



## CITY OF WAUWATOSA

MEMORIAL CIVIC CENTER  
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### COMMUNITY DEVELOPMENT COMMITTEE

Meeting – Tuesday, September 27, 2011

Committee Room #1

PRESENT: Alds. Birschel, Jay, Meaux, Nikcevich, Organ, Pantuso, Roznowski, Wilke – 8

ALSO PRESENT: A. Kesner, City Atty.; E. Miller-Carter, Asst. City Atty.; Police Chief B. Weber;  
N. Welch, Comm. Devel. Dir.

Ald. Organ as Chair called the meeting to order at 8:00 p.m.

#### **Conditional Use application for a massage therapy establishment at 6922 W. North Avenue**

Ms. Welch commented that the applicant would like to open a massage therapy establishment next to Walter's on North. They have been in business for about 15 years and this would be a change in location. Their proposed hours of operation are 8:00 a.m. to 9:00 p.m. daily.

Present in favor: Diane Mejta-Mortimer, 3807 N. 78<sup>th</sup> Street

No one present in opposition.

Moved by Ald. Pantuso, seconded by Ald. Nikcevich to recommend approval of the Conditional Use permit contingent upon: 1) hours of operation from 8:00 a.m. to 9:00 p.m. daily, and 2) obtaining the necessary licenses and permits – 8

#### **Conditional Use application to modify weekend operating hours at Mo's Irish Pub, 10842 W. Blue Mound Road**

Ms. Welch noted that the applicant would like to change his opening hours to 8:00 a.m. on weekends for breakfast.

Present in favor: Debra Stephenson, 730 N. Plankinton Avenue, Milwaukee

No one present in opposition.

Ms. Stephenson commented that they were looking to add breakfast on the weekend because their customers asked for these hours.

Ald. Meaux noted that there was a debate some time ago regarding tearing down two houses to make room for an extra parking lot, but nothing has been done. He requested that the parking lot be finished as a condition of granting the extra weekend hours.

Ms. Stephenson commented that she has talked with city staff about applying for permits for the parking lot. She noted that the parking lot is owned by a different company. Mr. Kesner noted that the restaurant relies on the other company for the parking lot and the committee can impose this stipulation.

Ms. Welch commented that the applicant has expressed his intention to start work on the parking lot.

Moved by Ald. Roznowski, seconded by Ald. Pantuso to recommend approval of the Conditional Use to add additional hours to Mo's Irish Pub to open at 8:00 a.m. on Saturdays and Sundays --

Alds. Meaux and Wilke wanted to add the stipulation that the parking lot be substantially completed before they start the new weekend opening hours.

Moved by Ald. Meaux, seconded by Ald. Wilke to amend the motion to recommend approval of the Conditional Use permit contingent upon the parking lot being substantially completed before they begin opening at 8:00 a.m. on Saturdays and Sundays. Vote on the motion was Ayes: 5, Noes: 3 (Jay, Roznowski, Organ)

Vote on the motion as amended was, Ayes: 8

**Ordinance creating Section 7.92.030 of the City Code pertaining to the carrying of weapons into city-owned buildings**

Mr. Kesner noted that draft language of the ordinance was provided for the committee's review. The first section of the ordinance addresses the prohibition of weapons in municipal buildings with signs and notifications. The subsequent sections entail housekeeping issues within the ordinance.

Ms. Miller-Carter commented that the state law prohibits guns in government buildings, but this extra prohibition language added by the city could limit licensed individuals with guns from entering government owned or operated buildings.

Ald. Organ asked if that included all weapons. Ms. Miller-Carter stipulated all weapons not just the manner in which they are carried.

Police Chief Weber noted that the law wasn't in effect yet and already the city is trying to change it. He stressed that the city does not need more than the law. He observed that when the public sees that there are violent people around, the tendency is to over legislate.

Present in favor: Lane Hall, 6437 Upper Parkway North  
Joanne Shansky, 3020 Church Street  
Anne Heidecamp, 7329 W. Lloyd Street  
Allen Nichols, 7926 Gridley Avenue  
Carol Wehrley, 2199 N. 73<sup>rd</sup> Street

Present in opposition: Nick Schweitzer, 2749 N. 75<sup>th</sup> Street  
Trent Jay, 11624 Mt. Vernon

Those appearing in support of the prohibition were concerned about the following:

1. Militarization of civic buildings
2. The inability to maintain a healthy civic environment
3. Escalating and dangerous situations
4. Public spaces should be weapon free
5. Protection for the public
6. Without the prohibition of weapons debate would be stifled

Those appearing in opposition to the prohibition were concerned about the following:

1. A sign on the door will not deter people who regularly break the law
2. If the licensing component is inadequate this decision should wait
3. Do not pass this ordinance
4. Only criminals will be carrying weapons
5. Citizens will be less safe

Mr. Kesner noted that people licensed to carry concealed weapons would be allowed to bring into public buildings, guns, four-inch knives, electric weapons, etc. The enforcement methodology, while not putting metal detectors at the doors, will call for removal for trespassing of the person carrying a weapon.

A discussion continued regarding a number of violent incidents in public places around the country where people were killed by someone bringing a handgun into a public meeting. When emotions run high things can happen. Chief Weber was able to see both sides of the argument; however, he stressed that there are too many guns in this country.

A question arose regarding immunity for the city if a weapon is discharged and there are signs prohibiting weapons. Mr. Kesner responded that the state does not provide immunity; however, the city is well protected by the law.

Mr. Kesner clarified that the law would cover the buildings. The use of weapons is banned not the weapons. He added that state law already covers prohibition of weapons in schools.

Ald. Meaux said he has heard the fear argument to support the prohibition and the decrease in crime to oppose the prohibition. The one thing that resonates with him is that the state has passed a law that covers a ban on weapons in government buildings and schools are protected. He added that he will vote in favor of the prohibition. Ald. Birschel expressed his support as well.

Mr. Kesner added that people who discharge a weapon in self defense are also protected. Ald. Roznowski expressed the need for people to be safe and the first line of defense is the police department. He added that he would support the prohibition. Ald. Nikceovich expressed her support for the ordinance saying that crime is on the decline, but schools have a very hard line on bringing weapons on campus. She felt the ordinance gave the prohibition some teeth.

Ald. Jay noted that the law has passed. The committee is trying to decide on adding an extra layer of protection; however, criminals will always break the law. This prohibition will ultimately be less protection for the citizens. People who want to break the law will ignore the signs. Signs will not be a deterrent.

Ald. Wilke felt that government's role is to bring safety and order. It is not right for anyone to feel intimidated. The Library should be treated like the schools. He supports the proposal.

Ald. Pantuso stressed that he was voting for the ordinance because of what he has heard from his constituents; however, he has two questions: 1) why would someone need to bring a gun into city hall, and 2) how will a sign stop anyone from bring a weapon in anyway. He personally felt that this ordinance will not make any difference. It is symbolic.

Ald. Organ thought that law abiding citizens should have the right to carry weapons. She thought that right shouldn't be taken away.

Moved by Ald. Jay to hold this item for two weeks --

Motion failed for lack of a second.

Moved by Ald. Nikcevich, seconded by Ald. Birschel to recommend adoption of the ordinance prohibiting weapons in public buildings.

Ayes: 6, Noes: 2 (Jay, Organ)

The meeting adjourned at 9:24 p.m.

Carla A. Ledesma, City Clerk  
Wauwatosa, Wisconsin

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