

CITY OF WAUWATOSA
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Tuesday, March 11, 2003
Committee Room #1

PRESENT: Alds. Treis, Ecks, Sullivan, Subotich – 4

EXCUSED: Alds. Bruderle-Baran, Grimm

ALSO PRESENT: A. Kesner, City Attorney; Chief Weber, Police; Capt. Bozicevich, Police; Nancy Welch, Community Planning; Mark Meske, Health; Peter Coffaro, Assistant to Administrator

Ald. Treis as chair called the meeting to order at 6:26 p.m.

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

Mr. Magee was not present.

Moved by Ald. Sullivan, seconded by Ald. Ecks to recommend
denial – 4

Application for a Class B Beer and Liquor license by Gracious Catering, Corp., d/b/a Bjonda, 7754 Harwood Avenue, Vesna Madunic, agent

The committee reviewed the application.

Moved by Ald. Ecks, seconded by Ald. Subotich to recommend
approval – 4

Request by the Civic Celebration Commission to sell beer on July 4th

Sherryl Wedel, 6131 Washington Circle, spoke on behalf of the Civic Celebration Commission. She told the committee that as in past years the commission would like to sell beer and sandwiches near the Muellner Building in Hart Park on July 4th. The Wauwatosa Lions Club has volunteered to sell the products as a fundraiser for the commission. Ms Wedel also stated that there have been no incidents or police reports filed in past years.

Moved by Ald. Ecks, seconded by Ald. Sullivan to recommend
approval – 4

Proposed reconstruction of the freeway system in the Wauwatosa area

The Health Department report requested by the Common Council is not available at this time. The chair directed the item be held.

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

Jim DeGuzman, 2430 N. 85th Street, asked the chair to explain the purpose and process of the meeting. Ald. Treis explained the purpose of the meeting was to review the reports submitted by the enforcement departments and decide what, if any, further action was required.

Garrett Reich, 2511 Pasadena Blvd., asked the chair if the public was allowed to comment. Ald. Treis said that the intention of the meeting was to gather information. If the committee decided a public hearing was appropriate, there would be another meeting scheduled.

Mr. Meske spoke on behalf of the health department. He told the committee that in the approximately three years the theater has been open there have been only minor violations. Mr. Meske pointed out that he had given the committee copies of his inspection reports.

Ms Welch, Community Development Director, reported that her department has found no evidence that AMC Entertainment, Inc. has violated any provisions of their special use permit. She also pointed out that the details of the permit were included in the report given to the committee.

Capt. Bozicevich summarized the police report. He told the committee that the police had many contacts with the previous owners of the theater, General Cinemas. He said the police had pointed out problems with the theater and suggested possible solutions but the meetings were not productive. The current owners, AMC Entertainment, Inc., have been much more responsive. Capt. Bozicevich then highlighted some of the information detailed in his report. He mentioned the following:

- The chart in the report indicates that since 1999, police calls to the mall have increased while calls to the theater have decreased. Capt. Bozicevich cautioned the committee not to conclude that problems at the theater have decreased as incidents begun at the theater can spill over into the mall areas.
- The police department installed new tracking software in 1999. Since this software tracks calls more efficiently than the previous method, there was a corresponding spike in calls recorded.
- In 2001 the City and Mayfair Mall entered into a unique public/private partnership enabling two officers to patrol the mall. Capt. Bozicevich stated that this would account for an increase in calls as a strong police presence generates self-initiated calls by the officer. He also pointed out that while there was an officer patrolling the mall, the officers on the street would be free to continue patrolling.
- The mall opened a 100,000 sq. ft. expansion in 2001. This would account for some of the increased police calls.

Capt. Bozicevich briefly mentioned some of the steps that AMC Entertainment has and plans to take to correct problems. He said it was the police department's recommendation that they be allowed to continue working with AMC Entertainment toward increasing security arrangements. The police are willing to report back to the committee on the progress being made. If it appears that acceptable progress has not been made, the police would recommend modifications to the theater's special use permit.

