

*****ATTACHMENTS*****

CITY OF SHEBOYGAN**COMMITTEE ON LAW AND LICENSING MINUTES****JULY 25, 2017**

MEMBERS PRESENT: Chair Alderperson Susan Holzschuh, Vice Chair Alderperson Mary Lynne Donohue, Alderperson Scott Lewandoske, Alderperson Ron Rindfleisch

MEMBERS EXCUSED: Alderperson Rosemarie Trester

STAFF/OFFICIALS PRESENT: City Attorney Charles C. Adams, Lt. William Adams, Mayor Michael J. Vandersteen, Licensing Clerks Cinda Langhoff and Melissa Clevenger, Kathy Hoffman

OTHERS PRESENT: Steve Hemsing, Roman Draughon, Kate Bales, Elizabeth Wieland, Cynthia Kue

1. OPENING OF MEETING

1.1 Roll Call

1.2 Call to Order

Chair Alderperson Susan Holzschuh called the meeting to order at 2:30 p.m.

1.3 Pledge of Allegiance

The Pledge of Allegiance was recited.

1.4 Introduction of Committee members, staff and guests

2. MINUTES

2.1 Approval of Minutes - July 11, 2017

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to approve the minutes of the previous meeting held July 11, 2017. Motion carried 4-0.

3. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

3.1 R.O. No. 84-17-18 (7-3-17) Submitting various license applications for the period ending December 31, 2017 and June 30, 2019. Bev. Op. Lic. App. Nos. 0140 (Richard J. David), 5705 (Erik N. Meyer), 1808 (Kevin P. Markham), 7238 (Kelli J. Schaal)

Richard J. David failed to appear before the committee for a hearing on possible denial of his license application.

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to deny the license application based upon Mr. David's ineligibility for a beverage operator's license and his failure to cooperate with the committee. Motion carried 4-0.

Erik N. Meyer failed to appear before the committee for a hearing on possible denial of his license application.

Motion by Alderperson Lewandoske, seconded by Alderperson Donohue, to deny the license application based upon Mr. Meyer's ineligibility for a beverage operator's license and his failure to cooperate with

the committee. Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to grant a license to Bev. Op. Lic. App. No. 1808 (Kevin P. Markham). Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to grant a license to Bev. Op. Lic. App. No. 7238 (Kelli J. Schaal) with a specific warning that non-cooperation with the police will not be tolerated. Motion carried 3-1 (Alderperson Lewandoske – nay).

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

There is presently one "Class B" alcohol beverage license available. Bookworm Gardens, Roman Draughton, and Tokyo Sushi and Steak House all appeared before the committee to present their cases regarding pre-applications for the available license.

Elizabeth Wieland and Kate Bales spoke on behalf of Bookworm Gardens. They indicated that Bookworm Gardens presently has a beer and wine license, but having a liquor license would generate additional revenue.

Roman Draughton spoke on behalf of Limelight Pub (South 17th Street and Broadway Avenue). Renovations are complete and he is now ready to open. Featured music will be jazz and blues.

Cynthia Kue spoke on behalf of Tokyo Sushi and Steak House. They are opening a restaurant in the Econo Lodge on 8th Street which is similar to their restaurant in Manitowoc. They will have hibachi grills and also serve fresh sushi. They are in the process of renovating at this time and could be open by October or November.

3.3 Discussion and action regarding granting opportunity to apply for available "Class B" alcohol beverage licenses

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to invite Roman Draughton to apply for the available "Class B" alcohol beverage license within fourteen (14) days. Motion carried 4-0.

3.4 Discussion and possible action regarding proposed ordinance related to food carts as opposed to food trucks

City Attorney Adams informed the committee that he has spoken with food truck owners and potential food cart owners in order to obtain information needed to draft this ordinance. The ordinance will not be ready in time for this season. Steve Hemsing was present and answered questions the committee had regarding food carts.

3.5 R.O. No. 104-17-18 (7-17-17) Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to call in Bev. Op. Lic. App. No. 9642 (Tiffany J. Perronne) for a hearing on possible denial of her license application. Motion carried 3-1 (Alderperson Lewandoske - abstain).

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to call in Bev. Op. Lic. App. No. 1766 (Taylor J. Quesinberry) for a hearing on possible denial of her license application, unless she takes care of her warrant prior to the hearing. Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Lewandoske, to hold Bev. Op. Lic. App. Nos. 1757 (Jessica R. Charles), 1762 (Kyle R. Decker) – [Club], and 1751 (Gewell R. James, Sr.). Motion carried 4-0.

