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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of:

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HARRISON, James J., Agent for "Teen USA, LLC", Public
Dance Hall renewal application for "Cafe H20" at 7427 West
Bradley Road.

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chairman

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Ald. James Bohl, Jr. - Vice Chair

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Ald. Joseph A. Dudzik

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Ald. Robert Puente

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Ald. Willie Wade

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DEPARTMENT OF NEIGHBORHOOD SERVICES by BRIAN KAUFMAN

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HEALTH DEPARTMENT by KEVIN HULBERT

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LICENSING DIVISION by JAMES COPELAND

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POLICE DEPARTMENT by SERGEANT JOHN HOGAN

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OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

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Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 1st day of June, 2004, reported by Donna
Gulczynski of Milwaukee Reporters Associated, Inc.

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P R O C E E D I N G S

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

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CHAIRMAN WITKOWIAK: The first item on the
8 a.m. agenda is James J. Harrison, Agent for Teen
USA, LLC, Public Dance Hall renewal application for
Cafe H20 at 7427 West Bradley Road. Good morning.

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MR. HARRISON: Good morning.

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CHAIRMAN WITKOWIAK: Sir, could you raise
your right hand and be sworn in, please?

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(Whereupon James J. Harrison was sworn under
oath.)

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CHAIRMAN WITKOWIAK: State your name and
address for the record, please.

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MR. HARRISON: James Harrison. Address is
8515 North 60th Street.

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CHAIRMAN WITKOWIAK: And would you please
state your appearance?

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MS. STEWART: Attorney Marjory Stewart.

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CHAIRMAN WITKOWIAK: Thank you.
Mr. Harrison, do you admit to receiving a report that
there's a possibility that your application could be
denied for the reasons of neighborhood objections to
parking, traffic problems, speeding, cruising, loud
car stereos, noise, loitering, littering, public

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1 urination, disorderly patrons, fights, gunshots, late
2 night disturbances, and conduct which is detrimental
3 to the health, safety and welfare of the neighborhood?

4 MR. HARRISON: Yes, sir.

5 CHAIRMAN WITKOWIAK: Sergeant Hogan?

6 SERGEANT HOGAN: I'll begin with Item 14, as
7 all previous items have been made available to this
8 committee in the past.

9 On May the 11th, 2003, at about 12:40 a.m.,
10 officers responded to a report of a fight at the rear
11 of the Cafe H2O. Officers found that security
12 personnel were detaining two subjects who were causing
13 a disturbance. The licensee informed the officers
14 that these two individuals were inside the club and
15 were flashing gang signs, which is not permitted.
16 These individuals were then told to leave, and as they
17 were being escorted from the premises, they became
18 profane and threatening toward the security and then
19 refused to leave, which caused a scuffle to ensue, and
20 the security personnel then detained them for the
21 police. One individual had to be physically
22 restrained by police. Both individuals were taken
23 into custody and cited for disorderly conduct and
24 resisting an officer. One individual alleged that he
25 was pepper sprayed by an unknown person, an allegation

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1 that could not be substantiated.

2 On June the 8th, 2003, at about 12:19 a.m.,
3 an officer was dispatched to St. Michael's Hospital
4 to investigate a battery complaint. The victim
5 related that at about 12:30 a.m., he was trying to
6 leave the Cafe H20 when he was punched in the face
7 without provocation by an unknown person, and when he
8 attempted to defend himself, the actor's accomplices
9 punched and kicked him. The victim received a broken
10 nose and lacerations. The investigation is indicated
11 as pending, and no information from club personnel is
12 indicated.

13 On June the 15th, 2003, at about 1:05 a.m.,
14 officers were dispatched to a noise nuisance in the 78
15 hundred block of West Bradley Road. The complainant
16 stated that you could hear loud music coming from the
17 Cafe H20. The officer could hear loud music coming
18 from the Cafe H20. The licensee was contacted and
19 issued a citation for a noise nuisance violation.
20 There is no indication in municipal court records as
21 to the disposition of that matter.

22 On June 23rd, 2003, at about 1:45 a.m.,
23 officers entered the Cafe H20 to do a licensed premise
24 check. They observed music was still playing and
25 patrons were dancing. It's estimated that the number

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1 of patrons was about 150 to 175 patrons. When the
2 officer spoke to the licensee, he stated to the
3 officer that, "Well, you obviously did not see the
4 hearing with the Common Council on TV. You don't know
5 your ordinances very well. I was given permission by
6 the captain of your district to let people out a half
7 at a time to avoid problems outside the club, so we
8 are not in violation."

9 He was issued a citation for responsibility
10 of permittee, which was dismissed; a citation for
11 obstructing the issuance of a citation, that was
12 dismissed in court, and a citation for closing hours.
13 The citation for closing hours was voided and released
14 on July 15th of 2003.

15 On August 4, 2003, at about 3:46 a.m.,
16 officers were sent to a criminal damage to property
17 complaint in the 29 hundred block of North 55th
18 Street. The occupants of the residence stated that
19 some unknown person broke the windows to their house
20 because they got into a fight at the Club H20 that
21 evening.

22 Investigation revealed that there was a
23 fight at the Club H20 between several females,
24 resulting in several patrons being pepper sprayed --
25 being sprayed with pepper spray, and one patron being

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1 cut in the face. The incident occurred at about 1:26
2 a.m. at the Cafe H20.

3 Officers indicated in the report that all
4 the actors are neighborhood residents near one
5 another, and know each other from the neighborhood
6 and Washington High School. They stated that once the
7 fighting began, several other fights broke out, and
8 security forced everyone out onto the street to finish
9 fighting.

10 On August 4th, 2003, at about 1:30 a.m., a
11 district sergeant and another supervisor were directed
12 to monitor traffic activity at 76th and Bradley Road
13 for patrons exiting the Cafe H20. At 1:30 a.m., the
14 club closed, and the patrons exiting had to be
15 directed and advised to leave the area.

16 A large number of patrons flooded into
17 the roadway on Bradley Road east of 76th Street and
18 proceeded to the parking lot. They were again
19 directed and advised to leave the area. There were
20 eight police squads, two officers per squad, and it
21 took a total of three hours to complete this
22 assignment.

23 On August 10th, 2003, officers were assigned
24 to monitor cruising activity on North 76th and Bradley
25 Road coming from Club H20. Thirteen squads were used

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1 on this detail. It took approximately seven hours of
2 police service to direct pedestrian traffic and
3 vehicular traffic, investigate a fight, investigate
4 a squad accident, and to cite those persons in
5 violation, all resulting from the patronage of the
6 Club H20.

7 Several squads were assigned to the over-
8 flow parking lot and the main parking lot to prohibit
9 patrons from loitering in the parking lots. They were
10 constantly advised to leave the lots since they were
11 causing a disturbance such as loud music and horn-
12 beeping.

13 An auto with occupants that left the Club
14 H20 struck a police squad. One of the occupants was
15 15 years old, and when asked how he got into the club,
16 he stated that, "Everyone knows you can pay extra if
17 you don't have any I.D. to enter." He stated that no
18 one from the club had made an announcement to patrons
19 under the age of 17, 20 minutes prior to 11 p.m., to
20 leave the premises.

21 A citation was issued to the licensee for
22 announcement of curfew, to which there was a finding
23 of guilty, and a citation for responsibility of dance
24 hall permittee regarding curfew and responsibility of
25 dance hall permittee regarding the fight, and those

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1 were dismissed in municipal court.

2 On November the 16th, 2003, at about 12:31
3 a.m., officers were sent to 74 hundred West Bradley
4 Road, Club H20, to investigate a loud music complaint.
5 The complainant, who lived in the 78 hundred block of
6 North 78th Street, stated that at 12 a.m., while he
7 was in his home, he heard loud music coming from Club
8 H20. The officer could hear constant pounding noise
9 similar to heavy bass music. The officer called for
10 backup because of the large crowd. They went to the
11 Club H20 and noticed that a security guard, upon
12 seeing the police arrive, went into the club and
13 locked the entrance. The officers had to knock on
14 the door to gain entrance.

15 The officers, while trying to locate the
16 manager, observed that a female, 17 years of age, was
17 standing on a platform dancing topless exposing her
18 breasts. The D.J. announced that the police were
19 inside. The dancing female then went into the VIP
20 room, and officers followed her and found her there
21 standing in her panties putting on her shirt. When
22 asked why she was stripping, she stated that she was
23 not, but when the officer told her that he observed
24 her dancing, she stated, "Okay, yeah, I was." She
25 stated that she had been there twice before. When

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1 asked if she stripped at the club before, she stated,
2 "No, just tonight for the dance competition."

3 The dancer was taken into custody for lewd
4 and lascivious behavior. The licensee was taken into
5 custody and had a review at the DA's office for sexual
6 exploitation of a child. That case was a no process
7 by the District Attorney's Office. He was issued a
8 citation for operating a dance hall without a license.
9 That citation was dismissed. There was a citation
10 issued for disorderly conduct, and there was a finding
11 of guilty on that matter.

12 On December the 28th, 2003, at 12:32 a.m.,
13 officers were sent to 7427 West Bradley Road for a
14 subject with a gun. Officers met the owner of
15 International Security Corporation. He stated that
16 four persons were inside the Club H20 causing a
17 disturbance and fighting and arguing with patrons.
18 They were asked to leave. Once outside, they began
19 to fight with security. They saw the subjects run to
20 their car, and one of them grabbed what appeared to be
21 something silver or chrome, and it was thought to be a
22 gun. The person who appeared to have the gun fled,
23 and three other persons were taken into custody,
24 pepper sprayed and handcuffed by security. Police
25 were then called. There were four arrests for

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1 disorderly conduct, and after investigation, it was
2 determined that there was no gun involved.

3 On January the 4th, -- correction, January
4 the 1st, 2004, at about 1:25 a.m., officers were
5 flagged down by Club H20 security who stated that
6 they had a person refusing to leave and had become
7 combative. The person was arrested for obstructing-
8 resisting an officer and issued a citation for
9 trespassing.

10 On February the 28th, 2004, at about 1:41
11 a.m., officers were dispatched to a battery complaint
12 at 7415 West Bradley Road. Fire department personnel
13 was on the scene. The victim, the licensee, --
14 correction, the victim, the brother of the licensee,
15 was working as a doorman at the club. He attempted
16 to break up a fight between a large group of people
17 inside the club and was struck with a chair to his
18 left temple causing a laceration.

19 On March the 7th, 2004, at about 12:30 a.m.,
20 officers responded to a noise nuisance complaint at
21 7424 West Bradley Road. Upon arrival, the officers
22 could hear loud music coming from the Cafe H20. They
23 entered the club and issued a citation for noise
24 nuisance.

25 At 12:53 a.m., officers spoke to a resident

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1 in the 78 hundred block of West Bradley Road. The
2 resident stated that his walls were shaking from the
3 loud music from H20. Officers again entered Cafe H20,
4 and again spoke to the acting manager and issued her a
5 citation for the second time for noise nuisance in a
6 half-hour period. The manager had not turned the
7 music down since the officers first visited at 12:30
8 a.m. There were two citations for noise nuisance, and
9 a finding of guilty on both of those.

10 And Mr. Chairman, for the record, the police
11 department is opposed to the renewal of this license.

12 CHAIRMAN WITKOWIAK: Thank you, Sergeant.
13 Are there any questions by committee of the police
14 report?

15 ALDERMAN BOHL: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Alderman Bohl.

17 ALDERMAN BOHL: Thank you. I would like to
18 know from the Department of Neighborhood Services what
19 the capacity of the club is.

20 MR. KAUFMAN: We don't have capacities on
21 public dance halls, only on taverns.

22 ALDERMAN BOHL: Mr. Harrison, do you know
23 what the capacity is?

24 MR. HARRISON: It's 180.

25 MR. SCHRIMPF: Mr. Chairman?

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CHAIRMAN WITKOWIAK: Mr. Schrimpf.

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MR. SCHRIMPF: Thank you. I don't know if the appropriate one to ask would be Ms. Stewart or Sergeant Hogan, but I have noticed that there were noise nuisances in the following portions of the report; 4, 5, 7, 8, 10, 11 and 16, and they were all -- they were at different times, different dates, but they were all dismissed, and there was one adjudication of guilty in Item 12 on June the 5th of 2003.

And my question is, were all of these cases scheduled for June 5th of 2003, an arrangement was made that there was a guilty plea as to one, and the rest were to be dismissed? Was that the idea?

MS. STEWART: Shall I answer?

CHAIRMAN WITKOWIAK: Please.

MS. STEWART: They were consolidated in one court hearing, and at that time we had an expert witness come in who had taken objective sound measurements, an engineer from Marquette, -- I have his affidavit here with me today, -- who showed that within the objective portion of the Milwaukee noise ordinance, my client wasn't actually in violation for the type of district that he's in, and so it was agreed that -- because there's a subjective arm

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1 of the ordinance, and he had tended to disturb a
2 particular neighbor on a number of occasions with
3 the sound, albeit within the objective levels of the
4 ordinance, -- that he would pay a fine on one of the
5 tickets. And so it wasn't -- it was, I think, seven
6 tickets that were heard at once.

7 CHAIRMAN WITKOWIAK: Okay. Thank you.

8 MR. SCHRIMPF: Okay. I appreciate that
9 information.

10 CHAIRMAN WITKOWIAK: Would you care to make
11 an opening statement at this time?

12 MS. STEWART: This is certainly not an
13 unblemished record, and my client has worked
14 assiduously to address the concerns that were raised
15 here and by the Common Council last year. It's not
16 surprising, as one can imagine, with 180 patrons
17 coming to a teen dance hall, that on occasion some
18 people would have to be removed, and some people would
19 have to be removed with some force.

20 To his credit, he's kept a high level of
21 security and allows absolutely no gang activity, no
22 guns, no drugs, no alcohol, in his club since the day
23 it was opened.

24 I think that the crucial issue for this
25 committee to consider is what standards apply, and

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1 what standards apply to everyone when seeking renewal
2 of a license. And in his case, he's kept violent
3 activity away from his club. The gunshots that
4 occurred were gunshots that occurred by vandalism at
5 a time when the club was closed, no one was around.

6 I think the most damaging thing in here
7 perhaps is the dance contest. I was called -- I got
8 three very agitated phone calls, in fact, about that
9 dance contest at my home, and I had been given to
10 understand as a way of promoting business, building up
11 his base of patrons again after the suspension, he had
12 put on a contest where the school that had the most
13 attendees at his club over a three-week period would
14 get a check of a thousand dollars given to whatever
15 charity they were raising money for at Christmastime.
16 And Christmas was approaching. And at the culmination
17 of that contest, he was also going to have a 50-dollar
18 award for a dance contest.

19 The calls that I received were, I would say,
20 fairly hysterical. When Jay had been arrested, -- and
21 I was told that it had been a dance contest, nothing
22 more, nothing less, -- that yes, indeed, someone had
23 removed a sweatsuit-type garment and had danced in
24 short-shorts and a short top, but hadn't done what the
25 police had accused her of, and that Jay was being

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1 taken into custody. And so I drove up to the club,
2 and when I got there, I was told that they didn't
3 have anything to keep him on, and he was going to be
4 released in an hour. And the matter was -- came
5 before the court.

6 The guilty that arose for disorderly conduct
7 was a guilty that I negotiated with David Stanos to --
8 In lieu of the noise ordinance violation, we agreed to
9 a guilty on disorderly conduct so that he wouldn't
10 have a noise ordinance violation, because these are
11 an issue when it comes before you folks, but it
12 certainly wasn't the case that he had -- that he had
13 promoted this type of activity. In fact, I was told
14 by witnesses that participants were explicitly told
15 that they -- what the rules of the dance contest were,
16 and one of the rules categorically was that they
17 couldn't take off their clothes. There had never been
18 any kind of stripping at the club, there hasn't been,
19 and there won't be in the future.

20 As far as the noise is concerned, he's made
21 substantial improvements to the club. We've done the
22 objective testing at distances this side of -- the
23 east of 76th Street, nearer to the club than the
24 complainant lives, and he is within the objective
25 level of that district where he was given a license

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1 to operate.

2 As far as some of the other issues that have
3 attracted police concern; the cruising that takes
4 place by his patrons after hours at distances far from
5 his club really can't be blamed on him. He doesn't
6 encourage cruising. He has put up signs to discourage
7 cruising, and he's actively asked his patrons not to
8 do that sort of thing.

9 So I guess my request for the committee is
10 just to consider objectively what the standards are in
11 the city for a license renewal, and whether or not
12 this record, although it's not a perfect record, is
13 enough to deny a license.

14 MR. SCHRIMPF: Mr. Chairman?

15 CHAIRMAN WITKOWIAK: Thank you.

16 Mr. Schrimpf?

17 MR. SCHRIMPF: Do you have a copy of the
18 rules, either Mr. Harrison or Ms. Stewart, that you
19 referenced, the rules relating to the dance contest?

20 MR. HARRISON: No, I don't. Do you have a
21 copy?

22 MS. STEWART: The rules relating to what?

23 MR. HARRISON: The dancing.

24 MS. STEWART: Those rules were read by --

25 MR. SCHRIMPF: Oh, they were verbal.

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1 MR. HARRISON: Right.
2 MS. STEWART: They were verbal.
3 MR. SCHRIMPF: Oh, okay.
4 CHAIRMAN WITKOWIAK: Any questions or
5 comments by committee members at this point?
6 ALDERMAN WADE: Mr. Chair.
7 CHAIRMAN WITKOWIAK: Alderman Wade.
8 ALDERMAN WADE: Thank you. Mr. Harrison,
9 how long have you been operating this facility?
10 MR. HARRISON: For three years, I believe.
11 ALDERMAN WADE: Three years?
12 MR. HARRISON: Yes, sir.
13 ALDERMAN WADE: And how many times have you
14 had any gun activity inside your facility?
15 MR. HARRISON: None.
16 ALDERMAN WADE: The facility does not sell
17 alcohol, correct?
18 MR. HARRISON: No, sir.
19 ALDERMAN WADE: Now, the thing dealing with
20 the curfew, the 15-year old or whatever, -- I know
21 that was in the past, but what are the rules for
22 dealing with people underage and curfew and so on and
23 so forth. What do you do to make sure no one's in
24 there after the appropriate time?
25 MR. HARRISON: The rule is if I have anyone

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1 in the club after 11:00 that's past -- that's under
2 17, they have to be gone. But what we did is, since
3 the start of this project, we didn't admit no one in
4 the club that was under 17, just for the fact that we
5 wouldn't have to worry about this whole curfew thing,
6 closing down, and people not leaving that was not of
7 age. So we do not admit people who are under 17 into
8 the club.

