



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, November 8, 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 October 25, 2010 Meeting.

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

to Approve the Minutes

10-5718

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with a consulting firm for the purpose of an operations audit of the Mound and Graceland Cemeteries.

Recommendation of the Public Safety & Licensing Committee on 10-25-2010: That the item be deferred until the next meeting.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: That the item be received and filed as action has already been taken.

Fiscal Note: N/A

Chairman Wisneski informed committee members this item had been acted on at the November 3, 2010 Council meeting.

Recommended to be Received and Filed

10-5730

Subject: (New) Application of Steel Rose, Abimael Gutierrez, for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1518 Washington Avenue (3rd District)

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: The application be denied based on concentration of other liquor establishments in the area.

Fiscal Note: N/A

Mr. Guitierrez appeared and informed committee members he would be leasing the building and it would be a turn key operation. He stated his hours of operation would be Monday -Saturday, 10:00a.m - 2:00a.m. He stated the only reconstruction would be to replace some old paneling.

Richard Kemper, 1509 Washington Avenue stated he was in favor of a banquet hall, but he was against an everyday bar being in that location.

Alderman Shields, who is the Alderman of the District stated he would have appreciated being informed as to what type of business was being considered in the district he represents, but he had no knowledge of this until a few days ago.

Some of the alderman expressed their concern as to the establishment being more of a tavern than a banquet facility according to the business plan submitted by Mr. Guitierrez.

Motion made by Alderman Maack seconded by Alderman Mozol to deny based on concentration of other liquor establishments in the area. Motion passed by the following votes:

AYES: Wisneski, Maack, Kaplan, Mozol and Marcus

NOES: None

Recommended For Denial

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

10-5758

Subject: (Direct Referral) Request of the committee for the appearance of O. Keith Fair, Agent for The Place on Sixth, 509 Sixth Street, for possible actions regarding recent incidents at the establishment.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: The item be deferred until the next meeting and the information requested of the police department be provided to committee members prior to the next meeting.

Fiscal Note: N/A

Mr. Fair appeared and answered questions of the committee relating to incidents at his establishment on the following dates: September 24, October 3, October 8, October 9 and October 21, 2010. Sgt. Metoyer stated most of the calls were related to noise, large crowds, large fights in the area, shots fired or civil trouble. She did state some of the calls were made by the Agent, Mr. Fair. Mr. Fair did state that related to the October 8th incident, no fight started inside the bar and he and his staff were on the street trying to disburse the crowd and control the situation.

There was a question related to a surveillance video that Mr. Fair was suppose to provide to the police department. He stated he contacted Sgt. Metoyer about two weeks ago when the tape was ready, and due to her busy schedule she was not able to get to his place to pick it up until Sunday, November 7th. Upon her arrival, Mr. Fair

stated the tape had disappeared and he could not find it.

Brad Seifert of Metro Security appeared to clarify some questions the committee members had regarding their log sheets. He suggested that Mr. Fair take other approaches as to letting the crowds out, but Mr. Fair stated that would not work for him as his establishment sits in the middle of the block and not on a corner.

Motion made by Alderman Maack seconded by Alderman Kaplan that the item be deferred and the following questions be answered: Sgt. Metoyer check to see if the police department has requested the patrons be let out on 7th Street; visually inspect his library to make sure he is in agreement with keeping the video tapes for at least 30 days per agreement.

Motion was passed by the following voice vote:

AYES: Wisneski, Maack, Kaplan and Mozol

NOES: Marcus

It should also be noted that Mr. Fair was informed that if the committee had received affirming information to the above questions, he would not need to appear at the next meeting.

Deferred

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

NOES: 1 - Eric Marcus

10-5759

Subject: (Direct Referral) Request of the committee for the appearance of Thomas Holmes, Agent for Park Sixth, 500 Sixth Street, for possible actions regarding recent incidents at the establishment.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: The item be deferred until the next meeting.

Chairman Wisneski informed committee members he had received a call from Mr. Holmes stating his attorney was not available for tonight's meeting and requested the item be deferred.

Alderman Mozol asked if the reports from the police department were ready and Sgt. Metoyer stated yes. Alderman Mozol stated he wished to proceed. It was then stated only one deferral would be allowed.

Deferred

AYES: 4 - David L. Maack, Robert Mozol, Eric Marcus and Jim Kaplan

NON VOTING: 1 - Aron Wisneski

10-5760

Subject: (Direct Referral) Request of the committee for the appearance of Juan S. Jimenez, Owner/Agent for The Tropical, 1510 Junction Avenue, for possible actions regarding recent incidents at the establishment.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: The item be deferred indefinitely until completion of investigation.

