

VILLAGE OF MCFARLAND
Public Safety Committee Minutes

Wednesday, March 13, 2019 - 6:30 PM

1. CALL TO ORDER, ROLL CALL.

Village Trustee Jerry Adrian called the regular meeting of the Public Safety Committee to order at 6:30 PM in Conference Room A.

Members present: Jerry Adrian, Tyler Mortenson, Rich Staley, Carolyn Clow, Tom Mooney

Members not present: Sandy Bakk, Ken Machtan

Staff Present: Fire Chief Chris Dennis, Police Chief Craig Sherven, Emergency Management Director Chuck Di Piazza, Village Administrator Matt Schuenke, Village Clerk/Treasurer Cassandra Suettinger, Community Development Director Pauline Boness

2. PUBLIC APPEARANCES.

a. Recognition of Police Explorers

Chief Sherven, Officer John Miller, and Officer Matt Schroeckenthaler recognized the members of the Police Explorers who recently competed in the State Explorer Competition.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the February 13, 2019 meeting.

Motion by Village Trustee Jerry Adrian, second by Rich Staley, to approve the minutes of the February 13, 2019 meeting. Motion carries 5 - 0 - 0 by acclamation.

4. BUSINESS.

a. Staff Reports

1) Fire and Rescue Department

Chief Dennis reviewed the monthly report.

2) Police Department

Chief Sherven reviewed the monthly report.

3) Emergency Management

Director Di Piazza reviewed the monthly report.

- b. Discussion and recommendation on an application for Tourist Rooming House License for Elisabeth Pentony for the property located at 4711 Yahara Drive for the period ending June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Tom Mooney, to recommend approval on an application for Tourist Rooming House License for Elisabeth Pentony for the property located at 4711 Yahara Drive for the period ending June 30, 2019.

Motion carries 5 - 0 - 0 by acclamation.

- c. License Hearing -

1) Conduct hearing on the recommendation from Chief Sherven to deny the issuance of an operator's license for Dion Bennett for the period ending June 30, 2019.

A hearing on the recommendation to deny the issuance of an Alcohol Beverage Operator's License for Dion Bennett was conducted at 6:55 p.m. by the Public Safety Committee on March 13, 2019 in Conference Room A of the McFarland Municipal Center, 5915 Milwaukee Street, McFarland, Wisconsin. The hearing was conducted per McFarland Village Ordinance 11-67(d). Public Safety Committee members present were Trustees Jerry Adrian and Carolyn Clow and citizen members Tom Mooney, Rich Staley, and Tyler Mortenson. Staff present were Police Chief Craig Sherven, Emergency Management Director Charles Di Piazza, Fire Chief Chris Dennis, Village Administrator Matt Schuenke, Village Clerk/Treasurer Cassandra Suettinger, Community Development Director Pauline Boness, and Deputy Clerk O'Malley. Others present were applicant Dion Bennett and Rob Bloxham, agent for Spartan Bowl.

Deputy Clerk O'Malley swore in Chief Sherven, who provided the following exhibits: Exhibit A. A copy of the initial "Application for an Alcohol Beverage Operator's License" completed by Dion Bennett.

Exhibit B. A copy of the February 19, 2019 letter to Dion Bennett from Village Clerk Cassandra Suettinger notifying him of the denial hearing process.

Exhibit C. A copy of the February 15, 2019 memo to the Public Safety Committee from Chief Craig Sherven, apprising them of his recommendation of denial of the Alcohol Beverage Operator's License for Dion Bennett and the reasons for this recommendation.

Chief Sherven presented the following testimony: He stated that his recommendation for denial was based on two sections of the code, Section 11-74(c)(2) and 11-74(c)(3). Mr. Bennett had a conviction for disorderly conduct on May 31, 2016 and pending charges for battery and disorderly conduct for an incident on February 9, 2019. The conviction in 2016 resulted from an altercation at a bar and the bail conditions at that time included that Mr. Bennett was not to consume or possess alcohol or be in a car or residence with alcohol. The altercation in February did not occur in a bar setting however statements in the police report did discuss intoxication and the assessment form indicated concerns about alcohol abuse.

