

00001

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMON COUNCIL
CITY OF MILWAUKEE

* * * * *

Recommendation of the Utilities and Licenses Committee,
Renewal with a 10-day suspension of the Class "B" Tavern
License of DEBRA SEIBEL for the premises at
312 W. Plainfield Avenue, "PLAINFIELD PUB"

* * * * *

Proceedings had in the above-entitled
matter, commencing at 9:10 a.m., February 10, 2004, in
the Common Council Chambers, 200 East Wells Street,
Milwaukee, Wisconsin, reported by Jean M. Barina of
Milwaukee Reporters Associated, Inc.

A P P E A R A N C E S

JOHN A. BIRDSALL, 135 West West Wells
Street, Milwaukee, Wisconsin, 53203, appeared on
behalf of the Licensee.

BRUCE SCHRIMPF, Assistant City Attorney,
200 East Wells Street, Milwaukee, Wisconsin, 53202,
appeared on behalf of the City of Milwaukee.

00002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

(Whereupon the court reporter was duly sworn to execute her duties.)

PRESIDENT GORDON: Alderman Jim Bohl will now present the report of the Utilities and Licenses Committee.

CITY CLERK: The Utilities and Licenses Committee recommends approval of a File No. 30599, motion to approve recommendations of the Utilities and License Committee relative to issuance, denial, renewal, and non-renewal, suspension or revocation of licenses and extension premises.

Included in a file are the following recommendations: Recommendation of renewal with a ten day suspension for the Class B Tavern license of Debra Seibel for the premises at 312 West Plainfield Avenue, known as Plainfield Pub, in the 13th Aldermanic District. Written exception have been filed.

PRESIDENT GORDON: Have the members of the Common Council read the Report and Recommendations of the Utilities and Licenses Committee, and any written exceptions, if file in this matter?

Please call the roll

CITY CLERK: Alderman Davis?

ALDERMAN DAVIS: Aye.

00003

1 CITY CLERK: D'Amato?
2 ALDERMAN D'AMATO: Aye.
3 CITY CLERK: Bohl?
4 ALDERMAN BOHL: Aye.
5 CITY CLERK: Johnson-Odom?
6 ALDERWOMAN JOHNSON-ODOM: Aye.
7 CITY CLERK: Donovan?
8 ALDERMAN DONOVAN: Aye.
9 CITY CLERK: Richards?
10 ALDERMAN RICHARDS: Aye.
11 CITY CLERK: Wade?
12 ALDERMAN WADE: Aye.
13 CITY CLERK: Dudzik?
14 ALDERMAN DUDZIK: Aye.
15 CITY CLERK: Sanchez?
16 ALDERMAN SANCHEZ: Aye.
17 CITY CLERK: Witkowski?
18 ALDERMAN WITKOWSKI: Aye.
19 CITY CLERK: Breier is excused.
20 Nardelli?
21 ALDERMAN NARDELLI: Aye.
22 CITY CLERK: Murphy?
23 ALDERMAN MURPHY: Aye.
24 CITY CLERK: Hines?
25 ALDERMAN HINES: Aye.

00004

1 CITY CLERK: Mr. President?

2 PRESIDENT GORDON: Aye.

3 CITY CLERK: Fourteen ayes, two excused.

4 Are any of the following or their counsel

5 present and wish to address the council. Debra

6 Seibel?

7 MR. BIRDSALL: Present.

8 PRESIDENT GORDON: Alderman Hines moves that

9 the council go into the Committee of the Whole to hear

10 oral argument in opposition to the Report and

11 Recommendations and a statement presented by the city

12 attorney.

13 CITY CLERK: The first item will be the

14 recommendation of renewal with a ten day suspension

15 for the class B tavern licensr of Debra Seibel at 312

16 West Plainfield Avenue, known as Plainfield Pub in the

17 13 Aldermanic district.

