

CITY OF MILWAUKEE
LICENSES COMMITTEE

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Continuation In the Matter of: Six Star Holdings, LLC
Class B Tavern and
Tavern Amusement
Cabaret Licenses

SCOTT KRAHN,
"Silk East"
730 North Old World Third Street

* * * * *

Proceedings had and testimony given in
the above-entitled matter before the LICENSES COMMITTEE
CITY OF MILWAUKEE on the 20th day of September, 2010.

1 APPEARANCES

2 LAW OFFICES OF MICHAEL A.I. WHITCOMB, by
3 MR. MICHAEL A.I. WHITCOMB,
4 633 West Wisconsin Avenue, Suite 510,
Milwaukee, Wisconsin 53203,
appeared on behalf of Silk East.

5 THE JEFF SCOTT OLSON LAW FIRM, S.C., by
6 MR. JEFF SCOTT OLSON,
7 MS. SARAH CRANDELL,
131 West Wilson Street, Suite 1200,
8 Madison, Wisconsin 53703,
appeared on behalf of Silk East.

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1 rent in any way, shape or form.
2 MR. OLSON: So what are the economic
3 prospects for you if this application is not
4 granted?

5 MR. WEIR: Very grim. Over the last ten
6 years, expenses in property taxes and utilities
7 have gone up 25 percent, rents have gone up five
8 percent. It's almost -- it's going to be running
9 in the red real quick; as soon as winter comes.
10 It doesn't have a bus line on that street. It is
11 not retail worthy. It's a mixed use. The
12 tenants, I personally manage the building, are
13 aware of that there is either a restaurant or
14 bar/restaurant situation in there when they move
15 in. And I never had a tenant today complain to me
16 in any way, shape or form. And I'd like to thank
17 Martini Mike's, I mean, Silk Exotic because I
18 really got my rents a lot quicker this time around
19 just by them applying at that.

20 That building, there is no traffic
21 there. There are three parking lots that are
22 surrounding that building, kind of an island on
23 its own. It's -- there is nobody that faces that
24 building. There is nothing that faces that
25 building. The federal building, maybe if you

1 TRANSCRIPT OF PROCEEDINGS

2 CHAIRMAN BOHL: State your name.

3 MR. WEIR: David Weir, W-E-I-R.

4 CHAIRMAN BOHL: Your address, please.

5 MR. WEIR: 2602 East Newberry Boulevard,
6 Milwaukee.

7 MR. OLSON: What is the nature of your
8 interest in this application?

9 MR. WEIR: I'm the owner of the building
10 on Old World Third Street.

11 MR. OLSON: Why do you support the
12 application?

13 MR. WEIR: Because I feel this is the
14 best, most-qualified person for this mixed-use
15 building. Their track record speaks for itself.
16 And also, the fact that they're not going to be
17 doing any external advertising on the building
18 will not be a problem to the existing business in
19 the area.

20 MR. OLSON: Have you had any realistic
21 expressions of interest in your facility from
22 retail establishments?

23 MR. WEIR: I've owned the building about
24 10 years, been associated 20, not once has a
25 retail establishment approached the building to

1 leaned on one leg and closed one eye, you might be
2 able to see, but, per se, there is an alley and
3 three parking lots around it. So it's been the
4 USO for decades, it's been a Metro Cafe, the
5 Velvet Room, Martini Mike's. It has a long
6 history of being a dance or entertainment
7 facility.

8 MR. OLSON: No further questions.

9 CHAIRMAN BOHL: Questions by Committee
10 of this witness?

11 ALDERMAN HAMILTON: Mr. Chair.

12 CHAIRMAN BOHL: Go ahead.

13 ALDERMAN HAMILTON: Have you had
14 meetings with the Downtown Business Association or
15 with Westown Association about the needs of this
16 building as to whether or not it's suitable for
17 retail, or conversations about the tenants?

18 MR. WEIR: I had, until today, never
19 heard of these associations. They have never
20 contacted me. They have never approached me about
21 any retail situation. In good times, retail was
22 already down there; in bad times, they would. BID
23 21 has never contacted me by mail. I have had no
24 contact with any of those organizations.

25 ALDERMAN HAMILTON: All right. And I

1 guess I'll throw this question to the applicant,
2 have you had any meetings with the Downtown
3 Business Association about the proposal here today
4 to try to get some feedback from them as to the
5 operation, and –

6 MR. WHITCOMB: Yes, Alderman, we had a
7 lengthy meeting with representatives of Westown
8 Association, who also had representatives from the
9 other side of the river, if you will, from Beth
10 Nichols' group. I've also had telephone
11 conversations with representatives that have
12 testified here today explaining the project in
13 more detail and offered a willingness to sit down
14 and discuss with them person to person to
15 introduce them to the providers. I have e-mailed
16 to them the schematics of the proposed design for
17 the facility, and there hasn't been any return
18 calls or ask for meetings. But we did reach out
19 to those people who are referred to as the movers
20 and shakers around Third and Wisconsin Avenue.

