



# City of Racine

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

## Meeting Minutes - Revised

### Public Safety and Licensing Committee

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Tuesday, August 28, 2018

5:30 PM

City Hall, Room 307

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#### Call To Order

**PRESENT:** 5 - Jeff Coe, Steve Smetana, Raymond DeHahn, Sandy Weidner and Carrie Glenn

#### Approval of Minutes for the August 15, 2018 Meeting.

*Minutes of the previous meeting were approved as printed on a motion of Alderman DeHahn, seconded by Alderman Smetana.*

**to Approve the Minutes**

[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.

#### **Recommendation of the Public Safety and Licensing Committee**

**on 08-28-18:** 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 approved.

#### **Fiscal Note:** N/A

*Antonino Lopiparo appeared before the committee. The committee asked if all the paperwork was updated and corrected with the addition of the new agent Tamara Lopiparo. The committee was informed that the paperwork had been updated in the City Clerk's Office and the background check came back all clear. The business plans to open end of 2018, beginning of 2019.*

*Alderman Smetana made a motion to approve, seconded by Alderman DeHahn.*

**Recommended For Approval**

[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.

**Recommendation of the Public Safety and Licensing Committee on 8-28-18:** That the request of the Committee for 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, be deferred.

**Recommendation of the Public Safety and Licensing Committee on 9-25-18:** That the request of the Committee for 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, be received and filed.

**Fiscal Note:** N/A

*Lavonda Perkins, Agent for 509, located at 509 6th St., did not appear per the request of the committee, via a formal expression of concern. The committee discussed the events occurring at this location based off of the licensed premises report provided by the Police Department. Sgt. Webb reviewed the 8/05/18 report of loud music, broken glass, loitering and no licensed bartender on site. Sgt. Webb also reviewed the two events from 8/19/18, loud noise and loitering crowds. Due to the agent Lavonda Perkins failing to show for the meeting, the committee deferred this item and requested the appearance of Ms. Perkins at the next committee meeting.*

*Alderman Weidner made a motion to defer, seconded by Alderman DeHahn.*

**Deferred**

[0859-18](#)

**Subject:** Communication from the Alderperson 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.

**Recommendation of the Public Safety and Licensing Committee on 8-28-18:** That the communication from the Alderperson 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, be deferred until the September 25th meeting to gather more information on this issue.

**Recommendation of the Public Safety and Licensing Committee on 9-25-18:** That the communication from the Alderperson 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, be deferred for 30 days so that the Police Department and City Attorney's Office can gather more information on this issue.

**Fiscal Note:** N/A

*The Alderman of the 3rd District was present before the committee to discuss the proposal of the decriminalization of marijuana in the City of Racine. He discussed his proposal, that officers refer to civil ordinance when it comes to possession of 25 grams or less of marijuana on a first offense, charging only as a citation and not as a criminal charge. Alderman Tate stated that the order is aligned with the law and simply encourages officers to refer to the civil ordinance.*

*The Committee requested statistics on the number of criminal charges issued, the number of citations issued, what types of fines (forfeitures) are imposed, and the ages of those charged with possession of 25 grams or less of marijuana. Alderman Weidner questioned whether this was a big concern for the community.*

*Alderman Smetana made a motion to defer, seconded by Alderman DeHahn.*

**Deferred**

[0860-18](#)

**Subject:** Communication from the Alderperson of the Third District requesting that Racine Ordinance section 66-261 be amended to set the forfeiture for any violations thereof to one dollar.

**Recommendation of the Public Safety and Licensing Committee**

**on 8-28-18:** That the communication from the Alderperson of the Third District requesting that Racine Ordinance section 66-261 be amended to set the forfeiture for any violations thereof to one dollar, be deferred until the September 25th meeting to gather more information on this issue.

**Recommendation of the Public Safety and Licensing Committee**

**on 9-25-18:** That the communication from the Alderperson of the Third District requesting that Racine Ordinance section 66-261 be amended to set the forfeiture for any violations thereof to one dollar, be deferred for 30 days so that the Police Department and City Attorney's Office can gather more information on this issue.

**Fiscal Note:** N/A

*The Alderman of the 3rd District spoke on this communication and how it would be a one dollar fine (forfeiture) for a first offense, 25 grams or less possession of marijuana charge. Alderman Tate discussed that with the court costs, the total forfeiture would come to \$62.26 if convicted. The forfeiture amount would still be under the discretion of the courts and the judge would determine what the bond amount is. Alderman Perez of the 12th District discussed his support of this proposal to amend ordinance section 66-261, but still ensuring that the decision would be under the discretion of the officer.*

*Mr. Perez stated that the risk involved to an officer is much greater than making an arrest for a \$1 fine (forfeiture), so citations for 25 grams or less of possession of marijuana could potentially go down. Alderman Weidner requested more statistics and information from the City Attorney's Office, on what fines (forfeitures) are usually given by a Municipal Judge for fines of 25 grams or less of marijuana possession.*

*Alderman Smetana made a motion to defer, seconded by Alderman DeHahn.*

**Deferred**

[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 recreate subsection (a)2. 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

<[https://library.municode.com/wi/racine/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH6ALBE\\_ARTIIIRE\\_S6-41COGRLI](https://library.municode.com/wi/racine/codes/code_of_ordinances?nodeId=PTIIMUCO_CH6ALBE_ARTIIIRE_S6-41COGRLI)>

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)(1) 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 that a hearing is requested” after the words “whether there is cause for nonrenewal”.

Part 14: To amend Sec. 6-35 by adding the words, “, unless otherwise permitted by the committee” at the end of the first sentence.

Part 15: To amend Sec. 6-106 by adding a comma in between the words “any real estate taxes” and “owed to the city”.

Part 16: 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 17: 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 18: To delete Sec. 6-198. - Off-licensed premises of conduct of patrons and persons as a basis for disciplinary actions.

Part 19: 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.

Passed by the Common Council:

\_\_\_\_\_  
Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Fiscal Note: N/A

Sponsors: Steve Smetana

*Chairman Coe expressed wanting more time to review the ordinance.*

*Alderman DeHahn made a motion to defer, seconded by Alderman Glenn.*

**Deferred**

[0834-18](#)

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

**Recommendation of the Public Safety and Licensing Committee on 8-28-18:** That the item be Received and Filed as the highest responsible bidder from the three bids was Sturtevant Auto Salvage.

**Fiscal Note:** This will generate \$12,425.00 in revenue for account 13101 48301.

**Recommended to be Received and Filed**

[0866-18](#)

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

**Recommendation of the Public Safety and Licensing Committee on 08-28-18:** That the report for August 28, 2018 be Received and Filed.

**Fiscal Note:** N/A

*Sgt. Webb stated that there was not anything specific to highlight. Committee Chair Alderman Coe questioned the incident on the premises report for the Culture Club on 433 Main St. on 8/12/18. Sgt. Webb explained that this incident occurred before the*

*committee invited the property agents to attend the meeting on August 15th, before the licensee had the opportunity to address the items discussed at that meeting.*

**Received and Filed**

**Public Comment**

*Randy Treu of 1813 N. Wisconsin Avenue appeared before the committee. Mr. True is an owner of a downtown Racine bar and spoke to the committee about the delinquent and disruptive activity taking place the past two months, in downtown Racine. He stated that his business is being affected because his patrons are leaving early as a result of not feeling comfortable with the late night activity, people loitering and partaking in illegal activities, near his bar.*

**Adjournment**

*The meeting was adjourned at 6:38 pm.*