

Jeff Pawlinski
Alderman, 13th District



CHAIR:
Utilities & Licenses Committee

COMMITTEES:
Zoning, Neighborhoods and Development
Administrative Review Appeals Board
Resolutions Committee - League
of Wisconsin Municipalities

March 18, 2002

To the Honorable, the Common Council

Dear Members:

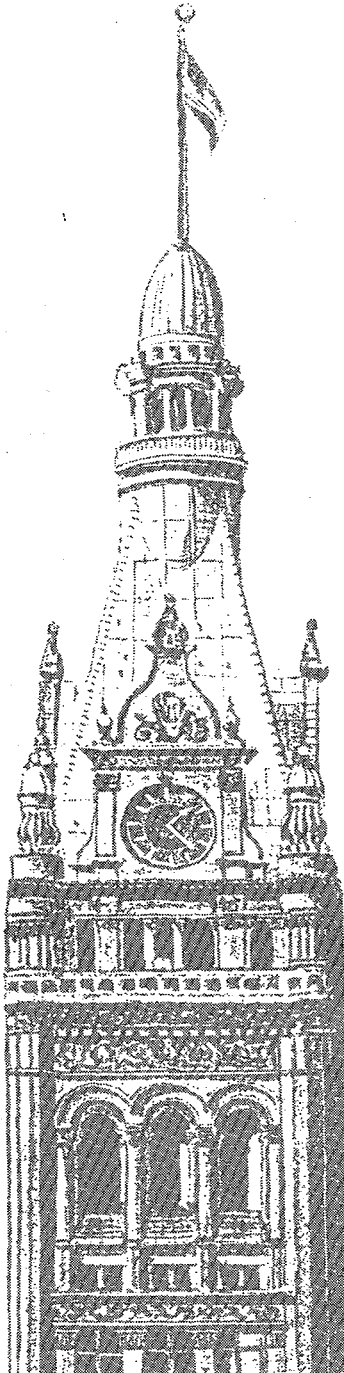
Re: File Number 011385 Recommendation of nonrenewal of a Class "D" Bartender License application of Kenneth W. Matthews.

Re: File Number 011385 Recommendation of nonrenewal of a Class "D" Bartender License application of Patricia A. Powell.

Re: File Number 011385 Recommendation of nonrenewal of a Class "B" Tavern License Renewal Application of Patricia A. Manyen.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on March 12, 2002.

Pursuant to section 90-11 Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.



Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

These matters has been scheduled for a hearing before the full Common Council at its meeting on Tuesday, **March 26, 2002** at 9:30 A.M. in the Common Council Chambers.

Respectfully,



JEFFREY A. PAWLINSKI, Chair
Utilities & Licenses Committee

JAP:BS:crr
ulrecomm
Attachment
cc: City Attorney's Office
License Division
Milwaukee Police Department-
License Administration
All Council Members
File No. 011385



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

March 15, 2002

Mr. Kenneth W. Matthews
2251 South Layton Blvd.
Milwaukee, WI 53221

Dear Mr. Matthews:

You are hereby notified that the Milwaukee Common Council will hold a hearing on March 26, 2002 commencing at 9:45 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the Class "D" Bartender License Renewal Application of Kenneth W. Matthews.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on March 12, 2002 and to non-appearance.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,


RONALD D. LEONHARDT
City Clerk

cc: License Division
MPD License Investigation Unit
City Attorney
File Copy

51408

Date: March 14, 2002

To: All members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Kenneth W. Matthews.

FINDINGS OF FACT

1. Kenneth W. Matthews (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2001.
2. An untimely application to renew said license was filed with the Office of the City Clerk on January 4, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 9, 2002, the Milwaukee Police Department responded with a report that created a basis for non-renewal or suspension of said license.
4. On March 4, 2002, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on March 12, 2002, commencing at 2:15 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of Hearing and the Police Department report was sent to the licensee on March 4, 2002 addressed to 2251 South Layton Blvd., Milwaukee, Wisconsin, 53221, in an envelope being the return address of the License Division by United States First Class, prepaid mail. The envelope bearing the Notice of Hearing and Police Department report was not returned to the

License Office by the United States Postal Service and the licensee did not appear.