18 PRESIDENT GORDON: Each side shall be

19 limited to five minutes and the arguments shall be

20 limited to the subject matter of the Report and

21 Recommendations and the written exception.

22 MR. BIRDSALL: Good morning, my name is John

23 Birdsall and I am the attorney for licensee Debra

24 Seibel and the premises located at 312 West

25 Plainfield, the Plainfield Pub. Good morning. We are

00005

1 here today because the Utilities and Licenses Committee
2 has recommended a renewal with a ten day suspension of
3 this establishment's Class B license. They are wrong.
4 And they are wrong because they didn't hear all of the
5 evidence at the committee hearing that they should
6 have. And we are here today to give you the rest of
7 the story and ask that you renew this license without
8 a suspension. I've submitted yesterday a
9 hand-delivered package of materials containing 31
10 letters of support, including regular patrons of this
11 tavern, specifically not only just patrons, but also
12 neighbors, immediate neighbors who have addressed the
13 specific concerns raised at the committee hearing,
14 including a Milwaukee police officer, Jason Kotarich,
15 and a Milwaukee firefighter, Ron Koscovich. The
16 licensed in this case, Debra Seibel, has been in
17 business just one year. She received a notice with
18 some boiler plate language about some neighborhood
19 objections. There were seven identified objections,
20 four of which there was -- it was strictly
21 boiler plate language, four of which were absolutely
22 no evidence, whatsoever, was submitted to the committee.
23 Two of which Miss Seibel never heard about until the
24 day of the hearing. She didn't know who was
25 objecting, she didn't know what the objections were,

00006

1 and she didn't know when these objections were
2 supposed to have occurred. Specifically on those
3 points, I'm talking about the littering charge and the
4 damage to private property charge. As to the
5 excessive noise, she knew there had been problems in
6 the past, and those had been long corrected.
7 Well, what the committee heard was two
8 disgruntled neighbors who came to that hearing. They
9 were the whole story. That's all Mr. Bohl, the
10 chairman and the whole committee heard when they voted
11 on that. I want you to look over to this side of the
12 room. These 17 people came here today. Since you are
13 not allowed to take into account legally the hearsay
14 that is contained, obviously, in a letter, these
15 people took time out of their lives and their
16 schedules to come and talk to you. What they want you
17 to know, what they want you to know is you didn't hear
18 all the good things about the Plainfield Pub. You
19 didn't hear the fact that Deb and John Seibel opened
20 this a year ago, investing their life savings, and moved
21 into the neighborhood to live right above the bar.
22 You didn't hear the fact that everyone agrees,
23 everyone of the neighbors and patrons agree, this
24 place is the cleanest bar they've ever been in, it's
25 the quietest. The hours are a little longer now than

00007

1 they were under previous owners. But this is a bar
2 that by closing time, there is hardly anybody there.
3 The accusations of excessive noise just aren't true,
4 the evidence just isn't there, and they want to tell
5 you about it. They want to tell you the accusations
6 about revving Harleys for ten to 15 minutes as told to
7 the committee, was totally not true. Police Officer
8 Kotarich, and he is here today, he will tell you, "I
9 own one of the those Harleys. I don't rev it. Nobody
10 else revs it. I work second shift. I am there at
11 closing time, couple, three times a week. This is
12 simply not true." Other people have written with the
13 exact same defense. As to some have accusations that
14 this bar has had leveled at it included one single
15 neighbor who says that she had litter in her yard.
16 She had people urinating between the garages and that
17 there were ashtrays on her lawn. This single person
18 has come --came to the committee with that story
19 without anything and all, whatsoever, to verify any of
20 that. In fact, every single one of the these people
21 will tell you that's just not the case. That's not
22 what the people, the clientele in this bar is about.
23 They are mostly elderly, The neighborhood is mostly
24 elderly, and their clientele is. There are people
25 that go to this place, go to the Plainfield Pub

