

The Public Hearing was called to order at 7:00 p.m. by Mayor Heron with the following roll call:

Members Present: Ald. Hoy, Ald. Voss, Ald. Gering, Ald. Moede, Ald. Smith, Ald. Pasbrig

Members Absent: None

Others Present: Mayor Heron, Deanna Boldrey, Bill Linzenmeyer, Chris MacNeill, Sally Kahlhamer, Sue Smith, June Linzenmeyer, Marge Nitschke, Gregory Justman, Mary Rake, Kyle Belfield, Eric Bamask, Kelly Washburn, Angelina Schusty, Tom Kempf, Tyler, Kles, Desiree Tourney, Laurie Bellino, Victor Lehr, Sr, Thomas Bellino, Bill Mayer, Cory Fisher, Jim Keith, Officer Ryan Toellner, Detective Dennis Hockers, Wallace Budahn, Officer Ryan Vossekuil, Patrick Madden, Gerry Scharnell, Craig Warmbold, Ron Stadler, Justin Graef, Mike Kurutz

Public Hearing – Hearing on Complaint Relating to the Potential Suspension or Revocation of “Class B” Intoxicating Liquor and Class “B” Fermented Malt Beverage Licenses of Thomas Bellino, Mayville Spare time Bowl, LLC, 25 S Main Street.

Mayor Heron opened the public hearing and introduced the item. He also noted that the Council Chambers are full. Mayor Heron introduced Chief Linzenmeyer to the podium to make an opening statement. The Chief noted that the police department has the responsibility to enforce the laws and ordinances. The complaint notes the alleged improper activity at Spare Time Bowl. There have been steps taken to resolve the issues. The Chief explained that this was not addressed at the time of renewal due to the City Attorney directing that it needed to be separate from the renewal process. The Police Chief continued that on June 6, 2006, he had met with Mr. Bellino about the noise and afterhours activity. On September 18, 2006, the activity was noted at a Public Safety Committee Meeting. On October 16, 2006, Mr. Bellino gave a presentation to the Public Safety Committee addressing the concerns. During the six month period of October 2008 to March 2009 there were three serious events that raised the level of question, if he should continue to have a license. The Chief went on that officers are present this evening to testify.

Officer Toellner then took the podium. He noted the incident on October 10, 2008, at 6:30 p.m. Patrick Madden questioned if it appeared that Mr. Bellino had been drinking. Officer Toellner answered that it had, in excessive amounts. Bill Mayer questioned if the establishment was open and Officer Toellner answered, yes. Bill Mayer also questioned if this complaint was submitted to the District Attorney’s Office. Officer Toellner answered yes, with charges of battery. Bill Mayer noted that Mr. Bellino was not cited.

Officer Ryan Vossekuil was invited to the podium to discuss the incident on February 13, 2009. Patrick Madden asked the question if he was on duty. Officer Vossekuil confirmed that he was. Officer Vossekuil discussed the incident and answered questions about the incident on February 13, 2009. Officer Vossekuil stated that Mr. Bellino did appear intoxicated at the time and observed Mr. Bellino taking several shots at the bar. The establishment was open at the time with a bartender and patron. It was stated that a warning was issued.

Detective Dennis Hockers was invited to the podium to discuss and answer questions to the incident on March 5, 2009. Detective Hockers answered questions and discussed the incident of March 5, 2009. Bill Mayer questioned Detective Hockers if he was aware that Mr. Bellino had been convicted of misdemeanor battery from the incident of March 5, 2009, and was not allowed in establishments that serve alcohol. Detective Hockers stated that he was. Bill Mayer questioned if law enforcement had been back to Spare Time Bowl since March of 2009. Detective Hockers answered that he would have to refer to management.

Bill Mayer questioned if these events mean that Mr. Bellino is a bad guy or a bad owner of Spare Time Bowl. Most of the incidents did not take place while the business was in operation or in Spare Time Bowl except for the most serious event and Mr. Bellino is paying the price for it. Since March of this year there

have been no other incidents. Presently Spare Time Bowl is being run by Laurie Bellino. They are dependent on Spare Time Bowl for their livelihood. Their employees are concerned about their jobs. Laurie and Thomas Bellino have made an economic investment with physical improvements to the establishment. Bill Mayer continued by asking for no action as it is related to Spare Time Bowl. He noted that Mr. Bellino is not at Spare Time Bowl and there have been no complaints since March of 2009.