9 This guy, this 15-year-old, was not caught
10 in the club. He was in the parking lot. So maybe he
11 tried to get in there and was in the parking lot and
12 waiting on his brother or whatever to leave out. He
13 was not caught in the facility, you know, after 11:00.
14 He was in the parking lot. So what we do to protect
15 that, we just card, and if they're under 17, we don't
16 let them in.

17 ALDERMAN WADE: All right. Thank you,
18 Mr. Chair.

19 ALDERMAN PUENTE: Mr. Chair?

20 CHAIRMAN WITKOWIAK: Alderman Puente.

21 ALDERMAN PUENTE: Just for the record, I did
22 request an open record request through the Milwaukee
23 Police Department. I just got off the phone. I still
24 have not received that. What I'd like to ask Sergeant
25 Hogan are several questions that pertain to the

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1 impact, whether directly or indirectly to H20, on the
2 resources of the Milwaukee Police Department.

3 As indicated in the items that he read, such
4 as Item 19, where there were eight police squads, two
5 persons per squad, that took a total of three hours to
6 complete their assignment, and then also Item No. 20,
7 where they used 13 squads for this detail and took
8 seven hours of police service.

9 I would like to understand the impact. If
10 these officers are there, they obviously can't be
11 somewhere else, and then the cost to the city. And I
12 would imagine that these squads had to have super-
13 visors also to supervise. And I don't mean to bombard
14 you with the third question, but was there anything
15 that the police department did proactively, such as a
16 DPM, to monitor the H20 for any illegal activity and
17 the impact that cruising has, not only in the area of
18 76th and Brown Deer, but also the northwest side.

19 MR. SCHRIMPF: Mr. Chairman, I think it
20 should be -- for the record, we should indicate that
21 DPM, I think, means Directed Patrol Mission.

22 ALDERMAN PUENTE: Yes, my apologies.

23 CHAIRMAN WITKOWIAK: Thank you.

24 SERGEANT HOGAN: I'm aware of a report filed
25 by Lieutenant Gerard of the 4th District regarding

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1 businesses impacted by cruising. The report, I
2 believe, is dated March the 28th, and in that he
3 identifies two licensed premises that are directly
4 contributing to the cruising problem, and the Cafe H20
5 is one of them.

6 The Directed Patrol Mission was implemented
7 on April the 25th of this year, and on, I believe it's
8 May the 25th of this year, a directive came from the
9 chief of the patrol bureau that on nights that the
10 Cafe H20 is not open, there shall not be any Directed
11 Patrol Mission in the area of 76th and Bradley Road,
12 if that answers the question.

13 ALDERMAN PUENTE: Yes. Would you know
14 approximately, or could you give a guess, on the cost
15 to the city for this?

16 SERGEANT HOGAN: Not directly attributed to
17 the Cafe H20. There are figures for the Directed
18 Patrol Mission regarding cruising.

19 ALDERMAN PUENTE: All right. As in Item 20,
20 it says right there that they were assigned to monitor
21 the cruising activity on 76th and Bradley coming from
22 the Club H20, and that 13 squads were used for detail,
23 and seven hours of police service. So that's seven
24 hours that 13 squads were obligated to this task.

25 SERGEANT HOGAN: Do you want me to take the

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1 seven hours times --

2 ALDERMAN PUENTE: Approximately, yeah. I
3 mean I would imagine it's costly, though, to the city
4 and the taxpayers of this city.

5 SERGEANT HOGAN: That would be a safe
6 assumption on your part.

7 ALDERMAN PUENTE: That's all I have,
8 Mr. Chair.

9 ALDERMAN WADE: Mr. Chair.

10 CHAIRMAN WITKOWIAK: Alderman Wade.

11 ALDERMAN WADE: Thank you. Mr. Harrison,
12 you stated the Club H20 has been open every weekend
13 continuously since what, September, November?

14 MR. HARRISON: Since September.

15 ALDERMAN WADE: Since September. Now, --

16 MR. HARRISON: Just Saturday.

17 ALDERMAN WADE: Just Saturday nights.

18 MR. HARRISON: Yeah.

19 ALDERMAN WADE: Okay. Now, my district is
20 directly impacted by cruising, all right?

21 MR. HARRISON: Okay.

22 ALDERMAN WADE: The cruising that occurs in
23 my district occurs on Sherman and Capitol, and if your
24 club has been operating since September, -- We haven't
25 had any cruising concerns since probably July. I mean

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1 not real hard-core cruising concerns since July.
2 To say that his club is responsible for
3 cruising, personally, I think is a stretch. The
4 police have to do what they have to do in the City of
5 Milwaukee regardless to what. We have the county
6 stadium, Miller Park. We have Summerfest. We have
7 the Harley Davidson festival where police are going
8 out doing what they do to make sure -- We don't want
9 to close down Summerfest because people are getting
10 drunk and cruising or we have traffic concerns. So to
11 say we need to close down this bar because of that,
12 that's a stretch. I mean, because if that's the case,
13 there's a lot of places on Water Street and the
14 downtown area that have traffic concerns when people
15 are dismissed, including Miller Park, including
16 Summerfest. So to say he's responsible for that,
17 especially when he's been operating and we haven't had
18 any cruising concerns, would lead me to believe that
19 he's not directly responsible for cruising.

20 Now, I don't know about the rest of this
21 panel, but being the only African-American member of
22 the panel, I feel a little more responsibility. So
23 what I did was I went out to Club H20, and I visited
24 it. When I walked in the door, the first thing I saw
25 was the cruising ordinance right in front, where you

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1 can see it, explaining to people what cruising was
2 about. When I went into the club, it was very
3 orderly. I didn't see any alcohol. I didn't see
4 anybody -- It was secure. The parking area was
5 secure.

6 I talked to the owner, and I looked at my
7 file, and I said, where are these addresses of the
8 people that are complaining? I took a ride to find
9 out where the complaints were coming from. The
10 complaints are -- It's unbelievable how far away
11 from Club H20 the complainants live. 76th Street is
12 between their house and Club H20. If you can hear
13 noise all the way at their house from Club H20, -- And
14 I stayed out there and monitored it. There's cars
15 going down 76th Street with their music blasting, --
16 that could be the reason why, -- which is closer to
17 their houses than Club H20.

18 We have a Milwaukee Fire Department facility
19 directly across the street from these people. I went
20 into the facility, woke the officers up, and I spoke
21 to them about the noises that they hear from Club H20.
22 The firefighters in that building stated that that's
23 ridiculous that they can hear sounds, but the problems
24 that they had with Club H20 was traffic, if they could
25 get through safely to address traffic concerns. They

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1 work there, they're up. They can't hear anything.
2 They thought it was comedy when I told them someone
3 from across the street from them could hear it.

4 Then I went to the corner gas station. I
5 talked to the guy who works the night shift at the gas
6 station. I asked him, "Can you hear noise coming from
7 Club H20? Do you hear music?" He thought it was
8 funny.

9 Now I'm out there observing this on my own.
10 It is ridiculous to think that music from Club H20 can
11 effect someone that far away from the club. Anyone in
12 this room can go and do the same thing that I did, and
13 they'll find out that that is ridiculous.

14 Now, the firefighters did express that there
15 is cruising going on on the street right behind that
16 building. Every --

17 MR. HARRISON: On 81st.

18 ALDERMAN WADE: What street is that?

19 MR. HARRISON: 81st.

20 ALDERMAN WADE: 81st Street, -- every
21 Friday and Saturday night, with cars going up and down
22 cruising, playing their music, and they've got a thing
23 right on their board, a number to call, every time
24 this occurs. Maybe that could be the noise that they
25 are hearing, so on and so forth.

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1 But to say that this man -- This man is an
2 entrepreneur. He employs people. People's work and
3 livelihoods is connected to this. This is a place for
4 young people to go and enjoy themselves in a safe,
5 controlled, monitored environment.

6 All of the things that I looked at, most of
7 them are dismissed. Most of the things are dismissed.
8 To say that we will stop allowing this man to provide
9 for himself, based on some of these accusations of
10 noise and saying that he's responsible for traffic
11 control, -- Traffic control is a police situation. I
12 don't even know why we entertain the idea of revoking
13 someone's license for this. Thank you, Mr. Chair.

14 CHAIRMAN WITKOWIAK: Thank you, Alderman
15 Wade.

16 ALDERMAN PUENTE: Mr. Chair.

17 CHAIRMAN WITKOWIAK: Alderman Puente.

18 ALDERMAN PUENTE: I would like to state
19 that -- I know cruising normally is not occurring
20 during the winter months, so to state that cruising
21 wasn't occurring during that time period is true, and
22 not connected, directly or indirectly, to the H20. I
23 think it's more to climate.

24 As stated earlier by Sergeant Hogan, the
25 police department felt that the H20 was responsible

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1 for the cruising, and that the directive was not to do
2 cruising -- or not to do the Directed Patrol Mission
3 when H20 was not open.

4 Now, whether or not this particular
5 establishment is impacting the whole City of
6 Milwaukee, -- I'm not stating that. Now, whether
7 they're going down to Sherman or this or that, I
8 will not state that, or even try to imply that.
9 But what I am implying is that it is impacting the
10 immediate area of the northwest side of 76th and
11 Bradley. Now, if they go down to Sherman or wherever
12 else in the city, you know, I have no idea.

13 Cruising is occurring in the city for a lot
14 of different reasons and at different areas of the
15 city. It is my belief that, with the testimony that
16 was given, is that the H20 is directly or indirectly
17 responsible for some of the cruising that is going on.
18 I won't even say some. I would say the majority of
19 the cruising that's going on in and around the area of
20 76th and Bradley on the northwest side is because of
21 what was stated, and I believe that the impact of that
22 cruising, not only directly, impacts the people who
23 live in and around that area, but also the resources
24 of the Milwaukee Police Department that could be doing
25 something else, other than monitoring the cruising and

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1 other activities as stated in these documents here.

2 There's been 12 incidents since June of last
3 year, or May of last year, 12 incidents; some were
4 dismissed, but I -- As stated earlier by the attorney,
5 it's my understanding that there were seven citations
6 that were looked at, and -- You pled to one of them,
7 so was there a plea agreement regarding that?

8 MS. STEWART: The reason was is that the --
9 and I've got the professor of engineering at Marquette
10 University, who did the sound measurements, -- and at
11 the complainant's house, the average of three sound
12 measurements taken was four to five decibels. Four
13 to five decibels is about the level of sound that you
14 would hear in a quiet library, and he said that --
15 looking at the ordinance, and this is what we
16 presented to the court, -- the level that's allowed
17 for that type of district is considerably higher than
18 that, both on the residential side and --

19 ALDERMAN PUENTE: Did you do a plea
20 agreement regarding these citations with the courts?
21 Yes or no.

22 MS. STEWART: Yes, we had several of them --
23 We agreed, because there's a subjective side to the
24 ordinance, where even if somebody is within the
25 objective requirements of the ordinance, that if they

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1 tend to disturb a resident at a certain distance, they
2 can be charged, even if they're doing what they think
3 they have to do to comply with the ordinance. And it
4 tended to disturb a particular complainant on a number
5 of occasions. I think if she can hear anything, it's
6 disturbing to her, and so she had called in a number
7 of noise ordinance violation complaints, and those
8 were consolidated into one appearance, and the judge
9 agreed that if we paid for one ticket, that would be
10 appropriate.

11 MR. SCHRIMPF: Mr. Chairman, if I may help
12 the committee out here.

13 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

14 MR. SCHRIMPF: Section 80-64 of the Code
15 of Ordinance talks about noise limitations. And in
16 residential districts, it would be helpful to know
17 what time this measurement occurred; because in
18 residential districts for days, it's 55 decibels.
19 For night, it's 45 decibels. If this is regarded
20 as a commercial district, then the daytime limit is
21 60 decibels, the nighttime limit is 50 decibels.

22 There's various gradations, but then I think
23 Council raises the point that there is a B-3 to the
24 ordinance, and it simply says, "Distance of greater
25 than 50 feet, the operation of any radio, television,

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1 musical instrument, compact disc, tape player, or
2 phonograph or other machine or device, in a manner
3 that tends to disturb the peace," that's the -- I
4 think you said the -- What was the word?
5 MS. STEWART: The subjective --
6 MR. SCHRIMPF: Subjective. -- "quiet
7 and comfort of the neighboring occupants at a distance
8 greater than 50 feet" -- and I'm assuming this home
9 was greater than 50 feet from the club.
10 MS. STEWART: Indeed.
11 MR. SCHRIMPF: Yeah. -- "from building
12 site or structure, vehicle with machine or device is
13 located." So that apparently is part of what was
14 going on with these citations.
15 CHAIRMAN WITKOWIAK: Thank you,
16 Mr. Schrimpf.
17 ALDERMAN WADE: Mr. Chair?
18 CHAIRMAN WITKOWIAK: Just one second,
19 Alderman Wade. At this time Alderman Puente moves to
20 make the police report a part of the record, and
21 hearing no objections to that, so ordered. Alderman
22 Wade.
23 ALDERMAN WADE: Thank you, Mr. Chair. I
24 just want to reiterate that cruising -- There are a
25 lot of different things that go into cruising, but

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1 probably the number one variable dealing with cruising
2 is weather, that is true. Weather is the number one
3 component dealing with cruising, and that's because --
4 weather and the festival activities that go on in the
5 City of Milwaukee.

6 During different festivals that tend to
7 attract more young people, and when the weather sinks
8 up, we tend to have more problems with cruising, but
9 we have a cruising task force that's been dealing with
10 and in fact is dealing with cruising presently.

11 I have a meeting with the chief of police
12 coming up dealing with the issue of cruising and
13 some things we can do to address that issue. But I
14 just wanted to make sure that I stated that the number
15 one variable in cruising is weather.

16 CHAIRMAN WITKOWIAK: Thank you, Alderman
17 Wade.

18 ALDERMAN DUDZIK: Mr. Chairman?

19 CHAIRMAN WITKOWIAK: Alderman Dudzik.

20 ALDERMAN DUDZIK: I would like to hear from
21 any neighbors that are in the audience, but first I'd
22 like to say that given the fact that a police officer
23 on June 15th of last year actually was at this
24 residence in question and actually did hear the music
25 at that location as indicated by the police report, I

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1 don't find it farfetched to believe that that happens
2 more than on one occasion.

3 This particular location has been
4 problematic darn near since the day it opened,
5 according to the police report. It has everything
6 from loud music, lewd and lascivious behavior, and
7 fights supposedly have occurred.

8 The part that I find ridiculous is to
9 compare a facility that has 150, 180 customers to
10 someplace like Miller Park which might, depending
11 upon the game, have anywhere from 10,000 to tens of
12 thousands of people, or to Summerfest, which has
13 hundreds of thousands of people attending it, and far
14 fewer police actions are taken for the one or two
15 weeks that Harley -- or Summerfest is open.

16 The other thing I find kind of ridiculous is
17 that this particular facility commands 13 squads. I
18 can guarantee you I don't even have 13 squads in my
19 district. I don't have three squads in my district,
20 let alone 13. So I just think that whole argument
21 that this place is a needed facility on the north side
22 is kind of off the mark, and when the time comes I'm
23 sure that I'll be in support of any effort to revoke
24 this license. Thank you.

25 ALDERMAN WADE: Mr. Chair.

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1 CHAIRMAN WITKOWIAK: Thank you, Alderman
2 Dudzik. Alderman Wade.

3 ALDERMAN WADE: Thank you. What I think
4 is ridiculous and a bit shoddy is to make statements
5 that are not true and try to pass them off as true.

6 The statement made about the amount of
7 things that happen at Summerfest and amount of police
8 reports, we don't have any evidence of that before us
9 right now. I'm certain that more police reports and
10 fights and so on and so forth go on at Summerfest and
11 the stadium.

12 The amount of people that you deal with, --
13 I was addressing that police have to deal with traffic
14 control in different areas. I mean for us to make
15 statements that we want to come across as being true
16 when we don't have any documentation of that being
17 true; the truth is that there are many more things
18 going on at Summerfest, many more police complaints,
19 so on and so forth, dealing with Summerfest. That's
20 the truth, but I don't have documents to back that,
21 up either. But I don't think we should be making
22 irresponsible statements like that and try to pass
23 them off as factual unless we have documentation to
24 support it.

25 CHAIRMAN WITKOWIAK: Okay. Thank you,

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1 Alderman Wade.

2 ALDERMAN PUENTE: Mr. Chair.

3 MR. HARRISON: Can I comment, please?

4 CHAIRMAN WITKOWIAK: No, just wait.

5 Alderman Puente.

6 ALDERMAN PUENTE: It is factual that on
7 August 10th, 2003, the Milwaukee Police Department was
8 assigned to monitor the cruising activity on North
9 76th and Bradley Road coming from the Club H20 at 7427
10 West Bradley where 13 squads were used on this detail.

11 It took approximately seven hours of police
12 service to direct pedestrian traffic, vehicle traffic,
13 investigate a fight, investigate a squad accident, to
14 cite those people who were in violation, all resulting
15 from the patrons of Club H20. Those are the facts as
16 stated here in the police report, and I could go on,
17 but it's already been read, so those are the facts.

18 CHAIRMAN WITKOWIAK: Thank you, Alderman
19 Puente. Before we go any further I'd like to see a
20 show of hands of those people in attendance here that
21 are in opposition to the renewal of this license,
22 please. I see eight.

23 At this time we have a microphone set up
24 over there. Could you all raise your right hands,
25 please, those of you who are going to testify in

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1 opposition.

2 (Whereupon all witnesses were sworn under
3 oath.)

4 CHAIRMAN WITKOWIAK: Could you please
5 come forth one at a time to this microphone stand over
6 here, state your name and address, and provide your
7 testimony for us, please.

8 MR. SCHRIMPF: And Mr. Chairman, if they
9 could make sure that it's personal observations, not
10 just what somebody told you.

11 CHAIRMAN WITKOWIAK: Yes. What Mr. Schrimpf
12 is referring to is something called hearsay which is
13 not good evidence for this committee. This has to be
14 things that you observed.

15 MR. JONES: What if it involves a family
16 member? I think this is important that you hear what
17 I'm saying.

18 MR. SCHRIMPF: Well, the committee can hear
19 it but can't base any facts on it.

20 MR. JONES: My name is Dennis Jones. I
21 live on 7720 West Bradley. I'm probably one of the
22 closest houses to the club. Now, can I ask a question
23 of Mr. Wade here?