Atty. Kesner told the committee that the chief building inspector was not present but that his report indicted no code violations. The report mentioned that the theater was originally designed so that 2/3 of the exits would be through the stairways to the parking lot.

John D. Finnerty of Friebert, Finnerty & St. John S.C. spoke on behalf of AMC Entertainment, Inc. He told the committee that AMC has heard the discontent of the neighbors loud and clear and is responding. He asked the committee to bear in mind that AMC has only owned the theater for approximately a year.

Philip Pennington, Senior Vice President, AMC Entertainment, Inc. spoke about measures taken to improve security. He highlighted the following:

- The theater has almost doubled the security staffing on the weekends.

- The AMC corporate security team has made numerous visits to the theater to confer with Mayfair Mall officials and the Wauwatosa Police Department.
- The money budgeted for security at the mall has increased by 31%.
- AMC has revised and posted a code of conduct.
- The queuing lines have been moved inside the theater.
- The theater has begun using an exit stairway that leads directly into the parking lot instead of through the mall.
- The arcade area has been moved to the interior of the theater where only ticketed patrons can use the machines.
- AMC plans to enforce the Wauwatosa curfew ordinance beginning March 21st. AMC will not sell a ticket for a movie that ends after 11 p.m. to a patron under the age of 17 unless that patron is accompanied by a parent or guardian.

Liz Rusch, 2454 Pasadena Blvd, told the committee she would like access to the departmental reports on the theater. She also clarified that the issue before the committee was not the special use permit but the theater and arcade licenses. These licenses expire June 30, 2003. She also clarified that the wording in the Wauwatosa curfew ordinance referred to a 17 year old being accompanied by a parent or guardian not just an adult.

Jynine Strand, 2414 Pasadena Blvd. asked if the curfew was the same on weekends as weekdays. Atty. Kesner said yes.

Mr. Reich noted that he didn't hear any comment from AMC Entertainment relative to the fact that the mall closes at 6 p.m. on weekends but the mall areas are still accessible to theater patrons. Atty. Finnerty said that AMC is working with mall management on this issue. He pointed out that AMC has no say over when the mall will be open to the public. The theater is a lessee of the mall and can only control its leased space. He also pointed out that it's easier to channel a large theater crowd out through the mall rather than just through the theater exits. Chief Weber commented that the police are working on this issue. The solution may be that anyone still in the mall after closing time must have a theater ticket or leave the mall.

Kevin Walker, 4203 W. Vliet Street, Milwaukee, told the committee that he is a newspaper movie critic. In this capacity he goes to many theaters in the area. He said he has brought his security concerns to mall management but they have not been addressed. He also said that he anticipates the problems at the theater will get worse as soon as the "summer blockbusters" start showing. He asked the committee to consider revoking the theater's license.

Joseph Hallows, 10424 W. Woodward Avenue, asked about physically closing off the mall from the theater after the mall closes. Chief Weber said this was being looked at but any change of this sort would have to be in compliance with the fire code

Mr. DeGuzman noted that he appreciates the changes that have already been made but still has concerns. His concerns include the cost of additional police personnel on the weekends. He asked that the theater management meet with citizens directly on an on-going basis.

In response to Ken Hemauer, 2469 Pasadena Blvd., Ald. Treis said that the committee would decide if a public hearing would be appropriate.

Terres VanBibbek, 2460 Pasadena Blvd., told the committee that the community has strong feelings about the theater issue and wants the chance to participate in a public meeting.

Mike McCrea, 2545 Pasadena Blvd., asked what the police, mall, and theater personnel were doing to insure that the people in the mall after closing time were ticketed moviegoers. Both Chief Weber and Atty. Kesner pointed out that all parties are working on this issue but that Mayfair Mall is private property. The police can, at the request of mall security staff, remove trespassers but the mall has the ability to control its private property.

Ms Strand asked if the Wauwatosa curfew ordinance included the mall parking lot. Atty. Kesner pointed out that the parking lot is part of Mayfair Mall property. Mall personnel decide whether, under its rules, a person is not welcome in its parking lot.

