



# City of Racine

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

## Meeting Agenda - Final Public Safety and Licensing Committee

*Chairman Q.A. Shakoor, II, Vice Chair Aron Wisneski, Alderman Jim Kaplan, Alderman Robert Mozol, Alderman Terry McCarthy*

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Monday, February 23, 2009

5:00 PM

City Hall, Room 205

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### Call To Order

### Approval of Minutes for the February 9, 2009 Meeting.

### PUBLIC COMMENT

**09-3160**      **Subject:** Application of PH Green Bay, LLC, Todd L. Fortier, Agent, for a Change of Agent for a Class "B" license for 5000 Washington Avenue. (12th District)

**09-3098**      **Subject: (Direct Referral)** Re-visit communication from Robert Morrison, 1100 Florence Avenue requesting the City of Racine take a stand against large, dangerous, illegal fireworks and stop these items from entering the city limits.

**09-3210**      **Subject:** (New) Application of Rapids Drive Convenience, Stephen Grebe (Agent) for a Class "A" Retail Fermented Malt Beverage license for 3502 Rapids Drive. (6th District)

**09-3221**      **Subject: (New)** Application of SDJJ, LLC., John McAuliffe agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 211- 6th Street. (**1st District**)

**09-3171**      **Subject:** (Direct Referral) Request of the Committee for the appearance of Egidio Infusino, Agent for Infusino All Sports, LLC, 3458 Rapids Drive, due to recent incidents at your establishment.

### **Recommendation of Public Safety & Licensing Committee 2-9-09:**

That the item be deferred for two weeks and the agent receive a copy of the incidents summary report from the police department as well as a copy of ordinance 41-06 and report back to committee as to what measures they will be taking to correct the on-going problems.

**09-3207**      **Subject:** (Direct Referral) Request of the Committee for the appearance of Scott Hansen, Agent for The Warning Track, 1301 Washington Avenue, due to incidents at the establishment over the last year.

[09-3208](#)      **Subject:** (Direct Referral) Request of the Committee for the appearance of Jong Pong Chang, Agent for El Cotorreo, 1225 Sixteenth Street, due to incidents at the establishment over the last year.

[09-3252](#)      **Subject:** (Direct Referral) Operator's (Bartender) Licenses

[09-3255](#)      **Subject: (Direct Referral)** Licensed Premise Report for 2-3-09 to 2-17-09

[Ord.06-09](#)      Ordinance No. 6-09

To repeal and recreate Sec. 6-97 of the Municipal Code of the City of Racine, Wisconsin relating to Retail "Class A" intoxicating liquor licenses.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Section 6-97 of the Municipal Code of the City of Racine is hereby repealed and recreated to read as follows:

"Sec. 6-97. Class "A" and "Class A" licenses.

(1) A Class "A" license authorizes retail sales of fermented malt beverages (e.g. beer and most "coolers") for consumption off the premises where sold and in original packages, containers and bottles. The fee for a Class "A" license is \$100.00 per year.

**State law reference** - Wis. Stats. § 125.25(1).

(2) A retail "Class A" intoxicating liquor license shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages and containers in quantities of not more than three wine gallons at any one time, and to be consumed off the licensed premises, except that wine may be sold in the original package or otherwise in any quantity, and excepting that provision of free wine samples as specified in Wis. Stats. § 125.06(13)(a) is prohibited. The fee for a retail "Class A" liquor license is \$500.00 per year.

**State law reference** - Retail "Class A" license, Wis. Stats. § 125.51(2).

(3) Number of licenses.

At the time of the enactment of this ordinance, there were forty (40) Class "A" license holders and twenty-six "Class A" holders. As part of a comprehensive effort to decrease the incidence of alcohol-related problems and to reduce the strain on public resources, the Common Council seeks to reduce the number of "Class A" and Class "A" alcohol beverage licenses in the City in accordance with the following prospective quotas:

The total number of Class "A" licenses shall not exceed thirty-six (36); and

The total number of "Class A" licenses shall not exceed twenty-four (24).

(4) Geographic restrictions.

Notwithstanding any other provisions of this Chapter, no new retail "Class A" or Class "A" intoxicating liquor license shall be issued for any establishment located within five-tenths (0.5) of a mile from any other licensed establishment (regardless of the type of Class A alcohol license held) or within two thousand (2,000) feet of any church, day care center, school, community center or other facility predominantly attended by individuals under the age of twenty-one (21).

(5) *Public hearing.* The Common Council shall hold a public hearing upon every Class "A" and "Class A" license application and/or petition and shall notify all property owners within a radius of five-tenths (.5) of a mile of the proposed site of the date of the hearing. The notice shall be given at least five (5) days before the hearing and may be given by mail or other publication.

(6) Exceeding quota or geographic concentration restrictions.

Notwithstanding the provisions of this Chapter, the Common Council may, by a two-thirds (2/3) vote of all the members of the Common Council, grant a new retail Class "A" fermented malt beverage or a new retail "Class A" intoxicating liquor license in excess of the quota set forth in Section 6-97(3) or the geographic concentration restrictions set forth in Section 6-97(4).

(a) It having been found by the Common Council in imposing the quotas or in exceeding the geographic concentration restrictions in this section that the proliferation of taverns and liquor stores can be a detriment to the City of Racine and the community by reducing property values, deteriorating the quiet enjoyment of neighborhoods and costing considerable tax dollars to police said business, it is determined that quota may be exceeded if the establishment meets the provisions set forth in this chapter and the following criteria be met:

- i. The applicant shall submit to the City Clerk's Office a petition for exceeding quota. The petition shall include a business plan of operation and the relevant experience, background and signatures of the individual, partners or directors, officers and agent of a corporation or limited liability company, as well as the signature of the owner or owners of the building or land and any and all other information required in section 6-54 of the Code of Ordinances; and
- ii. The applicant shall supply proof of ownership or lease of options to purchase or lease of land or a building that is properly zoned for the proposed venture; and
- iii. The applicant shall show that the proposed establishment will have a greater economic impact upon the community than simply the addition of another tavern, liquor store, convenience store or restaurant; and
- iv. The applicant shall show that the proposed establishment will benefit the

community by substantially improving the tax base (i.e. the establishment will extensively rehabilitate a blighted or deteriorated building, will construct a new building on vacant land, will benefit the community by conferring some other tangible and substantial improvement for the area)."

Fiscal Note: N/A

Sponsors: Terry McCarthy

### **Miscellaneous Business**

### **Adjournment**

**If you are disabled and have accessibility needs or need information interpreted for you, please contact (262) 636-9171 at least 48 hours prior to this meeting.**