24 CHAIRMAN WITKOWIAK: Go ahead.

25 MR. JONES: I didn't hear, what date did you

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1 go observe the club?

2 ALDERMAN WADE: This weekend.

3 MR. JONES: Okay. Well, what you ought to
4 do is you ought to observe the club when it's hot out,
5 in the middle of the summer when they really have a
6 big crowd there, because they get a lot more than 180
7 cars in those parking lots around that club. A lot
8 more than 180 cars.

9 ALDERMAN WADE: Just for the record, I have
10 gone during the summer months when it was warm, also.

11 MR. JONES: July and August?

12 ALDERMAN WADE: I've gone in the summertime,
13 also.

14 MR. JONES: Well, I don't have air
15 conditioning in my house, the windows are open, and
16 I've been woken up many times by the police directing
17 traffic with whistles, their loudspeaker systems,
18 their bull horns, at 12, 1, 2 in the morning. The gas
19 station on the corner has to close down until all the
20 kids are gone from the club. It's disturbing the
21 whole neighborhood.

22 My daughter, she goes to Mount Mary College.
23 She studies there late at night. She comes home from
24 school. She has to drive way up past Brown Deer Road
25 and go way west to go east on Bradley Road because the

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1 police won't leave her drive down the road because of
2 the congestion of the club.

3 You mentioned Harley Fest. I went down to
4 Harley Fest when they had the streets blocked off in
5 downtown Milwaukee. I spent probably 10 hours down
6 there. I didn't see one fight between people. I
7 didn't see arguments. I saw a very controlled crowd
8 for hundreds of thousands of people. This little club
9 that's supposed to have only 180 people in it, we have
10 all these problems in it? It's ridiculous.

11 I've lived in that house for 20 years, and
12 this is probably the worst thing that's happened in
13 that neighborhood in the 20 years I lived there. We
14 used to have a club called -- I think it was called
15 Buzz Dum's just north of there. They had problems
16 there, but nowhere near the problems they have at
17 Club H20.

18 MR. HARRISON: Can I make a comment on that?

19 MR. SCHRIMPF: Mr. Chair?

20 CHAIRMAN WITKOWIAK: Just hold on.

21 MR. HARRISON: Okay.

22 MR. SCHRIMPF: I'm sorry, perhaps I missed
23 it, but I did not get this person's name.

24 MR. JONES: Dennis Jones.

25 MR. SCHRIMPF: Dennis Jones. Thank you.

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1 CHAIRMAN WITKOWIAK: Mr. Jones, just before
2 you go any further, I have a question for you. What
3 time of day or night is this that your daughter drives
4 home and has to go around about?

5 MR. JONES: Probably midnight, 1:00. At
6 certain colleges you can stay in their libraries or
7 computer rooms or their art studios till all hours of
8 the night working on projects.

9 ALDERMAN WADE: Mr. Chair.

10 CHAIRMAN WITKOWIAK: Mr. Harrison, I'll let
11 you ask a question in a minute. Go ahead, Alderman
12 Wade.

13 ALDERMAN WADE: I just want to make sure
14 that you to understand. When I was talking about
15 Harley Fest, especially Harley Fest, I wasn't talking
16 about violence. I was talking about the amount of
17 police resources needed. That's what I was talking
18 about. So when you were at Harley Fest, you did see
19 police officers around, also, correct?

20 MR. JONES: Yes.

21 ALDERMAN WADE: That's what I was talking
22 about.

23 MR. JONES: Do you understand how much money
24 Harley Fest brings into this city? It brings a lot
25 of money into the city.

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1 MR. SCHRIMPF: Mr. Chairman?

2 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

3 MR. SCHRIMPF: Thank you. Mr. Jones, with
4 reference to what you have personally observed, you
5 testified to traffic problems, I think you testified
6 to cruising. Have you seen public urination,
7 disorderly patrons or fights as a result of patrons
8 from this club?

9 MR. JONES: No, I haven't. I don't live
10 that close. I live two blocks away from the club.

11 MR. SCHRIMPF: Okay. Thank you,
12 Mr. Chairman. That's all I have.

13 CHAIRMAN WITKOWIAK: Mr. Harrison, go ahead
14 and ask your question.

15 MR. HARRISON: What is the address of this
16 gentleman's home?

17 CHAIRMAN WITKOWIAK: 7720 West Bradley Road.

18 MR. HARRISON: Okay. He made a comment of
19 he being a resident there for 20 years and this is the
20 worst thing that ever happened in this area, okay?

21 Buzz Dum's, the club he just mentioned, was
22 brought up at the last Common Council meeting before I
23 even got this license, okay? For him to sit up here
24 and say that this place is so bad, -- My record, to
25 me, isn't as bad as Buzz Dum's, okay? An officer was

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1 shot at Buzz Dum's, numerous patrons were shot at Buzz
2 Dum's, and no one got shot at my establishment, and
3 this man can say this is so bad?

4 For you guys to sit up here and let him
5 shoot flames at me like this, when officers got shot
6 at an establishment; and noise nuisance is worser than
7 someone getting shot? I think that's unfair.

8 CHAIRMAN WITKOWIAK: Okay. Thank you,
9 Mr. Harrison. I'll let you comment on things, but try
10 not to make this personal.

11 MR. HARRISON: It is a personal thing.
12 These people take this personal. This is not all
13 facts.

14 CHAIRMAN WITKOWIAK: Mr. Harrison, if it's
15 okay with you, I'll run this meeting.

16 MR. HARRISON: Okay.

17 CHAIRMAN WITKOWIAK: Thank you.

18 MR. HARRISON: Run it fair, please.

19 CHAIRMAN WITKOWIAK: Pardon?

20 MR. HARRISON: Could you run it fair?

21 CHAIRMAN WITKOWIAK: I believe I am running
22 it fairly. I'm allowing everybody to speak, and I
23 just don't want any personal attacks against anybody
24 during this meeting.

25 MR. HARRISON: It is personal. It's

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1 personal attacks on people that are sitting on the
2 city chair.

3 CHAIRMAN WITKOWIAK: Thank you,
4 Mr. Harrison. Are there any other questions or
5 comments by members of this committee for this
6 witness? Counsel, anything?

7 MS. STEWART: No.

8 CHAIRMAN WITKOWIAK: Thank you very much.
9 Can the next person come up, please, and testify?

10 MR. BLUMA: My name is John Bluma. I reside
11 at 7800 West Bradley Road. I was going to start off
12 with a couple items, but it's been brought to my
13 attention by members of this committee that they feel
14 a dismissal of noise ordinance violations as a result
15 of one component or issue over another.

16 I'm the husband of Maria Bluma who resides
17 with me on West Bradley Road, and I just want to say
18 it's been numerous times that I have recommended to
19 my wife not to call the police because of the
20 ineffectiveness that was shown in the past of the
21 police being overwhelmed by the conditions at the H2O
22 Club, and this overwhelming condition putting them at
23 a disadvantage of being able to have the club turn
24 down their noise level for any sustained level or
25 duration of time. It may occur long enough for the

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1 police to be there, issue a citation, but by 1:00 in
2 the morning it's back up again.

3 I was going to go through another item that
4 I want to mention for sure. It's been pointed out
5 that one person might be overly sensitive to noise.
6 As an electrical engineer in decibel measurements of
7 45 db, without a frequency spectrum of that decibel
8 measurement, we are absolutely talking ludicrous here.
9 Forty-five decibels measured on an instrument that's
10 not tuned for the subsonic frequencies that are
11 shaking my house, shaking my walls, shaking my
12 windows, is ludicrous.

13 I've had multiple times where I did allow
14 the wife to call the police. The police came. They
15 witnessed the noise. They said it's without question
16 that this is what's shaking the house.

17 We said we had gone up to the corner, we
18 had checked, and the source of that noise was not
19 automobiles, it was not loud cars. It was in fact
20 the club. They said they would have to confirm that.
21 They went up to the club. On one occasion two
22 officers came back to the house and said, we're sorry
23 for having doubted you, it is in fact the club.

24 So I resent what I'm hearing by certain
25 people on the committee that it's cars or something

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1 when we have taken extensive measures, time, personal
2 sacrifice on my part and my wife's part to go visit
3 the club area at midnight, at 12:30, at 1:00. This is
4 not something I live to do. This is something I have
5 to do to put something right, and the only way to put
6 something right here is to make you people aware of
7 the total disruptive nature that club has brought into
8 the area.

9 I would affirm with Mr. Jones that even with
10 Buzz Dum's in consideration, Buzz Dum's was closed
11 down. Buzz Dum's problem was corrected. This has
12 been the most long-lasting problem that this area has
13 seen in my 18 years of residence in this area.

14 Not to go over anybody else's material here,
15 because I want everyone to have a chance to be noted
16 for what they have found; my ongoing frustration,
17 though, is I've gotten to the point where I've taken
18 all the measures I can. I'll sleep in the basement.
19 I've moved furniture in the master bedroom away from
20 walls that are shaking. I can only do so much. So
21 my frustration is to a point, except from moving, I
22 really have no other course that I can see as a
23 personal solution.

24 But I think as a committee here, if there's
25 a reluctance to rescind the license, at that very

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1 least, the very, very minimal least, we should
2 consider as a committee having closure at 11 p.m.
3 monitored by the police to make sure that it does in
4 fact occur at 11 p.m., and give us at least a few
5 hours into the night where we have some resemblance
6 of a quality of life. Thank you.

7 MR. SCHRIMPF: Mr. Chairman?

8 CHAIRMAN WITKOWIAK: Thank you.

9 Mr. Schrimpf.

10 MR. SCHRIMPF: Thank you very much. First
11 of all, how far away do you live from the club?

12 MR. BLUMA: 7800 West Bradley is roughly
13 three city blocks from the club.

14 MR. SCHRIMPF: So it's more than 50 feet.

15 MR. BLUMA: Yes, sir.

16 MR. SCHRIMPF: Okay. And you've indicated
17 that you have walls that shake and vibrate from the
18 noise?

19 MR. BLUMA: The outside walls of the house
20 vibrate to the point of when I move the master bedroom
21 furniture against the wall, the furniture itself
22 becomes to resonate and shake, and the solution had to
23 be moving it away from the wall, and in fact turning
24 the bed and things away from the outside walls.

25 MR. SCHRIMPF: Do you experience this

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1 problem on nights when the club is not operating?

2 MR. BLUMA: No, sir.

3 MR. SCHRIMPF: So you only experience this
4 on nights when it is operating.

5 MR. BLUMA: And we have numerous times gone
6 up to make sure that that is the source of the club
7 because on occasion you'll get vehicles with what we
8 call bass cannons going by which has the same effect
9 as this club, so we wanted to be sure.

10 Before we would call the police, we would
11 always be sure that it was in fact the club, and on
12 numerous occasions I recommended to the wife that we
13 don't call the police. In fact, I said let somebody
14 else call the police once in a while, let some of the
15 community take responsibility, and I'm glad to see so
16 many of them here today.

17 MR. SCHRIMPF: How often are you disturbed
18 in the fashion that you've described to the committee?
19 What's the frequency?

20 MR. BLUMA: I didn't quantify it. I would
21 say this last weekend, which Mr. Wade alluded to as
22 being quiet, I would have to say the walls were not
23 shaking this last weekend. The previous weekend it
24 was bad, the weekend before that it was bad.

25 MR. SCHRIMPF: Does this occur mostly on

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1 weekends?

2 MR. BLUMA: It occurs on Saturday night.

3 MR. SCHRIMPF: Okay. And are you required
4 to get up early on Sunday morning?

5 MR. BLUMA: Just to go to mass. God doesn't
6 require me to go to mass.

7 MR. SCHRIMPF: I take it you have not
8 personally witnessed fights or --

9 MR. BLUMA: No, sir.

10 MR. SCHRIMPF: -- public urination,
11 disorderly patrons, that kind of thing.

12 MR. BLUMA: I've only noticed broken windows
13 at the club, and when his club was initially licensed,
14 there was -- We had been working with Mrs. Karl's, it
15 was a bread shop, I guess you'd call it, a bakery
16 that's adjacent to the club, and we had talked to
17 them, and they had the worst problems, but I
18 personally hadn't witnessed the damage to their
19 equipment.

20 MR. SCHRIMPF: Thank you, Mr. Chairman.
21 That's all I have.

22 CHAIRMAN WITKOWIAK: Questions or comments
23 by members of the committee? None? I have a question
24 for you. If you could just explain to the committee
25 this -- that you say a decibel meter would not pick up

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1 subsonic sounds?

2 MR. BLUMA: Yeah. It's actually quite a
3 simple test that a layperson can do. Take your cell
4 phone and try to record with your cell phone a bass
5 cannon in a car. You'll get the response back from
6 the cell phone far different than what your ears have
7 picked up because our ears can pick up subsonic, low
8 frequencies in the range of 10 hertz, 50 hertz,
9 because it actually vibrates our bone structure in our
10 skull.

11 The electronics in the phone, the
12 electronics in a decibel meter, have to be
13 specifically tuned to record such levels because no
14 one who enjoys music or voice on a phone considers
15 those subsonic frequencies to be music. So therefore
16 they do not design the circuitry to be responsive to
17 that. The attenuation drops off considerably. It
18 will not respond to what's not considered normal
19 voice or music.

20 CHAIRMAN WITKOWIAK: And you contend that
21 this subsonic sound is what causes the vibration
22 causing the walls to shake.

23 MR. BLUMA: It's precisely that. If you're
24 familiar with suspension bridges, and if it's hit with
25 a certain frequency of wind, it will set the bridge

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1 into motion. This motion is called resonance, and it
2 can destroy an entire bridge just by the way the waves
3 of wind hit it. It's the same in a home, it's the
4 same in this room.

5 There are things like desks and walls which
6 will respond to 10, 12 hertz, very low frequencies,
7 below what a person would normally hear, and these low
8 level frequencies are what then transfer into -- Then
9 they vibrate at, say, 12 hertz, and then you hear a
10 fundamental of that which is 24 hertz, then you hear
11 another fundamental of that which is 28 hertz. The
12 wall itself responds to the low frequency throbbing
13 coming from the club, yet your ears pick up on the 24
14 hertz that the wall produces because of its going into
15 resonance.

16 And electronic meters -- and trust me, I've
17 worked with electronic instrumentation for 28 years,
18 so I'll defend it to any lawyer anywhere in the world.
19 The meter has to be specifically tuned to a frequency.
20 To use an industrial grade meter that's not
21 specifically tuned is irrelevant. Besides what I'm
22 testifying here to is the fact that I've had numerous
23 different policemen of all -- African-American, white,
24 all different nationalities, come to the home and can
25 verify that.

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1 MR. HARRISON: I object.

2 MR. BLUMA: This is what I'm hearing, this
3 is what the home is being subjected to, and for anyone
4 on the committee to point out anything to do with
5 African-American has none to little, to a nonexistent
6 relevance in this hearing today.

7 CHAIRMAN WITKOWIAK: Okay. Thank you. Are
8 there any other questions or comments by committee of
9 this witness? Counsel, do you have some questions for
10 him?

11 MS. STEWART: Well, I just feel the need to
12 clarify, and I respect your judgment about avoiding
13 incendiary comments. However, the remarks I made
14 about having sound measurements taken, I prefaced by
15 saying that those measurements were taken by an
16 engineer. I looked -- God, I called a number of
17 expert sound engineers. This was a person who has
18 appeared in Milwaukee courts in the past who did
19 calibrate, who did take all the appropriate -- make
20 all the appropriate adjustments for the type of
21 sounds. I have all the particulars of the calibration
22 instruments that were used. We anticipated that this
23 document was going to have to be used in court, and
24 the sound measurements were properly taken.

25 With respect to the concept of his resisting

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1 calling the police, on whichever occasions he did not
2 call because the police might be overwhelmed, the
3 police have never done any sort of a tavern check or
4 gone by the club and had a confrontational situation,
5 nor have they gone into the club and found any of the
6 things that I think with beer would occur in this
7 club; the alcohol, drugs, the fights or, you know, the
8 gunfights and violence that were anticipated that
9 might occur.

10 And so, you know, certainly we need to
11 address traffic problems and things like that and come
12 up with a solution whereby police don't need to use
13 bull horns and sirens and things that no question
14 would disturb anybody at 1:00 in the morning. But in
15 terms of a license renewal, I think we should stick
16 closely to the facts that are well supported.

17 MR. BLUMA: Am I allowed to respond to that?

18 CHAIRMAN WITKOWIAK: Go ahead.

19 MR. BLUMA: I just want to say that for
20 her to use words like never and such, again it's
21 ludicrous. I've talked to a number of police that
22 have come to the home as to the situation that they're
23 up against with the club. For it to be implied that
24 the policemen are -- have no issue with the club or
25 have not served the club or asked the club to reduce

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1 their volume is not what I've been told.

2 I have been told by a couple different squad
3 pairs that they do not go into the club without backup
4 for fear of one thing or another, and that their
5 indication they have is the perceived usage of Ecstasy
6 and stuff based on the response of the things they
7 have observed themselves firsthand at the club.

8 MS. STEWART: That would be hearsay.

9 CHAIRMAN WITKOWIAK: Thank you. Could we
10 hear our next witness, please.

11 MR. SPITZ: My name is John Spitz, and I
12 live down at 8104 West Bradley Road, 81st and Bradley
13 at the intersection, and I'm help hear to speak to the
14 noise issue.

15 I do not object to the license being
16 reissued or renewed. I do object to the amount of
17 noise, to the sounds coming out of the dance club, and
18 if something can be done about that, -- Maybe there's
19 a different type of ordinance that has to be put in
20 place possibly. It's definitely not an issue about
21 decibels. They're not violating decibels.

22 I live practically a quarter of a mile down
23 the street, and the subwoofers and the low frequency
24 sounds that are generated by that sound system travels
25 miles, and I hear it every time the place is open.

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1 CHAIRMAN WITKOWIAK: Thank you. Can you
2 describe what it is you hear? What's your sensation?
3 What do you hear?

4 MR. SPITZ: Just a very low thumping,
5 thudding kind of sound. It's barely audible. The
6 other thing is that there's an elevation change
7 between my house and the intersection of 76th and
8 Bradley. 76th and Bradley is probably, I don't know,
9 maybe a half a story higher than my house is, and that
10 contributes to the problem.

11 I have complained before, and my only
12 complaint was the noise issue, and I don't object to
13 the license being reissued if we can somehow contain
14 the noise, because I think it's fine he's trying to
15 run his own business, because I'd like to do the same
16 myself sometime, but the low frequency sound is a real
17 issue. It's there, and it's not a matter of decibels.
18 It's a matter of an extremely, I guess, kind of quiet
19 sound that you can hear, and I hear it the whole time
20 he's open.

