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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Public Safety and Licensing LEGISLATION ITEM #: 0563-19

AGENDA DATE: Revised 5/22/19

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Nhu Arn

SUBJECT: A new proposed procedure for screening new applicants prior to the granting of a retail alcohol beverage license and for dealing with existing licensed premises when problems arise.

EXECUTIVE SUMMARY:

It is being recommended to the Public Safety and Licensing Committee that a new administrative process be adopted with respect to the granting of a new retail alcohol beverage license. Under the new procedure, any applicant who applies for a retail alcohol beverage license for any Class "B," "Class B," or "Class C" premises (bars, taverns, restaurants, etc.) must meet with staff for a "Good Neighbors" meeting prior to appearing in front of the Committee for consideration of their license. The purpose of the meeting is to provide information to the applicant regarding the City's expectations of the licensee's responsibilities under local and state law, and to identify potential issues associated with the licensed premises in an effort to address these upfront. Staff will then submit a report to the Committee on the license application before the applicant appears in front of the Committee. No license will be granted by the Committee unless and until the applicant has attended a Good Neighbors meeting.

Additionally, an existing licensee will be required to attend a Good Neighbors meeting whenever it is being called in pursuant to a Formal Expression of Concern. The purpose of this meeting is to identify problems associated with the premises and come to an agreement on how to address these problems going forward. Staff will then submit a short report to the Committee before it meets with the licensee.

BACKGROUND & ANALYSIS:

In the last few years, the Committee has seen numerous issues arise with respect to several licensed premises around the City, with many becoming a public nuisance. While many factors may account for

32 this increase, some of this may be due to a lack of communication and failure to set expectations with the
33 applicant prior to the granting of the license. The current process allows little time for the Committee to
34 question or scrutinize each application and does not allow staff input even when potential issues have
35 been identified. By requiring the applicant to meet with staff (particularly the police department) to
36 identify and discuss potential issues surrounding the premises, the applicant is aware of the issues and in a
37 better position to address these potential problems. Moreover, applicants who have been informed of their
38 rights and responsibilities under the ordinance cannot claim to be caught off guard when a violation
39 occurs.

40 The process would work as follows for new applicants:

- 41 1) Applicant submits a complete application with the City Clerk.
- 42 2) Applicant signs up and attends a Good Neighbors meeting time slot. The sign-up sheet will be
43 available at the Clerk's office at the time the application is submitted. Meetings will take place
44 every 1st and 3rd Thursday of the month, with 3 available time slots each date (3:15pm, 3:45pm,
45 4:15pm). All persons associated with management of the licensed premises would be required to
46 attend, including the licensee, owner, manager, supervisor, etc.
- 47 3) After the meeting, a staff report is then sent to the Committee with respect to the license
48 application and the items discussed.
- 49 4) Applicant appears in front of the PS&L Committee for consideration of application. Committee
50 votes on application, recommendation is forwarded to Common Council if appropriate.

51 In order to effectively and consistently implement this new procedure, the Committee would have to
52 defer any applications wherein the applicant has not had an opportunity to attend a Good Neighbors
53 meeting. As of right now, the proposal is to screen only the new applications for a Class "B" or "Class B"
54 or "Class C" premises (includes bars, taverns, restaurants, etc.), but to exclude any Class "A" or "Class
55 A" premises (including convenience stores, liquor stores, carry-out locations, etc.). Eventually, the
56 Committee might decide to expand this process to all Class "A" and "Class A" premises. Given limited
57 staff resources, the current recommendation is to start with the new screening of only bars, taverns and
58 restaurants at this time.

59 For existing licensees who are called in pursuant to a Formal Expression of Concern, the process would
60 work as follows:

- 61 1) Committee votes to call a licensee in pursuant to a Formal Expression of Concern under
62 section 6-27 of the Ordinance.
- 63 2) Licensee is directed to sign up and attend a Good Neighbors meeting as soon as possible
64 thereafter, not to exceed 30 days from the date of the Formal Expression of Concern.
- 65 3) After the meeting, staff submits a report to the Committee regarding the issues discussed and
66 any proposed solutions.
- 67 4) Applicant appears in front of PS&L, either before or after the Good Neighbors meeting.

68 For existing licensees who are called in pursuant to a Formal Expression of Concern, the Good Neighbors
69 meeting requirement would apply regardless of the type of license issued (including convenience stores,
70 gas stations, etc.).

71 With this new procedure in place, the City can better tackle issues associated with licensed premises
72 before they become a public nuisance.

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74 **BUDGETARY IMPACT:** N/A

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76 **OPTIONS/ALTERNATIVES:**

77 1) Reject the proposed new process and keep the status quo.

78 2) Adopt the new process with respect to new applicants, but not for existing licensees.

79 3) Adopt the new process with respect to existing licensees, but not for new applicants.

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81 **RECOMMENDED ACTION:** It is recommended by staff that the Committee adopt the new
82 administrative procedure as described above.

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84 **ATTACHMENT(S):** Information sheet for “Good Neighbors” meeting.