

040930

CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

* * * * *

In the Matter of:

GARCIA, Alfredo, Agent for Almar Enterprises, Inc.,
Class B Tavern and Tavern Dance renewal applications for
"Club Galaxia" at 2239 South 13th Street.

* * * * *

COMMITTEE MEMBERS

ALD. JAMES WITKOWIAK - Chairman

Ald. James Bohl, Jr. - Vice Chairman

Ald. Joseph A. Dudzik

Ald. Robert Puente

Ald. Willie Wade

DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

LICENSE DIVISION by REBECCA BARRON

POLICE DEPARTMENT by SERGEANT JOHN HOGAN

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 9th day of November, 2004, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

MILWAUKEE REPORTERS ASSOCIATED, INC.
(414) 771-5253

P R O C E E D I N G S

(NOTE: All City Personnel Were Sworn Under Oath Prior to These Proceedings.)

CHAIRMAN WITKOWIAK: In the 12th District, Alfredo Garcia, agent for Almar Enterprises, Incorporated, Class B Tavern and Tavern Dance renewal applications for "Club Galaxia" at 2239 South 13th Street. Let the record show that no one has come forth.

Mr. Garcia is not in the room at this time, but we did -- We surveyed the neighborhood. We have some people here from the neighborhood, and I would like to hear their testimony and just enter it on the record, please.

MR. MATA: Mr. Chair?

CHAIRMAN WITKOWIAK: Mr. Mata.

MR. MATA: I do know that on this one we actually had about 250 cards that went out. I have never seen so many cards come back. I mean it's just phenomenal. I have 42 cards that came back. Of those 42 cards, 38 are opposed. It was just a phenomenal turnout. I've never received anything more than probably 15 on any other place. I've got over 40 on this one.

CHAIRMAN WITKOWIAK: Thank you. Could the

1 three of you please come -- You can have a seat here
2 at the table.

3 ALDERMAN BOHL: Mr. Chairman?

4 CHAIRMAN WITKOWIAK: Alderman Bohl.

5 ALDERMAN BOHL: Just before we do that, I
6 would like to make the police report a part of our
7 record, and so I would so move.

8 CHAIRMAN WITKOWIAK: And Alderman Bohl moves
9 to make the entire police report in this matter part
10 of the record, and hearing no objection, so ordered.
11 Mr. Schrimpf, do we have to have that read into the
12 record?

13 MR. SCHRIMPF: No, you don't have to do
14 that, following the Sergeant's lead. However, we
15 should put in the usual sort of thing because this
16 is a renewal.

17 CHAIRMAN WITKOWIAK: Okay. Go ahead.

18 MR. SCHRIMPF: Was notice sent to -- let me
19 just pull it up here, -- Alfredo Garcia, as agent for
20 Almar Enterprises, Inc., to 5471 South Honey Creek
21 Drive, Greenfield, 53221, by United States 1st Class
22 prepaid mail on November 3rd, 2004, in an envelope
23 bearing the return address of the License Division?

24 MS. BARRON: Yes, it was.

25 MR. SCHRIMPF: And did the notice also

1 include a copy of the police report as well as
2 notification as to the neighborhood objections?

3 MS. BARRON: Yes.

4 MR. SCHRIMPF: And was Almar Enterprises,
5 Inc., 5471 South Honey Creek Drive, Greenfield,
6 53221, the address as given by the applicant on
7 their application?

8 MS. BARRON: Yes.

9 MR. SCHRIMPF: And was the envelope bearing
10 the notice and the police report returned to the
11 License Division by the United States Postal Service?

12 MS. BARRON: No, it was not.

13 MR. SCHRIMPF: That's all I have,
14 Mr. Chairman, on that issue.

15 CHAIRMAN WITKOWIAK: Health Department?

16 MR. BOND: No objection.

17 CHAIRMAN WITKOWIAK: Neighborhood Services?

18 MS. BENDER: No objection.

19 CHAIRMAN WITKOWIAK: And you are both
20 excused. Thank you for your service today.
21 Sergeant Hogan, also, thank you very much for your
22 services today.