Sgt. Metoyer informed committee members she could not provide them with any details of the incident in question as it is a Federal Investigation and all records are sealed.

Juan Jimenez appeared with an interpreter. He informed committee members that he had no problem in answering their questions and he was fully cooperating with the police. He stated he does have surveillance video in the bar and he has hired new security and staff.

Alderman Kaplan made a motion to receive and file as they were limited to questions they could ask. Motion failed for lack of second.

Sgt. Metoyer was questioned by committee members as to whether or not narcotics (cocaine) was found in the bar. She stated that cocaine was found in the pocket of one of the patrons.

Alderman Mozol made a motion to refer to a due process hearing. Motion failed for lack of second.

Alderman Maack stated he was satisfied with the owner and didn't feel the owner had any involvement and he was cooperating with police.

Alderman Marcus seconded by Alderman Maack made a motion to defer the item indefinitely until the investigation is complete. Motion passed by the following vote:

AYES: Maack, Kaplan and Marcus

NOES: Mozol

NON-VOTING: Wisneski

A motion was made by Eric Marcus, seconded by Vice Chair David L. Maack, that this be Deferred. The motion PASSED by the following vote:

AYES: 3 - David L. Maack, Eric Marcus and Jim Kaplan

NOES: 1 - Robert Mozol

NON VOTING: 1 - Aron Wisneski

10-5756

Subject: Communication from the Alderman of the 15th District requesting the City Attorney's Office draft a public intoxication ordinance.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: The item be deferred until the next meeting.

Alderman Mozol stated he was seeking to create an ordinance that would give police another tool to use when enforcing intoxicated pedestrians.

Committee members questioned the two officers; one current and one retired which were present as to whether they would use this if it were available. Sgt. Metoyer stated she would, but said she could not speak for other officers.

Mr. Brandt, Bucket's Pub stated he is totally against this and informed committee members they would be treading on thin ice if they created such an ordinance.

Mr. Seifert, Metro Security spoke on the item and stated it is much easier to enforce the loitering ordinance.

Deferred

[10-5748](#)

Subject: ORDINANCE NO. 17-10

To repeal Secs. 66-616, 66-617, 66-618 and 66-619 and to recreate Secs. 66-616 and 66-617 of the Municipal Code of the City of Racine, Wisconsin relating to Smoking - Prohibited.

Recommendation of the Public Safety & Licensing Committee of 10-25-2010: That Ordinance 17-10 be adopted.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: That the item be deferred.

Fiscal Note: N/A

Motion made by Alderman Maack and seconded by Alderman Mozol to defer.

Chairman Wisneski informed committee members that four people had signed up to speak on the item and felt the committee should give them the opportunity to speak.

Alderman Maack stated to dispense of the motion and allow them the opportunity to speak.

Mr. Brandt stated he would like to see the City adopt the State law into ordinance. Joey Legath stated it is a State mandated law and by the City changing the number from 25% to 50% is going against State law. Ed Grochowski stated he would like to see this as level plane field from City to City. Mr. Debe stated he is a contractor and they work in accordance with State laws and he felt they should stick with the law created by the State.

Alderman Marcus stated that he would like to see us adopt the state law (if that is what Wauwatosa did).

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

[10-5767](#)

Subject: (Direct Referral) Operator's (Bartenders) Licenses for 11/08/2010.

Recommendation of the Public Safety & Licensing Committee on 11-8-2010: That the operator's (bartenders) licenses be granted.

Fiscal Note: N/A

Granted

Alderman Wisneski asked to be excused at 7:15p.m.

Vice Chairman Maack took over the meeting.

[10-5775](#)

Subject: License Premise Report and DRC Reports

Recommendation of the Public Safety & Licensing Committee on

11-8-2010: That the owner/agent of the Boiler Room, 5200 Washington Avenue be requested to appear at the next meeting, that Sgt. Metoyer check further into the incident at All Sports and the balance of the report be received and filed.

Fiscal Note: N/A

Received and Filed

PUBLIC COMMENT

The below listed people were signed up on the Public Comment Sheet and spoke under the items they had concern with:

Richard Kemper

Charles Brandt

Joey Legath

Ed Grochowski

Robin Debe

Adjournment

The meeting was adjourned at 7:35p.m.