

CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER
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LEGISLATION, LICENSING & COMMUNICATIONS COMMITTEE

Tuesday, July 13, 2004

Committee Room #2

PRESENT: Alds. Treis, Subotich, Heins, Sullivan, Grimm -5

ALSO PRESENT: A. Kesner, City Atty.; Capt. J. Sutter and Lt. D. Weiss, Police; Ald. Becker.

Ald. Treis as chair called the meeting to order at 7:20 p.m.

Application for operator license by James R. Livesey, 4559 S. Lenox St., Milwaukee

Mr. Livesey came forward and explained that he is the general manager at Rocky Rococo's, 11319 W. Bluemound Rd. He further stated that the restaurant now has a license to serve beer but it only accounts for 2% of their sales and often there are days when no beer is sold. Capt. Sutter stated that Mr. Livesey had a past history of cocaine possession in 1998, a misdemeanor. Ald. Heins asked if he was dealing and Capt. Sutter replied no, just possession of a small amount of cocaine. Capt. Sutter stated in April of 2000, Mr. Livesey was arrested for an OWI, with conviction and license suspension for six months, and Mr. Livesey had no second offenses since. Mr. Livesey stated that he has gone into rehab as well as therapy because of these offenses. Capt. Sutter stated there were other prior incidents but these had no affect on obtaining an operator's license. Atty. Kesner did take note of the prior incidents. Ald. Sullivan asked if Mr. Livesey did specify the above violations on his application, and Capt. Sutter replied that he did. Ald. Sullivan thanked Mr. Livesey for his honesty.

Moved by Ald. Sullivan, seconded by Ald. Heins
to recommend approval of the application - -

Ald. Heins wanted to comment that she trusted Mr. Livesey because of his honesty, but she is requesting a six-month review by the Police department. Capt. Sutter agreed and will review in 6 months and either bring forth for review or close.

Vote on motion was: Ayes -5

Application for operator license by Angi L. Stark, S45 W22319 Quinn Rd., Waukesha.

Ms. Stark came forward stating she was applying for an operator license to work at Rocky Rococo's, 11319 W. Bluemound Rd. She stated she was called forward for review because of her past record. Capt. Sutter stated that Ms. Stark had an underage alcohol conviction in 2001 and an OWI in December of 2003, with a conviction in January of 2004 resulting in a six-month suspension. Again, she was honest on her application.

Moved by Ald. Grimm, seconded by Ald. Sullivan
to recommend approval of the application - -

Ald. Grimm also requested a six-month review by the Police department to either bring forth for review or close.

Vote on motion was: Ayes: -5

Application for operator license by Rosalinda M. Wirth, 4021 N. 71st St, Milwaukee

Ms. Wirth came forward stating she was applying for an operator license to work at Rocky Rococo's, 11319 W. Bluemound Rd. Ms. Wirth stated that she was guilty of retail theft with friends, in May of 2002. She has since turned her life around and no longer associates with those friends. Capt. Sutter stated that there was nothing else in her background to prevent obtaining an operator license. Attorney Kesner had no comment.

Moved by Ald. Heins, seconded by Ald. Grimm
to recommend approval of the application - -

Again, Ald. Grimm requested a six-month review by the Police department to either bring forth for review or close.

Vote on motion was: Ayes: -5

Licenses forwarded for review

No license applications were forwarded for review.

Memo from City Attorney regarding "housekeeping" changes to the drug enforcement ordinances

City Atty. Kesner recommended that all references in the Wauwatosa Municipal Code to the former Chapter 161 of the Wisconsin Statutes be amended to reflect the current statutory scheme, with those references being changed to Chapter 961.

Moved by Ald. Heins, seconded by Ald. Sullivan
to draft an ordinance for introduction to Council. Ayes: -5

Application by the Police Department for a Fireworks User's Permit for National Night Out, August 3, 2004

No comment from either Police department or Atty. Kesner. Ald. Sullivan noted that these fireworks were well known and well attended.

Moved by Ald. Grimm, seconded by Ald. Subotich
to recommend approval of the application. Ayes: -5

Request by Ed Aumann, The Bartolotta Restaurants, for extension of the liquor license for Pizzeria Piccola, 7606 W. State Street, to include an outdoor patio

Ald. Treis stated that Mr. Aumann was not present to comment. Capt. Sutter had no objections stating that the Police department has not had any problems with the Bartolotta Restaurants. Atty. Kesner stated that a study was done several years ago on sidewalk patios. He recommended following the rule of 60% food sales compared to liquor sales. Ald. Becker asked to comment stating that Pizzeria Piccola's was using picnic tables leaving no space on the sidewalk. Atty. Kesner replied that there had to be 42" of sidewalk walking space and that on Monday 7/12, the Engineering department told Pizzeria Piccola to use smaller tables allowing the proper amount of walking space. Atty. Kesner stated that what Pizzeria Piccola is presently doing is temporary and they have applied for the proper special use permits, and if approved, that would include the liquor license extension. Ald. Treis asked what enforcement we now

have re: underage drinking, etc. Atty. Kesner stated that the licensee is still the responsible party. Capt. Sutter stated that the Police department does stings at differing times and if they have two enforceable incidents in one year, the Legislation, Licensing and Communications committee can move to take action against the liquor license. Again, all of this is contingent upon the other approvals.

Moved by Ald. Heins, seconded by Ald. Subotich
to approve, contingent upon all other approvals. Ayes: -5

The meeting adjourned at 7: 50 p.m.

Carla Ledesma, City Clerk
City of Wauwatosa

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