Ald. Pasbrig questioned why all the complaints are not being discussed. The Chief of Police answered that the most recent incidents were discussed because they are the most significant. Patrick Madden noted that the focus was on the most recent events. There was no reason to embarrass the family.

Ald. Smith commented that the order by the judge was to find a job that is not running a bowling alley and not to set foot on any premises with alcohol. He questioned if living upstairs is considered part of the premises. Patrick Madden noted that Mr. Bellino is currently serving a jail sentence.

Ald. Smith stated that these incidents go way back and it would have merit to see incidents on every liquor application. He continued that Mr. Bellino had a no drink order from Illinois when he came to Wisconsin. Ald. Smith questioned if the license could be restricted with conditions rather than suspended or revoked.

The Chief of Police stated that Mr. Bellino had put the license in jeopardy. The Chief wanted to address the most recent issues. He went on to state that the police department does not micro-manage the bars and there is a standard to maintain. Alcohol has been a driving factor in each of the incidents.

Ald. Moede asked the question why wasn't Jim Keith paid. If he had been paid there may have not been an altercation. The Police Chief noted that Mr. Keith was also cited fairly.

Ald. Pasbrig questioned if Mrs. Bellino is the agent, does it transfer. Ald. Smith answered that since it is a LLC, if there is a change in the LLC the license must be reapplied for.

Ald. Smith questioned if minors or children can be on premises and subject to these disputes. Is this a special situation? Attorney, Ron Stadler, stated that children can be at bowling alleys.

Ald. Hoy asked if there is any action to address alcoholism treatment for Mr. Bellino. Bill Mayer answered that part of the order is to maintain absolute sobriety by urinalysis or report. This is a direct order of the court. Ald. Hoy asked if there is any support to the family. Bill Mayer answered no. Patrick Madden commented that the council cannot order alcohol counseling.

Ald. Hoy asked if Mr. Bellino can or cannot be at the bowling alley. Bill Mayer answered that he cannot.

Ald. Moede commented that all of the offenses are alcohol related.

Ron Stadler noted that the council's choices are to do nothing, suspend or revoke the license.

Patrick Madden also commented that bowling alleys are different from taverns in that children might be there with their parents.

The Public Hearing was then opened to public comment.

Mr. Bellino commented that he believed the council is taking his license away. He discussed an event that was at 2 am when he observed a patron bleeding on the street and the police department asked him to watch the gentleman for 12 hours.

Geraldine Scharnell commented that Tom has called her about four times for patrons.

Desiree Tourney of Horicon said that Mr. Bellino helped her and her boyfriend while she was pregnant by giving them a place to live and then came looking for them during a hailstorm.

Greg Justman stated that he has helped at Spare Time Bowl as a pin chaser and has never seen anything out of hand.

Laurie Bellino of 25 ½ Main Street stated that exhibit 2 never happened. She was cooking dinner when the officer arrived. She read a letter from someone not able to make the public hearing.

The public hearing was then closed at 8:26.

Discussion ensued with Ald. Smith stating that he knows of the gentleman that Mr. Bellino helped by putting him on his couch for 12 hours. He stated that he believes Mr. Bellino is a caring person except when he consumes alcohol.

Mayor Heron stated that there is a limit to the number of liquor licenses a municipality can issue. Liquor licenses are a privilege. The Mayor concluded by stating that he hopes to see the license revoked.

Ald. Hoy agrees that this is unacceptable behavior. Ald. Pasbrig commented that a pattern of alcohol abuse is shown and Mr. Bellino needs to be accountable.

Ald. Smith noted that revocation is too harsh.

Attorney Stadler reminded the council that not serving alcohol does not close the bowling alley.

Ald. Hoy stated that it does not make sense to have this now while Mr. Bellino is in jail.

Ald. Pasbrig commented that the timeline does not make any difference. It is what has happened.

Ald. Smith comment that he is on huber with instructions to get a real job. Ald. Moede noted that a bowling alley is a real job.

Ald. Pasbrig made a motion to Suspend the "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage Licenses for Spare Time Bowl for 90 days. Second by Ald. Smith. Motion carried 6-0.

ADJOURNMENT.

Motion by Ald. Hoy, second by Ald. Smith to adjourn at 8:49 p.m. Motion carried 6-0.

Deanna Boldrey
City Clerk