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CITY OF MILWAUKEE

LICENSES COMMITTEE

ARENA, Andrew P., Agt. For "Old World, LLC" Class
'B' Tavern and Tavern Amusement (Cabaret/Nite Club)
renewal applications for "Buckhead Saloon" at 1044
N. Old World Third St. (Expires 7/25/09)

TRANSCRIPT OF PROCEEDINGS

Tuesday, June 23, 2009

at

MILWAUKEE CITY HALL
200 East Wells Street
Room 301-B
Milwaukee, Wisconsin

Reported by Jennifer M. Steidtmann, RPR, CRR

1 A P P E A R A N C E S

2
3 CITY ATTORNEY'S OFFICE
4 By: Bruce D. Schrimpf
5 841 North Broadway, 7th Floor
6 Milwaukee, Wisconsin 53202-3515
7 Appeared on behalf of the City

8
9 KOPP ARENA & BISHOP
10 By: Andrew P. Arena
11 1110 North Old World Third Street, Suite 515
12 Milwaukee, Wisconsin 53203
13 Appeared on behalf of the Applicant

14
15 LICENSES COMMITTEE:
16 Alderman James Bohl, Jr., Chair
17 Alderman Milele A. Coggs, Vice Chair
18 Alderman Ashanti Hamilton
19 Alderman Witkowski
20 Alderman Nik Kovac

21
22 STAFF MEMBERS PRESENT:
23 Tobie Black, Staff Assistant
24 Rebecca Grill
25 Sgt. Paul MacGillis, Milwaukee Police

ALSO PRESENT:
Alderman Robert Bauman, 4th District
Tate Winckler, Manager Buckhead Saloon
Theodore Lipscomb

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TRANSCRIPT OF PROCEEDINGS

ALDERMAN BOHL: Third item on our agenda this morning is for Andy Arena, Old World, LLC Class 'B' Tavern and Tavern Amusement renewal application as agent for Buckhead Saloon at 1044 North Old World Third Street.

MR. ARENA: Good morning.

ALDERMAN BOHL: We actually get to swear you in here. How do you like that?

MR. ARENA: Excellent.

ALDERMAN BOHL: If all you gentlemen intend to provide testimony here to us as well, too, please raise your hands and swear you in.

ANDREW ARENA, WITNESS, DULY SWORN

TATE WINCKLER, WITNESS, DULY SWORN

THEODORE LIPSCOMB, WITNESS, DULY SWORN

ALDERMAN BOHL: And for our agent, we'd need name and address for our record, please.

MR. ARENA: Andrew Arena, 3045 South Beverly Drive, New Berlin, Wisconsin 53146. I acknowledge receipt of the notice of the hearing today.

ALDERMAN BOHL: All right. Thank you. I was going to ask Ms. Grill, because there is a change of entertainment, if there were any holds,

1 but we'll get to that when she does come back.

2 Sergeant, we'll go, after having
3 acknowledged receipt, we will go right to the police
4 report.

5 SGT. MacGILLIS: Very good. I'll start
6 with Item 22: On 6-7-2008 at 2:30 a.m. Milwaukee
7 Police were dispatched to 1044 North Old World Third
8 Street for a fight complaint. Officer spoke to two
9 victims who stated while they were inside Buckhead
10 Saloon they were attacked by an unknown female.
11 Officers observed one victim to have a swollen left
12 eye and the other victim complained of -- it says
13 paint to her arm, it should be pain to her arm.
14 Both refused medical attention. Both victims stated
15 that security for the tavern had the woman detained
16 but let her go prior to police arrival. Officers
17 reviewed video surveillance, which was in poor
18 quality, and which did not provide enough to
19 identify an actor. It should be noted that the bar
20 manager, Sean Thompson, was injured during this
21 incident as well.

22 Item 23: On 12-6-2008 at 2:00 a.m.
23 Milwaukee Police were dispatched to 1044 North Old
24 World Third Street for trouble with a subject
25 complaint. Investigation found a patron tried to

1 retrieve his coat from the coat check when he was
2 told they could not locate it. The patron was asked
3 to return the following day when they would most
4 likely find it and it could be returned to him.
5 Words were exchanged between the patron and an
6 employee with police being called. Officers removed
7 the patron from the tavern and asked him to come
8 back the following day to retrieve his coat. A
9 citation was issued to the patron for disorderly
10 conduct unrelated to the complaint.

11 Item 24: On 12-28-2008 at 2:30 a.m.
12 Milwaukee Police were dispatched to 1044 North Old
13 World Third Street for trouble with a subject
14 complaint. Officers spoke to the manager, Brian
15 Geelan, who stated a patron who was asked to leave
16 had broken the front glass door of the bar. The
17 subject was still on scene and cooperative with
18 police as well as Geelan. Geelan stated he did not
19 want any charges issued since the patron offered to
20 pay for the damages. The call was advised.

21 Item 25: On 2-21-2009 at 2:25 a.m.
22 Milwaukee Police were flagged down for a trouble
23 with a subject complaint at 1044 North Old World
24 Third Street. Officers spoke to the manager, Tate
25 Winckler, who stated a Buckhead's hooded sweatshirt

1 was being worn by a patron and that the shirts are
2 worn only by employees. Winckler further stated the
3 sweatshirts are not sold for retail purposes.
4 Winckler stated he tried to approach the patron and
5 ask for the sweatshirt back, but the patron refused.
6 Police spoke to patron regarding the sweatshirt who
7 then returned it back to the manager and the call
8 was advised.

9 Item 26: On 2-26-2009 at 11:43 p.m.,
10 pardon me, Milwaukee Police were flagged down by
11 security for Buckhead Saloon regarding trouble with
12 a subject. Officers observed several security
13 guards physically detaining a patron on the ground
14 in the roadway. Police identified themselves to
15 this subject who then began fighting with officers.
16 The subject was eventually placed into custody.
17 Officers spoke to the bar manager, Andrew High, who
18 stated the subject was on the dance floor grabbing
19 women when security approached him and asked him to
20 leave. The patron then became irate and started to
21 cause a disturbance. Security escorted the patron
22 out from the tavern. While doing so, the patron
23 attempted to punch one of the guards. Several
24 security officers assisted in detaining the patron
25 until police arrived. Charges of disorderly conduct

1 and resisting arrest were being sought.

2 Item 27: On 3-6-2009 at 1:20 a.m.
3 Milwaukee Police were on patrol when they were
4 flagged down by security for Buckhead Saloon. A
5 staff member advised police that a subject tried to
6 enter the tavern using a fake ID and pointed out the
7 actor to officers. Police conducted a field
8 interview, and the actor admitted trying to use the
9 a fake ID to gain entry into the tavern. The
10 subject was cited and released.

