



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
Vice Chairman Gregory Holding
Robert Mozol
Jim Kaplan
Melissa Kaprelian-Becker*

Monday, April 9, 2012

5:30 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - Aron Wisneski, Gregory Holding, Robert Mozol, Jim Kaplan and Melissa Kaprelian-Becker

Approval of Minutes for the March 26, 2012 Meeting.

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

12-7548

Subject: Communication from the Purchasing Agent requesting to appear before the Public Safety and Licensing Committee to discuss the results of Official Notice #5, Request for Proposals for ARC GIS Compatible Tree Inventory for the City of Racine.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That the Interim Director of Parks Recreation and Cultural Services be authorized to enter into a Professional Services Agreement with Davey Resources Group of Kent Ohio for ARC GIS Compatible Tree Inventory for the City of Racine.

Fiscal Note: Funds are available as follows: \$25,000 from 786.020.5860 DNR Grant, \$42,000 from 992.700.5060 Tree Inventory for a total cost of \$67,000.

Interim Director Tom Molbeck appeared to speak on this item. He stated this contract would cover 90% of the work in the project and cover the inventory of the neighborhood trees. Grants through DNR would cover part of the cost. Davey Resources scored highest when evaluated with the other three bidders. Work is expected to start soon and essentially be completed by the fall.

Recommended For Approval

Alderman Holding arrived at 5:40 P.M. and took his seat.

[12-7549](#)

Subject: Communication from the Interim Director of Parks, Recreation and Cultural Services requesting to rescind final payment for Contract 31-11 (K1-033) Sam Johnson Parkway Fountain Upgrades (R1), Resolution 12-2982 of February 22, 2012.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That the final payment for Contract 31-11 (K1-033) Sam Johnson Parkway Fountain Upgrades (R1), Resolution 12-2982 approved on February 22, 2012 be rescinded.

Fiscal Note: N/A

Interim Director Tom Molbeck appeared and informed the Committee the resolution for final payment should be rescinded until the contract work is complete. This would not change the amount of the final payment when the work is complete.

Recommended For Approval

[12-7541](#)

Subject: (New) Application for a Class "B" Fermented Malt Beverage License for Sandy Toes, LLC (Beachside Oasis), Greg Allan, Agent for 100 Kewaunee Street. (4th District)

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That the application for a Class "B" Fermented Malt Beverage License for Sandy Toes, LLC (Beachside Oasis), Greg Allan, Agent for 100 Kewaunee Street be approved.

Fiscal Note: N/A

Applicant Greg Allan appeared and informed the Committee his plans for the business with regard to alcohol would remain essentially the same as the previous license holder. He was aware of noise concerns and knew speakers had to be facing the lake. All required paperwork based on his contract with the City has been submitted to the Attorney's Office. Mr. Allan with his partners intend to make the establishment family friendly and an asset to the lakefront.

Recommended For Approval

[12-7547](#)

Subject: (New) Application for a Class "B" Fermented Malt Beverage License for Caleb Robinson, Agent for 3 Fifth Street. (1st District)

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That the application for a Class "B" Fermented Malt Beverage License for Caleb Robinson, Agent for 3 Fifth Street be approved.

Fiscal Note: N/A

Caleb Robinson appeared and informed the Committee that all paperwork required with the contract has been submitted to the City Attorney's Office. City Attorney Rob Weber said the contract is extensive in its requirements and he feels Mr. Robinson

will be able to work with the contract as it stands. Mr. Robinson stated that he wants his business to be an asset to lakefront and allow residents and visitors another option when visiting the boat launch and fountain areas offering food, snacks, and beverages. Mr. Robinson was questioned with his past history and feels he has learned and grown now with businesses and family responsibilities.

Recommended For Approval

[12-7483](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Deepinder Dhaliwal, Agent for AD United Petroleum, 1917 Sixteenth Street at the April 9th meeting regarding the sale of alcohol to an underage volunteer.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That this item be received and filed.

Fiscal Note: N/A

Deepinder Dhaliwal agent for AD United Petroleum and his Attorney Matt Johnson were present. He stated the clerk was aware he should be asking for identification, but that he forgot this time and Mr. Dhaliwal would be giving him extra training for this task. He was reminded that 2 such offenses in a year could be cause for severe action including possible loss of his license. Alderman Shields spoke on behalf of his constituent and stated he will be working with him to help him improve his business.

A concern of COP Officer Mahnke was also identified that sale of items potentially used with illegal drug activity continue to be sold in the store after Officer Mahnke has had several contacts with Mr. Dhaliwal. The Committee suggested that Mr. Dhaliwal work more closely with the Racine Police Department in maintaining a good neighborhood atmosphere.

Received and Filed

[12-7496](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Mohinder Singh, Agent for US Pantry, 1627 Washington Avenue, on April 9th, 2012 regarding the sale of alcohol to an underage volunteer.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That this item be received and filed.

Fiscal Note: N/A

Mohinder Singh and Mrs. Singh appeared. Mrs. Singh was the clerk at the time of sale and stated she always asks for identification, she does not recall making the sale without asking for the identification. Currently the citation is pending adjudication. History of the premise indicates a similiar incident in August of 2011 which the Singh's indicate that employee was fired. Currently the business has an ID reader, and the date of birth is required to be entered into the cash register. Alderman Shields spoke on behalf of the business and stated they are responsible and aware of the guidelines and would be working within them in the future.

The Committee members reminded Mr. Singh that the year for counting incidents starts with the first incident (Aug, 2011), and the committee will be watching for any

additional events which could be cause for more severe action including revocation of his license.

Received and Filed

[12-7539](#)

Subject: (Direct Referral) Request of the Committee for the appearance of Gerald Bester, Agent for Gerald's Smokehouse, 1501 Washington Avenue regarding recent incidents at the establishment.