23 Could the three of you raise your right
24 hands and be sworn in, please?

25 (Whereupon the witnesses were sworn under

1 oath.)

2 CHAIRMAN WITKOWIAK: Okay. One at a time.
3 Ma'am, we'll start with you. Name and address for the
4 record, please.

5 MS. BYRD: My name is Monica Byrd, 2242
6 South 12th Street.

7 CHAIRMAN WITKOWIAK: Okay. And your
8 testimony?

9 MS. BYRD: I've witnessed numerous things.
10 This was just a couple weeks ago on a Tuesday. I was
11 sitting in my living room, and I heard a real weird
12 sound. It didn't sound like a gunshot, but I looked
13 out the window, and it was -- A gunman shot through
14 the glass door. I seen a police car come around
15 because he was in the vicinity. He parked there, went
16 over there. About five minutes, later numerous cop
17 cars came.

18 The police were on foot with handguns at
19 their side looking for the suspects, because I seen
20 the three guys run down 13th Street, and then I told
21 the police I seen them run down there. The guys were
22 headed back into my neighborhood. A couple weeks --
23 This was on a Tuesday.

24 And then four days later, the bar -- It's
25 always at closing time. At 2:30, the bar closed,

1 and -- I mean there's three big parking lots there.
2 They're filled, they're packed with cars. You're
3 afraid to park in front of your house because you
4 don't know if your car is going to get smashed. The
5 people came out of the bar, they opened up their truck
6 doors, music blasting, and they started dancing in the
7 parking lot.

8 Every Saturday at closing the staff comes
9 out with their garbage cans, cleans up all the bottles
10 that the people are taking out of the bar. They seen
11 the people dancing, they just ignored it, and went
12 back in. After that then they dump their bottles into
13 the big dumpsters, you hear a big crash, and then
14 everything's in the dumpsters. This is every Saturday
15 night.

16 I seen a car -- you know, because I live
17 across the street. I seen in the one -- There's a
18 little Tyme machine, there's a little driveway, and
19 then there's a little island. There's two little
20 poles there, metal poles that have reflector signs.
21 A guy backed up right into it, ran it over and took
22 off.

23 After the bar closes, they go from one
24 parking lot to another. They're squealing their
25 tires from one parking lot to another, and keep on

1 circulating with music blasting. It's thumping. I
2 mean it shakes your house windows, that's how loud
3 their music is. And this is every Saturday night.

4 I'm trying to think. I've seen it already
5 when there was a gang fight. There were about 15
6 guys. You know, you could see it right through the
7 parking lots. They were all just chasing after each
8 other fist fighting. I've already seen a guy --

9 CHAIRMAN WITKOWIAK: And they came from that
10 tavern?

11 MS. BYRD: Yes, it's always from this bar.
12 I've already seen in the parking lot directly across
13 from my house, -- They must have got into a
14 confrontation. A guy went to his car, took out a gun,
15 and shot the guy right in the window of his car.

16 There was another incident where there was
17 a bunch of guys with bats chasing an SUV, which was
18 stolen from some lady; came running out, and it's
19 coming towards the neighbor's house right next to me.
20 They're beating this van, this SUV, with the bats, and
21 the guy crashed into the car that was parked there,
22 and it went right up to the neighbor's steps to their
23 porch. I'm trying to think what else.

24 MR. BYRD: I'll help.

25 CHAIRMAN WITKOWIAK: You'll get a chance in

1 a minute.

2 MR. BYRD: Okay.

3 MS. BYRD: There was another incident when
4 there was a shooting. This was about 1:00 in the
5 morning when I'm sitting in my living room watching
6 TV, and I fall asleep there, and -- Well, you get
7 woken up from all this.