21 MR. SCHRIMPF: Mr. Chairman?

22 CHAIRMAN WITKOWIAK: Thank you.

23 Mr. Schrimpf.

24 MR. SCHRIMPF: Well, do you find it
25 disturbing or not disturbing?

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1 MR. SPITZ: Yes. It keeps me up.

2 MR. SCHRIMPF: It does keep you up.

3 MR. SPITZ: Uh-hmm.

4 MR. SCHRIMPF: That's all I have,

5 Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Questions by committee
7 of this witness? None. Counselor?

8 MS. STEWART: No.

9 CHAIRMAN WITKOWIAK: Thank you very much.
10 Can we have our next witness, please.

11 MS. BLUMA: My name is Maria Bluma. I live
12 at 7800 West Bradley Road. I want to bring to your
13 attention on March 6th at about 11:30, I had gone
14 outside to check on the noise I was hearing. When I
15 got to the area of the corner, there was a squad
16 there, there was a rescue squad there parked in front
17 of it blocking Bradley Road, so I don't know what was
18 going on, so I was wondering if the council can fill
19 me in on what happened on March 6th at about 12:30.
20 Let's see. At about 1:30 it was quiet again, so then
21 I had gone to sleep.

22 On March 28th, I heard a noise again at the
23 club. I called the police to let them know that I had
24 driven down again, parked where I normally park, and I
25 verified it. I occasionally will use my cell phone,

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1 drive home, and then wait by the house if an officer
2 is sent to the home.

3 On April 11th at about 12:10, I called
4 Lieutenant Martika (phonetic). He said he had a squad
5 out. At about 12:13 and then about 12:34, they called
6 to tell me they were issuing a citation, and they
7 asked me if I would appear in court. I said, yes, I
8 would because they will not issue a citation if you do
9 not appear in court.

10 CHAIRMAN WITKOWIAK: Citation for --

11 MS. BLUMA: Noise violation. At about 1
12 p.m., between 1 p.m. and 1:25, it was quiet again. I
13 could go to sleep.

14 ALDERMAN PUENTE: Excuse me. You need to
15 clarify the year, too, please.

16 MS. BLUMA: 2004. These are all for 2004.
17 I'm not going back to 2003. You heard about those
18 incidences.

19 ALDERMAN PUENTE: Thank you.

20 MS. BLUMA: Okay. Let's see. The last
21 phone call was May 15th. At about 9:52, the earliest
22 I've ever had to call the police, -- because normally
23 it doesn't happen till after 11, after the shift
24 change, -- so I called them.

25 They did show up at about 10:20, and they

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1 said that they would handle it, and they told us --
2 actually they asked us if we knew whether or not there
3 was a hearing set up. I said as of yet, our alderman
4 or no one else has notified us. And that was the last
5 incident.

6 Now, last weekend we were gone, but we did
7 stay through Saturday, and at about 12:15 is when I
8 noticed that there was noise emanating from the club,
9 but it didn't happen until after 12:15, which is very
10 unusual for the club. Today I find out the reason
11 why, because the alderman had been there. Now, at
12 what time he had been there, I don't know, but at
13 about 12:15 is the time slot that I had noticed it,
14 and I figured 12:15 till about 1:30, 2:30, I can
15 probably take it. I'm mean I'm already up to that
16 point.

17 So basically every night that they're
18 open, -- and like my husband had said, you're not
19 required to go to mass, but I do like the 8:00 mass
20 at St. Catherine's. It happens to be the one that I
21 favor, but if you go to sleep at 2:30 in the morning
22 and have to be up at about 7:30, -- it's only like a
23 10-minute ride, so I do get some extra sleep, but it
24 is just intolerable. There's no reason why the
25 neighborhood has to be subjected to it.

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1 Now, I cannot use anyone else's testimony,
2 but we do have elderly that live on the block. They
3 will not call the police. They are afraid of
4 retaliation. My husband is also afraid of retaliation
5 for me, so every time I do, he says please don't,
6 because it's not going to solve anything. I say if I
7 do not report it, there's no evidence that anything's
8 being done.

9 And as to -- I just want to add one more
10 thing. The attorney said that she had this person
11 from Marquette Engineering that had taken a reading.
12 That was never submitted because the person wasn't
13 there. I don't believe she can use that. The court
14 never allowed that to be submitted because the person
15 who took the readings did not appear in front of the
16 judge, and that was Judge Mosley. That's all I have
17 to say.

18 CHAIRMAN WITKOWIAK: Thank you. I have a
19 couple questions for you. Where is this that you
20 normally park your car?

21 MS. BLUMA: In the garage.

22 CHAIRMAN WITKOWIAK: Oh, in the garage.

23 MS. BLUMA: Oh, no. That's where I park my
24 car. You mean when I go to check the noise?

25 CHAIRMAN WITKOWIAK: Yes.

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1 MS. BLUMA: It's the bank.

2 CHAIRMAN WITKOWIAK: How far away?

3 MS. BLUMA: The bank is probably anywhere
4 from 100 to 150 feet from -- What happens is, there's
5 the front of the building which has double doors.
6 That's good for the noise. It's the back of the
7 building which has fire exit doors. They open this
8 way. If you go in the back, you can see light coming
9 out the back. If there's light, there's noise coming
10 out the back.

11 He has done nothing in the three years that
12 he has been there to stop the noise from coming out
13 the back. Not only that, if it gets warm in the
14 summer, he opens the back doors and he floods the area
15 with it.

16 CHAIRMAN WITKOWIAK: You've seen the doors
17 open?

18 MS. BLUMA: I've seen the doors open, yeah.

19 CHAIRMAN WITKOWIAK: At approximately what
20 type of the night?

21 MS. BLUMA: I don't know. I didn't note
22 that. I didn't know I was required to do that, but
23 I did report to the police that -- And they did
24 report to me, yes, it gets warm in there, and -- Oh.
25 Actually they had told the police the air conditioning

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1 broke once, so they had to open the door because the
2 clients were getting warm.

3 CHAIRMAN WITKOWIAK: Have you seen the doors
4 open past 10 p.m.?

5 MS. BLUMA: I'd have to go down there.

6 MR. SCHRIMPF: Mr. Chairman, just for the
7 edification of the committee, the door closing
8 ordinance is found in Chapter 90 regarding taverns.
9 This is not a tavern, this is a dance hall.

10 CHAIRMAN WITKOWIAK: And just one other
11 question. The noise that you experience, describe it
12 to me.

13 MS. BLUMA: It's a bass. It's a real, deep,
14 low bass. It's real obvious. Anyone that wants to
15 come up to my driveway is welcome. I have no problem
16 with it.

17 The neighbor two doors down still hears it,
18 which I thought by the time it got to that point, you
19 couldn't hear it. I'm about four blocks away, and it
20 is true what Mr. Spitz had said. You peak right at
21 76th. After that it's all downhill.

22 The fire station is on the right side, which
23 is the south side. The south side has house, house,
24 house, house, house, house, house. That's block, low
25 block, low block, low. We have Bradley Road, and it's

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1 H20, Bradley, H20, Bradley, H20, Bradley, H20,
2 Bradley. So every house on that side of the road is
3 continually getting it. There's absolutely nothing
4 blocking it. It's totally coming to that part of the
5 road.

6 Now, I'm way beyond the legal limit. If
7 what I was hearing was coming out of the club, I mean
8 that volume was out of the club, I wouldn't hear it
9 at my home. It's because it's much louder by the time
10 it gets to my home that I hear it, and that's the
11 problem. If he would play what I hear inside his
12 place, I'd have no problem. If you would insulate it,
13 if you would do something, put a second set of doors,
14 maybe, I have no idea. I'm not an engineer or
15 anything like that.

16 So it's the fact that when the police come
17 and say please turn it down, he will. Give it a half
18 hour later, it's back up again. He disrespects the
19 police, he disrespects the neighborhood. I cannot see
20 why he would turn around and start respecting us, and
21 that's my biggest problem.

22 CHAIRMAN WITKOWIAK: Thank you.

23 ALDERMAN WADE: Mr. Chair?

24 CHAIRMAN WITKOWIAK: Alderman Wade.

25 ALDERMAN WADE: Thank you. You say you have

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1 a fear of retaliation.

2 MS. BLUMA: Oh, yeah.

3 ALDERMAN WADE: Has anyone ever retaliated
4 against you as far as this club is concerned?

5 MS. BLUMA: You don't need to have someone
6 do something for you to fear. Are you afraid of
7 terrorism?

8 ALDERMAN WADE: It's either yes or no.

9 MS. BLUMA: Yes, but you haven't had it.

10 ALDERMAN WADE: It's a yes or no question.

11 MS. BLUMA: The question is again?

12 ALDERMAN WADE: Has anyone ever retaliated
13 against you due to Club H20. It's a yes or no
14 question.

15 MS. BLUMA: As of today's date, no, but do I
16 have a right to have a fear, yes.

17 ALDERMAN WADE: Do you know anyone else in
18 the neighborhood or in your area who have a problem
19 with H20 who have been retaliated against from someone
20 from H20? And once, again, it's a yes or no question.

21 MS. BLUMA: I can tell you for a matter of
22 fact that they told me that they are afraid. This is
23 what they told to me. This is firsthand information.
24 That's what you're asking. Yes, they have told me
25 they're afraid.

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1 ALDERMAN WADE: My question wasn't if they
2 were afraid. My question is do you know anyone in
3 this area who have been retaliated against from anyone
4 connected with Club H20. It's a yes or no question.

5 MS. BLUMA: Do I personally know anyone?
6 No. No one has told that to me. But do I have a
7 right for the fear? Yes, I do.

8 ALDERMAN PUENTE: Mr. Chairman?

9 CHAIRMAN WITKOWIAK: Alderman Puente.

10 ALDERMAN PUENTE: Were you notified -- Did
11 you get notice of this meeting?

12 MS. BLUMA: Yes, I did.

13 ALDERMAN PUENTE: Thank you.

14 CHAIRMAN WITKOWIAK: Okay. Ms. Stewart, any
15 questions of this witness?

16 MS. STEWART: I'd like to ask this witness
17 what is the basis for her fear of retaliation.

18 MS. BLUMA: Because I'm alive. I have a
19 right to fear anything. I mean what's -- There's a
20 reason for fear, and that's because you are saying
21 something that is going to maybe cause something else
22 to happen.

23 In my appearing here, something will happen,
24 and if it's not what someone else wants, they can do
25 whatever they want. And until they do it, there's

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1 nothing I can -- See, I'm an after-the-fact person.
2 I'm responding because the club is producing this loud
3 bass boom. I would not be here today if it wasn't for
4 that.

5 It's based on what I know, and -- It's not
6 based on that, but go ahead and bring it up. That's
7 real cute. I just saw what you pulled out, and that
8 was delivered to all the homes, and I have no idea who
9 delivered it.

10 MS. STEWART: Well, I thought it was apropos
11 to mention that -- you know, while things were
12 contentious, that a rock was put through -- You know,
13 there's been a comment about broken windows at the
14 club, and the broken window that I was made aware of
15 was a window that was broken when a notice that was
16 prepared by someone in the community warning neighbors
17 about the problems that would occur if this club was
18 allowed to do business was thrown through the club's
19 window. This was tied to a rock and thrown through
20 the window.

21 Never has the club retaliated against this
22 type of action. Shots being fired at the club, things
23 that might provoke a person to some level of
24 retaliation there, have not resulted in any sort of
25 retaliatory action. You know, my client has addressed

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1 this completely within the legal means available to
2 him.

3 CHAIRMAN WITKOWIAK: Okay. Thank you very
4 much. And at this point, to the best of my knowledge,
5 I've heard no evidence of retaliation, so -- But you
6 stated that you fear retaliation, and that's where we
7 are. So thank you very much. Any other questions of
8 this witness? Thank you. Our next witness, please.

9 MR. MOORE: Hello. My name is Pat Moore. I
10 live on North 78th Street.

11 CHAIRMAN WITKOWIAK: Pat, could you spell
12 your last name, please?

13 MR. MOORE: M-o-o-r-e.

14 CHAIRMAN WITKOWIAK: And your address?

15 MR. MOORE: 7816 North 78th.

16 CHAIRMAN WITKOWIAK: Okay.

17 MR. MOORE: So I'm about -- I would say
18 four blocks, but I'm on an angle. Going through my
19 backyard, I'm on an angle. As the crow flies, I'm
20 really only -- not that far, but I think that part of
21 our problem is, I think most of our houses there are
22 built on bedrock, and it's all clay and bedrock in
23 that area, and I think that vibration comes through
24 that, because you can hear it less outside the houses
25 than you can in the houses, because my windows

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1 vibrate, too.

2 My wife works Sunday morning, and she has to
3 get up at around 5:00, and we're trying to sleep, and
4 it's usually right around 1:00 that it gets real bad,
5 and my windows will start vibrating.

6 I've called the police many times. They
7 have come to the house on occasion. I was standing
8 out on my front porch with the police talking to them,
9 and then it started up again and they said, oh, yeah,
10 we do hear it. And I says, if you come in the house,
11 you can listen to the windows vibrating. It's coming
12 through the -- I think it's coming through the earth
13 more than it is through the air. But it is a definite
14 bass sound.

15 I've gone up there -- When I've called the
16 police, I've gone up there to make sure it was coming
17 from there and not from 76th Street, or, you know,
18 somebody riding around 76th Street, and it has been.

19 And what else. Every time I call the
20 police, -- I was working with Alderman Richards on
21 this, and every time I called the police, I e-mailed
22 Alderman Richards, so the office of the alderman has
23 a folder from me of every time that I've called the
24 police because I sent an e-mail, and they kept a --
25 I don't know if Mr. Puente's got the folder from

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1 Mr. Richards or not.

2 ALDERMAN PUENTE: We can only go back a
3 year.

4 MR. MOORE: Oh, okay. Well, but there's an
5 e-mail there from -- Every time that I've called the
6 police, I sent Alderman Richards an e-mail, and the
7 time is stamped right on the e-mail when I sent it
8 out. So there's a record of every time I've called.

9 And there's a lot of times I haven't called
10 because it just seems like I call, and if the police
11 aren't by my house, they don't come to my house. They
12 say they'll send a squad. It just keeps up anyhow.
13 So evidently, you know, they're too busy because you
14 always call, and you call a nonemergency number, and
15 they say they'll send a squad out. I never called 911
16 because it's not an emergency. And it's just very
17 annoying.

18 And this weekend I didn't hear any noise,
19 but I took my wife to work Sunday morning, and I drive
20 right past there, and there was garbage all over the
21 street. I know they do send people out, they do clean
22 up. They have a crew that comes and cleans up the
23 area afterwards, but I mean it looked like hell when I
24 drove through there Sunday morning. I mean there was
25 just garbage all over the street and all over the

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1 parking lot, and it was raining so I guess their crew
2 hadn't been -- Well, I was there at 5:30 in the
3 morning when I drove past. But I wouldn't have a
4 problem if it wasn't for that noise.

5 I mean other than that, it just seems
6 like -- They have been warned. Last time we were at
7 the hearing, they suspended their license for 20 days,
8 so that was two weekends that it was definitely quiet.
9 And that's all I have to say. Do you have any
10 questions?

11 CHAIRMAN WITKOWIAK: Thank you. Questions
12 by committee? Mr. Schrimpf, any questions?

13 MR. SCHRIMPF: The only question -- I think
14 the witness took care of it, but I wanted to find out
15 if you found this disturbing.

16 MR. MOORE: Oh, yes. I said my wife
17 works -- I mean, you know, if you didn't have to get
18 up, but she's got to get up at 5:00, and I get up at
19 5:00 to take her, and if it's -- once it wakes you up,
20 it's just -- it's not loud, it's just annoying. It's
21 just boom, boom, boom. It's just a constant wrapping,
22 you know.

23 And my windows do shake in the house, and
24 the police did hear it from my house. I'm on North
25 78th, a couple blocks east and four blocks -- or I

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1 mean a couple blocks south and four blocks west of the
2 club, and they heard it there. And they heard it, so
3 it's not ridiculous that they can hear it because the
4 police said, oh, yeah, now we hear it, too. Any other
5 questions?

6 CHAIRMAN WITKOWIAK: Thank you.

7 Ms. Stewart, anything for this witness?

8 MS. STEWART: You said your reports were
9 always on Saturday evenings?

10 MR. MOORE: Almost every one. There were a
11 couple Fridays that the club was open, and it was
12 something around -- there was no school or something,
13 and I called the police on a Friday a couple times.
14 And there was one Sunday that I called because there
15 was no school on Monday, and the club was open on a
16 Sunday night, and there was noise, and I called the
17 police on a Sunday night.

18 MS. STEWART: Could I just ask your address
19 again?

20 MR. MOORE: 7816 North 78th Street.

21 MS. STEWART: Thank you.

22 CHAIRMAN WITKOWIAK: Okay. Thank you. Our
23 next witness, please.

24 MR. SCHWAGER: Good morning. My name is Ron
25 Schwager. I live at 7714 West Lolita, approximately

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1 three blocks west and one block south of the club.

2 CHAIRMAN WITKOWIAK: Ron, could you just
3 please spell your last name?

4 MR. SCHWAGER: S-c-h-w-a-g-e-r.

5 CHAIRMAN WITKOWIAK: Thank you. Proceed
6 with your testimony.

7 MR. SCHWAGER: Okay. Like most of the
8 people that have spoke ahead of time, my walls will
9 vibrate, my windows will vibrate. We have removed
10 knickknacks from table tops because they will vibrate
11 and resonate from the sound coming from their
12 speakers.

13 I have witnessed the traffic congestion on
14 the corner of 76th and Bradley early as the patrons
15 are arriving, and then again late as they're trying to
16 leave. I've also experienced the cruising. The
17 subdivision that we live in is all dead-end streets.
18 They will cruise in, attempting to find a shortcut out
19 of the area, especially around 2:00, 2:30, and then
20 they're trapped. They have to make a U-turn and come
21 back out, so they're making a double trip past the
22 house. Everyone that enters that subdivision has to
23 go past my house.

24 I have lived there since 1971, probably one
25 of the longer residents except for one or two. The

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1 noise is more in the residence from the vibrations.
2 The traffic problems -- We've had gunshots that we've
3 heard. There's been some reports that they were
4 investigated and nothing was found.

5 I have at one time called the police because
6 of the dogs in the neighborhood barking. On that
7 occasion I went out to discover someone in our
8 backyard. I don't know what they were doing, but upon
9 seeing me, they left in a hurry, so -- I don't
10 attribute that to the club, it's just that it occurred
11 at or about the time that they were closing.