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. Motion carried 4-0.

4. NEXT MEETING DATE

4.1 Next meeting date will be August 15, 2017

The next committee meeting is scheduled to be held on August 15, 2017 at 2:30 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.

5. ADJOURN

5.1 Motion to adjourn

Motion by Alderperson Donohue, seconded by Alderperson Rindfleisch, to adjourn at 3:27 p.m. Motion carried 4-0.



II

Other Matters

10.1

R. O. No. 104 - 17 - 18. By CITY CLERK. July 17, 2017.

Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019.

Law & Co.

City Clerk

CHANGE OF PREMISES

<u>No.</u>	<u>Name</u>	<u>Address</u>
3056	Gotta Getcha In Oasis	840 Wilson Ave. - One day event to be Held on August 19, 2017, to include the Whole property - Back of building on The Northside, parking lots to East, South & West.
3120	Northstar Bar	3004 N. 8 th St. - One day event to be held on August 26, 2017. To include current premis and parking lot to the South & West.

BEVERAGE OPERATOR'S LICENSE (NEW) (June 30, 2019)

<u>No.</u>	<u>Name</u>	<u>Address</u>
4235	Altmann, Donna M.	104 N. Lincoln Dr., Howards Grove
5301	Altmann, Terrance W.	104 N. Lincoln Dr., Howards Grove
0992	Boehlke, Allyson P.	1606 S. 20 th St.
7290	Bruinooge, Tarri L.	3404 N. 8 th St.
1654	Butler, George W.	1921 Garfield Ave.
1757	Charles, Jessica R.	409 Wisconsin Ave.
1753	Chervenka, Tonia L.	817 Spring Ave.
1758	Cox, Patricia F.	2211 Cooper Ave.
1762	Decker, Kyle R. (Club)	4318 White Oak Lane
7637	Gerold, Matthew M.	114 S. Pershing St., Howards Grove
1770	Gruenke, Mysti D.	2402 N. 6 th St.
1751	James Sr., Gewell R.	334 Superior Ave.
1756	Klein, Sara P.	3706 Superior Ave. AptA8
0223	Kotyza, Holly A.	712 Broughton Dr. #22
0842	Lewis, Joshua A.	4211 Autumn Ct. A201
1759	Lulow, Katrina N.	913 A Indiana Ave.
1750	Manns, Latesha D.	336 Superior Ave.
0247	Manyvanh, Rafael	2619 Main Ave.

1752 Mentink, Todd A.
1763 Meyer, Seth R.
6096 Miller, Michael S.
9642 Perronne, Tiffany J.
1760 Rauwerdink, Jeremiah J.
1768 Rothe, Andrew T.
1764 Stover, Andrea N.
0117 Theis, Robert R.
2688 Wriedt, Laurel L.
6815 Quasius, Jaclyn A.
1766 Quesinberry, Taylor J.

2113 N. 5th St.
2107 S. 9th St.
327 Superior Ave.
1039 Elm St., Cleveland
4625 Alyssa Lane
4443 S. 8th St.
2012 N. 19th St.
1628 S. 13th St.
2006 N. 18th St.
2518 Main Ave.
3917 Country Place Rd.

II

DIRECT REFERRAL TO LAW AND LICENSING COMMITTEE

R. O. No. 105 - 17 - 18. By DIRECTOR OF PLANNING & DEVELOPMENT.
August 15, 2017.

Submitting an Appeal regarding the park impact fee for Tax Parcel No. 59281435811 (2521 Creekview Court) and the recommendation of Chad Pelishek, Director of Planning & Development.

Director of Planning & Development

JUL 21 '17 AM 10:18

APPEAL

I hereby file an appeal for the impact fee imposed in the amount of \$547 for tax parcel #59281435811 located at 2521 Creekview Court in the City of Sheboygan. The amount was paid on 7/19/2017.

Per WI statute 66.0617 (6) (d) which states: Impact fees shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide and pay for public facilities... The developer paid for all of the improvement costs related to the road, sanitary sewer, water, storm sewer, which are dedicated to the public as public facilities and are to be credited against any impact fee per WI statute. The amount was in the hundreds of thousands of dollars for these public improvements so therefore more than the \$547 impact fee imposed was already paid by the Developer.

Submitted to the City of Sheboygan this 21st day of July, 2017.