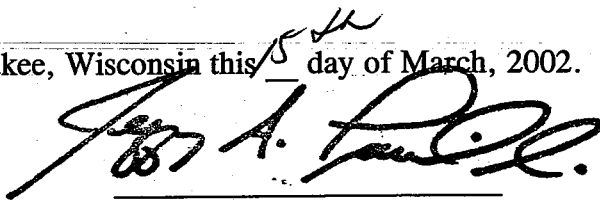
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of the Licensee, Kenneth W. Matthews not be renewed based upon non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "D" Bartender License of Kenneth W. Matthews not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this 5th day of March, 2002.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

March 15, 2002

Ms. Patricia A. Powell
1374 West Wright Street
Milwaukee, WI 53206

Dear Ms. Powell:

You are hereby notified that the Milwaukee Common Council will hold a hearing on March 26, 2002 commencing at 9:45 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the Class "D" Bartender License Renewal Application of Patricia A. Powell.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on March 12, 2002 and to non-appearance.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,

RONALD D. LEONHARDT
City Clerk

cc: License Division
MPD License Investigation Unit
City Attorney
File Copy

51410

Date: March 15, 2002

To: All members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "D" Bartender License of Patricia A. Powell.

FINDINGS OF FACT

1. Patricia A. Powell (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2001.
2. An untimely application to renew said license was filed with the Office of the City Clerk on January 2, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On January 3, 2002, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On March 4, 2002, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report on March 12, 2002 at 2:15 p.m., commencing at 2:15 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear and was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of Hearing and the Police Department report was sent to the licensee on March 4, 2002 addressed to 1374 West Wright Street, Milwaukee, Wisconsin, 53206, in an envelope being the return address of the License Division by United States First Class, prepaid mail. The envelope bearing the Notice of Hearing was not returned to the License Office by the United States Postal Service and the licensee did not appear.

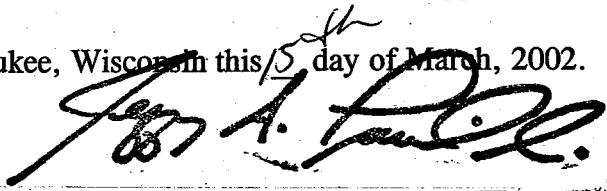
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the License applicant Patricia A. Powell not be renewed based upon her non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) noes, recommends that the Class "D" Bartender License of Patricia A. Powell not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this ^{5th} day of March, 2002.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

March 15, 2002

Ms. Patricia Manyen
2639 South Kinnickinnic Avenue
Milwaukee, WI 53207

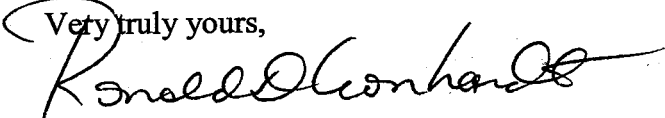
Dear Ms. Manyen:

You are hereby notified that the Milwaukee Common Council will hold a hearing on March 26, 2002 commencing at 9:45 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the Class "B" Tavern License Renewal Application of Patricia A. Manyen.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the Class "B" Tavern License. The recommendation is the result of a public hearing before the Committee held on March 12, 2002.

You may file a written objection to the Report of the Utilities and Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Very truly yours,


RONALD D. LEONHARDT
City Clerk

cc: License Division
MPD License Investigation Unit
City Attorney
File Copy

51407

Date: March 15, 2002

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern License of Patricia A. Manyen for the premises located at 2643 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Pat's Bar & Grill").

