



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, August 9, 2010

5:00 PM

City Hall, Room 205

Call To Order

PRESENT: 4 - Aron Wisneski, David L. Maack, Eric Marcus and Jim Kaplan

EXCUSED: 1 - Robert Mozol

Approval of Minutes for the July 26, 2010 Meeting.

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

10-5426

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to present the bids for Boiler Upgrades at Bryant Community Center and Wustum Museum.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be deferred until more information is received.

Donnie Snow appeared. He informed committee members there were four bids received. He stated he was requesting approval of the lowest responsible bidder, which was Martin Peterson Co., Inc. Committee members questioned whether the engineers could give them a itemization of the structure and determine if forced air would be better. They stated they would like to have more questions answered before they were comfortable voting on this. Donnie Snow informed them he would prefer if they would approve the item and he meet with the consultants to try to get them the answers they needed. He also stated they needed to realize this was a complete bid as a package for both.

Motion was made by Alderman Maack and seconded by Alderman Marcus to defer the item until committee members received more information.

Deferred

10-5427

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting to present the bids received for Door and Window Replacement at Humble Community Center.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the request for Door and Window Replacement at Humble Community Center be approved.

Fiscal Note: Funds are available in account 990-650-5010, Humble Exterior Doors and Windows.

Donnie Snow appeared and informed the committee they had received four bids. He stated that Softer Lite Window Company was the lowest responsible bidder and he was requesting approval.

Recommended For Approval

[10-5439](#)

Subject: Communication from the Director of Parks, Recreation and Cultural Services requesting permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That permission to enter into an agreement with Nielsen Madsen & Barber to prepare plans and specifications for Island Park Bridge Renovation be approved.

Fiscal Note: Funds are available in account 890-030-5760, 2010 Island Park Bridge Renovation CDBG.

Donnie Snow appeared and informed committee members they were requesting permission to enter into an agreement with Nielsen Madsen and Barber.

Recommended For Approval

[10-5351](#)

Subject: (Direct Referral) Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue (1st District)

Recommendation of the Public Safety and Licensing Committee on 07-26-10: That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be deferred

Recommendation of the Public Safety and Licensing Committee on 08-9-10: That the Application of Bourbon Street Blues & Jazz Bar LLC, Joe Harris, Agent for a "Class B" Fermented Malt Beverage and Intoxicating Liquor License for 1111 Washington Avenue be denied due to the fragility of the neighborhood, close proximity to a day care and Safe Haven, previous establishment history and police reports relating to tavern incidents.

Fiscal Note: N/A

Joe Harris appeared and answered questions of the committee members. He stated his work history and informed committee members he would be responsible for the

day to day operations. He stated he would probably hire 2 part time employees and he had no plans of making any major changes. He was questioned by one of the committee members as to the funds being used to start the business and he stated they were personal funds.

Motion made by Alderman Marcus and seconded by Alderman Maack that the application for a license be denied due to the fragility of the neighborhood, close proximity to a day care and Safe Haven, previous establishment history and police reports relating to tavern incidents. Motion passed by the following vote:

AYES: Wisneski, Maack, and Marcus

NOES: Kaplan

Excused: Mozol

Recommended For Denial

AYES: 3 - Aron Wisneski, David L. Maack and Eric Marcus

NOES: 1 - Jim Kaplan

EXCUSED: 1 - Robert Mozol

10-5371

Subject: Communication from Coasters Pub, Michael Kurhajec, Agent, requesting to amend the premises description at 1301 N. Main Street.

Recommendation of the Public Safety and Licensing Committee on 07-26-10: That the request to amend the premises description at 1301 N. Main Street be deferred.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the request to amend the premises description at 1301 N. Main Street be approved.

Fiscal Note: N/A

Mike Kurhajec appeared and informed committee members they have fenced in the area to become a beer garden. Only entrance is through the front and side. The area will close by 11:00p.m.

Recommended For Approval

10-5425

Subject: Application of G&M Entertainment (Granger's Lounge), Kristina Christensen, for a Change of Agent for a "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor License for 240B Main Street. (1st District)

Kristina Christensen appeared. She stated she would be on the premise about 90% of the time. She stated the name had been changed to Pink Magnolia, but there were no other changes being made. Alderman Maack requested that she update her business plan to reflect the name change and to include her name and to submit this to the City Clerk's Office for their file.