11 And Item 28: On 3-13-2009 at 12:34 a.m.
12 Milwaukee Police were flagged down by the door man
13 of Buckhead Saloon for a trouble with a subject
14 complaint. Police spoke to Darrell Dixon who stated
15 an underage subject attempted to enter the tavern
16 using a fake -- correction -- using a false ID.
17 Officers conducted a field interview on the subject
18 and issued him a citation for misrepresenting age.

19 And that's all I have.

20 ALDERMAN BOHL: Thank you, Sergeant.

21 Before we get to you, Mr. Arena, I just
22 wanted to see. Ms. Grill, we have a change in
23 entertainment. I don't know if that would spark any
24 particular holds.

25 MS. GRILL: No, there's not.

1 ALDERMAN BOHL: Thank you.

2 Mr. Arena, any questions or comments that
3 you have related to the notes contained in the
4 police report?

5 MR. ARENA: Yes. I would just like to
6 review some of those items.

7 I had ordered the actual reports on those
8 incidents, and I would like to point out that on
9 Item No. 22, and I can submit these reports to the
10 committee if it is deemed necessary; the camera on
11 that incident revealed that the description given
12 was accurate, but the quality wasn't good enough to
13 identify the actor. There was a description given
14 by these two ladies. Apparently there was some type
15 of a random type of swing or punch taken at somebody
16 on the dance floor. Security immediately did step
17 in and attempted to detain the woman; however, what
18 sometimes happens is if the person that is putting
19 up too much of a fight and an argument, you can't
20 really detain them and hold them against their will.
21 We try to detain people. Our security is only
22 allowed to defend themselves and to calm the
23 situation down.

24 The police were called. We were
25 cooperative. The report indicates that the tavern

1 was cooperative and it stated that during the same
2 fight Thompson was injured. His injury was actually
3 minimal. So that would be Incident No. 22.

4 Incident No. 23: This is the coat check
5 incident, which the general manager, the licensed
6 general manager is here to address that. He can go
7 into greater detail. This particular individual was
8 having a problem because he lost his coat check
9 ticket, and Mr. Winckler will go into that in more
10 detail.

11 And Item No. 24: You know, a gentleman
12 asked to leave at closing time. For whatever reason
13 he decides to break the door. Then he realizes that
14 he knows he did something not so bright and he paid
15 for that damage.

16 I would indicate that on Item No. 24 and
17 Item No. 23, it's not indicated in the police
18 report, nor in the report that's before the
19 committee, but the police officers observed these
20 people to be overly intoxicated or overserved. I
21 just think that it's poor behavior by certain
22 individuals.

23 Item No. 25 is the hooded sweatshirt issue
24 on a patron who was approached. He did have
25 property that belonged to the establishment. That

1 particular clothing is not allowed to be removed
2 from the establishment by anybody. So it was
3 suspected that somehow he found a way to obtain
4 this. It was investigated by the manager; and,
5 pursuant to our policy, there was an issue so he did
6 contact the police. The police came and resolved
7 this, and there was no further issue.

8 Number 26, there again, that was somebody
9 that was detained and became irate; and why he would
10 decide to fight with the police after he was
11 detained because of his poor behavior, I don't
12 understand that behavior myself. But that was an
13 incident that took place on the street.

14 And of course the last two issues,
15 pursuant to our policy, if we catch somebody with a
16 fake ID, we do detain and call the police; and I
17 think that that's a good policy. In particular,
18 this location is somewhat of a large location. It's
19 in a large entertainment district. I think people
20 that visit the City of Milwaukee find themselves in
21 this area. It's close to the Bradley Center, close
22 to the Arena, close to the theater; and I believe
23 that Buckhead Saloon is an anchor on that street
24 that helps create the activity that is going on on
25 that street. I think the street has become a

1 destination. I think it's the number one
2 entertainment destination in the city; and as a
3 result, there are large amounts of people. There
4 are several large venues on the street, and people
5 go from place to place; and so you have a lot of
6 activity, and sometimes certain people, unknown to
7 you, will behave in a poor way. And as a result,
8 it's the policy of Buckhead Saloon to call the
9 police when there is any incident.

10 Buckhead serves about 1,000 people to
11 1,100 people a night when it's opened. We employ 60
12 people, and I would tell you that these are very
13 good, high paying jobs, and it allows many college
14 students and many people to work and earn very good
15 money, with not having to work necessarily a
16 full-time job or full-time type hours. And in that
17 regard, I think we are a benefit to the city.

18 I guess that's the extent of my comments
19 on the police report. If there's any questions on
20 any of those incidents, Tate can address those as
21 well.

22 ALDERMAN BOHL: Thank you, Mr. Arena.

23 Are there any questions by committee at
24 this time? (No response.)

25 Mr. Arena, in speaking to a couple of

1 issues that you addressed, I think first and
2 foremost, no one from this committee nor the council
3 wants to see an establishment that isn't active and
4 ready to contact the police if they are having
5 problems with that. So I mean in that respect, we
6 would rather have a situation where you were
7 contacting the police than have a situation that
8 escalates.

9 That being said, you also addressed the
10 issue that Old World Third Street, like Water Street
11 in many ways, has become more of a destination, has
12 a few active bars and nightclubs; and so as a
13 result, you have a situation where individuals are
14 at times going from one location to another and
15 where there is active drinking.

16 The question that I'm going to ask you
17 relates to the -- the situation that here these
18 incidents here involved individuals who had consumed
19 too much alcohol. I think it would be saying too
20 much to presuppose that individuals consumed too
21 much necessarily right at Buckhead's because they
22 could have entered having consumed alcohol at other
23 locations having gone from bar to bar, doing the
24 bar-hopping thing. But you do employ door persons
25 or security at the door.

1 I mean are you attempting to screen? Do
2 you have any policy that, if someone looks to be
3 inebriated, or already on a questionable level, that
4 you maybe do not enter them because, in that
5 respect, you know, you have a responsibility to try
6 not to, first off, overserve somebody that is
7 already in your establishment; and, two, if somebody
8 is already -- has already been drinking to the point
9 where they're beyond themselves where they have been
10 drinking excessively, is it inviting potentially the
11 likelihood of greater problems if someone is allowed
12 to enter the establishment if they indeed seem to be
13 intoxicated or show the signs thereof?

14 So I'm just wondering if you have any
15 policy regarding whether your bartenders see an
16 individual that may be beyond the point of being
17 able to serve and/or if you have a policy to at
18 least try to guard against individuals who maybe
19 have consumed too much from entering the
20 establishment?