00008

1 becasue that is the type of atmosphere they want, a
2 quiet one, a Cheers-like atmosphere where they can be
3 safe, where they can socialize, and where they can
4 relax without worrying about violence, or noise or
5 parking problems. What the committee heard was a
6 sliver, a silver of the story. And these --
7 PRESIDENT GORDON: Counsel, you need to wrap
8 it up.
9 MR. BIRDSALL: -- thank you. These folks
10 are here to tell you the rest. I urge you to take the
11 time and talk to them, and make up your own mind. You
12 don't have to follow and you shouldn't follow the
13 committee's recommendation in this case. The facts
14 alone warrant a renewal without a suspension. I thank
15 you very much for your attention.
16 PRESIDENT GORDON: Thank you, counsel.
17 Now we will hear from Assistant City
18 Attorney Bruce Schrimpf.
19 MR. SCHRIMPF: Thank you, Mr. President.
20 Members. First of all, the notice in this particular
21 case did state what the neighborhood objections were.
22 The licensee appeared at the meeting of Utilties and
23 Licenses and admitted to receiving such notice. She
24 was notified in that notice as to the issues that were
25 up, specifically littering, loitering, traffic

00009

1 problems, excessive noise during patrons -- during and
2 after hours, damage to private property, and conduct
3 detrimental to the health, safety and welfare of the
4 neighborhood.

5 Counsel has told you that the information
6 provided to the committee was one sided and in error.
7 Well, the licensee had notice of the hearing and she
8 certainly had the ability to bring to the committee
9 the people who are here today who counsel says will
10 testify on behalf of the tavern. Let me point out
11 to you we do have the transcript of this proceeding.
12 He is correct, there were two neighbors that came to
13 testify. There was a Mr. Joseph Marinella. He
14 actually kept a log of instances between the dates of
15 May 8th, 2003 and September, 2003 where he was awoken
16 and disturbed by the conduct of the patrons at closing
17 time and particularly the revving of motorcycles. He
18 also testified that he had lived in the neighborhood
19 34 years, that this licensee, as counsel indicated,
20 took over within the last year, and for the previous
21 33 years he had had no problems, only the last one
22 year.

23 Another neighbor, Delores Beaver, testified,
24 took her time to come down and talk to the committee.
25 She regularly experienced the revving of bikes for ten

00010

1 to 15 minutes at closing time and before people
2 would leave. She has small children. That disturbed
3 her, as well as the children. She also testified to a
4 number of instances to include the urination between
5 the garages -- her garage and the adjoining neighbor's
6 garage, and patrons leaving and "whopping and
7 hollering", that's a quote, at closing time to the
8 disturbance of her and her family. So, the committee
9 had evidence, clearly it had evidence that
10 demonstrated there were problems with this tavern.
11 The committee examined these witnesses. I think the
12 committee came to the conclusion that these witnesses
13 were not imagining these events or that they were
14 lying about these events. They were really
15 experiencing these events. The licensee offered one
16 explanation for the bikes, namely that the bikes were
17 coming from a neighbor who lived about five houses
18 down, and that was refuted by the neighbors who
19 testified that they actually saw the patrons getting
20 on bikes at closing time and leaving.

21 So clearly, the findings of fact of the
22 committee are well supported by the evidence. Of
23 course, it is always up to the sound discretion of
24 this body, as to whether or not you approve the
25 license with no suspension or impose a suspension,

00011

1 bearing in mind, that a ten day suspension is the
2 minimum suspension that can be given should the
3 council choose to impose the suspension.

4 I stand ready to answer any questions that
5 you may have.

6 PRESIDENT GORDON: Any questions and
7 comments for Mr. Birdsall or Mr. Schrimpf? The chair
8 recognized Alderman Michael Murphy.

9 ALDERMAN MURPHY: Thank you, Mr. Chairman.
10 Mr. Schrimpf, was Ms. Seibel notified by the
11 neighbors concerning these complaints? The two
12 individuals who testified at the hearing indicated
13 that they brought these concerns of loud noise,
14 boisterous behavior to the owner's attention?

15 MR. SCHRIMPF: I would have to check the
16 transcript, Alderman. I don't honestly recall if
17 that question was asked and if it was asked, how it
18 was answered.