Recommended For Approval

[10-5473](#)

Subject:(Direct Referral) Request for the appearance of Diana O'Brien regarding application for an operators license.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the application be granted.

Fiscal Note: N/A

Granted

[10-5436](#)

Subject: (Direct Referral) Request of the committee for the appearance of Taiseer Mohammad, Agent for Quik Market, 4303 Sixteenth Street, for non-compliance for tobacco sales.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Fiscal Note: N/A

Mr. Mohammed appeared and informed committee members that he does understand the importance of keeping tobacco products out of the hands of minors. Mr. Mohammed stated his son was responsible for selling the cigarettes. He stated they only use the tear off calendar, and if the person was born before that date they don't sell. He stated the employees go through the WINS program training and after they complete it, they receive their certificate. He informed committee members he will establish more training guidelines.

Received and Filed

[10-5437](#)

Subject: (Direct Referral) Request of the committee for the appearance of Harbans S. Daliwal, Agent, Taylor Mart, 1813 Taylor Avenue, for non-compliance for tobacco sales.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Fiscal Note: N/A

Mr. Daliwal and Mr. Dalijeet appeared. He informed committee members that Mr. Dalijeet had been the clerk who made the sale. Mr. Dalijeet stated there were lots of kids in the store and he was rushing and didn't check identification. They informed committee they will check all ID's in the future and they use the tear off calendar method.

A motion was made by Vice Chair David L. Maack, seconded by Jim Kaplan , that this be Received and Filed. The motion PASSED by a Voice Vote.

[10-5438](#)

Subject: (Direct Referral) Request of the committee for the

appearance of Timothy Justus, Agent, for Speedway, 4620 Washington Avenue, for non-compliance for tobacco sales.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Fiscal Note: N/A

Mr. Justus appeared and informed committee members he was out of town when the incident occurred. He stated his Assistant was the one who actually made the sale and was a long time employee and has now been terminated. He stated he was informed that she had just received new biofocals and transposed the numbers.

A motion was made by Vice Chair David L. Maack, seconded by Jim Kaplan , that this be Received and Filed. The motion PASSED by a Voice Vote.

[10-5472](#)

Subject: (Direct Referral) Request for Pythaphone Khampane, agent for Sticky Rice/Gingers, 337 S. Main Street to appear on August 9th, 2010 regarding an extension of previous agreement between the City of Racine and Sticky Rice/Gingers.

Recommendation of the Public Safety and Licensing Committee

8-9-10: That the matter of the Sticky Rice/Gingers, 337/345 Main Street be referred to a due process hearing based on the number of police calls, the underage minors on premise, capacity issues and large crowds to determine whether the license should be revoked or suspended.

Pete Khampane appeared. He stated that his bartender had covered for her sister and stated she was 21 and she had left her identification at home. Later the officers found out the girl was not 21 years old and her sister had lied for her. He stated the bartender was terminated. Mr. Khampane was questioned by the committee on several concerns. He stated they spent over \$10,000.00 to try and solve some of the issues relating to the large crowds, civil trouble, fights and bar capacity. It was stated that there are usually lines of people trying to get in, people are outside smoking and the patrons are usually 35 years of age or younger. He stated they close @ 2:00a.m.

Motion made by Alderman Maack and seconded by Alderman Kaplan to have Mr. Khampane, City Attorney and Police Staff work out and agreement which would include crowd control, stanchions, capacity of building and the agreement be brought back before this committee for approval. Motion failed due to tie vote as follows:

*AYES: Maack and Kaplan
NOES: Marcus and Wisneski
EXCUSED: Mozol*

Motion made by Alderman Marcus and seconded by Alderman Wisneski to proceed to a Due Process hearing due to the numerous police calls, underage on premises and large crowds. Motion passed by the following vote:

*AYES: Maack, Marcus and Wisneski
NOES: Kaplan*

EXCUSED: Mozol

A motion was made by Eric Marcus, seconded by Chairman Aron Wisneski, that this be Recommended For Approval. The motion PASSED by the following vote:

AYES: 3 - Aron Wisneski, David L. Maack and Eric Marcus

NOES: 1 - Jim Kaplan

EXCUSED: 1 - Robert Mozol

10-5449

Subject: Communication from the Alderman of the 2nd District requesting the Committee determine what distance a day care center may be located from a licensed premise including Class A and Class B licensed premises.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Motion passed by the following voice vote:

AYES: Maack and Kaplan

NOES: Marcus

NON-VOTING: Wisneski

EXCUSED: Mozol

Fiscal Note: N/A

Committee members raised several concerns. Alderman Marcus stated this involves Public Safety and it shouldn't matter whether the daycare comes first or not. Alderman Maack stated the law is very clear that a Class B establishment can't be placed within 300 feet of a church, school or daycare. He stated daycare centers are licensed by the State and we have no jurisdiction over them.