8 I've already seen a guy come out, and it was
9 like 1:00, and this was in the parking lot right
10 across from the bar. He went and shot the guy and --
11 This parking lot goes around the laundromat, and then
12 there's the drive-through for the bank. His car was
13 parked there, and he took off. I seen that incident.
14 And you call the police, but by the time they get
15 there, it's too late.

16 I've seen them come with their bottles of
17 beer, and they throw it and smash it on the street,
18 and we find them on our front lawns, so you know
19 alcohol is coming out of that establishment.

20 And I do fear for my safety and for my
21 children. You know, I'm afraid bullets are going to
22 come through my window.

23 CHAIRMAN WITKOWIAK: Okay. Thank you. Any
24 questions?

25 ALDERMAN WADE: Mr. Chair?

1 CHAIRMAN WITKOWIAK: Alderman Wade.

2 ALDERMAN WADE:. Thank you. You personally
3 witnessed a number of shootings.

4 MS. BYRD: Yes, I did.

5 ALDERMAN WADE: Would you just like to put
6 a number on that? You mentioned maybe two or three,
7 I thought. How many shootings have you personally
8 witnessed associated with this establishment?

9 MS. BYRD: Three.

10 MR. KURLINSKI: At least three, possibly
11 four.

12 MS. BYRD: I live right there. I see
13 everything directly through my window. You get woken
14 up from all this noise. It's very scary living there.
15 I have kids. When my kids come home, I say don't
16 come home when it's bar time. I have a 20-year-old.
17 I say don't come home, I don't want nothing to happen
18 to you. You know, when you pull up in front of the
19 house, they're all coming out of the bar, and I don't
20 want nothing to happen to my kids.

21 ALDERMAN WADE: That's amazing to see three
22 shootings personally.

23 MS. BYRD: Yes. And then when you call the
24 police, it takes forever. And even when Mr. Angel
25 Sanchez was the alderman, he said there was no police

1 records or anything.

2 MR. BYRD: We had a community meeting with
3 Alderman Sanchez at the --

4 CHAIRMAN WITKOWIAK: Could you identify
5 yourself for the record, please?

6 MR. BYRD: James Byrd, 2242 South 12th
7 Street. This is my wife.

8 CHAIRMAN WITKOWIAK: Thank you. Okay. Go
9 ahead.

10 MR. BYRD: We had a meeting with Alderman
11 Sanchez a few years ago, three years ago, --

12 MS. BYRD: Yeah. It was right after they
13 got their last license.

14 MR. BYRD: It was a big meeting to --

15 MS. BYRD: He said that --

16 MR. SCHRIMPF: One at a time.

17 MR. BYRD: We had a big meeting to discuss
18 this whole situation because this is an ongoing thing,
19 okay? And one of the problems with it was tying the
20 police reports into the bar, okay, with the people
21 coming out of the establishment, which is kind of hard
22 to do, but it's pretty obvious if you put two and two
23 together with what's taking place. But we met with
24 him, and there had to have been 30 or 40 of us there.
25 Apparently, we got nowhere.

1 The one thing I want to point out real quick
2 is that if you don't see a lot of people back here is
3 because, first of all, they're scared. Second of all,
4 when we call the police department, we like to leave
5 our names out of it, okay? There's a lot of gang
6 things going on in that neighborhood, a lot of gang
7 confrontations going on. That's why the shootings are
8 taking place. It's a big establishment. You've got
9 the bank lot, and -- It's just like you've got so much
10 land, and it becomes a big gang war for these people.

11 The one shooting that we had in front of the
12 house, the guy was shot dead 50 feet from my doorstep,
13 okay? Shot dead. I attempted to go outside if I had
14 to give mouth-to-mouth or whatever. He wasn't moving.
15 My wife told me to get back in the house.

16 At the time my daughter was two doors down
17 sleeping by my neighbor. Two bullet holes went
18 through the house, okay? The one was lodged into the
19 ceiling about six, seven feet from her and her girl
20 friend who were sleeping on the couch, okay? So I'm
21 just saying that's how close the bullets were from my
22 daughter and my neighbor's daughter's heads.

