

LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Tuesday, February 25, 2003

Committee Room #1

PRESENT: Aids. Treis, Sullivan, Bruderle-Baran, Ecks, Grimm, Subotich – 6

ALSO PRESENT: A. Kesner, City Attorney; Capt. Sutter, Police; W. Kappel,
Director of Public Works; Ald. Herzog

Ald. Treis as chair called the meeting to order at 6:45 p.m.

Review of licenses held by AMC Entertainment, Inc., Premium Theatre of Mayfair, Inc. or their subsidiaries

Atty. Kesner told the committee that a recent incident at Mayfair Mall in which one police officer was injured has brought up a long held concern about the movie theater at Mayfair causing public safety issues. He said that Ald. Herzog had requested the committee review the licenses issued to the theater by the city. The theater holds several licenses one of which is a theater license issued under City Code Section 6.68. Included in this Section is the provision for revocation. According to 6.68.120, "Such license shall be subject to revocation by the common council upon a hearing and evidence satisfactory to it that such theater is being and has been conducted in a disorderly manner or in violation of applicable health, safety and fire rules or any resolution or ordinance of the common council."

Atty. Kesner also addressed the theater's amusement device and amusement arcade licenses issued under Section 6.12 which says in part, "Upon application for renewal of such license, the common council shall properly take into consideration whether the amusement arcade has become a source of rowdiness or vandalism in the neighborhood, a source of frequent complaints to the police, or in other ways disruptive of good peace and order in the community." The provisions for "nonrenewal, revocation or suspension" are addressed by section 6.12.090. They include, "Such licensee agrees to abide by any condition relating to the operation of the licensed premises as may be imposed by the board of zoning appeals or common council as deemed by such body to be in the best public interest. Such conditions may include but are not limited to hours of operation, supervision, lighting requirements, noise level or other restrictions that are deemed by such body to be reasonable due to the location or other factors unique to the licensee's operation. Such licensee agrees to surrender any license or licenses to the city of Wauwatosa if following a hearing held before the common council or its licensing committee it is determined to be in the best public interest to revoke, deny renewal or temporarily suspend the same. The basis for revocation, non-renewal or suspension shall include but not be limited to violations of city ordinance or other law by the licensee, manager or employee of the same or for any of those concerns expressed in Section 6.12.060." Atty. Kesner told the committee the theater has licensed 35 amusement devices which have been a cause of complaints for a long time. Since the most recent incident the theater has removed all but 20 of the devices and moved them to an area where they are only accessible to movie ticket holders.

Atty. Kesner suggested that the committee request information from the various enforcement departments. The committee would be able to review the information provided and then decide if a hearing is indicated.

Ald. Herzog mentioned two areas for review. The first is a technical violation of the ordinance. The theater's licenses were issued to General Cinema which has since been sold to AMC Entertainment, Inc. Since the licenses are not assignable this is an area of concern. Ald. Herzog would also like the theater reviewed for the reasons discussed by Atty. Kesner.

In response to Ald. Sullivan's questions, Atty. Kesner told the committee that the only condition placed on the theater by its special use permit was hours of operation. Special use is granted only by the Board of Zoning Appeals, although the committee can review it.

Moved by Ald. Sullivan, seconded by Ald. Subotich to request reports from police, building & safety, health, fire, community development departments, board of zoning appeals and that the city attorney request

a report from AMC Entertainment, Inc. to be reviewed at the next committee meeting – 6

Ald. Ecks commented that he would like to ask the managers of the theater if the removal of some of the amusement devices was a permanent or temporary move.

In response to Ald. Grimm's questions, Atty. Kesner told the committee that the city has no authority to review the theater's lease with Mayfair Mall. Atty. Kesner also said the police have been working with theater management to anticipate any issues that may come up. Ald. Grimm also verified that most of the theater's licenses come up for renewal June 30, 2003.

Proposed reconstruction of the freeway system in the Wauwatosa area

Mr. Kappel asked the committee to consider all factors when deciding on what position to recommend the city take on the freeway reconstruction. Mr. Kappel pointed out that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) estimates that freeway congestion will double by the year 2020. He said local Wauwatosa roads will bear the brunt of this increased congestion.

Atty. Kesner told the committee that, at their request, he had drafted a proposed resolution in opposition to the SEWRPC plan. The committee was free to amend or change it as necessary.

Ald. Herzog pointed out that transportation is what sets Milwaukee apart from other Wisconsin cities on Lake Michigan. He also pointed out that the additional proposed lanes will not affect the current right-of-way and that cars traveling at 55 mph are more fuel efficient than cars traveling at 5 mph.

