

* * * SPECIAL MEETINGS * * *
AGENDA
PUBLIC SAFETY & WELFARE COMMITTEE MEETING
Monday, June 6, 2011
Kenosha Municipal Building Room 202
6:45 pm

Chairman: Jesse L. Downing
Vice Chair: Lawrence Green
Commissioners: Anthony Kennedy
Michael J. Orth
Rocco J. LaMacchia, Sr.

Call to Order
Roll Call

A. APPROVAL OF MINUTES

A-1. Approval of minutes of regular meeting held on May 9, 2011.

C. REFERRED TO COMMISSION

- C-1. Kenosha County Request for one 15 Min Parking space, 7:00am-5:00pm, Monday-Friday Except Holidays East Side of 11th Avenue 40'-65' North of 55th Street. *(District 2) (Staff recommends approval 90 day trial)*
- C-2. Proposed Ordinance To Renumber Sections 7.201, 7.21, 7.22 and 7.23 as 7.23,7.26, 7.25, and 7.24 Respectively and To Create 7.22 Entitled "Cell Phone use While Driving".
- C-3. Proposed Ordinance To Create Subsection 10.05 K Regarding Limitation on Sale of Individual Containers of Fermented Malt Beverages. *(LP no recommendation)*

CITIZEN COMMENTS/ALDERMEN COMMENTS/OTHER BUSINESS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE PLEASE CALL 653-4052 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND
ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS
MEETING.

PUBLIC SAFETY & WELFARE COMMITTEE

- MINUTES -

Monday, May 9, 2011

The regular meeting of the Public Safety & Welfare Committee was held on Monday, May 9, 2011 in Room 202 of the Kenosha Municipal Building. The meeting was called to order at 5:41 pm. The following members were present: Chairman Downing, Alderman Kennedy, Orth, Green and LaMacchia. Staff members in attendance were Kevin Risch, Police Chief Morrissey, City Attorney Ed Antaramian and Paula Blise.

It was moved by Alderman Kennedy, seconded by Alderman Green, to approve the minutes of the meeting held on Monday, April 27, 2011. Motion passed 5-0.

- B-1. Election of Vice Chairman. *(Deferred from the meeting held on April 27, 2011) It was moved by Alderman Orth, seconded by Alderman LaMacchia, to nominate Alderman Green. Motion passed 5-0.*
- C-1. Aldermanic Request for To Remove 2 HR Parking, 6:00am – 4:00pm, Monday – Friday, EX. Holidays both sides of 38th Avenue - 6400 block. (District 11) *It was moved by Alderman Orth, seconded by Alderman Green, to approve a 90 day trial. Motion passed 5-0.*
- C-2. Aldermanic Request to Change South Bound Right Turn Stop on 30th Avenue and 52nd Street to Yield. (District 10) *It was moved by Alderman Kennedy, seconded by Alderman Green, to approve a 90 day trial. Motion passed 5-0.*
- C-3. Alderman Request for Trial for Intersection Yield Control on 74th Street in the EB/WB Direction at 32nd Avenue. (District 13) *It was moved by Alderman Green, seconded by Alderman Kennedy to approve a 90 day trial. Motion passed 5-0.*
- C-4. Approval of Agreement for Professional Services Emergency Medical Service User Fee Billing Services By and Between the City of Kenosha, Wisconsin (A Municipal Corporation) and EMS Medical Billing Associates, LLC (A Wisconsin Limited Liability Company).
Staff/Alderman: Ed Antaramian was present to answer any questions. Alderman Orth asked if the inspection fees were included in this. Alderman Green asked if this a standard agreement.
It was moved by Alderman Orth, seconded by Alderman LaMacchia, to approve. Motion passed 5-0.
- C-5. Proposed Ordinance To Create Section 11.021 Regarding Intimidation of Public Officials.
Staff/Alderman: Ed Antaramian and Police Chief Morrissey were present to answer any questions.
It was moved by Alderman Kennedy, seconded by Alderman Green, to defer for 30 days. Motion passed 5-0.
- C-6. Proposed Ordinance To Create Chapter XXIX Entitled “Statement of Economic Interest by City Officers, Employees and Candidates for Elective City Office”; To Repeal and Recreate Subsection 30.06L Regarding Not-for-Profit Affiliations and To Create Section 30.07 Entitled “Statement of Economic Interest”. *(Also referred to Finance Committee, Public Works Committee, Stormwater Utility Committee, City Plan Commission, & Licensing/Permit Committee)*
Staff/Alderman: Chairman Downing informed the committee that Licensing/Permit Committee deferred this for 90 days.
It was moved by Alderman Green, seconded by Alderman Kennedy, to defer for 30 days. Motion passed 5-0.