21 MR. ARENA: Yes. And Tate also can
22 address that; but that is the policy, and people are
23 turned away regularly if it's deemed that they may
24 be a problem, or if their dress is not appropriate,
25 if it appears that they are intoxicated. There's

1 also coverage on the inside for people to determine
2 if somebody's starting to, you know, maybe appear
3 that they have now consumed too much. Sometimes you
4 end up with a situation where somebody may have
5 consumed alcohol down the street, comes into your
6 place, has one or two more, now he's reached the
7 point of being much more intoxicated than when he
8 came in. We have people that specifically watch
9 that, and people are walked out regularly. Entrance
10 is denied people regularly.

11 I mean when the turnover is 1,000 to 1,100
12 people a night, we don't have to cater to somebody
13 who might come in and spend a dollar. We're not
14 interested in that. That's not the type of
15 operation that we have. There's plenty of activity,
16 and I would like -- Tate can address that further.

17 ALDERMAN BOHL: Sure. You are the
18 manager?

19 MR. WINCKLER: I'm the general manager.

20 ALDERMAN BOHL: If you could, please,
21 identify yourself for the record.

22 MR. WINCKLER: My name is Tate Winckler, W
23 I N C K L E R. And my address?

24 ALDERMAN BOHL: Yes.

25 MR. WINCKLER: 1094 West Deerwood Lane,

1 Franklin, Wisconsin 53132.

2 ALDERMAN BOHL: Thank you, Mr. Winckler,
3 please.

4 MR. WINCKLER: So every night I have
5 Darrell Dixon is listed here, he's available, and
6 he's done it for almost eight, nine years. So if
7 anybody is overintoxicated physically when they show
8 up, they don't get in. That's a standing rule
9 because last thing I want to deal with or my
10 security personnel, or my customers, is somebody in
11 that situation. So I have been running this since
12 we opened in September of '05. That's the last
13 thing I want to do, because every one of these
14 incidents ruins my night.

15 So we certainly turn away numerous people
16 for a variety of reasons. And, you know, Milwaukee
17 people like to consume, so that's something that we
18 are very guarded against, and because it leads to
19 incidents like this if you let people in the door.
20 So it's something that we're very cautious about.

21 ALDERMAN BOHL: Thank you. Again, I'll
22 ask any other questions by committee at this time?
23 (No response.)

24 Alderman Bauman, were there comments you
25 wish to make at this point?

1 ALDERMAN BAUMAN: Just on the police
2 report and some of the comments of the agent.

3 Just to point out to the Committee that
4 there's seven reported incidents where PA-33s were
5 generated for this cycle. There were six reported
6 incidents where PA-33s were generated in the last
7 cycle. This is not the number one entertainment
8 venue in the City in Milwaukee. I'm very familiar
9 with the entertainment venues in Downtown Milwaukee;
10 and the claim of credit for the resurgence of Old
11 World Third Street, if anything, this establishment
12 is an anchor, is a drag, on the resurgence of Old
13 World Third Street.

14 Were this applicant applying today, they
15 would not get a favorable recommendation from this
16 office because they don't serve food and they're not
17 open during the day. The resurgence of Old World
18 Third Street is the proliferation of establishments
19 that are open for lunch during the afternoon, serve
20 meals, and also operate tavern businesses at night
21 so there is daytime activity and early evening
22 activity on the street. Opening a tavern, a club, a
23 straight club, no food, at 7:00 p.m. and operating
24 to close is not leading the resurgence of Old World
25 Third Street. If anything, it is a drag on the

1 resurgence of Old World Third Street.

2 So I take strong issues. So if there's
3 any overreaching policy reasons why this record
4 should be ignored because they're such a dynamic
5 force for economic development and resurgence of Old
6 World Third Street, I have to take issue with that
7 representation. That's not the case, and as -- that
8 is just not the case.

9 I notice that with respect to every single
10 incident listed, all seven items, the operative word
11 were Milwaukee Police were dispatched, Milwaukee
12 Police were dispatched, Milwaukee Police were
13 dispatched, Milwaukee Police were flagged down,
14 Milwaukee Police on patrol were flagged down,
15 Milwaukee Police were flagged down. In other words,
16 the persistent consumption of police resources to
17 deal with entertainment venues in Downtown
18 Milwaukee, drawing those resources away from the
19 neighborhoods of our city where those resources are
20 desperately needed, frequently at the time when
21 they're most needed, namely the hours of 2:30 a.m.,
22 2:25 a.m., 11:43 a.m., 1:20 a.m., 12:34 a.m.,
23 etcetera, etcetera, etcetera.

24 And I -- as I continually pointed out in
25 cases where there's significant volumes of police

1 action, police involvement, police directing
2 traffic, police dispersing crowds, there is an issue
3 of these establishments basically passing off their
4 cost of doing business to the taxpayers of Milwaukee
5 by operating venues in such a way that substantial
6 police resources are required to help them in
7 operating their business in essence for which
8 they're not paying.

9 So there are many other large
10 entertainment venues in the City of Milwaukee which
11 do not come before this committee with six items in
12 one cycle and seven items the very next cycle. I'm
13 sure they have a very good explanation for every
14 single incident, but the bottom line is they're
15 consuming immense resources. Other operations of
16 similar size do not consume similar resources; and
17 there's obviously a problem with management,
18 business plan, the type of clientele they allow in
19 in terms of their dress, in terms of their prior
20 amount of drinking activity, in terms of policing
21 the establishment inside. Whatever the case may be,
22 I don't know. I'm not there. I suspect Mr. Arena,
23 the agent, is not there very often either during
24 these times of 2:30, 2:25 a.m., 11:43 p.m. etcetera,
25 etcetera.

1 So that's -- there's more testimony to be
2 presented. My -- I might say I'm honored to have
3 County Supervisor Theo Lipscomb also appearing today
4 on this matter. He has an incident of which he has
5 personal knowledge, which took place at Buckhead's,
6 which is extremely disturbing to me. He can speak
7 for himself; but at the conclusion of all the
8 testimony, I have a recommendation that I would like
9 the Committee to consider.

10 ALDERMAN BOHL: Thank you. Question of
11 the Committee by Alderman Bauman at this time? (No
12 response.)

13 Mr. Arena, any questions?

14 MR. ARENA: Alderman, do you think it's
15 poor judgment to call the police when somebody's
16 found with a fake identification card? Is that not
17 the appropriate thing to do?

18 ALDERMAN BAUMAN: I wasn't there. I have
19 no idea what the appropriate thing to do is. Given
20 whatever the facts and circumstances are, I wasn't
21 there. I don't know what took place, I don't know
22 what the appropriate action would be.