Recommendation of the Public Safety and Licensing Committee

on 04-09-12: That Mr. Bester be directed to work with the City Attorney and Racine Police Department on an agreement to help avoid future incidents and this item be deferred until a side agreement is reached.

Fiscal Note: N/A

Gerald Bester appeared and informed the Committee he was uncomfortable working with Alderman Mozol since he felt remarks made at the last meeting were unfounded. Mr. Bester stated he and his security staff were unaware of the altercation in question, but he did not dispute the Racine Police Department report of the event. Sergeant Wohlgemuth reviewed the incident and stated their were 9 squads involved, and no arrest were made due to the size of the crowd and officer safety. There was no footage available because the squads were faced away from the area. Alderman Shields spoke and stated he felt if these ongoing incidents were that severe there should be more arrests made so the parties involved were more responsible for their actions.

Sgt. Wohlgemuth stated Mr. Bester has been very cooperative in working with the Racine Police Department to try to alleviate some of the ongoing situations. Mr. Bester stated with a recent event he reduced his capacity and the only problem was one individual in the parking lot which resulted in OC being used and an arrest being made. Alderman Kaprelian-Becker asked for his current hours of operation and he stated he was now open for food service Wednesday - Sunday from 4-10 pm, but will be soon open for lunches, and the lounge is open up to 2 am on Friday, Saturday and Sunday.

Alderman Holding made a motion, seconded by Alderman Kaplan to refer Mr. Bester to work with Attorney Weber and the Racine Police Department on a voluntary side agreement and defer the item until a contract can be reached. Motion carried.

Suggestions to be included in the agreement included:

Reduced Capacity

Reduced or modified hours of operation

Increase minimum age.

Motion carried with a voice vote.

Deferred

[12-7501](#)

Subject: (Direct Referral) Communication from the Chairman wishing to discuss policy/procedure to be used for liquor license applicants who will be leasing the establishment.

Recommendation of the Public Safety and Licensing Committee

on **03-26-12**: That the item be deferred.

Recommendation of the Public Safety and Licensing Committee

on **04-09-12**: That the item be received and filed.

Fiscal Note: N/A

The Committee reviewed the process as it is handled in other areas of the City. Currently there is a area of the application which the applicant states if the building is leased, and there is a lease in place, and that the owner of the building is aware of the use of the building. Per Attorney Weber, if the applicant incorrectly answers this item and there is found to be a problem, the Committee can rescind the granting of the license. Discussion led to the conclusion that the situation would be a landlord/tenant issue and we would not normally intercede. It was also decided that because our application forms ask about a lease, if it turns out that an applicant does not have one, then the City can take the license back as the applicant provided false information.

Received and Filed

[12-7546](#)

Subject: Communication for the 12th District Alderman that the Public Safety and Licensing Committee consider amending Ordinance 6-97 to allow wine tasting samples at class A facilities.

Recommendation of the Public Safety and Licensing Committee

on **04-09-12**: That this item be deferred to a future meeting.

Fiscal Note: N/A

Chairman Wisneski reviewed the history of the request as the business known as Timers requesting to do wine sampling as similarly licensed businesses are doing in neighboring communities. He felt we could look at requests such as this on a one by one basis based on the following criteria:

*Enough staff (paid staff of the business) were on hand.
Size of the business (5,000 square feet or more)
% of sales in wine vs total sales.*

*Questions to be yet reviewed included
-would this license be issued concurrently with current licensing period.
-would this license be issued by the clerk's office similar to the picnic licenses
-would there be an additional fee involved for this license.*

*Other questions brought up included:
Is this a wine event or a wine sampling such as in Sam's Club.
Is this limited to wine only vs alcohol or beer.*

Joey Legath appeared and spoke in favor of such an ordinance.

It was stated that any guidelines the City places on this could not be less restrictive than the State Statutes which currently allows wine tasting at "Class B" establishments.

Deferred

[12-7563](#)

Subject: (Direct Referral) License Premise Report and DRC Reports for the 04/9/12 Meeting.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That this item be received and filed.

Fiscal Note: N/A

The Committee did not request anyone to be called in.

Received and Filed

[12-7476](#)

Subject: Ordinance No. 2-12

To repeal and recreate Sec. 66-1001, repeal and recreate Sec. 66-1002 and create Sec. 66-1004 of the Municipal Code of the City of Racine, Wisconsin relating to Nuisance properties.

Recommendation of the Public Safety and Licensing Committee on 3-12-12: That the item be deferred until the next meeting.

Recommendation of the Public Safety and Licensing Committee on 3-26-12: That the item be deferred until the next meeting.

Recommendation of the Public Safety and Licensing Committee on 04-09-12: That the draft Ordinance be submitted to Chief Howell and the item be deferred until the review is complete.

Fiscal Note: N/A

Alderman Holding reviewed the 2008 version of a similar ordinance and felt the current one offered more options for the owner, Racine Police Department and tenants. Alderman Wisneski stated the City is currently working to make a portion of the Phoenix system available to notify owners of situations at their properties. Mr. Dave Bybee asked that calls made by the property owners are not included in the count. There was also a question as to how this would effect business vs rental property. Joey Legath spoke in favor stating that tastings are allowed by the state in Class A establishments.

Additional information from other municipal ordinances was asked to be included as follows:

- three calls or more to the same property in which one resulted in an official action.*
- information from other departments can be included in determining the City's action. (Janesville procedure Part A).*
- fines based on cost to respond added to abatement plan (Green Bay's ordinance).*

Attorney Weber felt these changes could be made and a draft submitted per direction of the Committee to Chief Howell for further review and then return the item to committee.

Deferred

Adjournment

Alderman Holding made a motion to adjourn at 8:25 pm.