

**TOWN OF UNION  
SPECIAL BOARD MEETING  
Thursday, November 15, 2012**

The Town of Union Special Board meeting was called to order by Chairman Kendall Schneider at 7:00 PM on Thursday, November 15, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI. Members in attendance included Chairman Schneider, Supervisors George Franklin and Kim Gruebling. Attorney Al Reuter was also in attendance.

**Board Action: Review of Liquor License held by Gene Heiman, d/b/a Geneo's Bar, 7530 N. Cty. M, Evansville, WI 53536**

Chairman Kendall Schneider opened the meeting with a summary of the events that led to the Special Board Meeting. The Rock County Sheriff's Department was concerned with activities that were occurring at Geneo's Bar for the past 3 months prompting the board to review the Liquor License held by Gene Heiman.

Deputy Troy Egger spoke about the incidents of violations that occurred at Geneo's Bar since September, 2012. Citations were written for underage drinking, and an underage presence. Deputies met with Gene Heiman after each citation. Nothing was resolved and shortly after there were more liquor law violations.

Deputy Egger emphasized that he had met with Heiman each time to inform him of the state statutes. For the entire calendar year, the Deputy found that they had 41 calls for service to Geneo's Bar. That was well above in comparison to other similar sized establishments in the county. Batteries and disorderly conduct constituted higher incidents. In addition the Deputies have done 49 bar- checks. Recent violations at Geneo's Bar have been about safety and security. Hand guns have been fired into the air in the parking lot. There have been arrests for felony battery which is a very dangerous situation for the deputies that are out there. To provide service for the whole county they generally have 5 or 6 deputies. For the last 3 months they've had 7 or 8 deputies at Geneo's alone. The Sheriff's Department doesn't have the funds in their department for that. Deputies have additionally found evidence of drugs at the site inside the bar and in the parking lot. These are not isolated incidents, it's every weekend. The majority of their traffic stops have indicated that cars are either coming or going to Geneo's.

Deputy Egger met with Heiman September 23<sup>rd</sup> and October 16<sup>th</sup>. There has been an open line of communication since these incidents have continued to happen. The largest amount of disturbances occurred in October. The security at Geneo's bar wasn't adequate. The security people are friends of the promoter who are usually MMA fighters out of Edgerton and Madison.

Evansville Police officer Chris Jones reported that they have been called for mostly traffic incidents. The most serious traffic stops have to do with coming from Geneo's, which include

incidents of intoxication and drugs. Evansville Police also assist the county for battery incidents.

Attorney Reuter talked about the process for revocation or suspension of the license. The board can't take any action tonight until the complaint is processed.

Schneider asked what would constitute a formal complaint. Violations against the liquor license and ordinance would have to be spelled out in detail. The Town Board would need to schedule a hearing and approve the issuance of a summons. The hearing has to be scheduled not less than 3 days and not more than 10 days after the date issued, and must be served on the licensee at least 3 days before the hearing. In scheduling the hearing, the Town Board members, Town's Attorney and the witnesses need to be available.

Supervisor Kim Gruebling asked the attorney if they would have to have a court reporter. The town only needs to have the ability to provide a transcript. This can be done with a tape recorder.

Schneider asked the public if they had any complaints with the activities at Geneo's Bar. Brian Halvensleben, 5 Courtland Dr. said he can hear everything that goes on at the bar. Lots of bar time fighting and screaming; people yelling don't do it, don't do it. When police arrive everyone scatters out of the parking lot. He was awakened one Sunday at 3 AM by people from the bar walking through his property. They stopped on his yard and lit cigarettes. His son then ran through his house screaming he was scared. They don't feel it's safe in their area. The rap music is very loud. Every weekend since September after 11:00 M they start playing. He's also concerned about loud music on Thursday nights. People have to go to work. He's been up until 4:00 AM. He needs his sleep. He has called into the non-emergency number to complain. This goes on every weekend. His family has heard gun shots 3 nights. He would like to see no music past 9:00 PM on week nights. He has talked to Heiman, and was told if he didn't like it he should move.