19 ALDERMAN MURPHY: Perhaps I can hear from
20 the opposing counsel as to whether or not they were
21 notified or not.

22 MR. SCHRIMPF: That would be fine.

23 MR. BIRDSALL: No, they were not. They were
24 not at all.

25 ALDERMAN MURPHY: They were not.

00012

1 MR. BIRDSALL: In fact, not only just about
2 the Harleys, but about anything, ever. Neither one of
3 these complaining witnesses had any contact with Ms.
4 Seibel at all and, I just would note --

5 ALDERMAN MURPHY: However, was there not a
6 neighborhood meeting held concerning this issue ever
7 held at any time?

8 MR. BIRDSALL: There was a neighborhood
9 meeting -- let's back up. When they first opened the
10 bar, Ms. Seibel took two hundred flyers that said --
11 identified themselves and we are opening this place,
12 we are going to call it the Plainfield Pub. It was
13 going to be a nice, quiet neighborhood tavern. We are
14 going to live there. We are investing ourselves in
15 this neighborhood. If you have any concerns, you come
16 see us personally, and we will take care of it.
17 That's what she did.

18 These two individuals never once spoke to
19 her, ever, until the day of the Utilities and
20 Licensing hearing. I don't know how much contact they
21 had with the alderperson, Alderman Witkowski, but --
22 so whatever was relayed to them was through him, and
23 there was concern about the noise of hearing the noise
24 from a Harley. Not a patron, however. The testimony
25 of Ms. Beaver notwithstanding. This was an individual

00013

1 whose name is Chris Fuhman, he lived five doors down,
2 I believe, and worked very late in Chicago, got home
3 about one a.m., and then he would go and work on his
4 motorcycle and then while he was working on it, he was
5 test driving it up and down the alleyway. Of course
6 it's two o'clock in the morning by this point and any
7 indication by Mrs. Beaver that this was a patron was
8 certainly a mistake on her part. He wrote a letter
9 identifying that. His roommate wrote a letter. They
10 both concede that that occurred. That's what resulted
11 in the August meeting where she again went around the
12 neighborhood, sent out flyers, there's been some
13 concerns about the noise from some of these bikers,
14 not patrons. We want to have a meeting for the whole
15 neighborhood, including this problem but any other
16 problems you have. Come and see us and Mr. Witkowski
17 will be there. She did take steps to address that
18 issue. To the extent that there was ever any other
19 noise coming out of the bar itself, it was because
20 there was opened windows. Not a problem anymore,
21 because Ms. Seibel went to some major effort to
22 replace all the windows and put in central air.

23 ALDERMAN MURPHY: Thank you.

24 PRESIDENT GORDON: Chair recognizes Alderman
25 Willie Wade.

00014

1 ALDERMAN WADE: Thank you. My question
2 is for Assistant City Attorney.

3 MR. SCHRIMPF: By the way, I just checked
4 the transcript. The question was asked and they both
5 indicated they did not talk to the bar owner. What
6 was the question?

7 ALDERMAN WADE: Excuse me. My question was
8 just for clarification purposes, what was the vote
9 coming out of committee regarding this?

10 MR. SCHRIMPF: Four to zero.

11 ALDERMAN WADE: So it was unanimous.

12 MR. SCHRIMPF: Of those that were voting.
13 Alderman Witkowski did not participate because it was
14 in his district and he was speaking.

15 ALDERMAN WADE: Okay, thank you.

16 PRESIDENT GORDON: Chair recognizes Alderman
17 Thomas Nardelli.

18 ALDERMAN NARDELLI: Mr. Schrimpf, the --
19 Mrs. Beaver, was it?

20 MR. SCHRIMPF: Yes.

21 ALDERMAN NARDELLI: In the instance where
22 she claimed someone had publicly urinated, was she
23 able to testify that she saw the person leave the
24 tavern.

25 MR. SCHRIMPF: She did not testify that she

00015

1 saw the person leave the tavern.
2 ALDERMAN NARDELLI: But she saw someone --
3 MR. SCHRIMPF: Correct. I think she saw the
4 evidence of it.
5 ALDERMAN NARDELLI: She saw the evidence.
6 MR. SCHRIMPF: Right.
7 ALDERMAN NARDELLI: It's like if the dog
8 went to the bathroom on somebody's lawn, they know
9 that a dog went to the bathroom on the lawn but they
10 can't identify the dog.
11 MR. SCHRIMPF: (Nods).
12 ALDERMAN NARDELLI: Thank you.
13 PRESIDENT GORDON: The chair recognizes
14 Alderman Terry Witkowski.
15 ALDERMAN WITKOWSKI: Thank you, Mr.
16 Chairman. I just want to bring to the committee's
17 attention that both of the individuals who testified
18 did come to me with their complaints. I did take
19 their complaints to the tavern owners, which did
20 result in the meeting. I continued to receive
21 complaints. The information submitted to the council
22 indicates that I had complained about the rear door.
23 I had also complained about the front door, and on two
24 occasions -- on one occasions after telling them you
25 cannot have the door open past ten o'clock, stopped in