23 MR. ARENA: My question doesn't require
24 you to be there. The police report is before the
25 Committee.

1 ALDERMAN BAUMAN: I don't know is the
2 answer.

3 MR. ARENA: Would you agree that it is
4 appropriate to call the police and involve the
5 police rather than releasing people who are creating
6 a problem out onto the street to go create a problem
7 somewhere else or go to their car and get their
8 weapons, which happens in many establishments?

9 ALDERMAN BAUMAN: I don't know. I wasn't
10 there. I don't know what the facts and
11 circumstances of the incident were, or whether they
12 had guns in their cars and would have gone to get
13 those guns had the police not been called. I do not
14 know that.

15 MR. ARENA: Just like you don't know
16 whether I'm there at 2:00 or 2:30 in the morning,
17 right?

18 ALDERMAN BAUMAN: I don't know if you're
19 there at 2:30 in the morning, that's correct.

20 MR. ARENA: Thank you.

21 ALDERMAN BOHL: All right, thank you.

22 This matter is cited for neighborhood
23 objections. I know that we have one individual here
24 who wishes to speak. I just will ask, are there any
25 other individuals present here today in our viewing

1 area that wish to testify on the matter of Buckhead
2 Saloon at 1044 North Old World Third Street. Anyone
3 is present, show of hands. (No response.)

4 Let the record reflect that no one else
5 has acknowledged that.

6 Good morning, Supervisor. How are you
7 today? You have been sworn in. We will need your
8 name and your address for the record, and then we
9 will be able to take your testimony. I don't know
10 if you have an additional copy of the letter that
11 you provided to the license division here.

12 MR. LIPSCOMB: It's not an exact copy, no.

13 ALDERMAN BAUMAN: I have an extra. I can
14 place mine on this.

15 ALDERMAN BOHL: What I just wish to ask
16 here is, Ms. Grill, was the Applicant here provided
17 a copy of that in their packet?

18 MS. GRILL: Yes, they were.

19 ALDERMAN BOHL: Okay. If we were to make
20 that letter part of our record, I just want to make
21 certain that you had the opportunity to view that as
22 well. So that's what the Committee wishes to do.

23 But why don't you proceed. You can let us
24 know, again, name, address for the record and then
25 your testimony.

1 MR. LIPSCOMB: Thank you, Mr. Chair.

2 Theodore Lipscomb, 5531 North Shasta
3 Drive, Glendale. Also own property in the City of
4 Milwaukee and represent the City.

5 I just wanted to add to the Committee for
6 the Committee's consideration another incident
7 that's not reflected in a police report that
8 occurred on August 2, 2008 at 10:00 p.m. I was
9 co-hosting a reunion here in Milwaukee, and we had
10 chartered the Edelweiss Cruise line, and we were
11 returning from our cruise and docking. The dock is
12 just below Buckhead Saloon's outdoor patio along the
13 Riverwalk. Several members of the party were
14 showered from above with beer that had been thrown
15 over the side.

16 I became aware of this and joined several
17 other members in confronting the establishment,
18 management, on the rear patio of Buckhead; and there
19 did not appear to be very many people there,
20 although there was someone from Buckhead there. And
21 he claimed that he had been there, had been
22 stationed there, and didn't see anything, didn't
23 believe that it had come from his establishment. I
24 contend that it was either -- it either came from
25 inside the patio area or it was a patron right

1 there. I mean you could not have missed it. This
2 is not a very large area. If that is your job to
3 surveil that area, I would think you could do that.

4 They say that there was no -- that there
5 is no outdoor camera at that location so there was
6 no ability to go back and look at who the
7 perpetrator was. As I was having the discussion
8 with Mr. Winckler, a patron comes out and wants to
9 get involved in this; and he was clearly overserved.
10 And I don't know what his point was for being
11 involved, whether he was the perpetrator or not, but
12 I was the one that had to tell the guy to go inside
13 and to try to just diffuse this.

14 As you can imagine, the brothers and sons
15 of the women who were showered with beer were a
16 little irate, and so I'm trying to calm the
17 situation down; and I didn't feel like the
18 establishment was taking any responsibility for it
19 or even suggesting that they had any responsibility
20 or role in surveilling the Riverwalk, which is as
21 you know a privilege that they have the ability to
22 be up there serving.

23 So I don't know if there's any questions.

24 ALDERMAN BOHL: Thank you for your
25 testimony. Are there questions by the Committee?

1 ALDERMAN HAMILTON: Mr. Chair.

2 ALDERMAN BOHL: Yes.

3 ALDERMAN HAMILTON: So it was the manager,
4 Mr. Winckler, that's here at the table that you had
5 the contact with on that evening?

6 MR. LIPSCOMB: Yes. He was not the person
7 that was stationed outside, but he was called out.
8 He was the one that I was discussing the matter
9 with.

10 ALDERMAN HAMILTON: And your exchange with
11 him wasn't positive, or was it the patron?

12 MR. LIPSCOMB: It was -- my exchange with
13 him was fine in the sense that it was civil, but
14 there was no -- there was no acknowledgment that
15 they had any role; and he basically just denied it
16 which, you know, he wasn't there to have seen it and
17 he was backing up his employee. But he also wasn't
18 acknowledging that they really had any
19 responsibility. He was just saying we don't think
20 it came from inside the patio; and if it happened
21 beyond this little three foot rail, then, you know,
22 we don't watch that, that's not our responsibility.
23 And I'm saying, well, it likely came over the rail,
24 whether it was thrown over the rail from inside or
25 passed to the patron on the Riverwalk, it came from

1 your establishment. No one else is serving onto
2 this patio.

3 ALDERMAN COGGS: Mr. Chair.

4 ALDERMAN BOHL: Alderman Coggs.

5 ALDERMAN COGGS: I just want to ask the
6 manager, what is your recollection of that?

7 MR. WINCKLER: First of all, the situation
8 was we didn't know what happened. So to answer,
9 when I came on the scene, I had several very irate
10 people, for good reason, because this is an
11 unfortunate incident. Talking to my security guard,
12 so the first thing that I want to do is obviously
13 find out what happened, and so did my security
14 guard. He didn't see what had occurred so we're
15 trying to figure out what was going on with the
16 situation. And I had -- the thing that I was
17 confused by was that in talking to Mr. Lipscomb was
18 the -- I had no more than five people on the patio
19 and I had one security guard standing between our
20 patio and Edelweiss boats. And so that's why I'm
21 unsure how it would come from our establishment and
22 not be seen by the security guard who was out there
23 for that purpose.

24 In regards to, you know, at least the
25 question, I understand my responsibility. The

1 Edelweiss boats moved from over by Third Street Pier
2 to below my patio. I met with them numerous times,
3 but I understand my responsibility, which is why I
4 have a closed in fence area and security guard
5 whenever that door is open that stands between the
6 two. And there's eight feet from the fence to the
7 railing, and there's numerous purposes, so that his
8 job is to make sure no one's allowed to leave there.
9 Obviously that would never be acceptable to the
10 security staff. So I was confused on why obviously,
11 if that happened, why would it happen; and obviously
12 I talked to my security guard about it.

