



# City of Racine

City Hall  
730 Washington Ave.  
Racine, WI 53403  
www.cityofracine.org

## Meeting Minutes - Final Public Safety and Licensing Committee

*Chairman Aron Wisneski, Alderman David Maack, Alderman Jim Kaplan, Alderman Robert Mozol, Alderman Terry McCarthy,*

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Monday, August 24, 2009

5:30 PM

City Hall, Room 205

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### Call To Order

**PRESENT:** 3 - Alderman Wisneski, Jim Kaplan and Robert Mozol

**EXCUSED:** 2 - Terry McCarthy and David L. Maack

Chairman Wisneski informed committee members that Alderman Weidner would be sitting in as she will be at the next meeting as a member of the Public Safety and Licensing Committee.

### Approval of Minutes for the August 10, 2009 Meeting.

*Minutes of the previous meeting were approved as printed on motion of Alderman Mozol.*

#### 09-4062

**Subject:** (Direct referral) The Fire Chief requests the City waive formal bidding, allowing the City's Purchasing Agent to negotiate and sign an agreement with Pierce Fire Apparatus, committing to order a 2010 Fire Pumper. Initiating the process now avoids a significant price increase which begins January 1, 2010.

Sixty percent (60%) of the funding is available in account 989.300.5020. The balance to be allocated in the 2010 Bonded Capital Outlay Program, as submitted in 2008.

#### **Recommendation of the Public Safety and Licensing Committee**

**on 8-24-09:** The City waive formal bidding, allowing the City's Purchasing Agent to negotiate and sign an agreement with Pierce Fire Apparatus, committing to order a 2010 Fire Pumper be approved.

**Fiscal Note:** Sixty percent (60%) of the funding is available in account 989-300-5020. The balance to be allocated in the 2010 Bonded Capital Outlay Program as submitted in 2008.

*Chief Hansen appeared and informed committee members that a local supplier would take care of apparatus. He said it was designed for Wisconsin weather due to corrosion and he requested permission to waive formal bidding to avoid a significant price increase which begins January 1, 2010.*

**Recommended For Approval**

#### 09-3877

**Subject: (New)** Application of Rosa Vargas, Agent ( La Kermes) for a

"Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 7-27-09:** That the application of Rosa Vargas, Agent ( La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street be deferred.

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the application be deferred until the August 24th, 2009 meeting to give the committee time to review the updated information submitted by Rosa Vargas ( La Kermes) for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 522 Sixth Street.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the application be deferred until the September 8th, 2009 meeting and the applicant obtains a lease from the building owner and provides said copy to the City Clerk's Office.

**Fiscal Note:** N/A

*Rosa Vargas appeared with interpreter Eriberto Malacara. She was questioned as to whether or not she had a lease with the building owner. Mr. Malacara stated they were in the process, but the owner was in attendance and could speak on the matter.*

*Building owner, Jim Spodick was asked to address the committee. Mr. Spodick stated he did not have a lease with Ms. Vargas. He stated he had a lease with the previous tenants (LaTerraza) and that lease would expire on August 31, 2009. It was suggested that Mr. Spodick and Ms. Vargas meet to discuss the lease and once Ms. Vargas has obtained a lease she should bring it to the City Clerk's Office.*

*Alderman Mozol made a motion to defer the item for two weeks until the lease had been obtained.*

*Voice Vote:*

*Ayes: Kaplan, Mozol and Wisneski*

*Excused: Maack and McCarthy*

**Deferred**

[09-3970](#)

**Subject:** Application of Tango Bar LLC., O. Keith Fair, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 509 Sixth Street. (1st District)

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the application of Tango Bar LLC., O. Keith Fair, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 509 Sixth Street be approved.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the application of Tango Bar LLC., O. Keith Fair, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 509 Sixth Street be approved.

