



City of Racine Meeting Minutes

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

Public Safety and Licensing Committee

*Chairman David L. Maack, Vice Chair Q.A. Shakoor, II,
Alderman Gregory Holding, Alderman Tim Hermes,
Alderman Jim Kaplan*

Monday, October 23, 2006

5:00 PM

City Hall, Room 205

Call To Order

PRESENT: 5 - David L. Maack, Q.A. Shakoor II, Gregory Holding, Tim Hermes and Jim Kaplan

Approval of Minutes for the October 9, 2006 Meeting.

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

Public Comments

*Melvin Bumpus
Craig Oliver, Sr.
Mary Esther Schnaube*

1. [06-2711](#) **Subject: (Direct Referral)** Change Order #4 on contract 27-05 (K5-034), Monument Square Replacement of one (1) Serviceberry tree damaged during storm.

Recommendation of the Public Safety & Licensing Committee of 10-23-06: That the item be approved.

Fiscal Note: N/A

Donnie Snow appeared and informed the Committee the Serviceberry tree was caused by storm damage which occurred in May, 2006.

Recommended For Approval

2. [06-2626](#) **Subject:** Request the appearance of the following license holder for incidents at their establishments:

Total 24 Navpreet S. Manhani, Agent
930 Washington Avenue

Recommendation of the Public Safety & Licensing Committee of 10/09/06: That the matter of Total 24 be deferred until the October 23, 2006 meeting.

Recommendation of the Public Safety & Licensing Committee of 10/23/06: That the item be received and filed.

Fiscal Note: N/A

Capt. Pavalonis appeared and presented an update of Police Dept. service calls. He stated seven calls had been placed since the last meeting.

Navpreet S. Manhani appeared before the Committee and informed them he was closing from 1:00 A.M. - 3:00 A.M. and have posted a "NO LOITERING" sign and have noticed a decline of the number of incidents.

Alderman Fair appeared and informed the Committee of a meeting with the license holders, himself, Lt. Hurley, Lt. Days, the Shift Commander, and Mayor Becker, in regards to dealing with incidents as they occur. He stated the license holders have been cooperative with everyone.

Received and Filed

3. [06-2625](#)

Subject: (Direct Referral) Incident relating to City Haul Lounge on 10-4-06.

Recommendation of the Public Safety & Licensing Committee of

10/09/06: That the owner of the City Haul Lounge, 835 Washington Avenue, be requested to appear at the October 23, 2006.

Recommendation of the Public Safety & Licensing Committee of

10/23/06: That the item be deferred until the November 13, 2006 meeting and City Attorney Weber along with Mr. Hand and his counsel, meet to come up with an agreed upon agreement.

Recommendation of the Public Safety & Licensing Committee of

11-13-06: That the matter of the City Haul Lounge be referred to a due process hearing to determine whether the license should be revoked or suspended.

Fiscal Note: The approximate cost of the due process hearing is \$8,000.00.

Lenny Hand appeared and informed the Committee the incident reported by the Police Dept., did happen, he apologizes to the Committee, the Police Dept., and stated it will never happen again. He stated he has 21 years in the business, 16 years at this establishment. He hasn't been called in for anything of this nature, since he's been in the business. He stated the bouncers had been trained on using the metal detecting wand. He also stated the wand had been either used incorrectly or was inoperable.

Alderman Fair met with Mr. Hand to discuss what could be done to alleviate these types of incidents. Alderman Fair stated that Mr. Hand deserves another chance for successfully operating his establishment for 16 years.

Alderman Holding made a motion to refer to due process.

Alderman Shakoor asked whether or not anything could be done to rectify the problem

before it goes to due process. He stated it should be a gradual process.

Alderman Holding made a motion to table the item until Assistant City Attorney Letteney could be present.

Alderman Maack requested a five minute recess.

The Committee reconvened at 5:50 P.M.

Alderman Shakoor made a motion to take item off the table for discussion, since Assistant City Attorney Letteney was present.

Alderman Holding withdrew his motion to refer to due process and to defer the item until the next meeting, so the City Attorney's Office and the owner/license holder make an agreement.