12 CHAIRMAN WITKOWIAK: Thank you. Any
13 questions by committee? Mr. Schrimpf, do you have any
14 questions.

15 MR. SCHRIMPF: Does this happen on a very
16 regular basis?

17 MR. SCHWAGER: It happens only on Saturday
18 evenings.

19 MR. SCHRIMPF: But every Saturday evening?

20 MR. SCHWAGER: I would say at least three
21 times out of the month that we're annoyed by the
22 vibrations.

23 MR. SCHRIMPF: Thank you. That's all I
24 have, Mr. Chairman.

25 CHAIRMAN WITKOWIAK: Thank you.

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1 Ms. Stewart, any questions?

2 MS. STEWART: No.

3 CHAIRMAN WITKOWIAK: Thank you. I just have
4 a question for you. What nights is the club open
5 normally?

6 MS. STEWART: Normally, Saturday.

7 CHAIRMAN WITKOWIAK: Just Saturday?

8 MS. STEWART: Right.

9 CHAIRMAN WITKOWIAK: Do you have special
10 events sometimes?

11 MS. STEWART: Occasionally I understand it's
12 rented for private parties on Friday or Sunday,
13 whatever. By far and away the tickets that I've seen
14 have occurred at times when the club is open at its
15 usual time, not at times when neighbors might not know
16 it's open.

17 ALDERMAN BOHL: Mr. Chair?

18 CHAIRMAN WITKOWIAK: Thank you. Alderman
19 Bohl.

20 ALDERMAN BOHL: Thank you, Mr. Chair. This
21 is a follow-up to that. What happens during the
22 summer months? Does it still remain Saturdays? Or
23 when school is out for the year, does it increase the
24 number of nights that the club operates?

25 MR. HARRISON: No, sir.

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1 ALDERMAN BOHL: It's still generally
2 Saturday?

3 MR. HARRISON: Right, unless there's a
4 private party or something like that scheduled, it's
5 just Saturdays.

6 ALDERMAN BOHL: Saturday, with the
7 exception of a special event.

8 MR. HARRISON: Uh-hmm.

9 ALDERMAN BOHL: Thank you.

10 CHAIRMAN WITKOWIAK: Our next witness,
11 please.

12 MR. RAPEY: My name is Dick Rapey, spelled
13 R-a-p-e-y. I live at 7809 West Lolita Avenue.
14 Basically the same thing. You have a lot of problems
15 with the booming. It's continuous. Maybe it's
16 because of the old house I live in, I don't know.
17 You go outside, it doesn't sound all that bad. You
18 get into the house, it just resonates. It almost
19 sounds like you're living in a jungle. It's just
20 boom-boom, boom-boom, boom-boom. Continuous. It
21 happens all the time.

22 I called the police department a number of
23 times. They responded. They called me back from the
24 club. They asked me if the music has gone down. I
25 said, yeah, and in 20 minutes to a half hour, it's

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1 right back up. Basically don't get a whole lot of
2 sleep on the weekends because of that.

3 CHAIRMAN WITKOWIAK: Thank you. Questions
4 by committee? Mr. Schrimpf, any questions of this
5 witness?

6 MR. SCHRIMPF: Nothing.

7 CHAIRMAN WITKOWIAK: Okay. Ms. Stewart?
8 Thank you. Could we have our next witness, please.

9 MS. RAPEY: My name Tina Rapey, R-a-p-e-y,
10 same residence as the last person. It's just getting
11 ridiculous. Every weekend you hear the booming. It
12 sounds like one of those boom cars is parked next to
13 our house. I can't get any sleep.

14 I'm up at 3:00 in the morning because I have
15 to go to work. I work weekends. I don't get holidays
16 off. I heard it this past Sunday. It woke me up at
17 12:30 in the morning. I don't get off on holidays. I
18 have to be at work at 4:30 in the morning. I'd like a
19 little sleep on the weekends when I don't have to
20 work. That would be nice. I guess basically that's
21 it. It's just annoying every weekend.

22 CHAIRMAN WITKOWIAK: Questions by committee?
23 Mr. Schrimpf?

24 MR. SCHRIMPF: None.

25 CHAIRMAN WITKOWIAK: Ms. Stewart?

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1 MS. STEWART: No.

2 CHAIRMAN WITKOWIAK: Okay. Thank you very
3 much. Is there anyone else here in the room that
4 wishes to testify in opposition to this license?
5 Okay.

6 What I'm going to do is, I'm going to take a
7 recess for exactly five minutes, and then we'll come
8 back and the proponents can speak, and then we'll go
9 into committee, so we'll resume in exactly five
10 minutes.

11 (Recess held.)

12 CHAIRMAN WITKOWIAK: We're back on the
13 record at 10 a.m., and this is the matter of James J.
14 Harrison, agent for Teen USA, LLC, Public Dance Hall
15 renewal application for Cafe H20 at 7427 West Bradley
16 Road.

17 And at this time we would like to -- How
18 many people present in the room here would like to
19 speak in favor of this license being renewed? Could
20 you raise your hands, please?

21 Now, if you could all raise your right
22 hands, we'll swear you all in at the same time.
23 Remember, if you don't raise your right hand and be
24 sworn, then you can't testify.

25 (Whereupon all witnesses were sworn under

00073

1 oath.)

2 CHAIRMAN WITKOWIAK: Okay. And Alderman
3 McGee is present in the room, and we'll ask you to
4 speak last after the other people testify. Is that
5 okay?

6 ALDERMAN MCGEE: Yes.

7 CHAIRMAN WITKOWIAK: Okay. Thank you.
8 First witness, please, any one of you. Don't all rush
9 up here at the same time.

10 MR. ROSS: Ronny Ross, 4711 West Custer
11 Avenue.

12 MR. SCHRIMPF: I'm sorry, I didn't get the
13 name.

14 MR. ROSS: Ronny Ross.

15 MR. SCHRIMPF: Okay.

16 MR. ROSS: I'm an employee at Cafe H20. I'm
17 a videographer. I videotape what's going on in and
18 around the premises. Basically I'm just saying --
19 They said they don't respect the police at Cafe H20
20 and everything. Numerous times I've been there, and
21 we respect the officers with the utmost respect, but
22 most of the time they don't give us the respect.

23 And you guys say they sent out 13 units out
24 to H20 at a time. That's because numerous times they
25 send 11 squads out just to do a tavern check. So as

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1 you guys say, that's using up the taxpayer's money.
2 I'm a taxpayer and everything, and I just don't feel
3 that's needed.

4 Other times -- I videotape the let-out and
5 everything. Half the time we let them out, the police
6 officers don't show up and everything, but we let them
7 out, we send them on their way and everything, and
8 it's just an easy let-out. And we do respect the
9 officers and everything.

10 CHAIRMAN WITKOWIAK: Thank you. Questions
11 by committee?

12 ALDERMAN PUENTE: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Puente.

14 ALDERMAN PUENTE: You stated you don't feel
15 that the resources are needed at H20. What do you
16 base that on? Do you have any type of experience or
17 education as it pertains to management or in law
18 enforcement?

19 MR. ROSS: No, I don't, but I'm going to
20 school for criminal justice.

21 ALDERMAN PUENTE: But the answer to my
22 question is --

23 MR. ROSS: But no.

24 ALDERMAN PUENTE: Thank you.

25 CHAIRMAN WITKOWIAK: Other questions by

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1 committee?

2 MR. SCHRIMPF: Mr. Chairman, not so much a
3 question, just a comment. Bear in mind this is not a
4 tavern. I know the witness used the term tavern
5 check, and there's been some other allusions to
6 tavern, but this is not a tavern.

7 MR. ROSS: Yeah, but that's what they say
8 when they come in there, that they're doing a tavern
9 check.

10 MR. SCHRIMPF: The officers say they're
11 doing a tavern check?

12 MR. ROSS: Yeah.

13 MR. SCHRIMPF: I certainly hope not because
14 this is not a Class B.

15 CHAIRMAN WITKOWIAK: Okay. Thank you. Any
16 other questions?

17 ALDERMAN WADE: Mr. Chair.

18 CHAIRMAN WITKOWIAK: Alderman Wade, go
19 ahead.

20 ALDERMAN WADE: Thank you, Mr. Chair.
21 What's your name again, Ron?

22 MR. ROSS: Yes.

23 ALDERMAN WADE: Ronny Ross?

24 MR. ROSS: Yes.

25 ALDERMAN WADE: Mr. Ross, when you say that

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1 the police officers are not giving you respect, can
2 you give me some examples of some of the things the
3 police officers may do that you think is being
4 disrespectful to you?

5 MR. ROSS: Many times they come in, and we
6 try to make sure everything is going all right, and we
7 try to talk to them. They ignore us, give us the cold
8 shoulder. They just walk right past us. When we
9 try talking to them, they go by their partners or
10 whatever to talk to them. Just basically when we try
11 to talk to them or whatever, try to see what's going
12 on, they just give us the cold shoulder and don't let
13 us know what's going on.

14 ALDERMAN WADE: So you're saying that
15 they're not conducting themselves in a professional
16 manner.

17 MR. ROSS: Yeah, in a professional manner.

18 ALDERMAN WADE: Okay. Thank you.

19 ALDERMAN PUENTE: Mr. Chair?

20 CHAIRMAN WITKOWIAK: Alderman Puente.

21 ALDERMAN PUENTE: Mr. Ross, have you filed
22 any formal complaint with the police department or the
23 Fire and Police Commission regarding the behavior of
24 any officers that you come in contact with at H20?

25 MR. ROSS: No.

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1 ALDERMAN PUENTE: Thank you.

2 CHAIRMAN WITKOWIAK: Any other questions or
3 comments? Ms. Stewart?

4 MS. STEWART: Mr. Ross, can you tell us
5 about the security that's in place at the H20?

6 MR. ROSS: We have about like 10 people
7 employed inside for security, and we have a contracted
8 security team outside that -- they secure the lots.
9 The inside security, we have about three people in
10 every room. We just make sure it's secure and for
11 everything just to go as pleasant as possible.

12 MS. STEWART: And have you ever been
13 concerned for your own well-being while you've been
14 working there?

15 MR. ROSS: No.

16 MS. STEWART: Thank you.

17 CHAIRMAN WITKOWIAK: Okay. Thank you very
18 much. Our next witness, please.

19 MR. BLOW: All right. My name is Homer,
20 H-o-m-e-r, Blow, B-l-o-w. My address is 2973 North
21 53rd Street, zip code 53210. I am also an employee at
22 Cafe H20. No, I don't have police background. I do
23 not know the -- I have not filed a complaint with the
24 Fire and Police Commission as Alderman Puente pointed
25 out for the other person. But I am speaking as a

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1 citizen and a resident in the City of Milwaukee.

2 I've seen police respond to locations, and
3 they do not respond in the negative manner that I've
4 seen a lot of them respond to Cafe H20. Cafe H20 runs
5 a respectable business, and they deserve the proper
6 respect. They do not deserve to be coming in as the
7 officers do with a lack of respect. You have a
8 manager saying, what is the problem, officer. They
9 won't talk to you. They don't want to hear from you.
10 They walk around, and then at the end all they want to
11 do is try to say they're going to write a citation.

12 We have citizens in this room that have not
13 came together to say, hey, let's come up with a
14 solution. Their solution is closing an establishment
15 that gives the youth of Milwaukee something to do,
16 which Milwaukee has a big problem with giving our
17 youth something to do.

18 This is a location, at Cafe H20, that's a
19 safe environment. We have security in place. If we
20 have issues that are addressed to us, we try to
21 address those concerns and those issues. A lot of the
22 people who came up here and testified came in a very
23 aggressive, negative manner. I heard no one talking
24 about a solution other than taking away a business
25 that is put here by a young entrepreneur who's trying

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1 to provide a service, just like a lot of other
2 businesses in the City of Milwaukee, and I believe
3 they deserve a chance.

4 I hear people who ride Harleys. A Harley
5 makes more noise than any bass cannon that I've heard,
6 and I've had to endure my city being locked down
7 because the parade was coming from here to there.
8 There are many Harley events -- not just all one
9 weekend out of the year, -- throughout the year. So
10 anyone who rides a Harley and has a problem with
11 hearing bass noise, I beg to differ.

12 Now, I am a person -- I am a disk jockey, I
13 am an on-air personality. I know music. And if I'm
14 addressed with concerns as far as people saying what
15 times the music is there, -- If we had a complaint
16 from anyone who says the music is too loud, can we
17 turn the music down; no, the music doesn't get turned
18 down, and because of the disrespectful behavior that
19 we're talking about of the Milwaukee police officers.
20 To go against your complaint of saying 15 minutes
21 later, half hour later, it goes right up. No, it
22 doesn't, because the cops usually stay there for a
23 half hour to an hour after they came in saying they
24 had a noise complaint. So to me that's an unfair
25 assessment.

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1 And then you have people talking about when
2 they're hearing this, and the times that we let out,
3 is totally contradicting to the time that they're
4 saying that they're having all these problems. It
5 don't match up. You're hearing one person say it's
6 12:30, then it's cited. Then it's 1:00, then it's
7 cited. 1:15, and then it's cited. I mean everything
8 is contradicting, and it sounds like we have some
9 citizens who don't give a damn about our youth, and
10 that's what we're talking about.

11 We have a situation where our youth -- The
12 City of Milwaukee has seen an increase in youthful
13 crimes. Here's something positive. We've had Planned
14 Parenthood come up there. They've done things. We're
15 trying to teach and promote.

16 Talking about Ecstasy and drugs, there are
17 no drugs permitted. I'm one of the DJs, and I
18 announce there that we do not permit gang activity, we
19 do not promote drugs, we do not promote violence. If
20 you are doing something in a violent manner, you will
21 be asked to leave.

22 And I just don't think it's fair to have
23 people come and try to attack someone who is trying to
24 do something, like many other people that they may
25 know, that wants to run a legitimate business. And

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1 this young man is trying to run a legitimate business.
2 And I'm not just saying this because I'm an employee
3 there, because I have employment everywhere. I've
4 worked for -- I've done events for city officials,
5 elected officials. I've done events for the governor,
6 so I'm not just talking about, oh, well, I might lose
7 a job. No, it's more than that. It's bigger than me.

8 If Cafe H20 is to lose his license, I'll
9 still be working in this city, but it's bigger than
10 that, it's more than that. Do people care about our
11 future? Do people want the young people to have
12 somewhere to go?

13 Do you want to know that cruising goes on
14 when they have everything else -- H20, before it
15 opened, there was a cruising problem, but that
16 cruising problem is not only in Milwaukee. I work
17 with the League of Martin, which is the black police
18 officers, and they had a convention, and all of the
19 officers from all around talked about they have the
20 same cruising problems, not just from one facility.
21 So to blame cruising and say that this is the main
22 source of cruising, that is unfair.

23 These children need something to do. And as
24 far as saying where they're going to go, with the DPM,
25 at least -- You all corral us. You all corral us

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1 anyway. And then to say it doesn't make a difference
2 to compare it with the Bradley Center letting out and
3 all the manpower, -- Let's get us some police aides.
4 Give us police aides instead of actually police
5 officers then, if that's what you have a problem with,
6 because I see that when I go to any other event.

7 And it's not just a matter of, well, that's
8 5,000, that's 20,000. The hell with those numbers.
9 Whether it's 180 to 5,000 to 20,000, you should be
10 concerned about the safety of everyone, and that's
11 what I'm talking about. Let's be concerned about the
12 safety of everyone.

13 So whether it's a 180 capacity club or
14 20,000 capacity at Bradley Center, I'm sure the reason
15 those aides are out there is to make sure that
16 everything goes along smoothly and everyone is able to
17 exit.

18 Summerfest has a pretty -- pretty history of
19 things that have taken place at the police district
20 that is located right there on the premises, so to say
21 that they don't have that because it's 100,000 people
22 a day, that that makes a difference, it shouldn't.
23 Why should it. Whether it's one person you represent
24 in your district or 3,000 people, would it make a
25 difference on how you handle that? No, it doesn't,

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1 because if you're doing a job, you're doing just that.

2 CHAIRMAN WITKOWIAK: Thank you, Homer. I
3 just have a question for Mr. Harrison. What time do
4 you open and what time is your closing time on
5 Saturdays?

6 MR. HARRISON: 8:00 to 1:30, sir.

7 CHAIRMAN WITKOWIAK: 8:00 to 1:30?

8 MR. HARRISON: Yes, sir.

9 CHAIRMAN WITKOWIAK: Okay. Thank you.

10 ALDERMAN PUENTE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: Mr. Blow, if you got a
13 ticket for speeding, would you correct your behavior?

14 MR. BLOW: Yes, I would.

15 ALDERMAN PUENTE: Okay. If your license
16 was suspended for 20 days and you got your driver's
17 license back, would you do corrective behavior so your
18 license wouldn't be suspended again or get another
19 citation for whatever?

20 MR. BLOW: I would, but I would also try to
21 make sure that the people who were involved would say
22 that they wanted me to have a 20-day suspension and
23 would come -- If they're not talking with me, but they
24 only want to talk to just you, -- if they don't want
25 to come and work with me, how can I correct the

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1 problem. We have to work together. It's about
2 working together. If all of you don't work together
3 as a U & L Committee, it's not going to work.

4 ALDERMAN PUENTE: Well, we are the people.
5 We represent the people.

6 MR. BLOW: Thank you. And that's exactly
7 what I'm saying.

8 ALDERMAN PUENTE: And I'm saying if you
9 would get cited for something, would you correct your
10 behavior, because it's targeted to you, sir, --

11 MR. BLOW: Yes.

12 ALDERMAN PUENTE: -- whether it's law
13 enforcement, who are the body of the people.

14 MR. BLOW: The law enforcement is the body
15 of the people, but we're talking about an establish-
16 ment that has a dance hall permit, and I'm telling you
17 you're trying to take it to one person, and it's
18 bigger than one person. This event that we're talking
19 about is bigger than one person, so to put it on a
20 one-person situation is unfair. Put it on a mass
21 situation.

22 If you have 30 people that were cited, then
23 us 30 people are going to get together and say, hey,
24 look, we made a mistake, we need to find out how we
25 can correct this mistake. That's what I would do,

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1 find out how I could correct the mistake, and
2 hopefully have people that are willing to work with
3 me, including the alderperson who will not say, I
4 don't want to hear it. Work with me.