00016

1 at twenty after ten to tell them that they still had
2 their door open and that was against the law and I was
3 greeted with static and an attitude about why should
4 they need to close the door --

5 ALDERMAN NARDELLI: Mr. President, this is a
6 period of time for questions, not summation. Isn't
7 there -- I mean, when we go out of the Committee of
8 the Whole we can do all this stuff. This is for
9 asking questions time.

10 PRESIDENT GORDON: That is a correct
11 statement. If you have any further questions,
12 Alderman Witkowski, please raise them at this point.

13 ALDERMAN WITKOWSKI: Thank you. I was just
14 trying to give clarification to statements made.

15 PRESIDENT GORDON: Are there any questions
16 for Mr. Schrimpf or for Attorney Birdsall?

17 Thank you.

18 Is there any further discussion on this
19 license?

20 Alderman Nardelli.

21 ALDERMAN NARDELLI: Mr. Chairman, I would
22 like to move that we go into the Committee of the
23 Whole for the purpose of asking the city attorney a
24 couple of questions with regard to the findings of
25 fact on the Plainfield license.

00017

1 PRESIDENT GORDON: You've heard the motion
2 of Alderman Nardelli to go into the Committee of the
3 Whole. Any objections? Hearing none, so ordered.

4 ALDERMAN NARDELLI: My question, Mr.
5 Schrimpf as you move to THE podium, in your findings
6 of fact, you indicate that patrons have also caused
7 beer bottles, beer cans to be thrown into children's
8 play areas on private property of the neighbor. Was
9 there any testimony at the hearing that someone
10 physically witnessed that occurring?

11 MR. SCHRIMPF: No, the testimony was -- that
12 testimony came from Mrs. Beaver, who testified that
13 after evenings when the events were taking place in
14 the bar, she would pick this stuff up in her yard the
15 following morning.

16 ALDERMAN NARDELLI: And again, not identify
17 who might have done it.

18 MR. SCHRIMPF: No, sir.

19 ALDERMAN NARDELLI: Okay. So she knows
20 there is urine there and she knows there is bottles
21 there and she doesn't know who did it, but she claims
22 it comes from the tavern.

23 MR. SCHRIMPF: That's right.

24 ALDERMAN NARDELLI: Can I ask this question?
25 If in fact, in creating findings of fact, is it

00018

1 appropriate to include unsubstantiated complaints in
2 the findings of fact? I understand you do that in the
3 notice but - -

4 MR. SCHRIMPF: It is not unsubstantiated.
5 She testified that she saw these things. She
6 testified that she saw these things after the bar was
7 operating the night before.

8 ALDERMAN NARDELLI: But she didn't witness
9 them occurring?

10 MR. SCHRIMPF: No, she did not witness
11 somebody -- she didn't testify that she witnessed
12 somebody from the bar depositing it there.

13 ALDERMAN NARDELLI: Do you then, as counsel,
14 not question the appropriateness of that complaint
15 that can't be justified or substantiated?

16 MR. SCHRIMPF: I would have to check the
17 transcript, Alderman, to find out if I asked her that
18 specific follow-up question, and to be honest with
19 you, I may not have.