13 The point of the matter that I have,
14 obviously I don't want an incident like that. I
15 never had an incident like with the Edelweiss boats.
16 I have a working relationship with them, and my job
17 is to protect their boats from obviously
18 individual's poor actions. So I'm upset about the
19 incident because I don't want that to happen.

20 The only thing that I was confused is I
21 had five people in my patio and a security guard
22 watching that, yet there was probably 100 people
23 waiting to board the next Edelweiss boat. I'm not
24 the only person in the area. I had five people out
25 there and somebody watching them, and there's other

1 people that get off buses, limos, bachelorette
2 parties waiting to get on there that could have had
3 that situation. Not denying responsibility.

4 The fact of the matter is I didn't know
5 what happened so I was trying to figure out and
6 diffuse the situation that was, obviously for good
7 reason upset about it and -- but we didn't know what
8 happened. I don't know what resolution I could have
9 given him that would have made Mr. Lipscomb -- you
10 know, how to do that. So I don't know what the
11 resolution was. I certainly was there. I gave him
12 my business card, I said I'm sorry about the
13 incident; but we didn't know where it came from, and
14 I don't know how to fix that.

15 So I don't understand my responsibility.
16 I feel that I had everything in place that I do
17 every single night to protect those boats and
18 protect my neighbors, which I've worked with for
19 four years now. So I guess that's -- as far as the
20 intoxicated patron, I'm a little frustrated by that
21 comment because I remember the patron coming from
22 the inside to the outside because there was an irate
23 situation. It's kind of like a car accident. This
24 person walked out, listening to what was going on
25 because several members of the other group were very

1 upset and very loud. So as far as my recollection
2 was, it was kind of like what are you looking at,
3 why are you out here while I was talking to
4 Mr. Lipscomb. So I think that's unfair, but that's
5 my opinion versus theirs.

6 Either way, it's an unfortunate incident.
7 Unfortunately I didn't know who did it; and I will
8 say, from talking with the Edelweiss, it was their
9 opinion that -- they looked into the situation also,
10 that they didn't believe it came from the patio.
11 Unfortunately Dan Droidson (phonetic) is not here,
12 he's out of town and cannot be here to testify.

13 ALDERMAN COGGS: Is the patio, is that
14 like under an extended premises thing?

15 MR. WINCKLER: I believe that's a
16 permanent extension.

17 ALDERMAN COGGS: That's a permanent
18 extension. Ms. Grill.

19 MS. GRILL: Mr. Chair.

20 ALDERMAN BOHL: Ms. Grill.

21 MS. GRILL: The premises description for
22 this license is the first floor and the Riverwalk
23 patio so it's included as part of their permit
24 license.

25 ALDERMAN COGGS: Just one last question

1 for you. You say you do the fence and you have a
2 security guard to help prevent incidents like the
3 one Supervisor Lipscomb just mentioned. Do you
4 question the truthfulness of the incident he says?
5 But let's say it did happen, so the security and the
6 fence were not enough. Whenever people come before
7 us and the issues are raised, I'm looking for how
8 you addressing the issues. So sitting before me
9 telling me you don't believe the incident occurred
10 is not addressing the issue.

11 What is to say that this won't happen to
12 other people on Edelweiss boats riding underneath
13 your patio from your patrons throwing beer over?

14 MR. WINCKLER: Well, first of all, I do
15 believe this incident occurred. I just said we
16 don't know where it came from. The first we heard
17 about it was when they, this group, came up and
18 said, hey, we just got showered with liquid.

19 ALDERMAN COGGS: What are you doing when
20 this happened?

21 MR. WINCKLER: I have multiple security
22 out there. I have one or two depending how busy it
23 is, and I keep them between the boats.

24 ALDERMAN COGGS: So nothing different than
25 what you were doing prior to this incident

1 occurring?

2 MR. WINCKLER: Correct.

3 ALDERMAN COGGS: Thank you.

4 ALDERMAN BOHL: Other questions by
5 committee? (No response.)

6 Mr. Arena, any questions?

7 MR. ARENA: Can I ask a question of
8 Mr. Winckler?

9 Mr. Lipscomb defined or stated that he
10 came up and was going to confront the employees of
11 Buckhead Saloon. How many people came with
12 Mr. Lipscomb to confront, and can you describe how
13 that occurred to the best of your recollection?

14 MR. WINCKLER: Well, I was concerned
15 because, when I came on the incident, there were
16 several people yelling at my security guard so I was
17 worried about him, you know. They were visibly
18 upset, and I have no problem with it. I understand
19 why they're upset, and I know why they would be
20 upset in the same situation. So there was several
21 people. So the first thing was trying to make sure
22 the situation was calm, and I believe Mr. Lipscomb
23 and I did keep everyone calm; and we were trying to
24 resolve the situation, I just didn't know what the
25 resolution needed to be.

1 MR. ARENA: Now in regards to the -- your
2 patron that was you say standing there, who talked
3 to him, that patron, first?

4 MR. WINCKLER: I believe that group
5 addressed that patron because they weren't happy
6 that he was standing there.

7 MR. ARENA: And how did they address that
8 patron?

9 MR. WINCKLER: I think it was either what
10 are you looking at or they told him to go back
11 inside or something.

12 MR. ARENA: Can you speak up, please.

13 MR. WINCKLER: Sorry.

14 MR. ARENA: And how was it that patron
15 went back inside?

16 MR. WINCKLER: He just turned around and
17 left and walked in.

18 MR. ARENA: Did anybody ask him to turn
19 around and leave?

20 MR. WINCKLER: Yes, they had asked him to
21 and I had asked him to.

22 MR. ARENA: And what's your opinion as to
23 whether or not this patron was overintoxicated?

24 MR. WINCKLER: I didn't think he was. I
25 think the situation was they were very upset about

1 the situation. I think he had a beer in his hand so
2 I think that could be a logical conclusion. The
3 patron I think come out and said hey, but he was
4 there, and it was a pretty heated situation and they
5 were upset with the incident; and again, I don't
6 blame them for it.

7 MR. ARENA: How far away from the patron
8 was Mr. Lipscomb and the group that he was with, the
9 several people that he was with?

10 MR. WINCKLER: Five feet, eight feet.

11 MR. ARENA: I don't have any further
12 questions of Mr. Winckler. I do have a brief
13 question or two for Mr. Lipscomb.