21 ALDERMAN HAMILTON: Thank you.
22 Thank you, Mr. Chair.

23 ALDERWOMAN COGGS: Mr. Chair.

24 CHAIRMAN BOHL: Alderwoman Coggs.

25 ALDERWOMAN COGGS: Who handles the

1 leasing of your building?

2 MR. WEIR: I do.

3 ALDERWOMAN COGGS: So you don't use a
4 commercial leasing?

5 MR. WEIR: No, I do not. For the last
6 four or five years, I've done everything myself.

7 Just in closing, I'd like to also say

8 that I have been a real estate broker in the City
9 and in the State of Wisconsin for 30 years. I own
10 two businesses and several properties. And, I,
11 you know, I'm a hometown-grown product like these
12 guys are. And I just want you to know that we
13 could really use some help down here. I see a lot
14 of organizations talking, but I haven't seen any
15 help in any way.

16 CHAIRMAN BOHL: Thank you.

17 ALDERMAN ZIELINSKI: Mr. Chair.

18 CHAIRMAN BOHL: Alderman Zielinski.

19 ALDERMAN ZIELINSKI: You're the owner of
20 this building?

21 MR. WEIR: That's correct, sole owner,
22 yes.

23 ALDERMAN ZIELINSKI: Sole owner, okay.
24 You know, with respect, you're the owner of this
25 building, do you take any of the blame for any of

1 the issues that have occurred with Martini Mike's,
2 or anything like –

3 MR. WEIR: I'm glad you asked that,
4 Alderman. For 12 years, Martini Mike's'
5 organization rented from that business. I didn't
6 lease to them originally. For 11 of those years,
7 they had a fairly decent track record. They had a
8 horrible track record over the last year. I
9 contacted Alderman Bauman in February. I told him
10 how dissatisfied I was with what was going on down
11 there. I had daily conversations, five, six times
12 a day with the management there.

13 I told Alderman Bauman that I had these
14 gentlemen interested and what I needed to do. He
15 told me he wasn't in support of it, but he told me
16 what I needed to do. I also told, I also gave
17 \$72,000 in concessions in rent that was owed to me
18 to Martini Mike's to change. They never got to
19 the change because so many things happened all at
20 once as they were – they were in Vegas, as a
21 matter of fact, during that time looking for ideas
22 to come up with a more Velvet Room-like business,
23 which I took on at the time of the purchase of the
24 building. So, yes, I was completely involved in
25 all aspects every day.

1 ALDERMAN ZIELINSKI: So how long, how
2 many months did he owe you money?

3 MR. WEIR: I gave concessions to them,
4 about a year's worth of rent. They paid me
5 partial rent. I made it over a couple of years.
6 It added up to a couple years' rent. And I told
7 them if they changed the business -- I basically
8 was financing their change.

9 ALDERMAN ZIELINSKI: Okay. Thank you.

10 CHAIRMAN BOHL: Any other witnesses in
11 support?

12 MS. WOOD: Hi, my name is Sarah Wood,
13 Sarah with an "H," W-O-O-D. I live in the
14 building at 134 North Old World Third Street. And
15 I work at 310 West Wisconsin, working across the
16 street.

17 I work second shift, and I get done
18 working at 10:15 at night. When I walk from my
19 work to my home, it's just across the street. It
20 couldn't be closer, but still, I'm approached by
21 homeless people in the area who ask for money.
22 When Martini Mike's was open, it was a lot less
23 frequent. It might have still been people around
24 loitering, but they were – I felt better having
25 some security, some other people around out at

1 night with me. The retail establishments that are
2 further down on Third Street are not open when I
3 get off work. I would feel a lot better about
4 people outside smoking versus, I don't know, what
5 people are doing outside.

6 From what I've heard today about the
7 running of the Silk Club, it sounds like they
8 would probably help the neighborhood. And I just
9 wanted to be here to say I don't think it's fair
10 that neighbors' perceptions need to exist. It
11 might change. This business is not yet
12 established, and I'm not sure it's fair to us to
13 make those assumptions.

