

**MINUTES OF MEETING OF JUDICIARY & LAW ENFORCEMENT COMMITTEE**  
**September 14, 2011**  
**KCAB 2<sup>ND</sup> COUNTY BOARD COMMITTEE ROOM**

**Members Present:** William Michel II, Bob Haas, Ronald L. Johnson, David Singer, Ronald J. Frederick, Robert Zergan, John Grulich, Cole Andrekus (YIG), Abbey McDonald (YIG)

**Others Present:** Sheriff David Beth, Capt. Paul Falduto, Sgt. Ken Urquhart, Nancy Otis, Bob Reidl, Tom Genthner, Angela Hale, Nina Alfaro, Carl Kirkorian, Peter Ress, Mike Ress

**Meeting Called to Order:** 6:31 p.m. by Vice - Chairman Bob Haas

**6:33 p.m. meeting turned over to Chairman William Michel II**

**Citizen Comments:** 6:32 p.m.: Sheriff David Beth commented about the appointment of the Joint Services Director. He stated that he had some initial concerns, however, has had nice discussions with Mr. Genthner. Sheriff Beth believes that Mr. Genthner will do his best. The proof will be in a year and the Sheriff will have more confidence in a year. Sheriff Beth gives his support and asks the County Board to give their support.

Peter Ress, 558 11<sup>th</sup> Pl., Somers WI, requests that the probationary cabaret license for Climax Tavern be denied. He hopes that the Committee reviewed the Certificate of Compliance and will deny the resolution based on safety, health, and welfare. He states that the tavern is not Section F compliant. Lighting is deficient. Posted capacity is 93 people. 22 parking spaces are required per Planning & Zoning and the lot will only hold about 12 spaces. There is still not marked parking or handicapped parking. He stated that Climax owners previously stated that Red Oaks would allow parking on their property, however, this is not true. He stated that he has taped video testimony about this. Ress stated that his attorney has reviewed laws and documentation and that the County Board cannot grant the license. He stated he has over seventy signatures against the tavern. He asked the Committee to enforce the Ordinance as written.

Carl Kirkorian, 509 – 9<sup>th</sup> Pl, Lakeshore Apartments' manager, stated that previous comments are true. There is no handicap bathroom in the tavern. He stated that the Town of Somers screwed up on this. Hwy. 32 is a busy road.

**Supervisor Comments:** 6:39 p.m.: None

**Chairman Comments:** 6:40 p.m.: None

**Minutes Read:** 6:40 p.m.: July 26, 2011 Meeting

**Motion by:** Haas

**Seconded by:** Frederick

**Approved:** unanimously

**Resolutions from the Kenosha Joint Services:**

- 1) Confirmation of the Appointment of Thomas W. Genthner to the Position of Director, Kenosha Joint Services

**Motion by:** Frederick

**Seconded by:** Singer

**Approved:** unanimously

6:41 p.m.: Supr. Michel introduced Thomas Genthner. He reported that the Joint Services Board met and unanimously approved the appointment. They believe he will do a good job. Gunthner commented that Joint Services is a great organization. His goal is to move forward and work mutually with both the City Police and Sheriff Departments. He is open to and welcomes comments. Michel stated that with the requirement of quarterly reports from Joint Services to the JLEC, they will see him. It is vital to have contact with Mr. Gunthner.

***Resolutions from the Kenosha County Sheriff's Department:***

1) Organized Crime Drug Enforcement Task Forces – Supplement 2-Overtime Funds

***Motion by:*** Haas                      ***Seconded by:*** Singer                      ***Approved:*** unanimously

6:43 p.m.: Resolution is to accept \$10,000 additional funds this year to cover overtime costs incurred while assisting in an Organized Crime Drug Enforcement Task Forces' drug trafficking investigation.

2) Cabaret License – Lumpy's Sports Bar & Grill

***Motion by:*** Haas                      ***Seconded by:*** Zerban                      ***Approved:*** unanimously

6:44 p.m.: Supr. Haas commented that he sees no problems.

3) Probationary Cabaret License – Climax Tavern (MOTION TO OPPOSE)

***Motion by:*** Haas                      ***Seconded by:*** Singer                      ***Approved:*** 6 Aye, 1 Nay  
Nay: Grulich

6:45 p.m.: Michel stated that he spoke with Corporation Counsel Frank Volpintesta about this resolution. Michel asked owner Angela Hale how she planned to use the cabaret license and how many people she planned on having there. Hale responded DJ's for events such as birthday parties or weddings. She stated she would keep within the capacity limit of 93.

Planning & Zoning report showed parking capacity of 12 spaces. Capt. Falduto stated that Chief Deputy Smith rated the lot at 19 spaces; however, either way there would not be enough spaces to allow 93 people to park. Parking across the street could cause problems with crossing the street. The Sheriff's Department recommends denying the application based on parking. Michel stated that parking seems to be sufficient for current use but believes that entertainment would bring too many people. Michel cannot recommend allowing the license based on parking. His initial approval for the license was based on a misunderstanding as to parking capacity. He thought there was space for 30-35 cars. Frederick commented that what is the difference when the Town of Somers approved their license with this parking capacity. Falduto replied that he does not know the criteria the Town of Somers uses. Possibly they also had wrong information or they were not concerned.

Michel said that per Mr. Volpintesta, possibly the tavern could have been grandfathered in if there was ever a cabaret license granted for the property in the past. A search was done and the tavern never had one. There is no bussing or mass transit to the location. Haas stated that with a cabaret license comes entertainment and more people. They will advertise for more people. Frederick asked if they have been getting the one per month special event licenses. Falduto replied yes and there have been no issues with them. Frederick asked if the special event licenses will stop. Falduto replied no, they may still get these. Frederick asked then what the difference is. There were overtones at previous meetings that he did not like. Falduto explained that parking is not a requirement for special event licenses. Michel stated that we will not consider any information that

is provided by someone with racial bias. Haas commented that how can this be allowed if the criteria is not met?

Angela Hale wonders why she wasn't told this in the first place. They have put so much into the business. Even forty people do not only want to listen to a juke box. This is so stressful for her. She suggested that next time maybe this should be looked into first before letting a person incur expenses and attend so many meetings. Supr. Zerban stated that he definitely empathizes with the owners because he had a similar personal situation. There is due diligence to be sure that your intent for the business is possible. It ends up the obligation of the owner to check first. Frederick asked Hale if the Town of Somers knew she intended to get a cabaret license. Hale responded yes. Frederick stated that he does not think this is right but based on KSD recommendation to deny, he has to also. Singer stated that he previously voted yes but this needs to be a low-key place. There are still no stripes in the parking lot. They can still run a bar. Michel stated that if striping was the only issue, time could be allowed to accommodate this. There is inadequate space. Singer stated that he also looked across the street and there is nowhere to park. This isn't safe unless there would be some way to add parking behind the building. Frederick stated that he believes this may be too close to Lake Michigan.

***Any Other Business Allowed by Law:*** 7:06 p.m.: None

***Meeting Adjourned:*** 7:07 p.m. on motion by Frederick, seconded by Grulich.

Respectfully Submitted,

Donna L. DeBree