20 ALDERMAN NARDELLI: Thank you, Mr. Schrimpf.

21 PRESIDENT GORDON: Questions? Chair
22 recognizes Alderman Jim Bohl.

23 AB: Mr. Chairman, I would be happy to
24 respond to Alderman Nardelli, for we are in the middle
25 of questions and I would need to come out of the

00019

1 Committee of the Whole to respond. I'll be happy to
2 wait.

3 PG: Are there any other questions or
4 comments for council members.

5 Alderman Sanchez moves that the committee
6 now rise. Hearing no objection, so ordered.

7 Alderman Bohl.

8 ALDERMAN BOHL: Thank you, Mr. Chairman. To
9 the best of my recollection here regarding the
10 Plainfield Club matter, the woman, Mrs. Beaver, who
11 testified had indicated that she had personally
12 witnessed some individuals deposit some of the bottles
13 and cans of beer. To my recollection, the applicant
14 herself had indicated that she did not serve those
15 types of products, but she had an understanding that
16 some of the -- a couple of the neighbors that live
17 down the way would drink on their way over to the bar
18 and she believed that they were depositing their beer
19 cans on the way over to her bar in neighbor's yards.
20 That they were guzzling down before they reached the
21 bar and would toss it before entering in, as opposed
22 to carrying it in and taking it to the trash can. It
23 is also my recollection, and I certainly would stand
24 corrected if Mr. Schrimpff would let me know, that she
25 did indicate that it wasn't that she just saw a yellow

00020

1 puddle sitting on the ground in the morning, but that
2 she had witnessed individuals between her house and
3 bar urinating and that it was to the best of her
4 knowledge, individuals that had come out at closing
5 time from that bar. This is a residential
6 neighborhood. This is a bar that sits on the corner
7 in crest of a residential neighborhood. So, it is not
8 a though she just saw and surmised that somehow a
9 yellow puddle appeared, but had personally witnessed
10 individuals making a public urinal.

11 ALDERMAN NARDELLI: Mr. Chairman?

12 PRESIDENT GORDON: Alderman Nardelli.

13 ALDERMAN NARDELLI: I am going to play
14 attorney here for a minute. I like to play attorney.
15 I just asked the city attorney to identify through the
16 transcript if any of those two occurrences happened,
17 and his answer to my question was, "No, Mrs. Beaver did
18 not testify that she saw anybody saw throw the
19 bottles, Mrs. Beaver saw no one publicly urinate."
20 The chairman is saying completely different. And what
21 I am trying to get to is, if you look at the findings
22 of fact, this is a tavern not a year old in a
23 residential neighborhood, longer hour than used to be
24 held before. Has some people who ride motorcycles who
25 go there. Certainly may be making more noise than the

00021

1 previous owner did by virtue of the fact that their
2 patrons drive Harleys as opposed to something else.
3 And you have the request for the ten day suspension of
4 her livelihood, of this owner's livelihood. An
5 unwitting owner who comes to the committee hearing
6 prepares to know it, and I think she admitted she knew
7 what was in the finding -- I mean, what was in the
8 complaint, but doesn't bring along anybody to support
9 her. So we take a downtown location that has a
10 problem and we renew it despite that suspension. I
11 think I might have misspoken when I talked about the
12 90 days before, I thought it was Pure. 45. So,
13 excuse my comments earlier. 45 days. Same time, a
14 shooting that occurred inside a location on the same
15 agenda, on the same stack of findings of fact, they
16 recommend a ten day suspension for a shooting that was
17 inside the bar. And that is what I am -- that's the
18 thing I am talking about. It seems so unfair to now
19 say that this Plainfield tavern should undergo a ten
20 day suspension when virtually the complaint is noise,
21 noise from the doors being open. Noise from people
22 leaving the place at night and one instance of
23 somebody who was, I assume, I can't be sure, assume
24 was seen vomiting. And for that we are going to give
25 this place a ten day suspension. We never had such a