14 CHAIRMAN BOHL: Thank you.

15 Questions by Committee? Thank you for
16 your testimony.

17 Do you have any other witnesses that you
18 wanted to bring forward here? Okay. I have a
19 minute and seven seconds on the clock. I will
20 give each of you two minutes of additional
21 closing. Mr. Whitcomb, I'll give you an
22 additional minute on top of that, I'll give you a
23 little bit of extra additional time. What I'd
24 like -- would it be your preference here to
25 provide your closing here after Alderman Bauman?

1 I'm going to afford you the opportunity.

2 MR. WHITCOMB: That would be fine. We
3 have, at the table, Mr. Ferraro; this is Scott
4 Krahn, manager of the existing facility, for any
5 questions concerning the operations and their
6 experience in the business in Milwaukee. Great
7 place.

8 CHAIRMAN BOHL: I don't know if there
9 are any questions Committee members have? All
10 right.

11 Alderman Bauman.

12 ALDERMAN BAUMAN: Thank you, Mr. Chair
13 and members of the Committee.

14 I think it's fair to say that the
15 management of the current Silk operation on the
16 west side of Milwaukee seems to have a solid track
17 record of providing a non-crime -- in other words,
18 that they have an operation that has operated
19 quietly and without a lot of crime and disorder.
20 Fine.

21 We have heard from 15 witnesses. We've
22 heard overwhelming opposition from every single
23 downtown stakeholder that exists. There is no one
24 that we haven't heard from. Now, granted the
25 property owner is a stakeholder. He, obviously,

1 has an interest in leasing his building. This
2 would, obviously, be a good tenant. So he is
3 certainly at stakeholder with a self-interest.

4 We have a lot of organizations in the
5 case of WISPARK, for example, that has, in fact,
6 backed up their mouth with their money. They have
7 made substantial investments in the downtown
8 Milwaukee.

9 The Ashkenazy Acquisitions Corporation
10 has made a substantial investment in downtown
11 Milwaukee. I think the testimony of their
12 representatives is entitled to a significant
13 amount of weight by this body because they have
14 made investments. They are here. They intend to
15 stay here. And they are telling us they do not
16 believe this establishment would be in the best
17 interests of the investments they are making and
18 of trying to attract more employees, more
19 customers, more tenants to their various
20 establishments.

21 And, frankly, it's common sense. There
22 is an inherent conflict between trying to generate
23 retail and commercial with a gentlemen's club.
24 Forget the morality issue, forget the propriety of
25 it all, just look at the economics of it. They

1 are somewhat different markets. They are looking
2 for different images by their very definition.
3 And you're not going to put an American Girl's
4 store next to a gentlemen's club on Chicago Avenue
5 and Michigan Avenue, for example. They are
6 conflicting markets.

7 You've heard from the downtown. The
8 City of Milwaukee has invested, I believe it's
9 \$50,000 with a match from the downtown
10 stakeholders of another \$50,000 for a \$100,000
11 fund to attempt to catalyze downtown retail
12 investment. Again, we're working at cross
13 purposes. If we allow clubs that will retard that
14 retail development, our investments are making no
15 sense.

16 We've heard overwhelming evidence.
17 We've heard from many residents: one resident in
18 favor; many residents in opposition. And I'm here
19 to represent their interests, and I'm here to urge
20 the Committee to not grant this license. Thank
21 you.

22 CHAIRMAN BOHL: Any comments, Mr. Olson?

23 MR. OLSON: When the red light goes on,

24 I --

25 CHAIRMAN BOHL: No, I'll wind you down

1 here. He went about 30 or 40 seconds beyond that,
2 so, beyond the three minutes that you have.

3 ALDERMAN BAUMAN: That's pretty good.

4 CHAIRMAN BOHL: We'll give you a little
5 bit of both.

6 MR. WHITCOMB: Thank you, Mr. Chairman.

7 We have a license application before you
8 today that is unique to downtown Milwaukee, one
9 has not been submitted probably in 30 or 40 years.
10 Those that were in my generation and older are
11 quite familiar that there were numerous adult
12 entertainment facilities in the downtown area. In
13 fact, there was one located in the parking lot of
14 the Schroeder Hotel, then the Marcus Corporation.
15 It's known and appreciated as a service, if you
16 will, the entertainment facility, that most major
17 cities have available to businessmen, professional
18 people and to visitors. And that is the goal of
19 this particular club. With 7,000 square feet,
20 it's certainly a third of the size of the one on
21 Silver Spring. It's going to be geared towards
22 businessmen. They will have a cover charge of
23 anywhere from \$15 to \$20 to minimize the
24 freeloaders, if you will, those that -- the
25 curiosity seekers.

1 downtown as a benefit to the downtown.