14 ALDERMAN BOHL: Proceed.

15 MR. ARENA: You had drafted a letter to
16 the license division, Mr. Lipscomb; is that correct?

17 MR. LIPSCOMB: Yes.

18 MR. ARENA: And in that letter you state
19 and you stated here today that -- well, strike that.
20 I'll go back a little bit further.

21 You stated here today that it did not
22 appear that, once you went up the ramp, or however
23 you get up to the upper level of the Riverwalk,
24 there did not appear to be many people there on the
25 patio; is that correct?

1 MR. LIPSCOMB: Correct.

2 MR. ARENA: And the patio area is fenced
3 off, it's designated by a fence; is that your
4 memory?

5 THE WITNESS: It was probably a three foot
6 fence, three foot rail.

7 MR. ARENA: And you said that it did not
8 appear that there were many people there. What is
9 your memory as to how many people were there; is it
10 less than five?

11 MR. LIPSCOMB: I think Mr. Winckler said,
12 his characterization there was about five people
13 sitting out there was accurate.

14 MR. ARENA: Okay. And do you recall,
15 like, about how many feet below the -- that
16 Riverwalk area the boats actually dock?

17 MR. LIPSCOMB: I don't know. I would say
18 it's 20 or so feet. It's basically a grade below.
19 You have to go down the stairs. I would clearly say
20 though that there were not other -- this was not
21 patrons that were waiting to board the boat or
22 getting off the boat. They were further to the
23 north there. They're along Highland, the south end
24 of Highland.

25 MR. ARENA: Where were you when this

1 incident occurred when these people were showered?

2 MR. LIPSCOMB: I was getting off the boat.
3 There were 70 of us, so I was not right next to the
4 people that were showered.

5 MR. ARENA: And were you getting off the
6 back exit of the boat or the front end of the boat?

7 MR. LIPSCOMB: I don't know which way the
8 boat comes in. You can only get off the one side,
9 and I don't believe that they -- I don't know that
10 they exit from two points on the boat.

11 MR. ARENA: Was it in the rear of the boat
12 that you exited or the front of the boat?

13 MR. LIPSCOMB: I don't know.

14 MR. ARENA: And the people that -- did you
15 actually see the people get showered with whatever
16 it was they were showered with?

17 MR. LIPSCOMB: No.

18 MR. ARENA: How did you determine that it
19 was in fact beer that they were showered with; was
20 that based on they told you they were showered with
21 beer?

22 MR. LIPSCOMB: It smelled of beer, and
23 they weren't drinking beer.

24 MR. ARENA: And how far from you were you
25 when the incident occurred when these people were

1 showered?

2 MR. LIPSCOMB: I was within 35 feet I
3 would say. It -- I couldn't have been more than
4 about 35 feet.

5 MR. ARENA: And you were informed of the
6 incident based on what you were told, not what you
7 actually saw; is that what I understand?

8 MR. LIPSCOMB: Correct. That's why my
9 letter says that I joined several people in
10 confronting the establishment. I specifically, just
11 to comment on Mr. Winckler's comment, I believe I
12 joined three or four others; and I think that they
13 were, while they were upset about the incident, I
14 think they were reasonably upset as you would be if
15 your wife, girlfriend, mother, sister were showered
16 with beer and you were on a rather elegant, very
17 nice cruise of Milwaukee. Most of these were out of
18 town people. So this was -- you know, my concern
19 was that this was going to be their impression of
20 Milwaukee.

21 MR. ARENA: And you acknowledge that there
22 were other people up in the Riverwalk area waiting
23 for the boat?

24 MR. LIPSCOMB: Further to the north along
25 Highland.

1 MR. ARENA: Well, were there other people
2 up and around? You stated in your letter and you
3 stated here --

4 MR. LIPSCOMB: Not immediately above the
5 area where you disembark the boat where the incident
6 occurred.

7 MR. ARENA: Well, you stated in your
8 letter that you believe that, if it did not come
9 from inside the patio area, it was procured within
10 the establishment, made accessible to someone within
11 the public right-of-way. So were there people in
12 the public right-of-way?

13 MR. LIPSCOMB: No. That's the
14 characterization based on the fact that Mr. Winckler
15 is so certain that it didn't come from inside and
16 that the security says that they didn't see it, that
17 they didn't see it happen in the patio area. So the
18 only other option is that it would happen outside
19 the patio area. So where did the alcohol come from.

20 MR. ARENA: Well, there were people in the
21 common area that weren't behind the fence area. You
22 didn't see any of this --

23 MR. LIPSCOMB: They weren't getting served
24 alcohol.

25 MR. ARENA: If you could let me finish my

1 question.

2 Something came from somewhere, that's
3 acknowledged.

4 ALDERMAN WITKOWSKI: Mr. Chairman, is this
5 relevant? I think we've heard this before.

6 MR. ARENA: I think it's factual.

7 ALDERMAN BOHL: Mr. Arena, if you could
8 just try to expedite this. I'll give you the
9 opportunity to raise the question. I don't want to
10 limit you. We're spending an awful lot of time on
11 one incident. I'm not diminishing the severity of
12 the incident, but go ahead.

13 MR. ARENA: I don't diminish the
14 seriousness of this either. I'm very concerned, and
15 in fact, Mr. Winckler is concerned about it as well,
16 and I'm trying to ask the question as quickly as I
17 can.

18 ALDERMAN BOHL: Go ahead. You're getting
19 the go-ahead to do it. Green light, no pause to
20 tell me that you're going to hit the gas. Go.

21 MR. ARENA: All right. So, Mr. Lipscomb,
22 it is somewhat speculative by you, is it not, to say
23 that this must have come from somebody from inside
24 the fence and pass it over and somebody dumped it
25 over; you don't know that, right? That's a fact,

1 you don't know how that occurred?

2 MR. LIPSCOMB: It's as much speculation as
3 Mr. Winckler saying that it didn't happen inside
4 because he wasn't there either.

5 MR. ARENA: And that is correct. So now
6 you and several other people are upset, and you want
7 to go and confront them about this. What is it that
8 you wanted the outcome to be? You wanted them to
9 determine who did this, if anybody?

10 MR. LIPSCOMB: I presume that they would
11 have security cameras. If they can't surveil the
12 premises with people, then I would think that they
13 would have electronic devices to help them in that
14 effort.

15 MR. ARENA: There was somebody there who
16 says that he was watching and did not see this
17 occur.

18 MR. LIPSCOMB: I mean that's the problem.

19 MR. ARENA: And was an inquiry made by
20 them that they checked the people out there to see
21 if anybody saw or anybody was there to do it?

