



JAMES A. BOHL JR.
Alderman, 5th District

November 21, 2008

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 080873

Attached are written objections to:

Renewal with a 45-day suspension, based on the police report and neighborhood objections, of the Class "B" Tavern and Tavern Amusement (Cabaret/Nite Club) licenses of Habib Manjee, Agent for Lady Bug Club, LLC, for the premises at 622 North Water Street ("Ladybug Club/618 Live On Water ") in the 4th aldermanic District.)

Renewal with a 30-day suspension, based on the police report, of the Class "B" Tavern license of Alicia D. McCovery for the premises located at 2432 West Garfield Avenue ("Ike's Lounge") in the 15th aldermanic district.

Renewal with a 10-day suspension, based on the police report, of the Class "B" Tavern and Tavern Dance licenses of Robert F. Smith for the premises at 906 South Barclay Street ("Rain") in the 12th aldermanic district.

Renewal with a 60 day suspension, based on items contained in the police report, of the Class "B" Tavern license of Daniel L. Crawford for the premises at 235 N. 36th St. ("Ark Inn") in the 10th aldermanic district. (Committee vote: Ayes: 4, Noes: 0, Excused: 1)

These matters will be heard by the full Council at its November 25, 2008 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached statement and materials.

Respectfully,

James A. Bohl, Jr., Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 080873

**LAW OFFICES OF
MICHAEL A.I. WHITCOMB**

633 West Wisconsin Avenue, Suite 510
Milwaukee, Wisconsin 53203-1918

November 20, 2008

Telephone 414-277-8384
Facsimile 414-277-8002
maiw-law@execpc.com

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202

Re: Renewal of Class "B" Tavern & Tavern Amusement Licenses
Agent: Habib Manjee
Corporate Entity: Lady Bug Club, LLC
Premises: 622 North Water Street / "Ladybug Club"

Honorable Members of the Common Council:

Please be advised that this office represents the above-referenced license renewal applicant. This communication is submitted as the applicant's written objections to the November 7, 2008, report of the Licenses Committee (hereinafter "Committee"), recommending that applicant's licenses be renewed with a 45-day suspension. The applicant requests that these written objections be considered at the Common Council meeting of November 25, 2008, at which time the Committee's recommendation regarding the license renewal will be considered. The recommendation of the Committee was based upon the synopsis of the Milwaukee Police Department, and a citizen's testimony and DVD.

Initially, the report of the Committee restates all the incidents contained of the Milwaukee Police Department's report to the Committee as supporting the recommendation of the Committee. Incidents contained in paragraphs 5(A) to 5(M) of the Committee's report were neither read into the record nor discussed by the Committee, and the applicant was not requested to address these incidents. The Committee was correct in not addressing these incidents as they had been considered previously by the Committee when renewing applicant's licenses in previous license years. The incidents reported by the Milwaukee Police Department not previously considered by the Committee occurred from October 7, 2007 to February 10, 2008. There have been no incidents for the last nine months.

The incidents reported in paragraphs 5(N) to 5(R) of the Committee's report were initiated by calls from the establishment for assistance. With assistance of the Milwaukee Police Department the situations were quickly diffused. The applicant should not be penalized for these incidents so as to discourage calls for professional assistance.

The incident reported in paragraph 5(S) was an untimely patron disbursement incident attributable to an authorized underage event. The applicant will not be holding underage events in the future. The incident reported in paragraph 5(U) was disputed by the applicant as having not in fact occurred at the establishment. There was no evidence discovered confirming the reported incident, and the citation issued to the applicant regarding the incident was dismissed.

The Committee's report also states that neighbors testified in opposition to the renewal of the licenses. Only two "neighbors" testified. They testified that they reside together at 608 North Broadway on the fourth floor. This property is zoned C9F described as an "office and service district" [] designed and intended to serve both as a retail trade and a personal and business services district, as well as a major center of office commercial activities." Milwaukee Code of Ordinances § 295-701-7. According to City records, the only occupancy permits granted for this property are for the first floor, a mercantile occupancy for Nova Music, and for the first and second floors, an art gallery occupancy, for an art gallery.