INFORMATIONAL ITEMS:

1. Presentation of new crime mapping software. Chief Morrissey gave a presentation on how the public get now view this information.
2. Presentation of NWPRS automated pawn system. Chief Morrissey gave a presentation on automated pawn system that started in Green Bay. Alderman Orth asked how this has help Green

Bay. Alderman Kennedy asked if businesses would like this. Chief Morrissey stated that it would be less work than what the businesses are currently doing. He also stated that this would free up the clerical staff to work on other things. Alderman Nudo, 11th District, informed the committee that Licensing/Permit Committee started an ordinance that the businesses would have to use this system.

3. Discussion on Sign Ordinance. Chairman Downing wanted to know where the current proposed ordinance is at. Ed Antaramian informed that it is 90% done. Chairman Downing asked for update on a meeting that will be held on Tuesday, May 10, 2011. He also would like to bring what they have before Public Safety & Welfare Committee.

CITIZEN COMMENTS: Alderman Nudo, 11th District, stated that ambulances should post a sign that shows how much the ambulance ride will cost. Chief Morrissey informed the committee that the Law Enforcement Memorial will be held on Wednesday, May 11, 2011.

ALDERMEN COMMENTS: Alderman Orth spoke on recurring problems with residential properties. Chairman Downing asked how many vacancies the police department has. Chief Morrissey informed that there are 6 vacancies.

ADJOURNMENT - *There being no further business to come before the Public Safety & Welfare Committee, it was moved, seconded and unanimously carried to adjourn at 7:25 pm.*



Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer
Fleet Maintenance
Mauro Lenci
Superintendent
Park Division
Jeff Warnock
Superintendent

Street Division
John H. Prijic
Superintendent
Waste Division
Rocky Bednar
Superintendent

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building - 625 - 52nd Street - RM 305 - Kenosha, WI 53140
Telephone (262) 653-4050 - Fax (262) 653-4056

DATE: June 6, 2011
TO: Public Safety and Welfare Committee
FROM: Kevin Risch, P.E., Assistant City Engineer KKR 5-19-11
SUBJECT: Kenosha County Request for one 15 Min. Parking space, 7:00am - 5:00pm, Monday - Friday, Except Holidays East Side of 11th Avenue 40'-65' North of 55th Street.

Mr Ray Arbet, Kenosha County Public Works Director, is requesting one 15 min. parking space as noted above.

Staff has reviewed request. This area is designated as No Parking Police Vehicles Only.

Staff recommends approval of a trial for one space as noted.

KKR:dt

cc: Ronald L. Bursek, Director of Public Works - w/a
Michael M. Lemens, Director of Engineering/City Engineer - w/a
Ray Arbet, Kenosha County Public Works Director - w/a
Randy LaClaire - w/a
Alderman Theodore A. Ruffalo - w/a
File - w/a

5410 11th Avenue, Kenosha, Wisconsin, United States
Address is approximate



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Kenosha

**Proposed Sign, 15 Min.
Parking, 7am-5pm, M-F**



Photos

North



ORDINANCE NO. _____

**BY: ALDERPERSON DANIEL PROZANSKI, JR.
ALDERPERSON JAN MICHALSKI
ALDERPERSON LAWRENCE F. GREEN
ALDERPERSON MICHAEL ORTH**

**TO RENUMBER SECTIONS 7.201, 7.21, 7.22, AND
7.23 AS 7.23, 7.26, 7.25, AND 7.24 RESPECTIVELY
AND TO CREATE 7.22 ENTITLED “CELL PHONE
USE WHILE DRIVING”**

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Sections 7.201, 7.21, 7.22, and 7.23 of the Code of General Ordinances for the City of Kenosha, Wisconsin, are hereby renumbered as Sections 7.23, 7.26, 7.25, and 7.24 respectively.

Section Two: Section 7.22 of the Code of General Ordinances for the City of Kenosha, Wisconsin, is hereby created as follows:

7.22 CELL PHONE USE WHILE DRIVING

A. Definitions as used in this Section, the term:

1. “Electronic Sound-producing Device” means a portable media player, radio integral with a motor vehicle, or Wireless Telecommunications Device.