5 CHAIRMAN WITKOWIAK: Alderman Puente,
6 anything further?

7 ALDERMAN PUENTE: No.

8 CHAIRMAN WITKOWIAK: Any other questions?

9 ALDERMAN WADE: Mr. Chair?

10 CHAIRMAN WITKOWIAK: Alderman Wade.

11 ALDERMAN WADE: Mr. Blow, how long have you
12 been doing these type of events, I mean DJing at mass
13 events.

14 MR. BLOW: Since 1981.

15 ALDERMAN WADE: 1981.

16 MR. BLOW: I DJ'd for Luther VanDross and
17 many others, sir.

18 ALDERMAN WADE: So you've done all the clubs
19 in Milwaukee; the traditional clubs in the city, you
20 DJ'd at most of them.

21 MR. BLOW: Absolutely.

22 ALDERMAN WADE: Do you feel like your health
23 is -- Or do you feel any more danger DJing at Club H20
24 than you have at any of the other events?

25 MR. BLOW: No, I do not.

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1 ALDERMAN WADE: Do you have any fear -- I
2 mean you're a more mature individual. Do you have any
3 fear or anything that you're afraid of when you go to
4 work at Club H20? I mean do you have any safety
5 concerns?

6 MR. BLOW: No. I am a married man with
7 children, a loving wife and loving children, and I
8 would not do anything that I feel is going to put my
9 life in jeopardy in taking my wife's husband away from
10 her or my children's father away from them. So if I
11 felt that way, -- I told James a long time ago, even
12 before he asked me to partake in the event, that if I
13 felt that I was in jeopardy, I would not do it because
14 I love my wife and my family first.

15 ALDERMAN WADE: Now, has anything gone on
16 down there that made you second-think that or
17 second-guess your safety?

18 MR. BLOW: Nothing has made me second-guess
19 my safety. I only just ran into concerns where a club
20 is afraid of calling for assistance, if we are having
21 a problem, with calling the Milwaukee Police
22 Department. We have been put, unfortunately, -- and
23 I've seen this because I watch the city channel all
24 the time.

25 I see so many establishments that are made

00087

1 afraid of calling the Milwaukee Police Department
2 because the U & L Committee is going to get you for
3 doing that, and I don't know why. But that is the
4 image that most clubs, whether they want to admit it
5 to you or not, that's what they have. They have this
6 image that the boogeyman is going to get you if you
7 call the police to try to assist because you have some
8 unruly patrons. It will count against you when you
9 come up before the U & L Committee.
10 ALDERMAN WADE: Thank you, sir.
11 CHAIRMAN WITKOWIAK: Thank you.
12 ALDERMAN DUDZIK: Mr. Chairman?
13 CHAIRMAN WITKOWIAK: Alderman Dudzik.
14 ALDERMAN DUDZIK: Just a couple real quick
15 questions. Your address was, sir?
16 MR. BLOW: 2973 North 53rd Street,
17 Milwaukee, Wisconsin, 53210.
18 ALDERMAN DUDZIK: Is your property the
19 property cited in Item No. 18, 8/4/2003 where police
20 were sent to a criminal damage to property complaint
21 at 2900 South 55th?
22 MR. BLOW: No.
23 ALDERMAN DUDZIK: It is not. Okay, thank
24 you.
25 MR. BLOW: North 53rd.

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1 ALDERMAN DUDZIK: I'm sorry, North 53rd.
2 Thank you.
3 CHAIRMAN WITKOWIAK: Mr. Schrimpf, any
4 questions?
5 MR. SCHRIMPF: No, sir.
6 CHAIRMAN WITKOWIAK: Ms. Stewart?
7 MS. STEWART: No.
8 CHAIRMAN WITKOWIAK: Okay. Thank you very
9 much, Homer. Our next witness, please.
10 MR. BUTLER: My name is Devon James Butler.
11 I'm security at H20.
12 CHAIRMAN WITKOWIAK: Say that once again,
13 Devon James --
14 MR. BUTLER: Devon James Butler.
15 CHAIRMAN WITKOWIAK: And your address?
16 MR. BUTLER: 8842 North 95th, Brown Deer.
17 CHAIRMAN WITKOWIAK: Okay. Go ahead. And
18 you say you are a --
19 MR. BUTLER: I'm head of security.
20 CHAIRMAN WITKOWIAK: Okay. Go ahead with
21 your testimony, please.
22 MR. BUTLER: I work there. Of all the
23 occupations we have there, I don't fear nothing there.
24 I feel that he should stay open 100 percent. I don't
25 feel that any altercations that we have is life-

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1 threatening. I've been doing it for three years at
2 Cafe H20. I worked at several other clubs. I never
3 had no fear for going home and not seeing the kids or
4 anything of that nature, and basically we're just
5 getting railroaded.

6 CHAIRMAN WITKOWIAK: Thank you. Mr. Butler,
7 I have a couple questions for you before I turn this
8 over to the rest of the committee. Do you -- What's
9 it like at closing time? Is there a lot of partying
10 in the parking lot?

11 MR. BUTLER: At closing time our security
12 goes outside, and we dismiss everyone in the lot. We
13 get everybody going as soon as possible. It has never
14 took us three to four hours to clear out the lot. It
15 takes us about 25 minutes at the most, so it's not a
16 problem at all.

17 CHAIRMAN WITKOWIAK: Okay. And do the
18 people that exit your parking lot, do they tend to
19 take off in formation, like the beginning of cruising?

20 MR. BUTLER: Yes, they take off in formation
21 because the cops direct them in one way. We direct
22 them in a certain direction to go, so they take off in
23 formation down 76th and leave the club, leave the
24 area. We are the ones who told the gas station
25 attendant to close down at 1:15 so we can dismiss

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1 everybody to get them out of the area.

2 CHAIRMAN WITKOWIAK: And I mean do you
3 experience any unruly behavior in the parking lot at
4 closing time?

5 MR. BUTLER: No, no.

6 CHAIRMAN WITKOWIAK: Okay. Questions by
7 other members of the committee?

8 MR. SCHRIMPF: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

10 MR. SCHRIMPF: I didn't quite catch --
11 Repeat, please, once again at about 1:15 the gas
12 station -- You made a comment. What was that?

13 MR. BUTLER: Okay. At 1:15 -- We've got an
14 arrangement with the gas station across the street.
15 He closes the gas station at about 1:15. He closes
16 down, so therefore he can't sell gas for 15 to 20
17 minutes while we clear out our lot and clear out the
18 area. That helps us out 100 percent, and it helps
19 him out as well for people going in trying to take
20 things or anything of that nature.

21 MR. SCHRIMPF: And that's so you don't have
22 crowds, patrons, wander over to the gas station?

23 MR. BUTLER: Right. We want to clear out
24 the area as soon as possible and get everybody on
25 their way.

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1 MR. SCHRIMPF: Okay. That's all I have.

2 Thank you.

3 ALDERMAN PUENTE: Mr. Chair.

4 CHAIRMAN WITKOWIAK: Alderman Puente.

5 ALDERMAN PUENTE: And do you know for a fact
6 that that happens every time you're open, that they
7 close down?

8 MR. BUTLER: Yes.

9 ALDERMAN PUENTE: You know that for a fact.

10 MR. BUTLER: Yes.

11 ALDERMAN PUENTE: Okay. Thank you.

12 CHAIRMAN WITKOWIAK: Okay. Ms. Stewart,
13 anything for this witness?

14 MS. STEWART: In the parking lot, if you
15 have ever had an altercation with anyone, do you make
16 it clear to them that they're not welcome back at the
17 club?

18 MR. BUTLER: Yes. At that point in time we
19 do, you know, suspend them from the club for a month
20 or so. We take their IDs at that point. We take
21 their IDs if they try to use fake IDs. Like if we get
22 young kids trying to get in, we confiscate their IDs.

23 MS. STEWART: Thank you.

24 CHAIRMAN WITKOWIAK: And Mr. Butler, what's
25 your age range over there?

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1 MR. BUTLER: Age range is 17 and up.

2 CHAIRMAN WITKOWIAK: Seventeen and up. So
3 you have people over 21 in there, right?

4 MR. BUTLER: Well, sometimes. No. I would
5 say no mostly because when they're a little bit older,
6 we don't allow them to come in. If they're old enough
7 to go to a regular club, we let them go to a regular
8 club instead of messing around with teenagers.

9 CHAIRMAN WITKOWIAK: So generally it's 17 to
10 20?

11 MR. BUTLER: Yeah.

12 CHAIRMAN WITKOWIAK: Okay. But occasionally
13 you'll have some people older than 21 there.

14 MR. BUTLER: Yes.

15 ALDERMAN PUENTE: Mr. Chair?

16 CHAIRMAN WITKOWIAK: Alderman Puente.

17 ALDERMAN PUENTE: I understand you can
18 confiscate IDs if it's false, but I'd defer to the
19 city attorney, can they take IDs if it is not a false
20 ID?

21 MR. SCHRIMPF: Who issues this ID, sir?

22 MR. BUTLER: Who issues the ID?

23 MR. SCHRIMPF: Yeah.

24 MR. BUTLER: What do you mean?

25 MR. SCHRIMPF: Well, the ID that you

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1 confiscate, is this an ID that the club issues, or is
2 this an ID that someone else issues?

3 MR. BUTLER: School IDs, basically. If they
4 try to use the wrong one, -- It's a Wisconsin ID. If
5 they have a sister's ID, a brother's ID, someone who's
6 a little bit older, and they try to use it to get into
7 the club, we confiscate it because it's the wrong ID.

8 MR. SCHRIMPF: Alderman, I think they would
9 be running into a problem there. If the club would
10 issue their own ID, they could certainly confiscate
11 that, but --

12 ALDERMAN PUENTE: But you also testified
13 that you confiscate the ID if they're disorderly.

14 MR. BUTLER: We confiscate the ID to a
15 certain degree and give it to the police officers if
16 they're there at that time, or we give them to the
17 owner, and he takes them and sends them back.

18 ALDERMAN PUENTE: I'm sorry, I didn't hear
19 you, sir.

20 MR. BUTLER: We give them to the owner, and
21 he takes them and sends them back.

22 ALDERMAN PUENTE: How's that? You mean that
23 owner?

24 MR. BUTLER: Yes, sir.

25 ALDERMAN PUENTE: Okay, thank you.

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1 MR. HARRISON: I log who they are and their
2 address just in case, and make a photocopy, and in
3 case they come back, I know it's them, and we send the
4 ID back to them, to the addresses on the IDs.

5 MR. SCHRIMPF: Mr. Chairman and members,
6 84-5 of the Code of Ordinances, -- I'm just checking
7 it here. Hmm. Apparently it would not be prohibited
8 under 84-5 to exercise an age distinction at this
9 place because dance halls are not listed. Dance
10 studios are, but not dance halls.

11 There is a prohibition against age
12 distinctions with respect to a number of businesses,
13 but apparently it doesn't apply to dance halls.

14 ALDERMAN PUENTE: But if they take it for
15 the mere fact that -- other than age, a false ID, --
16 I understand that part of it, but if they're
17 confiscating somebody's ID because of any other reason
18 other than false, --

19 MR. SCHRIMPF: I'm not so sure they have the
20 ability to confiscate the ID, Alderman.

21 ALDERMAN PUENTE: Thank you.

22 MR. SCHRIMPF: Unless they issue it. If
23 it's theirs, they certainly can.

24 CHAIRMAN WITKOWIAK: Thank you for your
25 testimony.

00095

1 MR. BUTLER: Well, I've worked at 21 and up
2 clubs, and when we get people come in with fake IDs,
3 we confiscate the IDS every time.

4 ALDERMAN PUENTE: We're not disputing that.
5 You can do that.

6 MR. SCHRIMPF: But that's a Class B. You
7 can do that at a Class B.

8 ALDERMAN PUENTE: You're doing the right
9 thing with that.

10 CHAIRMAN WITKOWIAK: Thank you. Just let
11 the record reflect that Officer SanFilippo has
12 replaced the sergeant.

13 MR. SCHRIMPF: And at the appropriate moment
14 will have to be sworn.

15 CHAIRMAN WITKOWIAK: Yes.

16 MR. HANLEY: Hi. My name is Bradford D.
17 Hanley. My address is 2442 North 37th Street. I'm an
18 employee at Cafe H20. I'm here for a couple issues.
19 Number one, when I first met James, he let me know
20 that he was opening a teenage establishment, and he
21 asked me to come out and help him keep it safe, so I'm
22 not a safety aide, I'm not one of the security guards
23 at his establishment, but I help him out with
24 different issues that he might have, and that's
25 pushing positivity, telling the kids to be positive

00096

1 when they leave, asking them please don't use drugs.

2 I've seen the security ask people to leave
3 if they smell like drugs coming through the door. We
4 have some kids that come in and smell like alcohol.
5 He don't let those kids in. I've seen the different
6 types of things that a positive establishment should
7 do that James is doing.

8 Also, there was one incident -- There was a
9 question raised earlier about being scared at H20.
10 The only time that I was scared at H20 was when I left
11 one day after working, and the police pulled me over
12 and told me to get out and put my hands above my head.
13 I put my hands out, they handcuffed me and put me in
14 the back of a car. They didn't have any reason why.
15 They just wanted to. That's what one of the officers
16 told me. He said he was running my license to make
17 sure I have a driver's license and to make sure I was
18 doing the right thing.

19 After being pulled over and harassed, that's
20 what I called it, did I make a complaint? No, because
21 if I would have made a complaint, almost every day
22 they probably would have pulled me over. It happened
23 before and it will happen again. But he pulled me
24 over and told me what I needed to do; stay out of this
25 area, you should not be a cruiser and all this stuff,

00097

1 so I stated to the officer that I'm a 30-year-old
2 young man. I'm not a little boy. I didn't come from
3 H2O as one of the dance people. I was employed there.
4 He gave me my license back and told me, thank you, and
5 have a nice day. He thought I was one of the
6 teenagers, okay?

7 One of the incidents, -- the night that I
8 want to bring up, -- I was hosting with James, and we
9 were having a dance contest, and the kids -- they'll
10 dance, and the audience will pick the best dancer,
11 whoever dances the best or whatever the situation was.

12 I explained to them this is a dance contest.
13 The best dancer gets \$50 cash. You can't remove any
14 garments, you can't remove any clothes and all this
15 type of stuff, and we don't want anybody doing
16 anything that you see in the videos.

17 They got up there, the young lady danced,
18 and she took off maybe a sweatshirt, I believe, and
19 she had a little tank top thing on, and she had a
20 little sweat bottom, and she took that off. She gets
21 up there and starts dancing. After the dance contest
22 she got down.

23 The police stormed in, raced everybody out
24 of the club, told me to wait in the corner; you stand
25 here, we're going to take your name, we're going to

00098

1 run a check on you and all this type of stuff. They
2 said that we were running -- I forgot how they said
3 it. You're running a strip club, and you're all going
4 to jail. That's what he told us.

5 He ended up arresting -- well, putting James
6 in handcuffs and putting him in the car. I'm sitting
7 here like, okay, I guess I'm next, and what's going on
8 and asking the officers. He told me to shut up; if
9 I'm not the owner, you just stand there. I said I
10 have to go. "No, you don't have to go anywhere.
11 Matter of fact, do you have an ID?" I gave him my ID.
12 He stayed there for a while, he waited. They checked
13 everywhere.

14 I ended up talking to James' mother. She
15 ended up calling an attorney. I was one of the people
16 on her answering machine, calling her, because his mom
17 was out wondering why her son was getting arrested. I
18 called her house while all this was going on.

19 After all this happened, the police came in
20 and made us all go home, took Jay to jail. I didn't
21 know what happened till two days later. He called and
22 said that they dropped all the charges or whatever the
23 situation was, but he's always been harassed.

24 I've been asked to turn down the music.
25 I've been one of the DJs that stands in for Homer when

00099

1 he's not there. They ask me to turn down the music.
2 I turn it down. The police stand there, they wait
3 around for a while. Some of the police officers come
4 back in, they stand in the corner, and it has not been
5 a problem.

6 I understand some of the people in the
7 neighborhood say that they hear bass music that's so
8 loud that it trembles their house. I work there, and
9 if the music was that loud, I would be deaf right now.
10 I wouldn't be able to hear anything if the music is
11 that loud. I'm in the establishment with the speakers
12 standing right next to me, and I can hear it and bear
13 it, and I don't understand -- you know, I'm not saying
14 that they don't hear this. I'm just saying that
15 imagining that something being that loud, you know, I
16 can't do it.

17 I live on 37th Street where it's the hood,
18 and I wake up to gunshots, and I go to sleep with
19 gunshots. Nobody's doing nothing about that. And
20 those are gunshots, those are not bass music. Those
21 are not driving by cars. Those are gunshots.
22 Whatever kind of guns it is, it's happening in my
23 neighborhood, and nobody's doing nothing about that,
24 but you want to close down an establishment that's
25 having kids come to it for something to do. They're

00100

1 not cruising. They're in there to have -- they're
2 having a save time, and you want to close it down. I
3 don't understand that.

4 CHAIRMAN WITKOWIAK: Thank you, Mr. Hanley.
5 Questions by committee? Mr. Schrimpf?

6 MR. SCHRIMPF: I want to follow up on this
7 dance contest. Do you recall the date of that
8 contest?

9 MR. HANLEY: I don't recall the date
10 exactly, but it was one of the days that I believe I
11 was standing in DJing for Homer.

12 MR. SCHRIMPF: Do you remember the name of
13 the individual who was --

14 MR. HANLEY: -- dancing?

15 MR. SCHRIMPF: Right, the subject of the
16 dancing.

17 MR. HANLEY: I don't ask them their names.
18 They just get up and dance according to whoever picks
19 them. Sometimes they're pushed up on the stage to
20 dance or whatever, and they just get up there and
21 dance. I don't ask them their names, no.

22 MR. SCHRIMPF: Do you know whatever happened
23 to her arrest, whether she was convicted?

24 MR. HANLEY: The only person that I saw get
25 arrested that night was James.

00101

1 MR. SCHRIMPF: You didn't see the young lady
2 being arrested?

3 MR. HANLEY: No, not at all. Matter of
4 fact, there was one other lady put into the squad car,
5 and I believe that was one of the ticket persons at
6 the front door that takes money. They arrested her,
7 too. Why, I don't know, but that was the only two
8 people I saw put in the squad car and taken off.

9 MR. SCHRIMPF: And it's your testimony that
10 you observed the dance contest in progress the
11 entirety of the time it was going on?

12 MR. HANLEY: When the dance contest was
13 brought up, I went and had the mike in my hand. I
14 stood right there next to the young lady. Well, the
15 young ladies that were dancing. A couple young men
16 was were out there, also. They was dancing, and I was
17 standing right there. I was pretty much conducting it
18 with James, and none of that stripping happened.