Jim Woods, 2437 N. 88th Street, pointed out the importance of the public's perception about crime at the theater. He also pointed out that the people go to the theater are traveling through Wauwatosa neighborhoods and gave an example of a recent crime on Pasadena Avenue. He said that the problems with theft and robberies started when the theater opened. He also mentioned that he was concerned about his property value. Mr. Woods then asked the committee to schedule a public meeting.

Colleen Smet, 2423 N. 103rd Street, told the committee that her back yard borders the Mayfair Mall Parking lot. She has concerns about problems that may occur if the theater patrons are exited directly to the parking lot.

Ms VanBibbek expressed concerns about the number of uniformed police she sees when she is in the mall. She believes that the presence of so many police means that the mall is not safe.

Brenda Blaschke, 2502 Pasadena Blvd., told the committee that it was her husband who had been shot at in the recent attempted carjacking on Pasadena Blvd. She said that the youths who committed the crime confessed that they had been at Mayfair Mall and were cruising the neighborhood looking for someone to carjack. Ms Blaschke said the problem is a reality not just a perception and that there are problems with mall traffic coming through Wauwatosa neighborhoods.

- Ald. Sullivan said that he appreciated everyone coming to the meeting and giving their comments. He said that he believes things are moving in a positive direction and the citizens concerns must be taken seriously. He felt that movies should not start as late as 10:30 p.m., would like to look at getting rid of the arcade, would like to look at the possibility of fewer screens and would like the exits to outside reworked.

Moved by Ald. Sullivan, seconded by Ald. Subotich to hold a fact finding public hearing before the entire common council to receive public opinion regarding the theater and arcade licenses held by AMC Entertainment, Inc., Premium Theatre of Mayfair, Inc. or their subsidiaries – 4

Letter from Ald. Herzog regarding prosecution of armed robbery on Pasadena Blvd.

Ald. Herzog told the committee that the recently there were two major crimes committed in Wauwatosa on the same night. One involved a homeowner who was confronted by two armed individuals trying to steal his car. The other was the battery of a police officer at the Mayfair Mall theater. He would like the City of Wauwatosa to send a uniform voice to the Milwaukee County District Attorney and the judges assigned to the cases. He would like city officials to state that Wauwatosa takes these matters seriously and wants the criminals prosecuted to the fullest extent of the law.

In response to Mr. Reich's questions, Atty. Kesner told the committee that he had met with the Milwaukee County District Attorney in October of 2002. Atty. Kesner and District Attorney McCann currently have an open line of communications. They spoke about the incidents referred to in Ald. Herzog's letter on the day the crimes occurred. The District Attorney is already aware of Wauwatosa's position in these matters.

Moved by Ald. Sullivan, seconded by Ald. Ecks to authorize Atty. Kesner to communicate to the Milwaukee County District Attorney Wauwatosa's desire for the fullest prosecution and punishment of the persons charged in the incidents

of February 14, 2003, and to communicate a similar message to the court and any other officials at the appropriate points in the relevant proceedings – 4

Time Warner Cable customer service update

Mr. Coffaro told the committee that at the last review in July 2002, customer service was identified as a major problem. Time Warner has addressed this issue by taking a number of steps. Three of the steps taken were an increase in the number of customer service representatives, increased training for the reps and the hiring of a Director of Community Service.

Mr. Coffaro was told by Time Warner that Wauwatosa should see an improvement in three to six months. Mr. Coffaro told the committee that he noted a marked reduction in complaint calls from the community after three months. There have been significant improvements but he intends to continue working with Time Warner on improving customer service.

Moved by Ald. Ecks, seconded by Ald. Subotich to place the matter on file – 4

License applications forwarded by the City Clerk for review

The committee reviewed the operator license applications of Michele McDonald, 5410 W. Blue Mound Road, Milwaukee; Kelly Dierbeck, 4258 Bonmaur Terrace, Slinger and Kim Peot, 4116 S. 43rd Street, #1, Greenfield.

Moved by Ald. Ecks, seconded by Ald. Subotich to invite all applicants to appear before the committee at the meeting of April 8, 2003 – 4

The meeting adjourned at 8:08 p.m.

Carla A. Ledesma, CMC
City Clerk

dmh