2. “Engage in a wireless communication” means talking; writing, sending, or reading a text-based communication, which text-based communications include, but are not limited to, text messaging, instant messaging, or emailing; or listening on a Wireless Telecommunications Device.

3. “Hands-free mode” means the use of a wireless communications device with a speaker phone, headset, or earpiece.

4. “Headphones” mean a pair of small loudspeakers with a means of holding them close to a user's ears and a means of connecting, either physically or remotely, to a signal source such as an audio amplifier, radio or compact disc player, which term headphone includes, but is not limited to, stereophones, headsets, earphones, or earbuds.

5. “Wireless Telecommunications Device” means a cellular telephone, a text-messaging device, a personal digital assistant, a stand alone computer, or any other substantially similar wireless device that is used to initiate or receive a wireless communication with another person. It does not include hearing aids, citizens band radios, citizens band radio hybrids, commercial two-way radio communication devices, subscription-based emergency communications, in-vehicle security, navigation, and remote diagnostics systems or amateur or ham radio devices.

B. Prohibitions

1. No person may operate a moving motor vehicle on any highway within this City while holding a wireless communications device to his or her ear while either:

a. passing the school zones that are subject to regulation pursuant to §118.08(1) of the Wisconsin Statutes; or

b. passing through a construction area or a utility work area that would otherwise subject the operator of a motor vehicle to increased forfeitures for excessive speeds pursuant to § 346.60(3m) of the Wisconsin Statutes, regardless of the speed at which the person was traveling.

2. No person who has an instruction permit or who has a Class D license and is under 19 years of age may operate a motor vehicle on any highway within this City while engaging in a wireless communication using a Wireless Telecommunications Device, while engaging in Internet interaction, while engaging cell-phone applications, or while engaging an Electronic Sound-producing Device through the use of two headphones covering or within both ear canals.

3. No person may operate a transit or for-hire motor vehicle on any highway within this City while engaging in a wireless communication using a Wireless Telecommunications Device, engaging in Internet interaction, or engaging cell-phone applications.

C. Exceptions

1. The prohibitions of this Subsection B shall not apply to a person who engages in a wireless communication using a Wireless Telecommunications Device:

a. To report a traffic accident, medical emergency, or serious road hazard;

b. To report a situation in which the person believes his or her personal safety is in jeopardy;

c. To report or avert illegal activity; or

d. To engage in a wireless communication while the motor vehicle is lawfully parked; or

e. While operating an authorized emergency vehicle, or a tow truck that is responding to a disabled vehicle.

2. The prohibitions of paragraph B.1 shall not apply to a person who engages in a wireless communication using a Wireless Telecommunications Device:

a. in hands-free mode; or

b. to relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

D. Primary Enforcement Authorized

Upon probable cause, a law enforcement officer may stop a vehicle wherein a violation of this section has been occurring.

E. Penalties. Any person who violates this Section shall, upon conviction thereof, be subject to a forfeiture of One Hundred Fifty (\$150.00) Dollars for the first violation, and One Hundred Fifty (\$150.00) Dollars for the second and all subsequent violations, together with the costs of prosecution, surcharges, penalties, and fees and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Any person who violates this Section, resulting in a traffic accident, shall, upon conviction, be subject to a forfeiture of Five Hundred (\$500.00) Dollars, together with costs of prosecution, surcharges, penalties, and fees and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days.

Section 3: This Ordinance shall become effective on January 1, 2012, after passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney

ORDINANCE NO. _____

Proposed amendments by Sponsor

BY: ALDERPERSON ROCCO LAMACCHIA, SR.

TO CREATE SUBSECTION 10.05 K. OF THE CODE OF GENERAL ORDINANCES REGARDING LIMITATION ON SALE OF INDIVIDUAL CONTAINERS OF FERMENTED MALT BEVERAGES

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Subsection 10.05 K. of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby created as follows:

K. Limitation on Sale of Individual Containers of Fermented Malt Beverages.

No establishment or licensee licensed pursuant to and subject to this Chapter shall permit the retail sale of individual containers of fermented malt beverages less than ~~twenty~~ twelve ~~(2012)~~ fluid ounces other than at room temperature for consumption off the licensed premises.

Section Two: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
JONATHAN A. MULLIGAN
Assistant City Attorney