



City of Racine

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

Meeting Agenda - Final Public Safety and Licensing Committee

Chairman Jeff Coe
Aldersperson Steve Smetana
Aldersperson Raymond DeHahn
Aldersperson Sandy Weidner
Aldersperson Carrie Glenn

Tuesday, August 28, 2018

5:30 PM

City Hall, Room 307

Call To Order

Approval of Minutes for the August 15, 2018 Meeting.

[0757-18](#) **Subject: (New)** Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Maple Table (DBA: The Maple Table), located at 520 Monument Square, Antonino T. Lopiparo, Agent. (1st District).

Recommendation of the Public Safety and Licensing Committee on 08-15-18: That the New Application for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for Maple Table (DBA: The Maple Table), located at 520 Monument Square, Antonino T. Lopiparo, Agent be deferred for two weeks until the paperwork for the license is corrected.

Fiscal Note: N/A

[0870-18](#) **Subject: (Direct Referral)** Request the appearance of Lavonda Perkins, Agent for 509, located at 509 6th St., for a formal expression of concern to discuss recent incidents occurring at this location.

[0859-18](#) **Subject:** Communication from the Aldersperson of the Third District requesting that the Common Council order the Chief of Police direct that all first offense possession of marijuana violations be issued civil ordinance citations as opposed to being referred for criminal charges.

[0860-18](#) **Subject:** Communication from the Aldersperson of the Third District requesting that Racine Ordinance section 66-261 be amended to set the forfeiture for any violations thereof to one dollar.

[Ord.0013-18](#) Ordinance 0013-18 - Growlers and Other Changes to Ch. 6

An Ordinance to amend parts of Chapter 6. - Alcoholic Beverages of the City of Racine Code of Ordinances.

NOW THEREFORE, the Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: To appeal and recreation subsection (2)(a) of Sec. 6-20 to read:

“A Class "B" fermented malt beverage license shall authorize the retail sale of fermented malt beverages to be consumed either on the premises where sold or off the premises, provided that only fermented malt beverages in original packages or containers and fermented malt beverages in hand-capped or sealed containers may be removed from the premises where sold. The fee for a retail Class "B" license is \$100.00 per year or fraction thereof.”

Part 2: To amend subsection (b)(2) of Sec. 6-20 to delete the second instance of the word “otherwise” and substitute it with the word “container”.

Part 3: To amend subsection (b)(3) of Sec. 6-20 by deleting the number “12” after the word Class and before the letter C.

Part 4: To amend subsection (a) of Sec. 6-22 to delete the words, “and sworn to” in the first line of that paragraph after the words “under this chapter shall be filed.”

Part 5: To amend subsection (e) of Sec. 6-22 by deleting the words “that may form the basis for the denial” after the words arrest and conviction record” in the first sentence.

Part 6: To amend the state law reference in Sec. 6-22 by adding the following after the last reference:

“qualifications for licenses and permits, Wis. Stat. § 125.04(5);
discrimination in licensing, Wis. Stat. § 111.335(4).”

Part 7: To amend subsection (b) of Sec. 6-22 by deleting the following sentences in the first paragraph:

“If the applicant is an individual, the application shall contain the name, home residence and age of the applicant. If the applicant is a corporation or company, the application shall contain the names of the principal officers and the holders, whether legal or equitable, of ten percent or more of the stock along with their residences and ages, state of incorporation, and the name of one or more persons whom such corporation shall designate as manager or persons in charge and address of such person.”

Part 8: To amend subsection (c) of Sec. 6-22 by deleting the following sentence:

“A statement by the applicant that he or she misunderstood the question or was unable to recall a conviction does not constitute good cause for purposes of this section.”

Part 9: To amend subsection (b)(1) of Sec. 6-23 by deleting the following sentence:

“If there is a possibility that the license may be denied, the chair shall ask the applicant to affirm that he or she has received notice and is aware of the possibility that the license application may be denied.”

Part 10: To amend subsection (e) through (g) of Sec. 6-23 to restructuring it to read as follows:

“(e) Appeal. Once the committee recommends the grant or denial of an alcohol beverage license under this section, the item shall be referred to the common council for its final decision. Prior to the date of the common council hearing, the applicant may submit written arguments to the common council in favor of the granting of the license and/or rebutting evidence as to why the license should be denied. At the discretion of the common council, the applicant may supplement his written arguments with oral statements at the common council hearing in favor of the license. No additional evidence shall be received at the hearing of the common council. The decision of the common council shall be final, except that within 30 days of the common council’s decision, any applicant aggrieved by such decision may request judicial review of the common council’s decision by filing an action with the circuit court pursuant to Wis. Stat. § 125.12(2)(d).

(f) Approval. Upon approval of such application by the common council, proof of payment of the required license fee to the city treasurer, and satisfaction of relevant all inspections, the city clerk shall issue to the applicant a license. In the case of a conditional grant of a license under section 6-41 of this code, the city clerk shall not issue a license to the applicant until all conditions for the license has been fulfilled. Each license issued shall be signed by the mayor, attested to by the city clerk, and shall specifically state the premises for which issued, the date of issuance, the date of expiration, the fee paid, the name of the licensee, and any conditions of the license. The license shall remain in effect through June 30 of the license year for which issued, unless sooner revoked in the manner provided by this chapter.

(g) Denial. Upon denial of such application by the common council, the city clerk shall provide written notice to the applicant stating reasons for the denial.”

Part 11: To amending subsection (c) of Sec. 6-23 to delete the words, “the common council shall consider the following factors giving to each whatever weight is appropriate in the particular factual circumstances:” and replacing it with the words, “or denied, the common council may consider factors including but not limited to:”

Part 12: To amend subsection (a) of Sec. 6-24 by deleting the numbers “30” after the word June, and replacing it with the number “15”.

Part 13: To amend subsection (b)(1) of Sec. 6-24 by deleting the word “any”, and adding the phrase “, provided one is requested” after the words “whether there is cause for nonrenewal”.

Part 14: To amend Sec. 6-106 by adding a comma in between the words “any real estate taxes” and “owed to the city”.

Part 15: To amend subsection (b) of Sec. 6-133 by deleting the words, “and the person’s arrest and conviction record” in the first sentence, and deleting the last sentence of subsection (b).

Part 16: To amend subsection (a) of Sec. 6-193 by adding the word “officer” after the word “police”, and deleting the words “and search” in the first sentence.

Part 17: To delete Sec. 6-198. - Off-licensed premises of conduct of patrons and persons as a basis for disciplinary actions.

Part 18: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Sponsors:

Steve Smetana

[0834-18](#)

Subject: (Direct Referral) Communication from the Purchasing Agent submitting bids received for the sale of Abandoned Vehicles, August 16, 2018.

[0866-18](#)

Subject: (Direct Referral) License Premise Report for August 28, 2018.

Public Comment

Adjournment

If you are disabled and have accessibility needs or need information interpreted for you, please contact the City Clerk's Office at 262-636-9171 at least 48 hours prior to this meeting.