Ms. Barcalaw stated her business is located right across from the proposed daycare and she is in support of the business. She stated her concern was if she decided to sell her business, would the new applicants be denied a license because now there is a daycare center across from her business. She cited the committee's action on the previous application that appeared before them earlier on the agenda where they denied the license and one of the reasons stated due to the proximity of the daycare.

Alderman Maack made a motion to receive and file the request and it was seconded by Alderman Kaplan.

Alderman Marcus then made a motion to have the City Attorney type up an opinion that would state if sale of a Class B establishment occurred the City could not deny granting another license solely based on institution as stated in Chapter 125.68. Motion failed for lack of second.

Original motion passed by the following:

AYES: Maack and Kaplan

NOES: Marcus

*NON-VOTING: Wisneski
EXCUSED: Mozol*

A motion was made by Vice Chair David L. Maack, seconded by Jim Kaplan , that this be Recommended to be Received and Filed. The motion PASSED by the following vote:

AYES: 2 - David L. Maack and Jim Kaplan

NOES: 1 - Eric Marcus

EXCUSED: 1 - Robert Mozol

NON VOTING: 1 - Aron Wisneski

[10-5447](#)

Subject: Request from the Alderman of the 2nd District requesting comments from a representative of the Police Department on the current loitering ordinance.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the item be received and filed.

Fiscal Note: N/A

Deputy Chief Smetana appeared. Alderman Marcus questioned what is needed to improve this ordinance. Deputy Smetana stated the police department is satisfied with the current ordinance. He stated they are currently working with the City Attorney on a cruising ordinance. They are also working with the traffic department on getting more "no loitering signs" installed.

Mr. Keith Fair spoke and he is requesting more enforcement from the police department. He stated the last few weeks they have had a couple of officers out on foot patrol and that has made a big difference.

Mr. Ken Lumpkin also spoke and stated the police department is very effective when they are out. He stated we need to take more proactive measures instead of all the due process hearings that have come about recently. He stated if the police would give more enforcement to the area, some of these issues will not fall on the business owners. He stated owners of several businesses are putting their money together to hire off duty officers to patrol the area.

A motion was made by Vice Chair David L. Maack, seconded by Eric Marcus, that this be Received and Filed. The motion PASSED by a Voice Vote.

[10-5476](#)

Subject: (Direct Referral) Operator's (Bartenders) Licenses for 8-9-10.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the applications for operator's (bartenders) licenses for 8-9-10 be granted.

Fiscal Note: N/A

Granted

[10-5475](#)

Subject: License Premise Report and DRC Reports for 8-9-2010 meeting.

Recommendation of the Public Safety and Licensing Committee on 8-9-10: That the owner/agent of All Sports, 3458 Rapids Drive and American Legion, 1234 Douglas Avenue be requested to appear before the committee due to recent incidents and the balance of the report be received and filed.

Fiscal Note: N/A

Sgt. Weitzel pointed out a few things he felt the committee would be interested in. He stated he had concerns with the incident that occurred on 7-24-10 at the All Sports, 3458 Rapids involving a fight and an incident that occurred on 7-31-10 at the American Legion, 1234 Douglas Avenue. The committee requested that the agents for those establishments be called into the next meeting. Sgt. Weitzel also pointed out a few other incidents - Ivanhoes- 231 Main St. which involved people stealing from a cooler and the video tape protected the owner. On 8-2-10 located at the Boiler Room, 5200 Washington Avenue there was an incident with an intoxicated person actually having a sober person driving the individual home.

A motion was made by Vice Chair David L. Maack, seconded by Jim Kaplan , that this be Received and Filed. The motion PASSED by a Voice Vote.

PUBLIC COMMENT

Joey Legath

Adjournment

The meeting was adjourned at 8:25p.m. by Alderman Maack.