19 MR. SCHRIMPF: And you're saying she kept at
20 least a minimal top on.

21 MR. HANLEY: Yes. It was no breasts
22 showing. I work at an MPS school, and I also work for
23 CYD. I wouldn't even think of having something like
24 that. A young lady stripping in front of me that's
25 underage? Come on. I don't do that type of stuff.

00102

1 MR. SCHRIMPF: Okay. That's all I have.

2 CHAIRMAN WITKOWIAK: Thank you. Any other
3 questions by committee? Ms. Stewart?

4 MS. STEWART: Were you -- You were in the
5 vicinity of the dance contest the entire time from
6 start to finish?

7 MR. HANLEY: From start to finish till the
8 police ran in, and I stood there right by the table
9 until he told me to leave the establishment. So that
10 was from -- It was approximately I want to say about
11 12:00 we started, and -- no, it was after 12, but I
12 was there for the entire time. I started it, and we
13 finished it.

14 MS. STEWART: So you were there observing,
15 and James was there with you observing.

16 MR. HANLEY: He was right there next to me
17 telling me who should win based on who the crowd was
18 saying should win and who should not. He was pretty
19 much like supervising me as it goes on. We've been
20 doing them like that since I've been working there,
21 and it ran the same way.

22 MS. STEWART: Thank you.

23 ALDERMAN PUENTE: Mr. Chair?

24 CHAIRMAN WITKOWIAK: Alderman Puente.

25 ALDERMAN PUENTE: Are you aware that in the

00103

1 police report the officer observed this young lady
2 stripping, and that she eventually admitted to it?
3 MR. HANLEY: No, I'm not aware of that. The
4 officer -- I would want to talk to him and find out
5 what he saw, because I didn't see the same thing. And
6 there was also an officer there asking me exactly what
7 happened. I gave him my testimony and told him what
8 happened. He went ahead and kept asking me what's
9 going on, was it a dance contest, were they stripping.
10 I told him no. I said normally at a strip club
11 somebody would have to take off their clothes and be
12 naked.
13 ALDERMAN PUENTE: How many officers were
14 there that evening?
15 MR. HANLEY: Oh, wow. There was over 10 on
16 the inside.
17 ALDERMAN PUENTE: Did you talk to all 10
18 officers?
19 MR. HANLEY: No, I talked to the three that
20 talked to me. I was pretty much scared to go to jail
21 that night, to be honest with you, but I got to the
22 point where if I was going to go to jail for something
23 that we didn't do, I'll go. And until I had that --
24 When he knew that I had that attitude about me not
25 caring about going to jail, they pretty much left me

00104

1 alone. Like, okay. Well, we're not going to take
2 him. But they came in with the attitude that they
3 were going to take everybody to jail, and they didn't
4 care who they were taking.

5 ALDERMAN PUENTE: That's it.

6 CHAIRMAN WITKOWIAK: Thank you for your
7 testimony.

8 MR. HARRISON: Can I explain something about
9 that night?

10 CHAIRMAN WITKOWIAK: Go ahead.

11 MR. HARRISON: Me and the others were
12 putting on this contest. The two officers that came
13 in, came in there for a noise nuisance complaint.
14 They came in there and walked, while the contest was
15 going on, right past the contest. They said, "We need
16 to speak with you." I said all right. I said, "End
17 the contest."

18 We walked to the front of the establishment,
19 okay? He said, "We got a noise nuisance complaint
20 from the neighborhood." He said, "We need to see your
21 license." I said okay. He said, "Cut your music
22 off." I said, okay, cut the music down. He said, "I
23 can still hear the music. I said, "Sir, I'm still
24 open." He said, "Well, cut it down. I want to hear
25 myself talk." I said, "Well, sir, I'm in business for

00105

1 a dance club, I can't cut the music off. Let's go
2 outside."

3 There was two officers at the time. He
4 said, "Well, he didn't ask you to go outside. He
5 asked you to cut the music down and go get the
6 license." I said okay. I went to get the license,
7 and the license is posted in the front when you come
8 in, and they thought I was going outside. So when I
9 got the license, we walked outside.

10 We're standing right by the front door,
11 and the officers start writing a ticket for a noise
12 nuisance complaint, okay? The two officers that
13 walked in there to get me while I was judging this
14 contest were the two officers writing the ticket.

15 While we were sitting there writing a
16 ticket, an officer comes from the middle of the
17 parking lot and whispered to the guy, "I saw somebody
18 stripping." The officer looked at me and said, "You
19 got strippers here tonight?" I laughed. I said, "Are
20 you serious?" He said, "My partner just advised me
21 you had a stripper." I said, "Come on, man. You just
22 walked in here." "Well, we got a lieutenant on the
23 way. We're going to write this noise nuisance ticket.
24 Give us a minute. Let's see what the lieutenant wants
25 to do about this." I said okay.

00106

1 By that time four other squad cars pulled
2 up. They're all walking around. They went back
3 inside. Next thing -- I'm still outside. I go
4 inside, the music's down, shut off, and people are
5 coming out. I said, "What's going on?" He said,
6 "They said to turn the music off and get everybody out
7 of here." All right.

8 So I'm sitting here waiting on this noise
9 nuisance ticket trying to figure out what's going on.
10 The two officers I saw -- I never saw no more than two
11 officers in there before I left outside. They came to
12 me and said, "Well, we're writing the ticket, but
13 we're waiting on our lieutenant to see what he wants
14 to do about this strip thing. Wait inside." All
15 right. "Where is your car parked?" I said in back.
16 Okay.

17 Club's cleared out, only employees in there.
18 About five officers walk in there. "Can you step
19 outside for a minute?" I go outside. I walk out the
20 door first. They like make a half circle around me
21 while we were walking towards the car. He said, "Put
22 your hands on top of the car." "For what?" "Put your
23 hands on the top of the car." I put my hands on top
24 of the car, they went in my pocket, took out my cell
25 phone, put me in handcuffs, and put me in the back of

00107

1 the squad car. These are the two officers that came
2 there for the noise nuisance complaint.

3 Two officers get in the car, I'm sitting in
4 the back, they're writing a ticket. The driver
5 accidentally hits the button so my window goes down a
6 little bit, okay? The next thing I say is, "What's
7 going on? Why am I handcuffed?" He said, "The
8 lieutenants on the way. This strip situation is a
9 federal offense." I said, okay, but I didn't have
10 strippers. He said, "Well, that ain't what I heard."

11 Keep in mind, if this girl was nude, these
12 two officers that was writing the noise nuisance
13 ticket should have been the ones -- because they was
14 the first ones there, -- they should be the ones
15 observing what's going on.

16 So the officer that told this officer that
17 he saw the stripper came to the passenger side of the
18 squad car. I'm behind the passenger officer. He
19 rolls down the window. He said, "I need to talk to
20 you." The driver -- the passenger officer gets out of
21 the car. They stand by the passenger squad car door.
22 Keep in mind, my window's still rolled down.

23 He asked the officer that was writing the
24 noise nuisance ticket, asked the guy, did he observe
25 strippers. Did you see this girl nude? He said,

00108

1 "Well, I actually didn't see her stripping, but when
2 I turned around from the door, I saw her going like
3 this, and she was putting on some sweatpants." So
4 he -- right there he said he didn't observe her
5 stripping or nude, but when he saw her, she was
6 putting on sweatpants.

7 CHAIRMAN WITKOWIAK: Okay. Thank you for
8 sharing that with us. Can we have our next witness
9 please? Alderman McGee.

10 ALDERMAN MCGEE: Good morning, Mr. Chairman
11 and fellow council members. I'm here on behalf of the
12 hip hop generation. I'm a hip hop politician, I will
13 have to say, and I wasn't scheduled to be here today,
14 but I just felt compelled to ask you all to reconsider
15 revocating the license of H20.

16 Just historically, myself, before I was even
17 in politics, I also had what was considered a youth
18 establishment in 1991, and I didn't do it accordingly
19 to the law, I would say, -- I had a warehouse, -- as
20 this young man, Mr. Harrison, has.

21 And to me it's just a density situation
22 where we have -- the demand is greater than the supply
23 for these type of establishments throughout the city.

24 And further, if you all rule against keeping
25 his license or whatnot, you're going to further

00109

1 exacerbate the situation as far as cruising, and I'm
2 just here to implore you all to -- I'm going to
3 sponsor some legislation that will be considered
4 pro-youth when it comes to cruising, because I think
5 we need to be more proactive in our approach, because
6 historically, myself and several other aldermen
7 wouldn't even be able to appear before you as aldermen
8 or before this council as aldermen to advocate for our
9 community.

10 And historically, no matter what clubs we've
11 had in our community, they -- it's a joke in our
12 community. Homer Blow can attest to that, that we
13 always think of the lifeline of these establishments
14 as two years. We haven't had an establishment -- And
15 when you look at the community as far as the tavern
16 and the entertainment community in Milwaukee, there's
17 a lot of establishments who've had problems in the
18 past, and they have been established actually
19 since the '80s, and they're allowed some room for
20 error, and I'm just asking for you all to support this
21 young man. He has in the past received support.

22 But maybe you have to just come to another
23 district. You know, move on. I don't know if that
24 was anything you've ever thought of doing as a
25 solution. You're in a commercial area, but maybe

00110

1 because of the pressure that's coming from some
2 residents in the area, you might want to move to a
3 district where you receive more support. That's what
4 I would suggest. But how many employees do you have?
5 MR. HARRISON: Minimum of 15, and it depends
6 on the event.
7 ALDERMAN MCGEE: So Mr. Chair and committee,
8 that's just a side note.
9 MR. HARRISON: I want to show you -- I keep
10 all of my receipts, okay? Ain't no club in town pay
11 as much. This is just for outside security. Just for
12 outside, not inside stuff.
13 ALDERMAN MCGEE: So you know the
14 ramifications of --
15 ALDERMAN WADE: Excuse me, Alderman.
16 ALDERMAN MCGEE: Yes.
17 ALDERMAN WADE: Could we know the number?
18 What's the amount? Can you just tell me?
19 MR. HARRISON: 1,375.
20 ALDERMAN WADE: You pay 1,375 for what?
21 MR. HARRISON: Per night.
22 ALDERMAN WADE: Per night.
23 MR. HARRISON: For outside security.
24 ALDERMAN WADE: Okay.
25 CHAIRMAN WITKOWIAK: For the record, is that

00111

1 \$1,375?

2 MR. HARRISON: Yeah

3 ALDERMAN MCGEE: When you look at the
4 ramifications, Mr. Chair and committee, of what would
5 happen if we allow our youth -- and the employment
6 rate for black men in particular in Milwaukee is
7 astounding. It's actually 60 percent, and, you know,
8 you don't actually penalize a lot of people.

9 And in addition, this young man is an
10 entrepreneur, but I'd just ask you, if you don't mind,
11 just to suspend the license, and I would ask if he
12 would just look at other locations, possibly, because
13 this situation has dragged on for quite a long time.
14 How long have you been in business?

15 MR. HARRISON: Going on three years.

16 ALDERMAN MCGEE: Three years. He's exceeded
17 the two years that we talk about in our community, and
18 I just pray that he's allowed an additional
19 opportunity.

20 And he has to take heed, I would say, to
21 this lesson right here. He's the only one on our side
22 of town, is what I'm saying, as far as youth. My
23 constituents in the 6th District, they frequent that
24 location, all the different districts on the north
25 side frequent that location, but it's only one.

00112

1 I'm asking you all as aldermen to support
2 some pro-cruising legislation, I would say, because
3 we've all been young, we had locations that we
4 frequented like the lakefront and different parking
5 lots without all of this hoopla that we're getting
6 now, and there's so much media attention to cruising,
7 and if we were more proactive in just thinking
8 differently about our approach, I don't think we'd
9 have all the situations that we have.

10 One more thing I wanted to say is, I just
11 think we need to address the needs of our young people
12 when it comes to how we approach the situation. I
13 think we, as a council, we have an opportunity to
14 bring a new day forth. I know a lot of you all, as
15 committee members, you might not want to hear the
16 plight and everything that goes on with a lot of these
17 young business owners, but that's all we have on our
18 side of town thus far, and prayfully in the future we
19 will have other locations open up that's in a non-
20 residential zone.

21 I've been to the H20 before, and I think
22 that they're more responsible people who work there
23 and who have also come before you that are in
24 leadership positions in that organization, and I just
25 think they need an opportunity. I would move for

00113

1 suspension of the license rather than revocation, and
2 I just ask you to consider my support. Thank you.

3 CHAIRMAN WITKOWIAK: Thank you, Alderman
4 McGee. Any questions of the Alderman?

5 ALDERMAN BOHL: Mr. Chairman, I just have a
6 follow-up question.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: Mr. Harrison, you indicated
9 that you paid \$1,375 per evening for outside security
10 alone?

11 MR. HARRISON: Yes, sir.

12 ALDERMAN BOHL: How many of the security
13 officers that you employ are outside versus inside?

14 MR. HARRISON: Excuse me?

15 ALDERMAN BOHL: In terms of the security
16 officers that you employ, how many security personnel
17 does that pay for?

18 MR. HARRISON: Total of like 10. There's
19 five that I pay outside of that bill right there.

20 ALDERMAN BOHL: And that doesn't cover the
21 security personnel that you have inside?

22 MR. HARRISON: Yes, half of that. I said
23 five. The other five are barmaids and door persons
24 and stuff like that.

25 ALDERMAN BOHL: So all of that is covered by

00114

1 the 1,375.

2 MR. HARRISON: Right.

3 ALDERMAN BOHL: I don't know how you manage
4 it, I really don't. Even if you bring in 300 --

5 MR. HARRISON: I could open it like other
6 establishments, cheat myself on security, have a
7 record as far as people getting shot. But this is my
8 first establishment. I took it to the heart. I'm
9 going to run this well, and in my eyes I have.

10 You know, compared to other places that has
11 shootings, they only get 20-day suspensions. I didn't
12 have no shooting, and I got a 20-day suspension
13 because of noise.

14 ALDERMAN BOHL: Thank you.

15 MR. HARRISON: And in two, three years, all
16 these noise tickets are coming from two residents,
17 7800 and 8104. All my noise citations are from two
18 residents. The Bluma husband noted that he even had
19 African-American officers coming there to write a
20 complaint.

21 For three years, there have been three
22 officers that wrote these tickets. There haven't been
23 no African-American officers writing noise tickets.
24 It's been the same three officers for three years. It
25 seems to me there's only three officers for the

00115

1 district, because when they come there for a noise
2 nuisance, it's the same three faces. For three years
3 only two African-American officers walked in H20.

4 CHAIRMAN WITKOWIAK: Okay. Thank you. Is
5 there anyone else that wishes to testify on this
6 matter? Alderman Puente, do you have some comments?

7 ALDERMAN PUENTE: Yes, I do. I'm going to
8 have to recuse myself from the voting, and I would
9 like to say something on the other side.

10 CHAIRMAN WITKOWIAK: Okay, would you please
11 take a chair. You will have to raise your right hand
12 to be sworn in.

13 (Whereupon Alderman Puente was sworn under
14 oath.)

15 ALDERMAN PUENTE: I'll say right up front
16 that I am not in favor of renewing this license for
17 the reasons that were stated by all the testimony here
18 today, plus what you have in front of you as the
19 police report.

20 Based on the facts, the facts are what the
21 people are testifying, the facts are what the police
22 reports indicated. We've had 12 incidents there in
23 the last year. As the licensee just testified to,
24 he's been getting citations ever since he's been open,
25 for over three years or about three years.

00116

1 He has been given opportunities to change.
2 He has opportunities to do or make an impact in the
3 community, and we just don't see that happening. And
4 I say we -- as the constituents telling me of the
5 problems, I state what they have stated to you today.
6 All of them who came out here testified what a problem
7 H20 is, and it's going to continue to be a problem if
8 we allow them to operate.

9 So on behalf of my constituents, based
10 on the facts, not because of the behavior of the
11 Milwaukee Police Department, -- There was a lot of
12 testimony on the behavior of the Milwaukee Police
13 Department. This is not about the behavior of the
14 Milwaukee Police Department. If they have complaints
15 about officers or the Milwaukee Police Department,
16 there are things there that they can make complaints,
17 and they should, and I encourage them to make a
18 complaint.

19 They talk about having areas for the youth
20 to go to and that. Well, they have had this for over
21 three years, and for the last three years they have
22 not made corrections to it. It continues to be a
23 problem. So I encourage the members to vote against
24 renewing this gentleman's license. Thank you.

25 CHAIRMAN WITKOWIAK: Thank you, Alderman

00117

1 Puente. Any questions by committee? Mr. Schrimpf.

2 MR. SCHRIMPF: No, Mr. Chairman, but I would
3 simply remind the committee that 108-13-4 of the
4 ordinances lists a number of reasons to consider
5 nonrenewal or suspension of a public dance hall
6 license.

7 I think the ones that there has been
8 testimony related to in this particular proceeding is
9 E-15, loitering; E-17, loud noise at times when the
10 licensed operation is open for business; E-18, traffic
11 violations; E-19, curfew violations -- well, no, there
12 hasn't been any testimony on curfews. I think those
13 are the ones that are recorded in the ordinance here.

14 CHAIRMAN WITKOWIAK: Thank you.
15 Ms. Stewart?

16 MS. STEWART: Just addressing those three
17 points alone, and Alderman Puente's comment that my
18 client hasn't made any efforts to make any
19 corrections, with regard to all three of those I think
20 there was testimony earlier here that the cruising
21 ordinance is up inside the establishment, and that the
22 security people do not allow loitering.

23 During his last suspension, he put in a
24 great deal of soundproofing, and he has met with the
25 police to ask for instruction about how best and when

00118

1 best to release how many cars, and to try and
2 coordinate the traffic situation.

3 So there's been certainly some effort to
4 meet halfway and come up with a viable way to keep
5 the business in place and operate it successfully
6 where it is, although I know my client is not opposed
7 to considering other locations, but he'd need his
8 license in order to do that.

9 CHAIRMAN WITKOWIAK: Thank you. Health
10 Department?

11 MR. HULBERT: No objections.

12 CHAIRMAN WITKOWIAK: Neighborhood Services?

13 MR. KAUFMAN: No objections.

14 CHAIRMAN WITKOWIAK: Okay. Ms. Stewart and
15 Mr. Harrison, I'm going to give you a chance in a
16 moment to make a closing statement, but I have just a
17 couple questions here so I can understand something.
18 What's the total square footage of your club?