**Fiscal Note:** N/A

*Mr. Keith Fair appeared.*

*The City Clerk advised members she had spoke with the State of Wisconsin and the business was reactivated on 8-19-09.*

*Motion made by Alderman Kaplan to approve the Change of Agent, O. Keith Fair, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License at 509 Sixth Street. Motion passed by the following voice vote:*

*Ayes: Kaplan, Mozol and Wisneski*

*Excused: Maack and McCarthy*

**Recommended For Approval**

[09-3972](#)

**Subject:** (Direct Referral) Request of the Committee for the appearance of Michael T. McDermott, Agent for Henry & Wanda's, 501 Sixth Street to discuss recent incidents.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the item be received and filed.

**Fiscal Note:** N/A

*Michael McDermott and Betsy Walton appeared. Ms. Walton questioned the date of the incident. The incident date was given as January 31, 2009. Ms. Walton stated they had a band playing earlier, but the band always stops playing @ midnight. She also stated they usually have their doors closed because they run the air conditioner. She informed committee members when officers arrived, the complaint of loud music was unfounded and the officers left.*

*Alderman Mozol made a motion to receive and file the item. Motion passed by the following voice vote:*

*Ayes: Mozol, Kaplan and Wisneski*

*Excused: Maack and McCarthy*

**Received and Filed**

[09-3870](#)

**Subject: (New)** Application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive. (3rd District)

**Recommendation of the Public Safety and Licensing Committee on 7-27-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred.

**Recommendation of the Public Safety and Licensing Committee on 8-10-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred until a business plan and legal information be brought in by Tommy Daniels.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the application of Tommy's Den, Tommy Daniels, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 901 S. Memorial Drive be deferred and the applicant meet with the City Attorney to work on details of camera system and security personnel that will be used.

**Fiscal Note: N/A**

*Tommy Daniels and Mary Hand appeared. Ms. Hand stated they wanted to run a place where their customers could come and feel safe while having a good time. She stated they would have security cameras and they would always have someone at the door checking ID's. Mr. Daniels stated he would be responsible for the day to day activities and he would be on the premise @ 80% of the time. They stated their hours of operation would be 7 days a week, 12:00noon - 2:00a.m. They would sell pre-packaged food items. Mr. Daniels states he rents the building.*

*The committee stated in his business plan it did not mention security cameras or the security that would be provided.*

*Alderman Shields spoke and asked for clarification as to whether or not the applicant needed to meet with the City Attorney's office to work out details with the cameras and security situation.*

*Alderman Kaplan made a motion to approve the application with conditions relating to security camera and security personnel. Motion dies for lack of second.*

*Alderman Mozol called Alderman Shields out of order for his behavior.*

*Alderman Weidner wanted it clarified that she was not able to vote on any action.*

*Alderman Kaplan made a motion that the item be deferred for two weeks and the applicant meet with the City Attorney to work out some details involving the camera system and security that will be used. Motion passed by the following voice vote:*

*Ayes: Kaplan, Mozol and Wisneski*

*Excused: Maack and McCarthy*

**Deferred**

[09-3955](#)

**Subject:** (Direct Referral) Request of the Committee for the appearance of Pythaphone Khampane, Agent for Sticky Rice/Gingers, 345-347 Main Street, due to recent incidents at the establishment.

**Recommendation of the Public Safety and Licensing Committee**

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**on 8-10-09:** That Pythaphone Khampane meet with the City Attorney and complete an agreement and in the interim the Metro Police work as the door staff to monitor the capacity and verify ID's. Item deferred until 8-24-09 meeting.

**Recommendation of the Public Safety and Licensing Committee**

**on 8-24-09:** That the agreement with Pythaphone Khampane (Sticky Rice/Gingers) 345-347 Main Street be approved after the findings of the two exception items discussed are agreed upon between applicant and committee members.

