

LEGISLATIVE/LICENSING COMMITTEE MEETING  
CALEDONIA VILLAGE HALL  
5043 CHESTER LANE, RACINE, WI 53402  
Monday, December 18, 2017

Trustee Wanggaard called the meeting to order at 5:32 p.m. In attendance were:

**Committee Members:** Trustee Kevin Wanggaard and Trustee Dave Prott

**Department Managers:** Village Engineer Anthony Bunkelman, Attorney Elaine Ekes, Village Administrator Tom Christensen, Village Clerk Karie Torkilsen, Village President James R Dobbs, Finance Director Larry Borchert

**1. Approval of minutes**

Trustee Prott moved to approve the minutes as printed from October 11, 2017, Trustee Wanggaard second. Motion carried unanimously.

**2. Transient Merchant Application/Brian Paragamian/Charter-Spectrum**

Trustee Wanggaard asked Mr. Paragamian to explain his plan as a Transient Merchant. Mr. Paragamian stated that he would be going door to door to let customers know that Time Warner has merged with Spectrum, and would be offering them current promotional deals. Trustee Wanggaard asked if anyone else would be assisting him in selling, or would he be working alone? Mr. Paragamian stated he would be selling alone. Mr. Paragamian stated it is at the discretion of the salesperson on where they want to sell, and if additional Spectrum employees wanted to sell in the area, they would need to come in and apply on their own.

Trustee Prott confirmed that Mr. Paragamian was an employee of Spectrum and inquired about his working hours. Mr. Paragamian said he would be selling during the day and early evenings, including Saturdays. Mr. Paragamian stated that he tries not to go door to door after dark out of respect, but there are exceptions if an appointment is set.

Trustee Wanggaard wanted Mr. Paragamian to know that Police Officers might stop him periodically to have him show identification. Trustee Wanggaard also reminded him that as long as he is courteous of the residents, he wouldn't have an issue and if the Police Department were to decide that something were amiss, that he may have his selling rights revoked.

Motion by Prott to Approve Transient Merchant Application/Brian Paragamian/Charter-Spectrum. Seconded by Trustee Wanggaard. Motion carried unanimously.

**3. Ordinance 2017-24 - An Ordinance To Create Section 7-2-19 Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin, Relating To Imposing Geographic Restrictions And Quotas On Retail "Class A" And Class "A" Intoxicating Liquor Licenses In The Village**

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Trustee Wanggaard stated that this Ordinance came from discussion of potential growth within the Village and planning of the corridors as guidance. He spoke of the situation with the Arbee's Liquor store and the blighted property to the west that was purchased to be another Arbee's Liquor store. That situation ignited the thought process of what to do with development in the future. He also commented that Trustee Benkowski and Trentadue both had good input surrounding these topics, and thought that collectively they came up with something that might help elevate issues in the future.

Attorney Ekes referred to the draft Ordinance. It states that for anything east of Highway 31, a new establishment couldn't locate within a one mile radius of an existing establishment. This being recognized because there's a current concentration of establishments within that specified radius. The west side is a little different because it is undeveloped and is subject to change in the future with potential development. For anything west of Highway 31 extending to the interstate, there would be a maximum of 3 Class A intoxicating liquor licenses issued within a half mile radius of County Highway K. A maximum of 6 Class A intoxicating liquor licenses issued and no more than 2 licensed establishments may be allowed at the intersections of I-94, as well as Seven Mile Road, County Highway G, and County Highway K, or within a 1 mile radius of the I-94 Corridor. All other areas in the Village's west side running north and south along Highway 31 south of Oak Creek, north of City of Racine or Mt Pleasant, no new retail of Class A intoxicating liquor licenses shall be issued within a radius of one mile from another licensed establishment. Attorney Ekes stated that this just regulates retail sales in establishments such as gas stations, grocery stores, etc. It does not prohibit alcohol licensing in restaurants and bars. That is regulated by state statute.

Trustee Wanggaard spoke about a variance that was to be implemented in the Ordinance. The Variance would allow the Village Board to grant a new retail Class A license by a 2/3<sup>rd's</sup> majority vote. The variance would not allow an expansion of the allotted quota but only to exceed it. The applicant would submit a request to the Clerk along with a business plan of operation and explain their relevant experience and background. The applicant would also need to provide information on who would be in charge of the business, proof of ownership or lease options of that site. The applicant would also need to show how the establishment would provide an economic impact and a benefit to the community.

Attorney Ekes, said as a part of the variance process they would have to submit a business plan of operation. There could be a situation on the Village's east side where someone is rehabilitating a property that would elevate an eye sore in the Village. Trustee Wanggaard felt this to be the best option for all involved. Attorney Ekes stated that this is similar to what the City of Racine does for granting additional licenses.

Village Administrator Tom Christensen felt this would be good for the Village and help define the Village's character in future development.

President Dobbs questioned if this law went into effect, how many existing businesses wouldn't have been allowed given the concentrated map. President Dobbs further asked if a new CVS wanted to

open there they couldn't because of the Ordinance. Trustee Wanggaard said that they would have the opportunity to file for a variance. President Dobbs was skeptical to set artificial boundaries when there isn't a current issue. Trustee Wanggaard thought President Dobbs had a good point, but they were focusing more on the west side and had to include the east side in the process. President Dobbs thought it may stop new business growth and felt that this wasn't necessarily their place to regulate. Trustee Wanggaard said that there has been a lot of discussion regarding how to handle this and that there is a reason why they put a variance clause within the plan to make sure new businesses aren't halted.

President Dobbs wondered how many places have Ordinances like this. Attorney Ekes was unsure about the percentage, but felt this Ordinance was pretty standard. The mileage/radius is unique to the community, and is up to the discretion of the Commission. President Dobbs was still concerned that we'd be holding back these businesses. He asked if there were a limit to requests for a variance. Trustee Wanggaard felt it would be hard to decide that now without seeing all the facts, plus it's a different Board's decision to make. President Dobbs wanted to set guidelines on what to do; he doesn't want these businesses to struggle and leave the Village with no control. Trustee Wanggaard expressed a wish for more committee members and citizen's input.

Trustee Prott thought the Ordinance was reasonable, and asked about the incorporation of the variance. He agreed with President Dobbs point of handling each business case-by-case. Attorney Ekes said they could make a motion to move on but with the exception to quota limitation, as well as a specification of those establishments who are located in the restricted area and should be grandfathered in.

Motion by Trustee Prott to approve Ordinance 2017-24 with the exception to quota limitation, and the specification of current establishments being grandfathered in. Seconded by Trustee Wanggaard. Motion carried unanimously.

#### **4. Adjournment**

There being no further business, Trustee Prott moved to adjourn the meeting at 6:10 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,

Joslyn Hoeffert  
Deputy Village Clerk