00022

1 thing early in my career here, that we have these
2 warning letters that are given out to patron -- to
3 taverns that have problems, but they are not real bad.
4 Why wasn't that considered here? Why wasn't the new
5 operator afforded that opportunity, to have a warning
6 letter. I mean, if the problems are that severe, and
7 if we can believe the attorney, and he's an attorney
8 after all, if we can believe him we could probably
9 suggest that the problems with the noise were abated
10 long ago and were not continuing. So if that is the
11 case, is this any more fair? A decision to give them
12 a ten day suspension. You know, I think we are
13 hanging them high. We lower the bar so low, we give
14 ourselves absolutely no wiggle room for reasonability,
15 and I am very concerned about that. I don't know any
16 of these people from Adam. I am not an advocate for
17 tavern licenses. You all know I don't appear at
18 tavern licesn hearings unless I am going to work
19 towards shutting the place down in my area. That's
20 the last thing I want to do is be a party to
21 supporting a license being granted for fear there
22 could be a problem. I don't want to look like I am
23 shilling for them. I won't do that. I haven't done
24 that in my 17 years here. I think that, again, if you
25 look at the two files we have before us today, what's

00023

1 happening to the Plainfield tavern in the 13th
2 district just seems to be unfair, and I guess I will
3 move at this time that they also, just to be
4 consistent with my public position, and I don't know
5 how the committee is going to go on it, we obviously
6 tied this with other licenses when we did the Pure one
7 last month, but I have to do it for my own peace of
8 mind. And I would just suggest that a warning letter
9 be issued to Plainfield absent the committee
10 recommendations. I'd move that the suspension be set
11 aside, they be renewed, and that a warning letter be
12 issued.

13 PRESIDENT GORDON: You've heard the motion
14 of Alderman Nardelli. On the motion, the chair
15 recognizes Alderman Terry Witkowski?

16 ALDERMAN WITKOWSKI: Thank you, Mr.
17 Chairman. I think there is a day and night difference
18 between the two situations of McGillycuddy's and
19 Plainfield Pub. You are looking at McGillycuddy's,
20 located in an area of all bars without nearby
21 residences and an establishment that has been in
22 business 12 years, I believe, it has been mentioned.
23 This is a first year establishment in a quiet
24 neighborhood, surrounded by homes where there has
25 never been a problem before. If you are looking at

00024

1 volume, McGillicuddy's testified to a quarter million
2 people passing through and this one has somewhere
3 between eight and nine thousand a year, or 20, 25 a
4 day, is what their material reads. We did have
5 neighborhood complaints. They didn't occur once, they
6 have been consistent. They have slacked off in
7 winter. It is not that I didn't try working with
8 this group. I relayed the original complaints to the
9 tavern owner and all I was greeted with was who made
10 the complaints, I want to confront them. One of the
11 complainants had been there and had mentioned
12 something in the past and said she would never go
13 again because she had gotten the same attitude, which
14 is why she turned to me for help. Not once in the
15 times that I have talked with these bar owners did
16 they indicate that they would try to resolve the
17 problem and work with the neighbors. It has always
18 been very confrontational. Not once at committee
19 level did the bar owner say, "Yes, we have a problem.
20 We'll try and do better." Not once. I feel the
21 number of complaints have gone down only because the
22 cold weather has moved in and it is no longer too good
23 to leave your doors and windows open. I received
24 complaints about the back door being open, I received
25 complaints about the front door being open. I

00025

1 personally stopped there about the front door being
2 open and addressed that concern and was again greeted
3 at the time with, "I deserve to have my front door
4 open just like any other neighbors and they knew there
5 was a bar there when they moved in." It is not
6 a matter of fact that these neighbors are just against
7 this pub, or that, as Alderman Nardelli would say,
8 they woke up and found debris in the morning. The
9 complaints I have been getting on a steady basis
10 indicated that they are awoken from a sleep, that they
11 have seen things happening outside their homes, that
12 on summer days they hear the cussing in their back
13 yards. I am afraid that we are really raising the bar
14 to the fact that anybody can get under it. I have
15 tried to work with this establishment. I have talked
16 to them about complaints but I have not gotten a
17 response that they will ever do better. The neighbors
18 were also afraid of retaliation, and with the attitude
19 that I got, I could see why. My vote on
20 McGillycuddy's is consistent and my vote in committee
21 on McGillycuddy's. My vote today will be consistent
22 with my vote on committee, and I do recommend the ten
23 day suspension be upheld. I have not necessarily seen
24 proactive steps being taken by this bar that was
25 mentioned by one of my colleagues in the other case.