FINDINGS OF FACT

1. Patricia A. Manyen (hereinafter "the Licensee") is the holder of a Class "B" Tavern License for the premises located at 2643 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Pat's Bar & Grill"). Said license expires at midnight on March 19, 2002.
2. An application to renew said license was filed with the Office of the City Clerk on February 19, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On February 26, 2002, the Milwaukee Police Department responded with a report that could form the basis for suspension or non-renewal of said license. In addition, there were neighborhood objections to renewal of this license based on loud and noisy patrons exiting the tavern, loitering, littering, public urination, gambling, possible drug activity, and conduct detrimental to the health safety and welfare of the neighborhood.
4. On February 28, 2002, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department Report and the neighborhood objections to renewal of this license and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the Police Department report and the neighborhood objections on March 12, 2002, commencing at 1:30 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared at the hearing and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police Department report. The licensee was not represented by counsel.
5. Based upon the testimony heard and evidence received, the Committee finds as follows:
 - A. On October 14, 1997 at 8:25 p.m., officers of the Milwaukee Police Department were dispatched to a complaint of loud music at 2645 South Kinnickinnic Avenue, Apartment #1 in the City and County of Milwaukee, Wisconsin. The complainant informed Milwaukee police officers that between 7:30 p.m. and 8:15 p.m., music coming from the licensed premises at 2643 South Kinnickinnic Avenue was so loud that the pictures in the complainant's bedroom were shaking. At the time the premises was known as the "New Walbert's Tavern". The officers spoke with the bartender, one Patricia A. Manyen (the current "Licensee") who stated that she worked at 7:00 p.m. and the music was at normal level. The licensee of the premises at the time, Shannon

Midshee was not on the scene but was contacted by officers regarding the situation. The bartender, Patricia A. Manyen (now the licensee) was cited for disorderly premises, found guilty and fined \$100.00 on December 2, 1997.

- B. On September 21, 2001 at 11:10 p.m., while on a routine foot patrol, an officer of the Milwaukee Police Department observed the front door of the licensed premises at 2643 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Pat's Bar & Grill") to be open with a large wooden wedge. The door was open for at least five minutes with no one entering or leaving. The officer spoke to the bartender who told him she knew the door was supposed to be closed, but forgot about. The licensee, now Patricia A. Manyen, arrived at the time and was advised regarding the violation. Patricia A. Manyen was cited for doors open after hours, and the matter was adjourned to March 11, 2002. The citation resulted in a one-year hold-open.
- C. Neighbors complain that on a regular basis, particularly in the summer time, patrons riding motorcycles exit the tavern and engage in loud and boisterous behavior particularly with respect to the operation of their motorcycles. Further, this disturbs the neighbors in question. The noise is heard as late as 1:00 a.m. and 2:00 a.m. in the morning.
- D. Further, neighbors have observed patrons of the premises engage in public urination and sex between adjacent buildings. Neighbors further complain of drunken patrons disturbing the neighborhood upon exiting the premises.

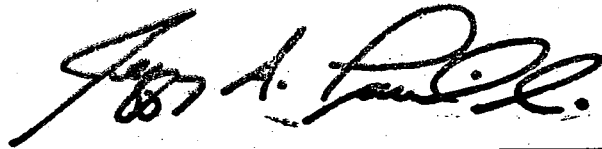
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Patricia A. Manyen has met the criteria to allow renewal of her Class "B" Tavern license without undergoing a ten (10) day suspension. The Committee finds those portions of the police report and neighborhood objections set forth in Paragraph 5, above, true.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern license of Patricia A. Manyen for the premises located at 2643 South Kinnickinnic Avenue in the City and County of Milwaukee, Wisconsin ("Pat's Bar & Grill") with a ten (10) day suspension based upon her past activities as a Licensee and for the danger that the continued operation of the premises does not pose to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) noes, recommends that the Class "B" Tavern License of Patricia A. Manyen for the premises located at 2643 South Kinnickinnic Avenue ("Pat's Bar & Grill") in the City and County of Milwaukee, Wisconsin be renewed with a ten (10) day suspension. Said suspension to be served from midnight March 26, 2002 to midnight April 4, 2002.

Dated and signed at Milwaukee, Wisconsin this 15th day of March, 2002.



JEFFREY A. PAWLINSKI
Chairman, Utilities and Licenses Committee

51338