



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 Eric Marcus*

Monday, September 27, 2010

5:00 PM

City Hall, Room 205

Call to Order

PRESENT: 5 - Aron Wisneski, David L. Maack, Robert Mozol, Eric Marcus and Jim Kaplan

Approval of Minutes for the September 13, 2010 Meeting.

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

10-5629

Subject: (Direct referral) Communication from the Fire Chief requesting permission to sign a Hold Harmless Agreement and Indemnification with John H. Batten Field to conduct fire department training in the near future.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: The request of the Fire Chief to sign a Hold Harmless Agreement and Indemnification with John H. Batten Field to conduct fire department training be approved.

Fiscal Note: N/A

Chief Hansen and Division Chief Bush appeared. Division Chief Bush informed committee members this is a single family residence which is owned by Batten Field and was scheduled to be razed. He stated there would be no live fires conducted it would only be used for destruction exercises.

Recommended For Approval

Alderman Marcus arrived at 5:10p.m. and took his seat.

10-5560

Subject: Communication from the Purchasing Agent submitting bid results on Official Notice #13, Supply and Installation of Play Equipment for City of Racine Parks, Recreation and Cultural Services Department.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That Official Notice #13 being the contract for Supply and Installation of Play Equipment for City of Racine Parks and Recreation be awarded to Miller & Associates, at their bid price of \$93,378.00,

they being the lowest responsible bidder.

Further recommends that funding to defray the cost of these services be appropriated from the following Accounts: 990-700-5070; 990-700-5080; 990-700-5090; 890-030-5610; 990-700-5060; 990-700-5070; 990-700-5080; and 990-700-5090.

Fiscal Note: Funds are available as herein delineated.

Director Snow appeared and informed committee members Miller and Associates was the lowest responsible bidder and he was requesting approval. He stated the company were at 98% compliance with the required documentation requested.

Recommended For Approval

[10-5519](#)

Subject: (New) Application of Park Inn, LLC, Ronald Stankovic, Agent, for a Class "B" and "Class C" Wine license for 2312 Douglas Avenue. (5th District)

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the Class "B" and "Class C" Wine license for 2313 Douglas Avenue be granted.

Fiscal Note: N/A

Ronald Stankovic appeared and informed committee members they have expanded their menu and they would like to be able to offer customers wine or beer with their meal. He stated they have been running an efficient business and they will not be changing their current hours.

A motion was made by Vice Chair David L. Maack, seconded by Robert Mozol, that this be Recommended For Approval. The motion PASSED by the following vote:

AYES: 3 - David L. Maack, Robert Mozol and Eric Marcus

NOES: 1 - Jim Kaplan

NON VOTING: 1 - Aron Wisneski

[10-5571](#)

Subject: (New) Application of Susan Bukacek for a Class "B" and "Class C" Wine license for 309 Main Street. (1st District)

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the Class "B" and "Class C" Wine license for 309 Main Street be granted.

Fiscal Note: N/A

Susan Bukacek appeared and informed committee members she owned the building. She stated her reason for applying for the license was to be able to offer her

customers beer and wine in conjunction with the special events as 1st Fridays and Party on the Pavement. She stated there would be no change in their current hours of operation.

Recommended For Approval

[10-5553](#)

Subject: Communication from The Place on 6th, Keith Fair, Agent, requesting to amend the premises description at 509 Sixth Street.

Recommendation of the Public Safety & Licensing Committee on

9-13-10: The communication be deferred for two weeks and the applicant supplies a diagram to the City Clerk's Office prior to the next meeting.

Recommendation of the Public Safety & Licensing Committee on

9-27-10: That the request be deferred until the Good Neighbor Agreement is finalized.

Further Recommend, the item be brought before the full Council on 10-5-2010 for consideration.

Fiscal Note: N/A

Keith Fair appeared. Some alderman raised concerns with receiving the diagram at the beginning of the meeting. They felt it did not give them enough time to review the documentation. It was discussed that the City has been trying to establish a Good Neighbor Agreement with Mr. Fair for the last couple of months and this has not been accomplished. It was raised that at the July meeting, Mr. Fair stated several different changes he would be implementing and all those things were listed in the agreement and he still has not signed it. Mr. Fair stated his Attorney, Mr. Saldana and City Attorney Weber have been in contact to finalize the agreement, but his Attorney has been tied up in other business matters and for this reason the agreement has not been completed. It was stated that Mr. Fair's amended premise request came at a time when they were already in negotiations with him on the Good Neighbor Agreement.

Alderman Kaplan stated that he viewed the two items separately and he was not tying them together. He stated had he received the diagram with more advance notice, he would have been able to do his due diligence in making a decision on the item.

Alderman Wisneski stated he does see the two as linked, the amended premise description as well as the Good Neighbor policy. The reasoning for the Good Neighbor policy was due to numerous incidents from the police reports including unruly patrons and people leaving the establishment with drinks.

Alderman Marcus stated that he felt we should approve the request and deal with the agreement separately. He also stated that all the other applicants who came before the committee for this same type of request had been granted. He also stated that if the diagram had been received earlier, it would not have changed the opinions of the members.

Alderman Maack stated that he felt the two were linked and should not be treated

separately as this agreement has been in the works for several months and still has not been signed. Alderman Maack stated that having an outdoor patio license to serve alcohol is not a right, it is a privilege.

Mr. Fair wanted it noted that this will not be the only time a person has taken privileges away from people.

Alderman Maack stated that when the Good Neighbor Agreement is signed, he will vote in favor of the amended premise description.