23 So like I said, we met with Sanchez. We've
24 got public urination, we've got bottles, we've got
25 fights. It's unbelievable.

1 I mean it's quite obvious why he's not here,
2 but a lot of people are just afraid to come forward
3 and let people know what's going on around the
4 neighborhood because it's a pretty rough neighborhood.
5 It's gotten pretty bad.

6 We've gotten a lot of support from the 2nd
7 District lately, though, as far as patrolling the
8 neighborhood, which we do appreciate, but like she
9 said, by the time the altercation takes place to when
10 the police get there, -- and especially on a Saturday
11 night with so much going on in the City of Milwaukee,
12 especially on the south side, -- there's a time frame
13 there.

14 Since then, we've gotten Alderman Sanchez
15 out, and of course we voted you in, got our way. I
16 voted for -- I didn't get my way with the president of
17 the United States, but at least I got one thing, you
18 know. But really it's a big community issue, and
19 it's something we're really, really concerned about
20 because we've been scared for many years and years.
21 And people just -- You know, when nothing happens,
22 people just say, you know, why bother. Why bother.
23 Why go forward, why continue, why proceed. Well,
24 we're proceeding.

25 And I think that the police reports -- well,

1 Sergeant John Hogan has apparently left, but I would
2 like to think that's there's got to be plenty of
3 reports that are related right within a half a block
4 of the vicinity of that location that ties into that
5 place. And not only that, if you look at like the
6 concentration or the bars that are in that area, it's
7 just unbelievable. But the place is just unreal.

8 MS. BYRD: Yeah. I've witnessed them
9 urinating by the cars in front of our house, because
10 they're parked there behind the dumpster that's behind
11 that laundromat there.

12 And I do remember when we met with Angel
13 Sanchez at that bar down there when we had that
14 meeting, he said that if we would show up for a
15 meeting, they would retaliate, so --

16 MR. BYRD: Well, we'll deal with that.

17 MR. SCHRIMPF: Mr. Chairman?

18 CHAIRMAN WITKOWIAK: Thank you. We
19 appreciate you coming. Mr. Schrimpf?

20 MR. SCHRIMPF: Mrs. Byrd, I just want to
21 make sure, -- because it kind of slipped through in
22 your testimony here, -- all the incidents that you've
23 recounted, these either involve patrons of the tavern
24 as victims or as assaulters; is that correct?

25 MS. BYRD: Exactly.

1 MR. SCHRIMPF: You saw these people exit the
2 bar, and then you saw the things happen that you
3 testified to.

4 MS. BYRD: Yes, I did.

5 MR. BYRD: We don't sleep when the bar
6 closes. We're up when the bar closes, believe me.
7 We're up.

8 MS. BYRD: Yup.

9 MR. BYRD: It's nuts. It's bizarre.

10 MR. SCHRIMPF: Okay. Thank you.

11 CHAIRMAN WITKOWIAK: Sir, your name and
12 address and your testimony, please?

13 MR. KURLINSKI: My name is Dave Kurlinski,
14 2231 South 12th. Besides living in the neighborhood,
15 I also work at the laundromat which is directly across
16 the street.

17 Among everything else that they've said,
18 there's -- I mean we never gave them permission to use
19 our parking lot, which is quite large, which is where
20 a lot of these cars park. There's underage drinking.
21 You name it. I mean like they have told you, too,
22 we've had fatal shootings and underage drinking.
23 We've had -- You name it. We've had it there.