The gist of the testimony of these "neighbors" was that their residential living was disturbed in the early morning when patrons disbursed from the establishment some of which going to their automobiles parked at the parking lot at the southeast corner of Broadway and Michigan Streets. This lot is operated by CPS. With all due respect, these "neighbors" cannot expect the serenity of a residential district where they reside in a downtown commercial district that permits nighttime entertainment facilities.

These "neighbors" presented a DVD depicting the corner of Broadway and Michigan Streets after the establishment had closed on four select nights. The DVD was approximately five minutes long, showing about seventy-five ninety seconds of activity on each of these four nights. The DVD made quite an impression, but frankly would not have been admitted in evidence in a judicial proceeding as its prejudicial impact far outweighed its probative value. Nevertheless, the DVD depicted numerous pedestrians disregarding controlled intersections and numerous automobiles disregarding rules of the road as they all attempted to promptly leave the area. The scenes depicted were unlike one would see for a brief period of time as patrons all leave at once at closing from the Bradley Center, The Milwaukee Theatre, Miller Park and Summerfest events. The use of police resources to assist in the disbursement of crowds after an entertainment event concludes is commonplace. Traffic control is indeed a core function of the Milwaukee Police Department.

The Committee's report does not coincide with the DVD in that the "neighbors" said it only covered four different nights not five, and it did not depict public urination. However, the DVD did depict "noise." One may describe the crowds as "unruly," if this means animated young people with some running across the street and getting to their cars at the parking lot.

The Committee's report accurately reports that the "neighbors" are most particularly concerned with teen nights hosted by the establishment. The applicant was not aware of the extent of their concerns. The applicant offered to meet with the "neighbors" last summer upon receipt of an e-mail from them, but they demurred. The applicant implored the parking lot operator to assign personnel to the lot during the evening to regulate the flow of traffic from the lot, and the conduct of users of the lot. The Chairperson of the Committee astutely suggested that the nuisance enforcement procedures of Milwaukee Code of Ordinances §80-10 might be employed to regulate conduct at parking lots. It was understood that cruising by non-patrons at closing time exacerbated the hindrance of the free flow of traffic. The applicant did increase exterior security in the blocks surrounding the establishment to expedite the departure of patrons from the area.

In addition, the applicant consistently and repeatedly received bi-weekly approval to have teen nights. The applicant testified that he often received calls from teen parents expressing their gratitude and appreciation for providing a safe and friendly venue for their teenagers. Admittedly, the teen nights were successful and well-attended. For the most part, the teens, ages 17 to 20, arrived at around 11:00 p.m. and departed about a half on an hour before teen night closing time of 1:00 a.m. The establishment effectively closed at about 12:30 a.m. to make certain the facility was totally vacated by the teens by 1:00 p.m.

The applicant herein assures this Honorable Body that there will no longer be teen nights at the establishment, and will not request authority to have teen nights. The applicant believed that he was fulfilling a need for a downtown entertainment facility for teenagers, but will now serve only an adult patronage. The applicant would also amend his application to limit the age of female patrons to 22 years and 25 years for male patrons. A member of the Committee recommended the 25-year age limitation.

The establishment has been licensed since 2005, operates approximately 200 nights per year, primarily on Thursday, Friday and Saturdays, and has a capacity exceeding 400. Over this period of time with over a quarter of a million of patrons over three years for this major downtown entertainment facility, the applicant only has received two warning letters.

It is respectfully submitted that penalties imposed for licensed activity must be premised upon a showing of knowing, improper conduct of the licensee, or a showing of disregard for the safety or conduct of its patrons. In this case, the paramount concern was activity that occurred outside the establishment after it had closed for the night. The establishment did everything it possibly could to avoid and monitor such activity


The Honorable Members of the Common Council

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The lack of any substantial or persistent, improper activity at the establishment over the last three years, during which time over a quarter of million patrons went through the doors, is not only remarkable, it is commendable. One only can imagine what a similar DVD would depict if it disclosed crowd disbursement at closing time for the Bradley Center, Miller Park or for Summerfest events. So too the crowds would be noisy and appear unruly until at least they were quickly disbursed under the competent supervision of the Milwaukee Police Department

If a penalty is to be meted on this comparatively meager record, might it be suggested that another warning be issued awaiting the positive impact of the change of operation of the establishment. Given the nature of this licensed establishment, given the large number of patrons who attend the facility, and given the management personnel's positive, responsive nature to any complaint or concerns, it would be highly inequitable and unfair not to renew this license without a suspension. Therefore, it is submitted respectfully that the licenses for the establishment be renewed notwithstanding the recommendation of the Committee.