Robert J Werner
President-Lee Realty of Sheboygan, Inc. d/b/a Werner Homes
President of Member-Stonebrook Crossing LLC

4539 South Taylor Drive
SHEBOYGAN, WI 53081

MISCELLANEOUS PAYMENT, RECEIPT# 53656
CITY OF SHEBOYGAN
828 CENTER AVENUE
SHEBOYGAN WI 53081

DATE: 07/19/17 TIME: 10:33
CLERK: hermann DEPT: BUILDIN
G INSPECTION
CUSTOMER#: 10635
CUSTOMER NAME: WERNER, ROBERT J.
COMMENT: 2521 CREEKVIEW CT

CHARGES:
X0024 BI - IMPACT FEE PARK IMPA
CT FEE 547.00

AMOUNT PAID: 547.00
PAID BY: WERNER HOMES
PAYMENT METHOD: CHECK
26191

REFERENCE: HERMANN

AMT TENDERED: 547.00
AMT APPLIED: 547.00
CHANGE: .00



MEMO

TO: Law and Licensing Committee

FROM: Chad Pelishek, Director of Planning & Development

RE: Appeal for Impact Fee in the amount of \$547

The Department of Planning and Development has received an appeal of a \$547.00 park impact fee imposed upon property located at 2521 Creekview Court, filed by Robert Werner on July 21. (Attached as Exhibit A.) The grounds for the appeal are Werner's statement that "[t]he developer paid for improvement costs related to the road, sanitary sewer, water, [and] storm sewer[;] which are dedicated to the public as public facilities and are to be credited against any impact fee per WI statute." [sic]

Chapter 74, Article III, of the Sheboygan Municipal Code imposes impact fees in accordance with section 66.0617, Wis. Stats. However, said impact fees are limited, and are designed only to pay for park and recreation facilities required to serve new development

Section 66.0617(6)(d), Wis. Stats. provides that impact fees "[s]hall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. 236 or any other items of value." However, the only public facilities covered by the impact fee ordinance are park and recreation facilities. The city has not imposed any capital costs upon Werner with respect to paying for park and recreation facilities. The fact that he has paid for improvement costs unrelated to parks is irrelevant.

Therefore, as director of the Department of Planning and Development, I hereby recommend that the appeal be resolved by denying the appeal. I request that the Law and Licensing committee hold a hearing within 15 days of receipt of this recommendation and hire outside legal counsel to represent the City of Sheboygan during the hearing process.

DEPARTMENT OF
PLANNING AND
DEVELOPMENT

828 Center Avenue,
Suite 104
Sheboygan, WI 53081

920-459-3377 (Phone)
920-459-7302 (Fax)

II

Other Matters

8.1

R. O. No. 128 - 17 - 18. By CITY CLERK. August 7, 2017.

Submitting various license applications for the period ending December 31, 2017, June 30, 2018 and June 30, 2019.

Law & Lic.

City Clerk

CHANGE OF AGENT

Daniel E. Duncan is replacing Kevin C. Herrmann as agent effective immediately for Pick 'N Save #6432 located at 1317 N. 25th St.

Diane Reynold as agent for Kwik Trip 780 located at 2622 S. Business Dr.

CHANGE OF PREMISE (Permanent)

<u>No.</u>	<u>Name</u>	<u>Address</u>
3117	Harbor Lights Two	434 Pennsylvania Ave. - Permanent change of address to include the entire fenced in lot including the building and the area west of the building bounded by rope style fencing.

CHANGE OF PREMISES

<u>No.</u>	<u>Name</u>	<u>Address</u>
2742	8 th Street Ale Haus	1132 N. 8 th Street - Two day event to be held September 15 & 16, 2017 to include the entire 8 th Street Ale Haus parking lot up to and including a portion of the alleyway that abuts it on its Southern end. The parking lot is on 8 th Street and starts at the Southern edge of the building located at 1122 N. 8 th (the Gaming Generations business). This is a space of approximately 110 ft by 45 ft. On the Southern end is the alley way that intersects with 8 th and 9 th Street and is between Erie and St. Claire Ave. We also request a portion of said alleyway from the 8 th Street entrance to approximately 130 ft. West for use of the event.

1783 De Fere, Teresa M.
1771 De Gamez, Griselda R.
1779 Jackson, Lawrence E.
1780 McFate, Frederick C.
1776 Washington, Tommy D.

1612 Falcon Way, Sheb. Falls
1418 Geele Ave.
3519 Saemann Ave #3
1010 Kentucky Ave.
1524 Bell Ave.