00026

1 Thank you, Mr. Chairman.
2 PRESIDENT GORDON: Are there any other
3 questions or comments by council members. There is a
4 motion to rescind the recommendation of the Utilities
5 and Licenses Committee and to recommend no suspension
6 with a warning letter.
7 Let's take a roll call vote.
8 CITY CLERK: Alderman Davis?
9 ALDERMAN DAVIS: No.
10 CITY CLERK: D'Amato?
11 ALDERMAN D'AMATO: No response.
12 CITY CLERK: Bohl?
13 ALDERMAN BOHL: No.
14 CITY CLERK: Johnson-Odom?
15 ALDERWOMAN JOHNSON-ODOM: No.
16 CITY CLERK: Donovan?
17 ALDERMAN DONOVAN: No.
18 CITY CLERK: Richards?
19 ALDERMAN RICHARDS: Aye.
20 CITY CLERK: Wade?
21 ALDERMAN WADE: No.
22 CITY CLERK: Dudzik?
23 ALDERMAN DUDZIK: No.
24 CITY CLERK: Sanchez?
25 ALDERMAN SANCHEZ: No.

00027

1 CITY CLERK: Witkowski?
2 ALDERMAN WITKOWSKI: No.
3 CITY CLERK: Nardelli?
4 ALDERMAN NARDELLI: Aye.
5 CITY CLERK: Murphy?
6 ALDERMAN MURPHY: No.
7 CITY CLERK: Hines?
8 ALDERMAN HINES: No.
9 CITY CLERK: D'Amato?
10 ALDERMAN D'AMATO: No.
11 CITY CLERK: Mr. President?
12 PRESIDENT GORDON: Aye.
13 CITY CLERK: Two ayes, twelve nos, two
14 excused.
15 PRESIDENT GORDON: Two ayes, twelve nos, two
16 excused. The motion fails.
17 I request a vote of those council members in
18 attendance to approve the recommendations of the
19 Utilities and Licenses Committee as contained in File
20 No. 0303599.
21 Would the City Clerk please call the roll,
22 as amended.
23 CITY CLERK: On the file as
24 ammended, Alderman Davis?
25 ALDERMAN DAVIS: Aye.

00028

1 CITY CLERK: D'Amato?
2 ALDERMAN D'AMATO: Aye.
3 CITY CLERK: Bohl?
4 ALDERMAN BOHL: Aye.
5 CITY CLERK: Johnson-Odom?
6 ALDERWOMAN JOHNSON-ODOM: Aye.
7 CITY CLERK: Donovan?
8 ALDERMAN DONOVAN: Aye.
9 CITY CLERK: Richards?
10 ALDERMAN RICHARDS: Aye.
11 CITY CLERK: Wade?
12 ALDERMAN WADE: Aye.
13 CITY CLERK: Dudzik?
14 ALDERMAN DUDZIK: Aye.
15 CITY CLERK: Sanchez?
16 ALDERMAN SANCHEZ: Aye.
17 CITY CLERK: Witkowski?
18 ALDERMAN WITKOWSKI: Aye.
19 CITY CLERK: Breier?
20 ALDERWOMAN BREIER: Aye.
21 CITY CLERK: Nardelli?
22 ALDERMAN NARDELLI: Aye.
23 CITY CLERK: Murphy?
24 ALDERMAN MURPHY: Aye.
25 CITY CLERK: Hines?

00029

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALDERMAN HINES: Aye.
CITY CLERK: Mr. President?
PRESIDENT GORDON: Aye.
CITY CLERK: Fourteen ayes, two excused.
* * * * *

00030

1 STATE OF WISCONSIN)
) SS:

2 CITY OF MILWAUKEE)

3 I, JEAN M. BARINA, do certify that Common
4 Council Meeting was reported by me and reduced to
5 typewriting under my direction.

6 I further testify that I have no interest
7 in said matter as an attorney or otherwise and am not
8 related to the parties interested herein.

9 In witness whereof, I have hereunto set
10 my hand and affixed my seal of office at Milwaukee,
11 Wisconsin, this day of February, 2004.

12

13 Jean M. Barina - Court Reporter

14 My Commission Expires: 03/10/07

15