2 The people who talk of retail in
3 downtown Milwaukee, we lost retail in downtown
4 Milwaukee after the riots of the late '60s.
5 People became afraid to come downtown, retail
6 left, the office buildings emptied. If you're in
7 downtown Chicago, downtown any major downtown
8 area, you will see that all of the on-street
9 retail are primarily serviced or patroned by
10 office workers, by people who work in the downtown
11 area. It's more convenient to shop before you go
12 home than it is to go out to the suburban shopping
13 malls. You do not attract the suburbs into the
14 City of Milwaukee to shop; you service the people
15 who are located downtown. If you want to develop
16 retail in downtown Milwaukee, fill the buildings.
17 The gas company building, how long has that been
18 vacated? How many thousands of retail shoppers
19 did we lose when that building was vacated? What
20 about the Blue Cross Blue Shield building? That
21 building has been vacated. Fill those buildings,
22 you fill them with middle class, white collar.
23 Upper white-collar class workers will have the
24 money, have the disposable income, would prefer to
25 shop downtown at high-end stores than to go out to

1 This is unlike a tavern because people
2 who attend usually attend from anywhere from an
3 hour to an hour-and-a-half, about the length of a
4 normal movie. They go there to be entertained
5 during which time they are served alcohol.

6 These gentlemen are local. They've
7 proved themselves. They are not from a big adult
8 entertainment facility of national. They come
9 into Milwaukee. They are familiar with Milwaukee.
10 They have roots in Milwaukee. One is a former
11 firefighter and policeman of Milwaukee. They will
12 not do anything at all to jeopardize what they
13 consider to be their city. But they have been
14 asked repeatedly by those who care not to come
15 forward for obvious reasons, "We need you to be
16 downtown." The concierges, the hotels, the
17 restaurateurs, the businessmen that come in and
18 ask after a meal, ask as they are going about
19 downtown, "Where is there an adult club, a
20 high-end adult club, a safe adult club in the
21 city?" All they can say is, "Well, it's a
22 half-hour cab ride out to 100th and Silver
23 Spring." It's needed downtown, that's why they
24 are here. They make a sufficient amount of money
25 out on Silver Spring, but they're here to come to

1 the suburban malls. But without filling the
2 vacant buildings, you will not have any retail
3 market in downtown.

4 Downtown Milwaukee is surviving now in
5 its nightlife. And the nightlife was created by
6 entrepreneurs, not with the assistance of studies
7 by committees of ad hoc, of business associations,
8 entrepreneurs bringing in their own money, taking
9 the risk, taking the chance, doing what is needed
10 to be done to be safe and a good community
11 business participant.

12 If today, we went to any of the groups
13 that objected here today with a proposal for
14 Milwaukee Street as it is now, ten years ago when
15 it was started, they'd all say "no," but that
16 prevailed. Now it's considered to be one of the
17 nighttime locations for Milwaukee. But it's
18 because of the entrepreneurs; not because of any
19 central planning done by people who own no
20 property in downtown.

21 I respectfully request, Mr. Chairman,
22 that a record has not been made to deny the
23 license. There has been no testimony pursuant to
24 the notice regarding the creation of undesirable
25 problems, nothing about littering, loitering, loud

1 music, or noise, parking, drug or criminal
 2 activity, prostitution, trespassing. All of the
 3 objections were based upon fears, based upon the
 4 perception of adult entertainment in downtown
 5 Milwaukee. Those fears are unfounded; there are
 6 no facts to support it. And I respectfully submit
 7 that this Committee and this City give these
 8 gentlemen an opportunity to prove to the downtown
 9 that it will be a benefit, a \$1.5 million, a
 10 \$2 million investment that can be lost in a snap
 11 of a finger with one petition to revoke a license
 12 that is successful. They know they can succeed,
 13 they know they will not be detrimental. They are
 14 willing to put their own money into it to prove
 15 it.

16 And I respectfully ask that you give
 17 these gentlemen a chance. They have proven
 18 themselves, and it will be a benefit to downtown
 19 Milwaukee, notwithstanding the unfounded fears
 20 that were presented to you today. Thank you.

21 CHAIRMAN BOHL: Thank you.

22 With that, we're in Committee.

23 ALDERMAN HAMILTON: Mr. Chair.

24 CHAIRMAN BOHL: Alderman Hamilton.

25 ALDERMAN HAMILTON: Quite honestly, I

1 think Mr. Whitcomb makes a compelling argument,
 2 and I think that it deserves some thought. My
 3 disappointment is the fact that you do have an
 4 investor, a businessperson, that's willing to come
 5 into downtown and open up a business that's proven
 6 to be successful in other areas of the City and
 7 finds it difficult to actually sit down with the
 8 business associations that represent the downtown
 9 area in order to find some suitable place.
 10 Because, obviously, they're looking, and they're
 11 in a position to grow. What's unfortunate is, you
 12 know, people may not agree with the type of
 13 entertainment that it is, but just because you
 14 don't like green slippers with polka dots doesn't
 15 mean that people shouldn't be able to sell them.
 16 If it's legal, it shouldn't be completely barred
 17 by any association from existing.