Deputy Clerk O'Malley swore in Dion Bennett, who provided the following testimony: He stated that with regard to the pending case, there was no evidence of intoxication, he had not been convicted, and that he was innocent until proven guilty. With regard to the 2016 conviction, he stated that it was the result of a 2014 altercation that happened outside of a bar, not inside the bar. He stated that he was aware that he was not allowed to drink alcohol but he had been working in a bar situation for the past two years and had not had any issues. He was doing well at his job and the outside issues had nothing to do with his job performance.

Deputy Clerk O'Malley swore in Rob Bloxham, agent for Spartan Bowl, who provided the following testimony: He indicated that he was the person who hired Mr. Bennett for shift lead/assistant manager and because it is a smaller business it is important to have key people licensed. He stated that Mr. Bloxham's experience could be a great

2) Discussion and recommendation on the operator's license for Dion Bennett for the period ending June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Rich Staley, to recommend denial on the operator's license for Dion Bennett for the period ending June 30, 2019 based on the Police Chief's letter dated February 15, 2019. Motion carries 5 - 0 - 0 by acclamation.

Information was provided about the Village Board meeting and the next steps and options for the applicant. The hearing was closed at 7:16 p.m.

d. Discussion and possible recommendation on a Class B Liquor license for the McFarland House Cafe for the period ending June 30, 2019.

Applicant Shaun O'Hearn was present to answer questions and provide information.

Motion by Village Trustee Jerry Adrian, second by Tom Mooney, to recommend approval on a Class B Liquor license for the McFarland House Cafe for the period ending June 30, 2019.

Motion by Village Trustee Jerry Adrian, second by Rich Staley, to amend the motion to include the condition that the Class C Wine License must be surrendered upon issuance of the Class B Combo License. Motion carries 5 - 0 - by acclamation.

Amended motion carries 5 - 0 - 0 by acclamation.

e. Discussion and recommendation on a request from the McFarland House Cafe to expand its licensed alcohol premise to include a 1,300 square foot outdoor drinking area for the licensing period of July 1, 2019 through June 30, 2020.

Applicant Shaun O'Hearn was present to answer questions and provide information.

Tom Hovel, 6112 Creamery Court, address the Committee and stated that he was in support of the patio but he was not in support of requiring parking on the property.

Motion by Village Trustee Jerry Adrian, second by Village Trustee Carolyn Clow, to recommend approval of the current licensed area for the period of July 1, 2019 through June 30, 2020, with the condition the Clerk/Treasurer being authorized and directed to amend the license to revise the description of the licensed premise to include the new areas of the 2nd and 3rd floor of the McFarland House Café the 1st floor and basement of the greenhouse, and the 1,300 square foot deck area as conceptually provided on the attached site plan dated November 20, 2018 upon satisfaction of the following requirements:

1. Approval of a detailed site plan
2. Inspection and approval from the McFarland Fire Department prior to the issuance of an occupancy permit
3. Issuance of an occupancy permit from the building Inspector
4. Review options to expand parking at the rear of the site

Motion carries 5 - 0 - 0 by acclamation.

- f. Discussion and recommendation on an ordinance amendment 2019-04: an ordinance amending parking restrictions.

Motion by Village Trustee Jerry Adrian, second by Tom Mooney, to recommend approval on an ordinance amendment 2019-04: an ordinance amending parking restrictions. Motion carries 5 - 0 - 0 by acclamation.

- g. Discussion and action to make a recommendation to the Village Board regarding the position description and permission to fill the vacancy for the Administrative Captain position within the the Fire and Rescue Department.

Motion by Village Trustee Jerry Adrian, second by Village Trustee Carolyn Clow, to recommend approval regarding the position description and permission to fill the vacancy for the Administrative Captain position within the the Fire and Rescue Department. Motion carries 5 - 0 - 0 by acclamation.

5. SCHEDULE NEXT MEETING DATE.

- a. April 10, 2019

6. ADJOURNMENT.

Motion by Tom Mooney, second by Tyler Mortenson, to adjourn at 7:53 p.m.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,
Tanya O'Malley
Deputy Clerk