Gretchen Schultz, 315 N. Pinecrest Street, Milwaukee spoke on behalf of Citizens Allied for Sane Highways (CASH). She said SEWRPC's plan will cause tax increases. The cost of the project is estimated to be \$6.25 billion. There is no funding in the plan for storm water management or reconstruction of Wauwatosa arterial streets. She also believes that the plan will lower Wauwatosa property values.

Lynn Broaddus, 537 N. 67th Street, urged the committee to reject SEWRPC's proposed plan. She told the committee that she and her husband chose to live in Wauwatosa because they could walk to wherever they wanted to go and not be dependent on their cars. She believes the SEWRPC plan is the wrong way to go.

Eugene Nickel, 555 Robertson Street spoke in support of the SEWRPC plan. He said Wauwatosa is part of a region. For the region to remain economically in line with other regions the plan should be implemented.

Jill Gaertner, 6829 Terrace Court told the committee she was in favor of repairing the freeways to make them safer but did not support the entire plan. She believes that adding lanes will only temporarily correct the problem. More lanes will attract more cars and ultimately cause more congestion.

Rosemary Wehnes, 7922 Jackson Park Blvd., also of CASH was not in favor of the SEWRPC plan. She told the committee that it all boils down to what is your vision for Wauwatosa. Her goals for Wauwatosa include using the forests without disturbance, increasing property values and protecting the investment made by the school district to the lands surrounding the schools.

Eddee Daniel, 2013 Ludington Avenue, said that he is proud to live in a community with such a nice park system. The expansion of the freeway would be very much a detriment to the community.

Bob Trimmer, 439 N. Pinecrest Street, Milwaukee, also of CASH pointed out that some residents have neither a car nor access to the freeway. The SEWRPC plan does not cover alternate forms of transportation.

Richard Bachman, 2229 N. 115th Street, told the committee that the freeway is congested for only ½ hour intervals. He didn't think this congestion warrants additional lanes. He also mentioned that there is a problem with the design of the North Avenue on-ramp and requested any resolution address this problem.

Kathy Barry, 608 N. 62nd Street urged the committee to go on record in opposition to the plan. She believed it would adversely affect the quality of life.

Ald. Ecks spoke about the destruction of green space adjacent to the planed freeway. He also said that while no businesses will be torn down, some of the space surrounding the businesses will be taken. This would result in smaller parking lots and loss of business. He also agreed that property values will suffer if the plan is implemented. Ald. Ecks said representation from Milwaukee County is not adequate on SEWRPC's board. He pointed out that there are only 3 representatives from Milwaukee County on the Board as opposed to 18 representatives from other counties.

Ald. Bruderle-Baran said it was her position that the proposed plan would be harmful economically and make Wauwatosa nothing more than a channel for traffic.

Moved by Ald. Bruderle-Baran, seconded by Ald. Ecks to recommend adoption of the proposed resolution - -

Ald. Grimm said that he was concerned with the additional traffic being generated by the development on the county grounds. He questioned how the city was going to deal with this added congestion. He also mentioned the traffic on State Street and pointed out that any additional traffic would aggravate the problem.

Ald. Sullivan said that the city has been trying to find a developer to rehab the Eschweiler Buildings on the county grounds. He pointed out that the cost of rehabbing the buildings is considerably more than the cost of new construction. He believed that it would be impossible to find someone to rehab the buildings if the freeway was allowed to come closer to them. He also had concerns about losing green space.

Ald. Treis said it was his understanding that Milwaukee County has delayed the project for at least one year and that it would be an additional five years before the project began. He also said he believes there have been no engineering decisions made as yet. He found it difficult to vote against a plan that hasn't been finalized. Ald. Treis said the traffic would increase whether or not the freeway was reconstructed.

Moved by Ald. Grimm, seconded by Ald. Subotich to hold the matter and request an impact report from SEWRPC. Vote on the motion was, Ayes: 3 (Grimm, Subotich, Treis), Noes: 3 (Bruderle-Baran, Ecks, Sullivan) – motion fails

Vote on the original motion was, Ayes: 3 (Bruderle-Baran, Ecks, Sullivan), Noes: 3 (Grimm, Subotich, Treis) – motion fails

Moved by Ald. Ecks, seconded by Ald. Bruderle-Baran to forward the item to the common council without recommendation – 6

Application for an operator license by Patrick Magee, 2329 N. 89th Street

Mr. Magee was not present.

As chair Ald. Treis directed that Mr. Magee be invited to appear at the meeting of March 11, 2003.

License application forwarded by the City Clerk for review

There were no licenses forwarded for review.

The meeting adjourned at 7:55 p.m.

Carla A. Ledesma, CMC
City Clerk

dmh