Deferred

4. [06-2621](#) **Subject: (Direct Referral)** Licensed Premise Report September, 2006.

DeMark's Bar, 1600 Albert Street - "Class B" License

Recommendation of the Public Safety & Licensing Committee of

10/09/06: That the owner of DeMark's Bar, 1600 Albert Street be requested to appear at the October 23, 2006 meeting.

Recommendation of the Public Safety & Licensing Committee of

10/23/06: That the item be deferred until the first meeting in January, 2007.

Fiscal Note: N/A

Rocco DeMark appeared before the Committee and stated hi is awaiting his court proceeding and the majority of the allegations are untrue.

Alderman Shakoor made a motion to defer the item until Mr. DeMark's court appearance has been settled.

Deferred

5. [06-2600](#) **Subject:** The application of Peg & Lou's Junction Inn, Randall L. Larson, Agent, for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 1436 Junction Avenue. (3rd District)

Recommendation of the Public Safety & Licensing Committee of

10/23/06: That the license be granted with the following conditions:

- 1.) The previous license holder has to surrender the license.
- 2.) If the business hasn't been sold by June 30, 2007, the license holder has to re-apply as a "new" applicant.

3.) If Mr. Larson decides to operate the business, he will have to appear before the Committee.

Fiscal Note: N/A

Randall Larson appeared before the Committee and informed committee members he plans on selling the building to someone who can operate a viable business and the previous licensed holder has agreed to surrender her license.

Alderman Shakoor made a motion to grant the license.

Alderman Maack made a motion to amend the granting of the license with conditions. The motion passed with the following vote:

Ayes: Maack, Kaplan, Holding

Noes: Shakoor, Hermes

Alderman Maack made a motion to approve the license with the following conditions:

- 1) The previous license holder has to surrender the license.*
- 2) If the business hasn't been sold by June 30, 2007, the license holder has to reapply for the license.*
- 3) If Mr. Larson decides to lease the building, he will appear have to appear before the Committee.*

The motion passed by the following vote:

Ayes: Maack, Kaplan, Holding

Noes: Shakoor, Hermes

Recommended For Approval

AYES: 3 - David L. Maack, Gregory Holding and Jim Kaplan

NOES: 2 - Q.A. Shakoor II and Tim Hermes

6. [06-2749](#)

Subject: Ordinance No. 36-06

To amend Secs. 66-804 and 66-806 of the Municipal Code of the City of Racine, Wisconsin relating to Truancy.

Recommendation of the Public Safety & Licensing Committee of 10/23/06: That Ordinance No. 36-06 be adopted.

Fiscal Note: N/A

Assistant City Attorney Letteney appeared and informed the Committee the Ordinance would allow the court to order a truant person into community service.

Recommended For Approval

7. [06-2750](#)

Subject: Ordinance No. 37-06

To repeal and recreate Sec. 66-271, 66-272, 66-273, 66-275 and repeal

Sec. 66-274 of the Municipal Code of the City of Racine, Wisconsin relating to Drug Paraphernalia.

Recommendation of the Public Safety & Licensing Committee of 10/23/06:

That Ordinance No. 37-06 be adopted.

Fiscal Note: N/A

Assistant City Attorney Letteney appeared and informed the Committee the purpose of this ordinance is to strengthen the current ordinance. This would affect the sale to minors, not adults.

Recommended For Approval

8. To suspend the rules of the Public Safety and Licensing Committee.

Motion made by Alderman Holding to suspend the rules to allow Alderman Karas an opportunity to speak on a Citywide issue.

Motion failed by the following vote:

Ayes: Holding, Hermes

Noes: Maack, Shakoor, Kaplan

9. [06-2614](#) **Subject: (Direct Referral)** Policy on violations of restrictions by license holders and evaluating license applications.

Recommendation of the Public Safety & Licensing Committee of 10/09/06: That the item be deferred until the October 23, 2006 meeting.

Recommendation of the Public Safety & Licensing Committee of 10/23/06:

That the City Attorney's Office draft the following Ordinances:

- 1.) An ordinance regarding six month waiting period for license application

To amend Sec. 6-137 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages - Nonrenewal, suspension and revocation.

