


**CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511**

August 17, 2011

MEMORANDUM

TO: The Alcohol License Review Committee

FROM: Jennifer Zilavy, Assistant City Attorney 

SUBJECT: Recent ALERT Meetings

On July 14, 2011, an ALERT meeting was held with the owners of The New Old Town Pub LLC due to concerns regarding management and police calls for service. It was quite obvious that the owners did not know how to properly manage a liquor establishment and we discussed at length various policies and procedures that would be good for them to put into place to better ensure a problem-free establishment. I have not heard from the West Police District since the ALERT meeting and I have not seen any police reports, so hopefully the problems have abated. I am attaching a copy of the meeting follow-up letter for your information.

On Tuesday, July 26, 2011, an ALERT meeting was held with the owner and manager of The Annex due to management concerns and police calls for service, which included several very violent incidents. At the time of our meeting, the owner, Bruce Gerhartz had already shut down The Annex due to the violent incidents and is currently in the process of remodeling both The Annex and the Regent Street Retreat. Gerhartz stated that he decided he was getting out of hiring "national" bands/performers and was going to return to a "neighborhood bar" concept. I explained to Mr. Gerhartz that the City appreciated his taking pro-active measures to address the issues but that he would still be facing disciplinary action.

On Wednesday, June 15, 2011, I, along with command staff from the East Police District met with the owners of the Packer Inn due to an increase in police calls for service and neighborhood complaints regarding noise, trash and disturbances. There were some management issues that were addressed at the meeting and we suggested various strategies for the owners to implement in order to combat the nuisance issues. The situation has improved and we continue to monitor. I have attached a copy of Captain Tom Snyder's follow-up letter for your information.



Office of the City Attorney

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Patricia A. Lauten, Deputy City Attorney

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LITIGATION ASSISTANT
Patricia V. Gehler

July 14, 2011

Lori A. Zenz, Agent
The New Old Town Pub LLC
d/b/a New Town Pub
724 S. Gammon Road
Madison, WI 53719

RE: New Town Pub ALERT Meeting

Dear Ms. Zenz:

Thank you to you, Mr. Zenz and Mr. Burkle for meeting today with me, Alder Subeck, Mark Woulf, Captain Lengfeld and Lieutenant Knight to discuss our concerns regarding the management and operation of the New Town Pub. We explained to you that the ALERT meeting is to resolve on-going problems and concerns and that if such problems and concerns are not addressed, disciplinary action will be the next step.

We expressed concern regarding you not having anyone obviously managing the premises when you or one of the other owners are not on site. You agreed to designate a bar manager who will be on duty when none of the owners are on site. You indicated the bar manager responsibilities would go to Dan Berand and Dylan Drobny.

We discussed the lack of decorum that has been exhibited by owners and employees and asked that you take measures to correct that issue. You stated that you had conversations with relevant individuals and your staff regarding appropriate behavior in the bar. The City strongly suggests that you do not let employees or owners consume alcohol while they are on duty.

The City also strongly suggests that you conduct a more thorough background investigation on your employees and new hires. Reference checking is good, but it is also helpful to check CCAP (<http://wcca.wicourts.gov>) to find out whether an employee or potential employee has relevant criminal history. You can also run names of employees or potential employees by the police department. The police department will not tell you who to hire or who to not hire, but they may be able to provide you with information that will be helpful to you in making such a decision.

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We also encourage you to utilize the Unruly Patron ordinance. Use it for patrons both inside and directly outside of your establishment. This allows the police to cite individuals who come back to your premise within 6 months to be cited for trespass on the spot.

Finally, patrol your parking lot. You are responsible for patrons who are associated with your establishment and who are hanging out in the parking lot. I want to be sure you understand this. Many bar owners think that they have no responsibility for patrons once they leave their establishment. However, the law does hold you responsible for activity occurring in your parking lot and associated with your establishment. If you observe disturbances, law violations, or are having difficulty getting people to leave the area when you ask them to, we want you to call 911. If you see officers driving through the parking lot, do not assume that the officers are aware of law violations or disturbances that are occurring if you have not called 911.

If you have any questions, please feel free to contact me.

Sincerely,

Jennifer Zilavy
Assistant City Attorney

Copy: ALRC
Captain Jay Lengfeld
Lieutenant Trevor Knight
Alder Lisa Subeck
APC Mark Woulf



Madison Police Department

Noble Wray, Chief of Police

City-County Building
211 S. Carroll Street
Madison, Wisconsin 53703
608 266 4022
(TDD) 608 266 6562
www.madisonpolice.com

June 22, 2011

Floyd and Donna Collins
Owners Packers Inn
300 Cottage Grove Road
Madison, WI 53716

Mr. and Mrs. Collins,

Thank you for meeting with me, Lt. Strong, Sgt. Rahaman, and Jennifer Zilavy from the City Attorney's Office on Wednesday, June 15, 2011, to discuss police concerns regarding the Packers Inn.

As we discussed at the meeting, the number of police calls for service has risen significantly over the past six months. Some of these calls have been serious and involved fights, disturbances, and drug investigations. In addition, the police department and Alder Palm have received complaints from the neighborhood due in part to the noise disturbances generated from your parking lot and parking related issues along Clover Lane. After significant discussion, we were able to identify several issues that must be addressed in order to mitigate future problems. These include:

- Use of the Unruly Patron ordinance so that you have a solid legal basis for excluding individuals from the Packer's Inn if they have caused problems in the past.
- Proper posting of the tavern's capacity sign with all staff educated as to its importance.
- Evaluation of current security staff. A more formalized hiring process which includes a minimal background check is critical.
- Security staff should be properly attired with clothing identifying them as Packers Inn employees.
- Security staff is responsible for what occurs inside as well as outside your tavern, and should be provided with expectations for their performance.
- You indicated that you would consider installing improved lighting within your parking lot.
- Visible "No Trespassing" signage should be installed in the parking lot. An example of that signage might include the following examples below:

NO TRESPASSING/LOITERING

Section 23.07(2), Madison General Ordinances, makes it unlawful for any person to enter or remain on any property of another or to enter or remain in any building of another after having been notified by the owner or occupant not to enter or remain on such premises. Any violator is subject to a penalty of not less than \$50 nor more than \$300 plus costs. Madison Police Officers are authorized to arrest any person violating this provision without any additional warning to you.

If you are not a patron or not here on official business with the owner or the owner's agent or you are a patron but you are loitering in the parking area, leave the parking area immediately.

It is also recommended that you post another sign stating that alcohol is prohibited in the parking lot. For example, "Alcohol possession and consumption is prohibited in the parking lot."

The City is hopeful that the frequent calls for service and neighborhood complaints that have been occurring regularly at the Packers Inn since January of 2011 will be significantly minimized with a more proactive approach as outlined above. We appreciate your taking affirmative steps to correct the problems identified. We are willing to assist you as needed. If you have any questions or future concerns, please feel free to contact the East Police District.

Sincerely,

Captain Thomas Snyder
East Police District

Copy: Assistant City Attorney Jennifer Zilavy
Lieutenant Wayne Strong
Alder Larry Palm
Captain Mary Schauf
ALRC