22 MR. LIPSCOMB: He was only watching five
23 people. How can you not see it. I am happy to hear
24 that Mr. Winckler acknowledges that the incident
25 occurred or believes it occurred, because on that

1 night I didn't have the sense that he believed it
2 occurred, that he thought we were inventing a
3 situation. So, quite frankly, on that night we
4 wanted an acknowledgment, we wanted an apology, and
5 I wanted to make sure that the premises would take
6 some action and this wouldn't occur again.

7 MR. ARENA: Okay. He in fact did give you
8 an apology that night and handed you his card and
9 told you that, if there's anything he could do for
10 you, he would do it, did he not?

11 MR. LIPSCOMB: I don't recall that he
12 handed me a card. I took down his name, and I don't
13 even know that I had a number. I don't recall that.
14 I mean what -- he didn't offer to make sure that it
15 would never happen again because at that time he
16 wasn't acknowledging that it happened.

17 MR. ARENA: Did you --

18 ALDERMAN BOHL: Mr. Arena, I just want to
19 let you know --

20 MR. ARENA: I have one more question.

21 ALDERMAN BOHL: I'm going to give you one
22 more minute on this. I mean me literally could
23 write War and Peace with one incident. I am not
24 diminishing the incident, but literally we're
25 spending a lot of time on one incident. I don't

1 know where it gets to any resolution if you will
2 outside of this. So last question here on this.

3 MR. ARENA: I have no more questions. I
4 think Mr. Winckler has something to add that would
5 be I guess somewhat in rebuttal, which would be
6 appropriate procedure.

7 ALDERMAN BOHL: We will allow that as part
8 of closing then.

9 MR. ARENA: Okay.

10 ALDERMAN BOHL: Are there any other
11 questions the Committee has of Supervisor Lipscomb?
12 (No response.)

13 Thank you, Supervisor.

14 And at this point here, Alderman Hamilton
15 would move to make the August 11, 2008 two page
16 letter from County Supervisor Dale Lipscomb part of
17 this proceeding; and hearing no objection, that's so
18 ordered.

19 At this point there were no additional
20 individuals here to testify.

21 Alderman Bauman, we'll hear from you.

22 ALDERMAN BAUMAN: Thank you, Mr. Chair.

23 This last exchange with Supervisor
24 Lipscomb is I guess my point. This establishment
25 and this management are in denial; nothing ever

1 happens there; whatever happens, they're doing the
2 best they can. They're the greatest place in the
3 world; they have the finest people in the world;
4 nobody ever operates with any negligence or in any
5 other kind of deficient manner. Everything is
6 perfect, perfect, perfect. County Supervisor comes
7 in, his family members are present, they get
8 showered with beer; that didn't happen, did you see
9 it happen. Your grandmother wet from head to toe
10 smelling of beer; well, that didn't happen, that
11 wasn't from us.

12 That's indicative of this establishment as
13 indicated by their record over a long period of
14 time, their almost arrogance to come before this
15 committee and claim they're the number one
16 entertainment venue in the City of Milwaukee. I
17 believe some discipline is required here to send a
18 message that, whether you're the number one
19 entertainment venue or the 50th entertainment venue,
20 you have to manage your property in such a way that
21 you're not consuming excess amounts of police
22 services; and when unfortunate incidents involving
23 the public take place, you have to take some
24 responsibility, you have to acknowledge that it took
25 place, and you have to do something about it to make

1 sure it doesn't happen again.

2 ALDERMAN BOHL: Thank you.

3 Mr. Arena.

4 MR. ARENA: I really need to address an
5 issue there. First of all, if you recall what I
6 said at the initial statement that I made, I did not
7 say that this was the number one entertainment venue
8 in the City of Milwaukee, I said that Third Street
9 as a whole is the number one entertainment
10 destination in the city. And that is my opinion;
11 that is a matter of opinion; and I would submit to
12 you that everybody here is aware of the amount of
13 businesses that came there within the last two
14 years.

15 Secondly, we acknowledge that these people
16 were sprayed with beer. What we don't acknowledge
17 is that we can prove where it came from; and you
18 have to look at it from the perspective of
19 Mr. Winckler, who will address it. You can't go
20 around making these accusations towards people,
21 nobody stepping forward saying that they saw it or
22 whatever. He tried to address it the best that he
23 could, but he was confronted by several people that
24 actually put him in fear. These people became very
25 aggressive that were with Mr. Lipscomb. They got

1 into it with words with somebody who is just
2 standing there as an innocent bystander as it
3 appears to me.

4 I think that Mr. Lipscomb was very much
5 within his right to come up and find out what was
6 going on with Mr. Winckler, the very calm
7 conversation with him, and try to address his
8 concerns; and if it did come from that patio, he's
9 aware that that is an issue, and he does make sure
10 that he has adequate coverage and trains the people
11 out there to watch.

12 Now, we can talk about cameras all we
13 want, but a camera probably isn't going to prevent
14 that incident from happening. A camera would
15 ultimately potentially aide in helping prove who
16 actually did something or whatever, but that
17 probably wouldn't have prevented it. Would it maybe
18 make sense to have a camera out there, I don't know.
19 Some of these cameras, they have limited
20 capabilities. As you can see, the Incident No. 22,
21 the security camera revealed that the description
22 given was accurate, but the quality wasn't good
23 enough to identify the actor. That's a high tech
24 digital camera that is pretty decent, and nobody can
25 identify that actor from there. So the cameras are

1 only so good, and I think sometimes too much stock
2 is put into the cameras.

3 What I would say about this incident is it
4 is unfortunate. We don't like it, but it is very
5 isolated. There has not been an issue with anything
6 on the patio since that particular incident. I
7 think that we've addressed the situation, and I am
8 going to let Mr. Winckler address those other
9 incidents if you don't mind rather than me covering
10 the other incidents.

11 MR. WINCKLER: I just want to say that,
12 you know, of all the things that are said was that
13 I'm not trying to argue with Mr. Lipscomb. The
14 situation is regrettable. Like I said, I've
15 worked -- my number one priority on my back patio is
16 to keep an eye on the Edelweiss, and I've had zero
17 incidents like this one on record and no objection
18 from them. So I am not in denial. If I'm defensive
19 when I'm told I'm a bad operator of my business, I
20 am defensive, and I think everyone in my situation
21 would be. So I mean that's where my defensiveness
22 comes from. You're saying that I'm operating a bad
23 business.

24 And my only take on this was I had one
25 person watching about five people outside. So I

1 thought I was being responsible along with, you
2 know, watching my patrons and what they were doing
3 while they're at my establishment. Every single
4 night there are, you know, maybe 500 people or so
5 that board the Edelweiss boats. And I don't know,
6 we certainly would want to find that person who did
7 that because that's the last thing I would want to
8 happen to their party.

