

CITY OF WAUWATOSA
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE MEETING
Tuesday, November 11, 2003

PRESENT: Alds. Bruderle-Baran, Ecks, Grimm, Subotich, Sullivan (7:03 p.m.), Treis -6

ALSO

PRESENT: A. Kesner, City Atty.; N. Welch, Community Dev. Dir.; B. Weber, Police Chief

Ald. Treis in the Chair called the meeting to order at 7 p.m. -5

Application for Liquor License by Reum Restaurant Services, d/b/a The Ground Round, 10842 W. Blue Mound Road

The committee reviewed an application for a Class B Beer and Liquor license by Reum Restaurant Services, Inc., d/b/a The Ground Round, 10842 W. Blue Mound Road, William D. Reum, agent, for the period ending June 30, 2004. Mr. Reum was present and confirmed that this change of ownership has no effect on conditions of operation.

Moved by Ald. Ecks, seconded by Ald. Bruderle-Baran to recommend
to Council approval of the license. Ayes: 5

(Ald. Sullivan present. -6)

Progress Report by AMC Entertainment, Inc., and Premium Theaters of Mayfair, Inc.

The committee addressed the matter of a six-month review of the progress on efforts by AMC Entertainment, Inc. and Premium Theaters of Mayfair, Inc., toward correcting issues previously discussed by the committee.

Chief Weber reported that calls at the theater have decreased 21% in the six months since the last review; and the most problematic types of calls, disorderly conduct, have decreased significantly to only a couple of incidents. It seems that theater management has done what they said they would, he said, in terms of relocating doorways and creating an exit to the north, widening stairwells, and moving queuing to the inside. He felt that the most significant change has been not selling tickets to anyone under 17 for movies that end after 11 p.m. Chief Weber cautioned that the past six months seem to be a traditionally slower time and police will continue to monitor the situation as attendance picks up. The theater represents about 1 ½% of all the calls at the mall, he reported. Overall, problems have been significantly less than in the past, he concluded.

Attys. John Finerty and Brian Randall of Friebert, Finerty & St. John, S.C., 330 E. Kilbourn Avenue, Milwaukee, were present representing AMC Entertainment, Inc. Mr. Finerty referred to Mr. Randall's letter of November 6, 2003, and a November 3, 2003, letter from Philip M. Singleton, President & Chief Operating Officer of AMC, outlining AMC initiatives at the theaters. Measures cited were: increased security staffing; revised queuing and exiting; new performance scheduling procedures; relocation of the arcade area; and commencement of curfew enforcement. In addition, Mr. Finerty mentioned storefront alterations including installation of additional exit doors and upgrade of the exit stairways on the north and south sides of the theater from emergency exit condition to regular use condition. He emphasized that no tickets are sold to anyone under 17 for films that end after 11 p.m. unless they are accompanied by a parent or legal guardian. In addition, he reported that AMC became a charter member of and participated in the Mayfair Advisory Committee, which has been an effective tool in bringing some stability to the situation.

Mr. Finerty distributed and discussed two charts and a graph detailing Mayfair Mall and non-Mayfair Mall police reports from September 2002 through May 15, 2003. He indicated that the pie-chart information was derived from Wauwatosa News Times publications and the bar graph information from police department records. Committee members pointed a discrepancy in the bar graph percentage showing Mayfair police reports.

As of two weeks ago, Chief Weber reported, there were 2,116 calls this year at Mayfair, an 18% decrease over last year at the same time. Police have responded to 34 calls to the theaters so far this year. There have been about 28,000 calls in total throughout the city.

Mr. Finerty next distributed copies of the curfew ordinance information cards that are handed out to theatergoers and a memo detailing start times at other movie theaters in Milwaukee, New Berlin, Waukesha, and Menomonee Falls. He stated that demonstrates that start times at Mayfair are not later than at other theaters, as had been alleged by some in spring. Mr. Finerty thanked the committee for their review and the police department for their cooperation with the security force at AMC and the mall. The relationship has been good, he commented.

Ald. Grimm noted past concerns about the type of movies being shown at Mayfair and wondered if that has continued to be a problem. Mr. Finerty referred to the necessity to work within federal guidelines and the free speech clause of the first amendment, which precludes imposing prior restraint on the producer or exhibitor of a film. He said that AMC tries to get information out to the police department as soon as movies are scheduled, a practice initiated by General Cinema and reinstated by AMC.

Chief Weber said that the department was first notified at 2:30 today that a potentially problematic movie in terms of police resources will be shown tonight. Normally, that notice is received a couple of weeks in advance. He asked the committee to continue to monitor and review the theater's license again in six months, at which point there will be a full year's data, including information from the upcoming holiday season.

Mr. Finerty attributed the late notice on tonight's movie to poor management and the fact that one arm of the company does booking and another does scheduling. Sometimes a movie not yet publicly released will be made available through a promoter and promoted through the media with contests and movie passes. Those who set up tonight's movie, which is being promoted by the Community Journal and a local radio station, did not pass that information along as they should have. Theater management didn't particularly want this promotion, he said, and learned of it at the same time the chief did. The theater is contractually obligated to go ahead with the promotion. He noted that the theater manager elected to stay on premises

tonight because of the movie promotion rather than attend this meeting. Mr. Finerty suggested reviewing the license when renewal comes up next year. He would provide a written report at that time, and the committee could then determine whether to call representatives in for further review.

The Chair asked Mr. Finerty to pass along the committee's desire for more adequate warning to the police of potentially problematic movies.

Referring to comments made at the public listening session in May, Ald. Ecks recalled one report about disruptive talking during a movie that led to a larger disturbance when security was called. Mr. Finerty responded that that is a problem in almost any theater, depending on the movie. He noted that the additional security officers now on site in connection with curfew enforcement will go into the theaters, usually in pairs, when it is necessary to ask someone to leave. They are well trained, polite, and don't resort to unnecessary physical force, he said.

Ald. Sullivan noted that there is also an on-screen message at the start of each movie about turning off cell phones and not talking during the movie. He agreed that Chief Weber should be notified more than 24 hours in advance of a potentially problematic movie. He supported another review prior to license renewal at the end of June.

Mr. Kesner recommended starting the review process in early April to accommodate the June 30 license renewal deadline.

Moved by Ald. Sullivan, seconded by Ald. Bruderle-Baran to review this matter again in approximately six months, prior to the license renewal period, at which time a written report to be provided by AMC would first be discussed by the committee, who would then make a decision on whether to call representatives in for further review. Ayes: 6

Application for Massage Establishment License at 830 N. 68th Street

The committee reviewed an application for a massage establishment license by Margaret M. Tobakos to operate Healing Arts Studio, 830 N. 68th Street, for the period ending June 30, 2004. Although requested to appear, Ms. Tobakos was not present.

Moved by Ald. Bruderle-Baran, seconded by Ald. Grimm to hold this application for two weeks, renotifying the applicant. Ayes: 6

The meeting adjourned at 7:32 p.m.

Carla A. Ledesma, City Clerk
Wauwatosa, Wisconsin

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