**Fiscal Note:** N/A

*Pythaphone Khampane and Attorney Thomas Santarelli appeared. The committee went over the proposed settlement agreement that was drafted by City Attorney Weber. The committee and applicant agreed on all points of the agreement with the exception of two items they wanted more clarification. Item #2 of the agreement dealing with the capacity, the Chairman would like the opinion of the Fire Department as to what the capacity limit allowed would be before agreeing to this. The other item was dealing with the restaurant maintaining an independent identity. The applicant would like it stated that the affects of the liquor license would only affect the bar area and not the restaurant. This would need to be clarified by the State of Wisconsin as to how this would be handled. Once the above have been clarified, City Attorney Weber will notify applicant and committee members to his findings before the final agreement is signed.*

**Received and Filed**

[09-3956](#)

**Subject:** (Direct Referral) Request of the Committee for the appearance of Richard Smetana, Agent for Ricky's, 236 Main Street, due to recent incidents at the establishment.

**Recommendation of the Public Safety and Licensing Committee**

**on 8-10-09:** That the item with Richard Smetana, Agent for Ricky's, 236 Main Street be deferred.

**Recommendation of the Public Safety and Licensing Committee**

**on 8-24-09:** That the item be received and filed.

**Fiscal Note:** N/A

*Richard Smetana appeared. Committee members explained their concerns with the reports of open intoxicant incidents appearing on the last few police reports and customers stating they purchased the intoxicants from Ricky's. Committee members asked Mr. Smetana to have his door staff double up on their efforts to make sure no patrons are leaving the establishment with open intoxicants.*

*Motion made by Alderman Kaplan to receive and file the item. Motion passed by the following voice vote:*

*Ayes: Kaplan, Mozol and Wisneski  
Excused: Maack and McCarthy*

**Received and Filed**

[09-3971](#)

**Subject:** (Direct Referral) Request of the Committee for the appearance of Richard P. Hoey, Agent for the Blind Alligator, 1653 Taylor Avenue, to discuss continuing incidents.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the item be received and filed.

Fiscal Note: N/A

*Richard Hoey appeared. He informed committee members a lot of the problems were created with the closing of 16th and 17th Streets and people were just hanging out. He stated that since the streets are back open, he has already seen a decline in the number of people hanging out.*

*Deputy Chief Howell informed committee members the police department began a sting operation in July to deal with the prostitute issues in a couple of the areas in the City. He stated he could not elaborate, but he wanted the committee to know there is something in the works.*

*Alderman Shields questioned whether there are security cameras inside/outside of the establishment to catch some of the crime. Owner stated he currently does not have a camera system in place, but he is willing to have one installed. Chairman Wisneski instructed the owner to get in contact with the Tavern League as they had information on different types of camera systems that could be installed.*

**Received and Filed**

[09-4048](#)

**Subject:** (Direct Referral) Licensed Premise Report

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the report be received and filed.

Fiscal Note: N/A

*Alderman Mozol asked Deputy Chief Howell if the dispatch time/time of arrival could be included on the report. Deputy Chief Howell stated he did not see a problem in having that done. In looking over the report, members felt no need to call any establishments in for the next meeting. Alderman Wisneski made a motion that the report be received and filed. Motion passed by the following voice vote:*

*Ayes: Wisneski, Kaplan and Mozol*

*Excused: Maack and McCarthy*

**Received and Filed**

[09-4037](#)

**Subject:** (Direct Referral) Applications for Operator's (Bartender's) Licenses for 2009-2011.

**Recommendation of the Public Safety and Licensing Committee on 8-24-09:** That the applications presented for a operator's (bartender's) license be granted.

Fiscal Note: N/A

**Granted**

### **Public Comment**

*Joey Legath*

*Joey thanked the members for approving the use of his back parking lot for the 25th Anniversary Event held on August 22, 2009. He thanked City staff and officials who were able to attend.*

### **Miscellaneous Business**

*Deputy Chief Howell spoke to committee members regarding his concern with the video gambling machines in establishments. He stated he can see a problem arising as people know there is more cash on hand at these establishments, and the businesses are paying out. He stated the public's safety is at risk as well as the machines being illegal.*

*Chairman Wisneski stated he also feels the frustration, but the enforcement for Class B prosecutions lies with the State.*

### **Adjournment**

*The meeting was adjourned at 7:30p.m.*