 (Monroe C. Irving) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Taxicab Op. Lic. App. No. 9660 (Charleen M. Johnson) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Taxicab Op. Lic. App. No. 9664 (Sean N. Lloyd) to discuss his application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Lewandoske, to call in Taxicab Op. Lic. App. No. 9645 (Rachel S. Sizonen) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9649 (Nancy A. Valentine) to discuss her application with the committee. **Four ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Kath, to call in Taxicab Op. Lic. App. No. 9663 (Katherine M. Walcott) to discuss her application with the committee. **Three ayes and one nay (Ald. Matichek); motion approved.**

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

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

After hearing a brief report from ACA Adams regarding a noise disturbance at Vibez which occurred on April 27, 2012 but hadn't yet been brought to the committee's attention, Ald. Kath made a motion, seconded by Ald. Lessard, to call in Alc. Bev. Lic. No. 1083-Vibez (Hamilton W. Watt, Agent) to discuss the matter with the committee. **Four ayes; motion approved.**

After hearing a brief report from Sgt. Zempel regarding four businesses that recently sold tobacco to underage volunteers with the Wisconsin WINS program:

- Ald. Lessard made a motion, seconded by Ald. Lewandoske, to call in Alc. Bev. Lic. No. 1406-Tidy Car of Sheboygan (Joseph E. Jantz, Agent) and Bev. Op. Lic. No. 4518 (Stacey A. Stoltzman) to discuss the July 20, 2012 incident with the committee. **Four ayes; motion approved.**
- Ald. Lessard made a motion, seconded by Ald. Kath, to call in Alc. Bev. Lic. No. 2581-South Side Clark [Indiana Avenue] (Buddi Sagar Subedi, Agent) and Bev. Op. Lic. No. 9679 (Zachary A. Glaubig) to discuss the July 24, 2012 incident with the committee. **Four ayes; motion approved.**
- Ald. Lessard made a motion, seconded by Ald. Lewandoske, to call in Alc. Bev. Lic. No. 1254-Petro Center #4 [S. Business Drive] (Kristin A. Renzelmann, Agent) and Bev. Op. Lic. No. 4228 (Phyllis H. Hendrikse) to discuss the July 24, 2012 incident with the committee. **Four ayes; motion approved.**
- Ald. Kath made a motion, seconded by Ald. Lewandoske, to call in Alc. Bev. Lic. No. 2532-Fischer's Food & Liquor (Keith Fischer, Agent) and Bev. Op. Lic. No. 7812 (Diane K. Knaus) to discuss the July 24, 2012 incident with the committee. **Three ayes and one abstention (Ald. Lessard); motion approved.**

Ald. Lessard was excused from the meeting at 4:26 p.m.

After hearing a brief report from Sgt. Zempel regarding a disturbance at Rehab Bar & Grill on August 5, 2012, Ald. Kath made a motion, seconded by Ald. Lewandoske, to call in Alc. Bev. Lic.

No. 2720-Rehab Bar & Grill (Rufino C. Martinez, Jr., Agent) and Bev. Op. Lic. No. 5551 (Amanda K. Martinez) to discuss the matter with the committee. **Three ayes; motion approved.**

Ald. Lewandoske made a motion to adjourn. Ald. Kath seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 4:28 p.m.

The next committee meeting is scheduled to be held on Tuesday, August 28, 2012 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.