Becky and Raul Gonzales, 7600 N. County Rd. M have heard the shots fired, 2 times, that's their biggest concern. Their bedroom window faces the side of the bar. There's extreme noise in the parking lot. Massive loud babble and shouting. They realize they live next to the bar. They have had a good relationship with Heiman; they'd hate to see him lose his license. The hip hop music has changed everything. They have also called in a complaint to the non-emergency number.

Executive Director of the Tavern League of Wisconsin, Pete Madland, asked what the purpose of the meeting was. Revocation or working things out? Madland said Heiman said that the Hip Hop nights are going to be a thing in the past. Heiman tried it, and it isn't working. Heiman wants to try to be a good neighbor. He had one citation, although no conviction, for a violation for underage drinking. Others have tried the Hip Hop night and had the same experiences with the shooting and noise and other violations.

Question was asked what was going on at Geneo's tonight. Tonight there is a light show and a DJ, no alcohol. Heiman's done it in the past and has had no problems. Question was also asked what the policy is if someone tries to bring in alcohol. Heiman said they have security guards.

Gruebling asked if the security guards are licensed. Heiman asked if there is a law that requires licensed security guards; the attorney said there was no requirement to hire licensed security guards.

Schneider said they had talked about revocation. He asked the attorney about the suspension process. It's the same as revocation. Conditions can be proposed. Generally, this is done as a way to avoid revocation.

Heiman read a written statement about how he has tried to be a good neighbor. Spoke of fundraisers he has had. In addition he said even though it was profitable, he was willing to stop the Hip Hop nights.

Gruebling asked Heiman when he would stop the Hip Hop nights. Heiman said immediately.

Supervisor George Franklin asked how many Hip Hop nights have there been? Heiman said every week for the last 3 months. Heiman said he was just trying different things to make a little more money. He'll just go back to hiring local bands like he was doing before. Franklin said if Heiman wanted to be a good neighbor why didn't he stop after the first incident? Heiman said he didn't stop after the first and second one because there weren't any more incidents. Franklin asked Deputy Eggers to confirm how many times they have been called, the answer was 41 times.

Gruebling asked when the light show was going to be over tonight. Heiman said he gave 24 hour notice and feels with no alcohol he can operate the bar after hours. Gruebling read the Towns Liquor License Ordinance. There are restricted hours. Schneider said you can't just tell someone you're going to do something; you have to ask for permission. Gruebling said being open after 2:00 AM tonight Heiman will be in violation of the Town Ordinance.

There was a discussion about a municipality having more restrictions than the state. Schneider said they've adopted the state statutes and have strengthened them for the town. The local government can have stronger rules. He also reminded Heiman that license granting is a privilege.

Schneider asked Deputy Egger if he had anything to add. Deputy Egger was concerned about the underage presence. He also responded to accusations of harassment that were made and said they are there to protect the safety of the public. When violations go down they will have less presence. Heiman admitted violations were down because of the deputies' presence.

Schneider asked the attorney to advise the board. The attorney said you've just heard allegations, no sworn testimony. The question is has the town heard enough to pursue a complaint? There was also some discussion on costs involved in a revocation process.

Franklin said he was willing to give Heiman a chance because Heiman says he's going to fix things and change. They'll find out if he's a liar or telling the truth. Gruebling said as long as there are no further violations or Hip Hop nights that Heiman said he would stop immediately, he'd give him another chance as well. Gruebling was concerned about the underage presence as well. If there are any other violations, the board will proceed with the revocation process.

Gruebling also recommended a requirement to have licensed security guards for big events. Schneider added that he hopes they don't have to come back and address this again.

Heiman informed the board that he had listed Geneo's Bar for sale.

Deputy Egger wanted to clarify that Heiman can't have 1 of the 2 bars selling liquor and have a underage presence. Subsection 8 in the State Statute states that you cannot have alcohol on the premises if there are under-agers there.

Heiman asked about the light show open past 2:00 AM. He asked if the board would make an exception about the time tonight. Gruebling said no exception. Closing hours in the ordinance are very clearly written. Heiman asked if he took all of the liquor away, if 18 and above could stay past 2:00 AM. Gruebling said no, the hours are the hours, except on New Year's Eve.

Meeting adjourned at 8:07 PM. Schneider/Gruebling.

Respectfully submitted by Cathy Bembinster

*Note: minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting.*