- 2.) To create Section 6-19 of the Municipal Code of the City of Racine, Wisconsin relating to Alcohol beverages - licensee responsibility for the control of patrons on the licensee's building lot and parking lot.

- 3.) A new ordinance regarding the issuance of an alcohol beverage license conditioned upon the completion of construction.

To create Sec. 6-59 of the Municipal Code of the City of Racine,

Wisconsin relating to Alcoholic beverages - Grant of conditional license.

4.) New forms and timing of application for alcoholic beverage licenses.

5.) That the City Attorney's Office create an ordinance related to 3,000 sq. ft. for Class A Beer/Liquor establishments.

To amend Sec. 6-54 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Licensing.

Alderman Holding stated the Ordinances would address the following:

- 1.) 6 month cooling off period, due to incidents occurring.
- 2.) Off-license premise.
- 3.) Allow Committee to hold the license holder accountable for their business plan.

Fiscal Note: N/A

Alderman Holding made a motion for the City Attorney's Office to draft the following Ordinances:

1.) *An ordinance regarding six month waiting period for license application*

To amend Sec. 6-137 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic Beverages - Nonrenewal, suspension and revocation.

2.) *To create Section 6-19 of the Municipal Code of the City of Racine, Wisconsin relating to Alcohol beverages - licensee responsibility for the control of patrons on the licensee's building lot and parking lot.*

3.) *A new ordinance regarding the issuance of an alcohol beverage license conditioned upon the completion of construction.*

To create Sec. 6-59 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Grant of conditional license.

4.) *New forms and timing of application for alcoholic beverage licenses.*

5.) *That the City Attorney's Office create an ordinance related to 3,000 sq. ft. for Class A Beer/Liquor establishments.*

To amend Sec. 6-54 of the Municipal Code of the City of Racine, Wisconsin relating to Alcoholic beverages - Licensing.

Alderman Holding stated the Ordinances would address the following:

- 1.) *6 month cooling off period, due to incidents occurring.*
- 2.) *Off-license premise.*
- 3.) *Allow Committee to hold the license holder accountable for their business plan.*

Alderman Holding made a motion to defer the committee procedures until the Ordinances have been approved.

Recommended For Approval

10. [06-2617](#) **Subject: (Direct Referral)** Discussion of alcohol licenses that have not been used for one year.

Recommendation of the Public Safety & Licensing Committee of

10/09/06: That the item be deferred until the October 23, 2006 meeting, and the City Clerk will re-do the form to indicate when the applicants first applied.

Recommendation of the Public Safety & Licensing Committee of

10/23/06:

That the City Attorney draft an ordinance that would specify the applicant would need to re-apply as a "new" applicant if license has not been used for one year.

Fiscal Note: N/A

That the City Attorney draft an ordinance that would specify the applicant would need to re-apply as a "new" applicant if license has not been used for one year.

Recommended For Approval

11. [06-2644](#) **Subject: (Direct Referral)** Communication from the Purchasing Agent submitting the monthly report for the sale of Abandoned Vehicles, October 9, 2006.

Recommendation of the Public Safety & Licensing of 10/23/06: That the item be received and filed.

Fiscal Note: This will generate \$5,122.03 in revenues.

Recommended to be Received and Filed

12. [06-2713](#) **Subject:** Application for Operator's (Bartender's) Licenses.

Recommendation of the Public Safety & Licensing of 10/23/06: That the Operator's (Bartender's) Licenses be granted.

Fiscal Note: N/A

Granted

Miscellaneous Business

Notice from Lubna Investments, Shocker's, Amer Assad, Agent requesting the due process hearing scheduled for October 25, 2006, be postponed until his attorney returns from vacation on November 3, 2006. Assistant City Attorney Letteney will discuss this matter with Attorney Weber and Attorney Rusch, and the Clerk will update the members.

Capt. Pavalonis presented an update on Cackle Jacks. It will be included on the next agenda as a Licensed Premises Report.

Capt. Pavalonis gave tentative dates for the due process hearing for Cruz Inn, and requested members to check their schedules.