18 But with that being said, I think that
 19 some of the arguments presented by the opponents
 20 of this establishment, I mean, I believe they have
 21 merit. I mean, you have to be able to marry the
 22 type of business that is coming into an area with
 23 existing businesses. And with the ongoing plan
 24 that whatever the activities are of the business
 25 that's coming in, that it wouldn't hurt the other

1 businesses that are around and it fits with the
 2 plan and it's not going to adversely affect the
 3 public health and safety of the area. Will it do
 4 that to the new licenses? It's a new area, it's
 5 going to pose some challenges. And that's why the
 6 partners downtown need to sit at the table and see
 7 if they can work out some of those things. You
 8 can't not have the conversation and continue to
 9 say no.

10 So that's what makes a lot of this
 11 difficult. But with the type of opposition that
 12 came here to this Committee here today, and some
 13 of the concerns that they brought, not all of them
 14 were businessowners, some of them were neighbors;
 15 they live there. They have to be able to have a
 16 voice in what it is that's coming into the
 17 neighborhood. And it's been a resounding
 18 opposition to it. And I think it's important for
 19 us to listen to that. Can we find ways to coexist
 20 and create businesses that, you know, that you
 21 don't necessarily agree with? We have to; we
 22 must. But I think this area has some legitimate
 23 concerns.

24 And so, at this time, Mr. Chair, I'll
 25 make the motion to deny.

1 CHAIRMAN BOHL: The motion by Alderman
 2 -- Alderman, do you want to specify whether or not
 3 that is specific to items that come within the
 4 neighborhood objection notice as opposed to the
 5 police report as opposed to -- that would be
 6 helpful.

7 ALDERMAN HAMILTON: Mr. Chair, I'm going
 8 to base it solely on neighborhood objections to
 9 and concerns that are listed in the notice. They
 10 were pretty specific.

11 CHAIRMAN BOHL: Well, I want to clarify
 12 because not all items were necessarily discussed.
 13 So, for example, "litter" was mentioned, and I
 14 don't recall if there was specific neighborhood
 15 testimony to litter. Do you want to specify? I
 16 mean, the Chair will just suggest factors that
 17 relate to health, safety and welfare. That is the
 18 most generic basis, but I'd like to get some
 19 specificity, if we could. If you look on Page
 20 127, the notice, if you could, please, at least
 21 try to be a little bit more specific.

22 ALDERMAN HAMILTON: Mr. Chairman, the
 23 motion would be based on neighborhood testimony,
 24 neighborhood testimony concerning the health,
 25 safety and welfare of the neighborhood.

1 CHAIRMAN BOHL: Thank you. That's fine.
 2 Motion by Alderman Hamilton is to
 3 recommend denial based on neighborhood objection
 4 based on health, safety and welfare. Is there
 5 discussion on the motion? Why don't we go through
 6 a roll call vote, please?

7 THE CLERK: Alderman Hamilton.

8 ALDERMAN HAMILTON: Aye.

9 THE CLERK: Alderman Kovac.

10 ALDERMAN KOVAC: Aye.

11 THE CLERK: Alderwoman Coggs.

12 ALDERWOMAN COGGS: Aye.

13 THE CLERK: Alderman Zielinski.

14 ALDERMAN ZIELINSKI: Aye.

15 THE CLERK: Mr. Chair.

16 CHAIRMAN BOHL: Aye. The motion will
 17 carry on a 5-0 vote.

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1 STATE OF WISCONSIN)
) SS:
 2 COUNTY OF WALWORTH)

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5 I, KAREN RENEE, Court Reporter and
 6 Notary Public in and for the State of Wisconsin, do
 7 hereby certify that the above hearing was recorded by
 8 me on September 20, 2010, and reduced to writing under
 9 my personal direction.

10 I further certify that I am not a
 11 relative or employee or attorney or counsel of any of
 12 the parties, or a relative or employee of such attorney
 13 or counsel, or financially interested directly or
 14 indirectly in this action.

15 In witness whereof I have hereunder set
 16 my hand and affixed my seal of office at Burlington,
 17 Wisconsin, this 11th day of December, 2010.

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 Karen Renee
 Court Reporter and Notary Public
 In and for the State of Wisconsin

23 My Commission Expires: March 11, 2012.

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