Sincerely,



Michael A.I. Whitcomb

c: Mr. Habib Manjee

2008 NOV 20 PM 3:29

November 18, 2008

City of Milwaukee
Licenses Committee
City Hall
Room 105
200 E. Wells Street
Milwaukee, WI 53202

Dear Licenses Committee:

Please accept this as a written objection to the decision to suspend the renewal license for a Class "B" Tavern license for licensee Alicia D. McCovery (Ike's Lounge) for 30 days.

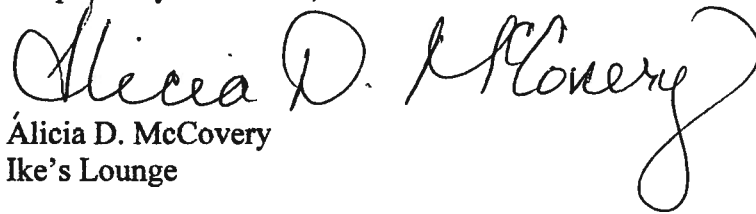
The objection is based on the following reasons:

- I (licensee) followed every recommendation requested by the Alderman as well as the Police District which the establishment operates in to include: increased security personnel, additional security cameras and equipment, continual communication with both agencies.
- I (licensee) voluntarily closed the establishment for ten (10) days following the incident to ensure that all recommended actions were in place before patrons returned for the purposes of entertainment.
- There have been no further incidents which required the police or disrupted the neighborhood.
- Not one person from the neighborhood surrounding the establishment appeared at the council meeting on 11/03/08 to object to the license renewal. At no time has the licensee been made aware of any neighborhood objections regarding loitering, littering, loud music and/or noise, traffic problems, drug and/or criminal activity, prostitution, trespassing, public urination, fights and conduct which may be detrimental to the health, safety and welfare of the neighborhood by either the neighbors, police department or the Alderman. These claims are unfounded and believed by the licensee to be untrue specifically based upon the presence of security personnel in place at the establishment.
- The establishment remains litter free and without the presence of loitering before, during and after hours of operation. TOGO waste disposal company is contracted by the establishment and clears all trash on a weekly basis, in addition to the daily cleaning done by the establishment's staff.

- Given that over 50% of the patrons which frequent the establishment live in the neighborhood, it is the belief of the licensee that the neighbors consider this a safe establishment.
- As a small business a 30 day suspension would place substantial financial hardship on both the business and personally for the licensee, especially since the suspension would take place during the entire holiday season.
- Since the incident and on a daily basis the establishment continues to adhere to the guidelines of the current license.

With this objection, it is the hope of the licensee that the decision to suspend the Class "B" Tavern license be reconsidered or rescinded.

Respectfully Submitted,


Alicia D. McCovery
Ike's Lounge

Rec'd
11/20/08
4:00pm
TB

CITY OF MILWAUKEE
LICENSE DIVISION

2008 NOV 18 PM 1:29

Rain
906 S. Barclay St.
Milwaukee, WI 53204
414-649-9999

November 17, 2008

To: Alderman Witkowiak and City Council Members,

I am appealing my ten day suspension of my liquor license at Rain, 906 S. Barclay St., Milwaukee, WI 53204.

I have worked very hard to make this a well respected and safe business. Since the economy has slowed down and cost of supplies and taxes have gone up it has already proven difficult to make ends meet. Many bars and clubs in the district and area have tried promotions to draw a crowd and create some revenue, ourselves included. My staff and I have been working the last few Fridays to revamp our format.

Closing the doors for ten days during the suspension will cause a great deal of hardship on my employees, my business, and me. The taxes I pay on this block alone are over \$3000 per month. I also live in this district! And I great pride in my day to day business operations!