24 CHAIRMAN WITKOWIAK: Okay. Thank you. Have
25 we made the police report a part of the record?

1 MR. SCHRIMPF: Yes.

2 CHAIRMAN WITKOWIAK: We have. Okay. Any
3 questions by members of the committee?

4 ALDERMAN WADE: Mr. Chair.

5 CHAIRMAN WITKOWIAK: Alderman Wade.

6 ALDERMAN WADE: Thank you. To the last
7 gentlemen, you've witnessed people from the bar
8 actually shooting someone?

9 MR. KURLINSKI: Oh, yes. Yes.

10 ALDERMAN WADE: And how many times have you
11 witnessed this?

12 MR. KURLINSKI: It has to be at least three,
13 possibly four.

14 ALDERMAN WADE: Okay. Thank you, sir.

15 CHAIRMAN WITKOWIAK: Any other questions by
16 members of the committee? I want to say I really
17 appreciate you coming down and your testimony today.
18 That's extremely important. I know that a lot of
19 times people don't understand that we can't accept
20 things called hearsay. It's where one person comes
21 down and says, this guy told me this about it and
22 that, or whatever, and we can't accept that. We
23 actually need personal testimony.

24 And I want to hear from anybody who thinks
25 that there's going to be retaliation against them.

1 It's our job to -- That just makes me sick to hear
2 something like that. It's our job to make sure that
3 that doesn't happen. When people come down and
4 exercise their right to speak at a hearing such as
5 this, they should be commended, and anytime that that
6 ever happens in anything relative to this committee,
7 any licensing matters, if anyone's retaliated against,
8 I want to know about it. So I really just appreciate
9 you coming down here today. So anything further from
10 members of the committee?

11 ALDERMAN WADE: I would just like to echo
12 the sentiments of the Chair. It does take a certain
13 amount of courage. A lot of times when -- I had a bar
14 earlier today where the constituents were actually
15 telling me that they were afraid to come down here,
16 and I've had people come down here and had some
17 threats of retaliation and some retaliation actually
18 happened, which just sickened me. So I would like to
19 commend you also for showing responsibility and
20 courage for your area and your neighborhood.

21 CHAIRMAN WITKOWIAK: Thank you. This matter
22 is in committee.

23 ALDERMAN BOHL: Mr. Chairman.

24 CHAIRMAN WITKOWIAK: Alderman Bohl.

25 ALDERMAN BOHL: I would move for denial of

1 the application due to nonappearance, matters
2 contained within the police report, and neighborhood
3 objections as testified to here today.

4 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl
5 is to recommend nonrenewal of this license based on
6 nonappearance, matters contained in the police report,
7 and neighborhood objections. Are there any objections
8 to that motion? Hearing none, so ordered. Thank you
9 again for appearing.

10 MS. BYRD: Thank you very much.

11 MR. BYRD: And seeing as he did not appear,
12 what will happen next?

13 CHAIRMAN WITKOWIAK: Mr. Schrimpf?

14 MR. SCHRIMPF: In case anyone from the bar
15 is listening in on TV, the committee is going to be
16 doing Findings of Facts and Conclusions of Law
17 recommending nonrenewal of this license.

18 The agent of the corporation, Mr. Alfredo
19 Garcia, either in person or by an attorney, may file
20 objections to that recommendation, as well as appear
21 before the Milwaukee Common Council when it meets on
22 this matter at approximately 9 a.m. on November 23rd,
23 2004.

24 And for the record, it will be sent to
25 Alfredo Garcia, as agent for Almar Enterprises, Inc.,

1 5471 South Honey Creek Drive, Greenfield, Wisconsin,
2 53221.

3 CHAIRMAN WITKOWIAK: Okay. Thank you again.

4 (Proceedings ended at 5:00 in the
5 afternoon.)

6 * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF WISCONSIN))
MILWAUKEE COUNTY)) SS:

I, DONNA GULCZYNSKI, of Milwaukee Reporters Associated, Inc., 5120 West Bluemound Road, Milwaukee, Wisconsin, certify that the foregoing transcript, consisting of pages 2 through 18, inclusive, is a full and complete transcript of the proceedings taken in this cause.

Donna Gulczynski - Court Reporter

Dated this _____ day of _____, 2004
Milwaukee, Wisconsin