19 MR. HARRISON: 55 hundred.

20 CHAIRMAN WITKOWIAK: 55 hundred square feet.
21 Okay. And this is a question for Mr. Schrimpf. What
22 are the legal operating hours for a club of this
23 nature?

24 MR. SCHRIMPF: If somebody from the License
25 Office knows it off the top of their head, --

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MR. COPELAND: I could not say,
Mr. Schrimpf. I would have to get the ordinance.
MR. SCHRIMPF: I'm checking, Mr. Chairman.
108-29. "All public dances shall be discontinued at
all public dance halls located in residential zoned
districts," -- and I'm not sure if this one is or not,
despite the fact that there are residences.
ALDERMAN WADE: It's not.
MR. SCHRIMPF: -- "shall be closed no later
than 12:30 a.m., except where such premises are
licensed under 90-33 or 90-36. If a public dance
hall is located in its own district other than a
residential district, such dances shall be continued
and such dance hall shall be closed no later than 1
a.m. on weekdays, 1:30 a.m. on Saturdays and Sundays,
and shall not reopen before 10:30 a.m. The chief of
police, upon application not less than five days prior
to the date of holding of a public dance, may affix
the closing time as not later than 3 a.m." So
generally speaking, it's 1 a.m. to 1:30 a.m. on
Saturdays.
CHAIRMAN WITKOWIAK: Okay. Thank you.
Would you please -- Ms. Stewart and/or Mr. Harrison,
do you wish to make a closing statement to this
committee?

00120

1 MS. STEWART: I've known Jay since a little
2 after he opened. His matter was referred to me by
3 someone who asked if I would help him, and I've met a
4 number of the people who work in his establishment,
5 and I have been impressed by their zealousness as
6 entrepreneurs in their various businesses. A number
7 of them are college students or college graduates, and
8 they look at this as a way to bring something to the
9 community.

10 Jay has been frustrated in no small measure
11 by the unwillingness of the community to accept this,
12 and I think if there are restrictions placed on them,
13 or if there is some condition for his being allowed to
14 stay open at his present location, he would certainly
15 take to heart the committee's recommendations and
16 operate on them. He has never struck me as a person
17 who doesn't listen to the police or to the Common
18 Council or this committee.

19 I think that the important thing for this
20 committee to do in deliberating about what action to
21 take today is to consider parody with other
22 establishments of a similar sort, and to make sure
23 that whatever you decide is something that is truly
24 fair given what is on the record and given the matters
25 that have already been adjudicated.

00121

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The noise -- the affidavit about the noise was brought to the attention of the court when we did have a hearing about the noise ordinance issue. That is definitely something that is addressable. I've spoken with the people from the club about whether or not the bass itself could be controlled without, you know, hurting the operation of the club. If that's it, then that's an approach that could be taken.

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The traffic is released in a manner that was recommended by the police department. If that's not solving the problem of traffic control, and if it's leading to a situation where everybody makes the same turn out onto 76th Street and leaves in formation as we heard, then perhaps there could be just a different arrangement for the release.

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But I think that we've got some people at the table here that are willing to problem solve, and ending a business that is employing people and creating a good environment for young people, and certainly not a dangerous one at a minimum, would be a mistake.

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

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ALDERMAN WADE: Mr. Chair.

CHAIRMAN WITKOWIAK: Alderman Wade.

00122

1 ALDERMAN WADE: I would just like to say
2 that you don't put 15 people out of work over an issue
3 like noise which can be addressed. This is not
4 violence. We should be trying to address the issue
5 which is addressable.

6 Based on the facts before us, revocation is
7 an extreme measure of action and is inconsistent with
8 the past actions of this committee. Thank you.

9 CHAIRMAN WITKOWIAK: Are you making a
10 motion, Alderman Wade?

11 ALDERMAN WADE: Yeah. My motion is to renew
12 with a 20-day suspension.

13 CHAIRMAN WITKOWIAK: Motion by Alderman Wade
14 is to renew with a 20-day suspension based upon --

15 ALDERMAN WADE: The facts that are in front
16 of us.

17 CHAIRMAN WITKOWIAK: Testimony and --

18 ALDERMAN WADE: Testimony.

19 MR. SCHRIMPF: Well, Mr. Chairman, I think
20 we have to say whether it's going to be littering,
21 loitering, illegal parking, loud noise at times when
22 the licensed operation is open for business, traffic
23 violations or cruising.

24 CHAIRMAN WITKOWIAK: I think we have to be a
25 little more specific.

00123

1 ALDERMAN WADE: Noise nuisance.

2 MR. SCHRIMPF: Okay.

3 CHAIRMAN WITKOWIAK: On the motion, I'd like
4 to speak.

5 ALDERMAN BOHL: Go ahead, Alderman.

6 CHAIRMAN WITKOWIAK: Thank you. It appears
7 to me that the main problem here, -- I actually
8 understand this resonance thing. I have a little bit
9 of training as an engineer myself. Matter of fact,
10 quite extensive training in physics, so I understand
11 that completely, and here's what I think is the crux
12 of this problem.

13 That bass, which creates that resonance and
14 can, in fact, travel three or four blocks, is part of
15 the entertainment, is part of the music. And I mean
16 just to give you an example, if you don't understand
17 that, -- and I respect everyone's testimony here, so
18 if I refer to anybody, please don't -- I was very
19 impressed with the young man who hosts for you, very
20 impressed with his testimony, but where you're saying
21 that you could stand in the same building, and it
22 wasn't breaking your eardrums and you weren't
23 hard-of-hearing, yet how could somebody three blocks
24 away -- how could that bother them.

25 I'll give an example that's really -- and it

00124

1 sounds -- I stopped at a place over the weekend, and I
2 had my cell phone with me in my front pocket, and I
3 actually felt my cell phone was going off. It was
4 vibrating. It was not too loud to be in there, it was
5 not too loud, and my ears handled it just fine, but my
6 cell phone in my pocket was vibrating, but actually it
7 was not ringing. It was from that. So there's
8 certain dynamics that are caused by this resonance,
9 and that is -- being not of the hip hop generation,
10 but trying to -- but understanding it, that's actually
11 part of the entertainment, that's part of the music.

12 So you have this -- you have this problem
13 where you're providing that type of entertainment, the
14 hip hop music, and that bass is part of it, which
15 travels and which annoys us. I think what bothers me
16 the most about this whole thing is that I don't think
17 you've tried to address that problem.

18 I'm trying to dissect this and find out what
19 really is the problem and what isn't, but I don't
20 believe that you've either tried or tried hard enough
21 to address this, and so I know one of the things that
22 you may be thinking is that if you take that away from
23 the music, that's the main part of the music, so you
24 lose your entertainment. But there may in fact be
25 ways to correct that because to me, I feel that it's

00125

1 unacceptable that somebody three blocks away should be
2 able to feel this.

3 And I do believe, because I understand this
4 concept, I do believe that they actually feel that.
5 And living on Mitchell Street all my life, which is a
6 commercial street, I get woke up several times, and
7 I'm in a brick building with thick walls. So the
8 actual -- the regular noise that you would hear in
9 your ears, I don't normally hear it, but what I do
10 hear is when a car goes past with the big subwoofers
11 or whatever you call them at 1, 2:00 in the morning,
12 somebody partying, and my windows and everything
13 vibrate, and I actually feel that boom, boom, boom,
14 boom, when somebody pulls up at the light on 6th and
15 Mitchell. Yet if they were blaring their music with a
16 treble instead of bass, I mean I don't hear those kind
17 of things.

18 So I understand the dynamics of all this,
19 but it bothers me that there has not been -- this has
20 been a constant complaint, and that there has been
21 nothing done about it. And I just -- it bothers me
22 that some people say, well, if I can stand in a club
23 and hear, or I can stand a block away and not hear it,
24 and I stand in the club and it doesn't break my
25 eardrums, how can somebody possibly be effected by it.

00126

1 I understand what's going on.

2 The other thing, too, that's a little bit
3 hard for me to comprehend about all this, but this is
4 a different time and different generation, is it's
5 just hard for me to understand so many kids being out
6 so late of that age. There's nothing illegal about
7 it. I'm not making mention about that, but the thing
8 was all brought up about what are these kids going to
9 do, what are these kids going to do, what are these
10 kids going to do.

11 There's a lot of other activities that they
12 could participate in other than going to clubs, which
13 may be like, you know, getting up early in the morning
14 to go play little league baseball or something like
15 that, the kind of activities that I was involved in
16 when I was a kid. I guess times have changed, and I
17 realize that.

18 I don't want this to -- I don't want my
19 testimony to sound like -- or my comments to sound
20 like I'm putting this generation down for what they do
21 because it's a whole different era than when I grew
22 up, and believe me, I try my best to understand. But
23 I think as far as looking for things, youth activities
24 and expanding youth activities, I don't know that
25 having more youth dance clubs is the solution. We, in

00127

1 fact, had dances when I was growing up, but they were
2 normally over by 10:00 at night.

3 And the other thing, the thing about
4 the -- I'm glad you explained to us your side of the
5 testimony about the supposed stripper, so that leaves
6 a little shade of gray in my mind. But it does bother
7 me that there was testimony that at one time the
8 police came, that the door was locked, and then it's
9 like then somebody ran in back to notify management
10 that the police were there, and then they had to pound
11 on the door and the door was opened up. That may have
12 been a knee-jerk reaction that shouldn't have
13 happened.

14 With all that being said, I'm going to
15 object to the motion of Alderman Wade, and the reason
16 I'm objecting is that I think there should be a
17 stiffer penalty, but perhaps not nonrenewal, so I
18 object to Alderman Wade's motion.

19 ALDERMAN BOHL: Thank you for your comments,
20 Alderman Witkowiak.

21 ALDERMAN DUDZIK: Mr. Chair?

22 ALDERMAN BOHL: On the motion? Alderman
23 Dudzik.

24 ALDERMAN DUDZIK: I, too, will be objecting
25 to the motion. We gave them a 20-day suspension last

00128

1 time. They've had 10 incidences where police reports
2 have been written since then. I'm sure there's been
3 plenty of other incidences where police responded but
4 did not write a report, and even more sure that there
5 have been plenty of times where neighbors have been
6 disturbed by this particular location.

7 I think problem solving has been tried and
8 has failed, and I will await to see what the committee
9 decides as far as the proper punishment for this
10 particular location. I said it earlier, and I will
11 probably be supportive of any attempt to close this
12 location. Thank you.

13 MR. HARRISON: Can I say something?

14 ALDERMAN BOHL: This matter is in committee,
15 Mr. Harrison, so your opportunity is over.

16 MR. HARRISON: Okay.

17 ALDERMAN BOHL: Thank you. The motion by
18 Alderman Wade is a renewal with a 20-day suspension.
19 Is there any further discussion on that matter?
20 Hearing none, will the clerk please call the roll.

21 THE CLERK: Alderman Bohl?

22 ALDERMAN BOHL: No.

23 THE CLERK: Alderman Wade?

24 ALDERMAN WADE: Aye.

25 THE CLERK: Alderman Dudzik?

00129

1 ALDERMAN DUDZIK: No.
2 THE CLERK: Mr. Chair?
3 CHAIRMAN WITKOWIAK: No.
4 THE CLERK: Motion fails one to three.
5 ALDERMAN BOHL: The vote was one to three.
6 The motion fails. The floor is open now. Is there
7 another motion?
8 ALDERMAN DUDZIK: Mr. Chair?
9 ALDERMAN BOHL: Alderman Dudzik.
10 ALDERMAN DUDZIK: I would move that this
11 license be revoked based on the police report and
12 testimony by the neighbors.
13 ALDERMAN BOHL: The motion by Alderman
14 Dudzik is for the nonrenewal of the license based on
15 matters contained within the police report as well as
16 neighborhood objections testified here. Is there
17 discussion on that motion? Hearing none, would the
18 clerk please call the roll.
19 THE CLERK: Alderman Bohl?
20 ALDERMAN BOHL: Aye.
21 THE CLERK: Alderman Wade?
22 ALDERMAN WADE: No.
23 THE CLERK: Alderman Dudzik?
24 ALDERMAN DUDZIK: Aye.
25 THE CLERK: Mr. Chair?

00130

1 CHAIRMAN WITKOWIAK: No.

2 ALDERMAN BOHL: The matter fails on a
3 two-two vote. We are still in committee. Is there a
4 motion?

5 CHAIRMAN WITKOWIAK: Mr. Chairman.

6 ALDERMAN BOHL: Alderman Witkowiak.

7 CHAIRMAN WITKOWIAK: I would move to renew
8 this license with a 90-day suspension, and I will --
9 I'd just like to make a couple comments. Once, again,
10 I believe we had three years to solve this problem,
11 and I don't think that you've taken that to heart as
12 far as the noise nuisance goes.

13 The summer is a time coming up where things
14 seem to intensify, but you have the opportunity, if
15 you wish, to go ahead and correct this. And if this
16 motion carries, and if you choose to -- if you choose
17 to stay in business and correct these problems, you
18 know, we're all going to be here next year, and then
19 we would have a different report.

20 And if, in fact, this is the ruling of the
21 committee, I want the people that came and testified
22 in opposition to this to keep very good track of what
23 happens, how your life is affected during the
24 suspension, and what happens after the suspension is
25 lifted, if this is in fact what happens.

00131

1 And I don't want anyone to be scared to come
2 down here and testify next year, because if this
3 license is suspended, and if, in fact, this resonance
4 from this noise problem continues, I guarantee you
5 that I'll vote against the renewal of this license
6 next time.

7 ALDERMAN BOHL: Okay. Alderman Witkowiak,
8 the motion was for renewal --

9 ALDERMAN WADE: Mr. Chair, can I comment on
10 one thing?

11 CHAIRMAN WITKOWIAK: One second, we'll get
12 to you.

13 ALDERMAN WADE: Okay.

14 ALDERMAN BOHL: The motion was for renewal
15 with a 90-day suspension. Alderman, I don't believe
16 there were reasons stated.

17 CHAIRMAN WITKOWIAK: Because of the noise.

18 ALDERMAN BOHL: Okay. Because of
19 neighborhood objection to noise problems. On the
20 motion, Alderman Wade.

21 ALDERMAN WADE: Thank you, Mr. Chair. When
22 we look at a 90-day suspension, -- We're looking at
23 the summer being upon us. The 90-day suspension is
24 going to take us through the whole summer, so we're
25 talking young people not having anything to do during

00132

1 the weekend through the whole summer and to the fall
2 when college resumes.

3 I just want to make sure that I've made
4 that point clear to the committee members that
5 we will be disenfranchising a large youth population
6 during the entire summer, and that may be something
7 that we may want to consider when we look at a 90-day
8 period. Thank you, Mr. Chair.

9 CHAIRMAN WITKOWIAK: Thank you, Alderman
10 Wade. The motion again by Alderman Witkowiak is for
11 renewal with a 90-day suspension. Is there any other
12 discussion on that matter? Will the clerk please call
13 the roll.

14 THE CLERK: Alderman Bohl.

15 ALDERMAN BOHL: Aye.

16 THE CLERK: Alderman Wade.

17 ALDERMAN WADE: No.

18 THE CLERK: Alderman Dudzik.

19 ALDERMAN DUDZIK: No.

20 THE CLERK: Mr. Chair.

21 CHAIRMAN WITKOWIAK: Aye.

22 CHAIRMAN BOHL: The matter fails on a two to
23 two vote. We are still in committee.

24 ALDERMAN DUDZIK: Mr. Chair.

25 ALDERMAN BOHL: Alderman Dudzik.

00133

1 ALDERMAN DUDZIK: One of the things that
2 bothered me about this entire scenario is that the
3 only people that came in support of this particular
4 establishment were employees. I feel it's unfortunate
5 that suspending them, whether it be 90 days, or
6 closing them, would have an adverse effect on these
7 employees, but I think -- I can understand their
8 loyalty, but I also understand the plight of the
9 neighbors, and I think it's not unreasonable to at
10 least offer these neighbors a very calm -- hopefully a
11 very calm summer, and I would move that we consider a
12 120-day suspension.

13 MR. SCHRIMPF: Mr. Chairman.

14 ALDERMAN BOHL: Mr. Schrimpf.

15 MR. SCHRIMPF: The ordinance limits the
16 discretion of the committee in terms of suspensions to
17 "not less than 10 days nor longer than 90 days,"
18 108-13-5.

19 ALDERMAN DUDZIK: Mr. Chairman?

20 ALDERMAN BOHL: Alderman Dudzik.

21 ALDERMAN DUDZIK: I would then move for
22 reconsideration of the previous motion.

23 ALDERMAN BOHL: Alderman Dudzik would move
24 for reconsideration. Hearing no objection, so
25 ordered. We'll rehear that particular matter.

00134

1 The motion then again by Alderman Witkowiak
2 is for renewal with a 90-day suspension. Is there any
3 other discussion by the committee? Will the clerk
4 please call the roll.

5 THE CLERK: Alderman Bohl.

6 ALDERMAN BOHL: Aye.

7 THE CLERK: Alderman Wade.

8 ALDERMAN WADE: No.

9 THE CLERK: Alderman Dudzik.

10 ALDERMAN DUDZIK: Aye.

11 THE CLERK: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Aye.

13 ALDERMAN BOHL: The matter prevails on a
14 three-one vote. Mr. Schrimpf.

15 MR. SCHRIMPF: Thank you, Mr. Chairman.

16 Mr. Harrison, the committee is going to be doing
17 Findings of Fact and Conclusions of Law recommending
18 renewal of this license with a 90-day suspension.
19 You'll receive a copy of that report.

20 You'll have an opportunity to file written
21 objections to that report, as well as appear before
22 the Milwaukee Common Council and argue your position
23 with respect thereto when the Council meets on this
24 matter on --

25 ALDERMAN BOHL: On June 15th, 2004.

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MR. SCHRIMPF: June 15th, 2004, at
approximately 9 a.m. in the Common Council Chambers of
this building. When does this license expire?

MR. COPELAND: June 30th.

MR. SCHRIMPF: June 30th. Thank you. Any
questions Ms. Stewart?

MS. STEWART: No.

CHAIRMAN WITKOWIAK: Thank you, everyone,
for your testimony.

* * *

00136

1 STATE OF WISCONSIN)
) ss:
2 MILWAUKEE COUNTY)

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I, DONNA GULCZYNSKI, of Milwaukee Reporters
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Wisconsin, certify that the foregoing transcript,
consisting of pages 2 through 135, inclusive, is a
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in this cause.

Donna Gulczynski - Court Reporter

Dated this day of , 2004
Milwaukee, Wisconsin