Deferred

AYES: 4 - Aron Wisneski, David L. Maack, Robert Mozol and Jim Kaplan

NOES: 1 - Eric Marcus

10-5559

Subject: Communication from Joe Madison of Pepi's Pub and Grill, 618-6th Street, requesting to amend his premise description to include the exterior sidewalk area within his property lines.

Recommendation of the Public Safety & Licensing Committee on 9-13-10: That the request be deferred until the next meeting.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the request to amend the premise description be approved contingent on fencing or barrier being utilized when drinking is allowed outside in the area.

Fiscal Note: N/A

Joe Madison appeared and informed committee members he was looking to fence or barricade 10ft. of his property in the front and on the side of his business for his customers to be allowed to drink while outside smoking. Mr. Madison explained to committee members his plans for the future which would include an awning as well as a more enclosed area.

Alderman Maack made a motion to approve contingent on fencing or some type of barrier being utilized when drinking is allowed outside. The motion was seconded by Alderman Mozol.

Recommended For Approval

10-5607

Subject: (Direct Referral) Request of the committee for the appearance of Daniel J. Daams, Agent for Double D's, 1307 Douglas Avenue for a recent incident at the establishment on 9-4-2010.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: The item be deferred and the City Clerk's Office re-send another certified letter to the owner and follow-up with a phone call requesting his appearance at the next meeting.

Deferred

[10-5608](#)

Subject: (Direct Referral) Request of the committee for the appearance of Nicole Woods, Agent for Rhino Bar, 1659 N. Main Street for a recent incident at the establishment on 8-27-2010.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the item be received and filed.

Fiscal Note: N/A

Nicole Woods appeared. She informed committee members they currently have 2 old security systems and 5 internet security systems. She stated they have one bouncer on Friday and Saturday nights. She stated she had the bartender with her who was on duty the night in question. She stated in no way was the bartender not trying to cooperate with police as she had taken the officers downstairs to review the video. She also informed committee members they are in the process of getting more security cameras which will be pointed to the outside of the establishment.

Sgt. Weitzel read the officers supplemental reports who were dispatched to the establishment on the night in question. According to the reports he read and the statements of the owner and her bartender, there were conflicting stories being reported.

Alderman Marcus suggested the officers be requested to appear due to the conflicting stories being reported. Several other aldermen did not feel it was necessary to require the officers to attend the meeting.

Joey Legath addressed the committee and informed them he knew the owner and the bartender very well and he wanted to speak in support of them.

A motion was made by Alderman Maack and seconded by Alderman Kaplan that the item be received and filed. Motion passed by the following voice vote:

AYES-Maack, Mozol and Kaplan

NOES-Marcus

NON-VOTING: Wisneski

Alderman Wisneski suggested that on a busy night or when they are holding a special event, they should look into employing additional bouncers.

Received and Filed

[10-5569](#)

Subject: Communication from the Alderman of the 15th District requesting to submit changes to Ord. 66-518; Pyrotechnic Display Permit.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: The item be deferred for two weeks and the requester check with surrounding municipalities as to their charges and procedures.

Chief Hansen appeared. He stated applicants are allowed to apply for the permit and pay a \$50.00 fee which will allow them to shoot off the fireworks. He stated no one can purchase a permit and just shoot them off without having the Fire Department approval that the area in which they would shoot them off has been inspected.

It was determined that more information was needed and Alderman Wisnesk suggested Alderman Mozol contact surrounding communities as to what they charge and what their procedures are.

A motion was made by Alderman Maack seconded by Alderman Kaplan to defer the item for 2 weeks.

A motion was made by Vice Chair David L. Maack, seconded by Jim Kaplan , that this be Deferred. The motion PASSED by a Voice Vote.

10-5570

Subject: Communication from the Alderman of the 2nd District requesting an ordinance be drafted that in the event the current owner of a Class B licensed premise (Original Premise) sells that premise, the new owner will not be denied a Class B premise license solely based on the location of a day care facility or institution identified in Wisconsin Stats. section 125.68 (Institution) if the Original Premise's location pre-existed the Institution's presence at its location. Nothing in this section shall preclude the denial of the new Class B license for other reasons.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That an ordinance be drafted.

Fiscal Note: N/A

Alderman Maack stated he was against any changes being made to the ordinance.

Joey Legath spoke on the issue and stated he fully supports the ordinance.

Alderman Wisneski made a motion to approve the request with a second being made by Alderman Marcus.

A motion was madethat this be Recommended For Approval. The motion PASSED by a Voice Vote.

10-5630

Subject: (Direct Referral) Communication from the Purchasing Agent submitting the sale of abandoned vehicles for September 22, 2010.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the request be received and filed.

Fiscal Note: This will generate \$13,211.01 in revenue.

Recommended to be Received and Filed

10-5622

Subject: (Direct Referral) Operator's (Bartenders) Licenses for 09/27/2010.

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the operator's (bartender's) licenses be granted.

Fiscal Note: N/A

A motion was made by Vice Chair David L. Maack, seconded by Robert Mozol, that this be Granted. The motion PASSED by a Voice Vote.

[10-5632](#)

Subject: License premise report and DRC reports for 9-27-10

Recommendation of the Public Safety & Licensing Committee on 9-27-10: That the report be received and filed.

Fiscal Note: N/A

Sgt. Weitzel informed committee members he was awaiting more information on the incident at McAuliffe's Pub, 213 6th St. on 9-18-10. He stated he would bring the information back to committee members once the report was complete.

Received and Filed

Adjournment

The meeting was adjourned at 7:05p.m.