During the meeting, one committee member suggested I get a renewal with a warning letter and my Alderman had no objections to that. Mr. Kovac then brought up the club down the street , who had gotten a ten day suspension and made a motion for Rain to renew with a ten day suspension also.

There weren't any neighbors at my meeting to complain about Rain nor was the Police Captain as they had at the other club renewal.

I have listened to several months of license renewal meetings and I think my offenses were less severe than some that had no suspensions at all.

Thank you for your time and interest in this matter.

Sincerely,

Robert Smith

Owner and Licensee



Law Offices of Attorney
Mark A. Schoenfeldt

Germania Building • 135 West Wells Street, Suite 340 • Milwaukee, Wisconsin 53203 • (414) 272-2860 • Fax: (414) 283-9559

November 19, 2008

Sent via Facsimile (414) 286-3456

City of Milwaukee
Office of City Clerk
City Hall
200 E. Wells Street
Milwaukee, WI 53202

RE: In re the License Application of: Daniel L. Crawford

Dear Sir/Madam:

Please take notice that I represent the above-named individual. I am writing to formally object to the recommendation of the Licenses Committee in the above matter. The Committee's own Findings of Fact show that, in large part if not exclusively, the problems which have been reported to the City are neighborhood problems and not problems that are endemic either to the nature of Mr. Crawford's business or his method of operating that business. Loitering and casual vandalism are problems faced by nearly every tavern in this City. To the extent that Mr. Crawford's location exacerbates those issues, that problem will be adequately addressed by shortened hours of operation. Put succinctly, if customers who may be inclined to loiter and cause a problem in front of a closed business have some place else to go they will go there.

Mr. Crawford has, of course, no objection to closing his tavern at midnight each and every day of the week. In fact, as the record shows, he voluntarily, and at no small cost to himself in terms of lost hours of business, took steps to reduce his hours of operation before the Licensing Committee even met.

He does object, however, to what appears to be an inadequately explained punitive provision in the Committee's recommendation. Specifically, the recommendation that approval of the license be conditioned on a 60 day suspension of operation.

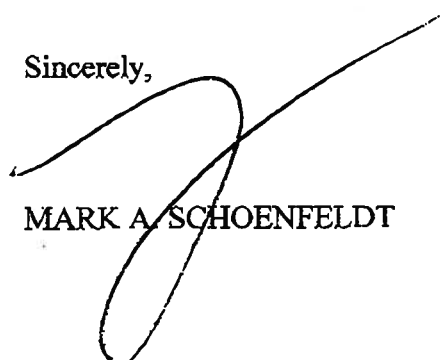
The Committee's Findings of Fact do not specifically spell out the rationale for either the suspension itself or why such a lengthy period of suspension is necessary. The length of the suspension is particularly difficult to understand in light of the fact, first, that Mr. Crawford has been in business for the last ten years and the problems at issue here only arose in the last year and, second, his cooperation with the police and voluntary efforts to deal with the situation by cutting his hours of operation. I would note that the Licenses Committee report implicitly agrees that Mr. Crawford was on the right track in so doing. His efforts in this regard should be encouraged rather than being punished.

Finally, the fact of the matter is that a sixty day closure greatly increases the risk of a permanent closure. After sixty days without income Mr. Crawford will, in all likelihood, find it difficult if not impossible to reopen. After sixty days of going somewhere else, Mr. Crawford's steady customers, the ones who have helped keep him in business for 10 years, may very well not return.

The offenses laid out in the Committee's report do not merit permanent closure. The Committee's recommendation recognizes that. Unfortunately, the effect of the Licenses Committee recommendation is tantamount to permanent closure. This Council should not impose that penalty upon Mr. Crawford

I would ask that this body approve his license premised solely upon closure of the premises at midnight seven days per week but without the harsh and unduly punitive requirement of a sixty day suspension. Thank you.

Sincerely,



MARK A. SCHOENFELDT

MAS/jr
Enclosures

2008 NOV 20 PM 4:41

CITY OF PHILADELPHIA
LICENSE DIVISION