9 So I just want that known is that I'm not
10 in denial or not apologetic for that incident to
11 happen. My only question is, if that event, it was
12 somebody not with our group and my security guard
13 was watching on that patio and somebody else did
14 this event; it's possible it came from my patio, I
15 never denied that possibility, it's that my license
16 could be being reviewed here on a situation that
17 maybe I was taking care of in being responsible in
18 operating my business.

19 So that's something that I certainly -- I
20 just want to say that this is the last thing I want
21 to happen to any of the Edelweiss's customers. I
22 worked with our neighbors, and what's on my record
23 is three and a half years of us being open and very
24 busy. I'm not saying that we're the best or we're
25 above the law or anything.

1 Four things on the record, or seven things
2 on the record; four of them we could have handled
3 without getting police. The guy with the sweatshirt
4 on, I had 10 security guards that could have taken
5 the sweatshirt from him being on my property. So I
6 chose to get the police so we didn't have to do
7 anything physical with the customer. The two people
8 with the fake IDs, they were claiming that I was
9 holding their property inappropriately, and I said
10 they can get the uniform officers and they can tell
11 them they're 21. I don't want their property if
12 they're actually 21.

13 There's only two incidents that the police
14 were called because of physical altercation, which
15 we're using resources for somebody acting
16 inappropriately.

17 So I just want to say, you know, three and
18 a half years I have tried to run a respectful
19 business. I am disappointed that Alderman Bauman
20 doesn't feel that way, and we do try to improve
21 every day. So thanks.

22 MR. ARENA: I think there was one thing
23 that I needed to address.

24 ALDERMAN BOHL: Mr. Arena, I'm going to
25 allow the last thing and --

1 MR. ARENA: Well, I think that goes to
2 form on that issue on the application on
3 entertainment.

4 ALDERMAN BOHL: All right. I'll let you
5 address that. I think that there's been a
6 sufficient closing here.

7 I just want to say that there is
8 legislation coming before us that will allow a two
9 minute opening and two minute closing for everyone,
10 and with good reason. Because the -- ultimately the
11 liberty is -- it becomes 10 minutes and then
12 everyone else. I don't blame you for addressing an
13 issue because you have concerns. In some ways
14 you've addressed issues that have been addressed
15 already, and we get to a point of redundancy.

16 Please proceed, and don't debate me on my
17 asking you to address that issue and wrap it up.

18 MR. ARENA: That issue was on the
19 entertainment. I checked the patron contest --

20 ALDERMAN BOHL: I've giving you the
21 liberty to go. Please, if you could.

22 MR. ARENA: I thought that we had the
23 costume contest in the past. That was one night.
24 For Halloween night we have a Halloween costume
25 contest. That's why it was there. I thought it was

1 always there. I usually compare last year to this
2 year. Somewhere there's an oversight on my part,
3 and that's all I'm saying.

4 ALDERMAN BOHL: All right. In terms of
5 the change is the intent to utilize that for that
6 one evening is what you're saying?

7 MR. ARENA: Exactly. That's the one
8 evening we would have a costume contest.

9 MR. LIPSCOMB: Mr. Chair.

10 ALDERMAN BOHL: Supervisor, I'll extend --
11 we're taking this into committee. I'll extend you
12 very brief courtesy.

13 MR. LIPSCOMB: Thank you. I appreciate
14 it.

15 Just for the record, I was offended by the
16 comment that Mr. Winckler was in fear by the other
17 members of my party. That same comment wasn't made
18 of me, and that brings into mind whether he wasn't
19 in fear of me because I looked more like his patrons
20 and less like the black gentlemen that were talking
21 to him before I arrived. Otherwise I'm not sure why
22 he was in fear of them, but he wasn't in fear of me.
23 I was equally upset at the matter, and it just --
24 that really struck a nerve to hear that he was in
25 fear of members, relatives of mine, who were upset

1 with good reason; and if that's his -- if he has an
 2 inability to deal with the general public, then
 3 that's a problem.

4 ALDERMAN BOHL: Okay. Thank you.

5 MR. ARENA: That was merely based on their
 6 behavior.

7 MR. LIPSCOMB: You said you were in fear.
 8 I felt like it was a subcontext that you wouldn't
 9 have known, but for whatever reason, they were in
 10 fear.

11 ALDERMAN BOHL: That's fine.

12 MR. ARENA: Because they started arguing
 13 with people.

14 ALDERMAN BOHL: All right. We're in
 15 committee.

16 ALDERMAN WITKOWSKI: Being too quiet in
 17 here, Mr. Chairman.

18 ALDERMAN BOHL: Alderman Witkowski, I'll
 19 recognize you.

20 ALDERMAN WITKOWSKI: First of all, just a
 21 statement. I'm going to say that I'm insulted to
 22 sit here and think that beer fell out of the heavens
 23 as opposed to your patio is just ridiculous. This
 24 is really insulting to have to waste everybody's
 25 time with the line of questioning. That's so

1 insulting.

2 With that said, I think I'm going to pass
3 on making a motion here.

4 ALDERMAN BOHL: All right. We appreciate
5 your joining the committee today. So we don't hold
6 that against you. We're still in committee.

7 ALDERMAN HAMILTON: Well, I'll make a
8 comment, too.

9 ALDERMAN BOHL: Okay. Let's be brief with
10 the comments here.

11 ALDERMAN HAMILTON: I'll be brief with the
12 comment.

13 ALDERMAN BOHL: Because I always like when
14 the motion speaks for your comments.

15 Go ahead.

16 ALDERMAN HAMILTON: I'm a little
17 disappointed because, Mr. Winckler, you seem like a
18 good manager. You seem like you're trying to do the
19 right things. I think maybe your business plan is,
20 you know, it's not exactly what the Alderman would
21 like to see in the area, and there may be some
22 things that you can do to kind of expand that to
23 contribute more to the Old World Third Street
24 atmosphere. But it seems like you're trying to do
25 the right thing, and it's just a little

1 disappointing to think that if a group shows up,
2 they had this terrible incident, that you wouldn't
3 know how to handle that. Because I think you
4 possess the ability to do that, and they shouldn't
5 walk away from that situation feeling unfulfilled
6 considering the impact that it has on the group, and
7 I think you know how to do that.

8 So with that said, I'll state a motion,
9 Mr. Chair. Considering the incidents and the police
10 report and, you know, comments from the Alderman.
11 Obviously he knows some of the incidents that are
12 occurring in the area, they did have a number of
13 incidents last year and a number this year; and at
14 the same time trying to deal with some of the
15 situations that are occurring on the strip, I know
16 it's not easy to deal with.

17 So my motion would be renewal with a 10
18 day suspension.

19 ALDERMAN BOHL: Thank you. Before I begin
20 there, I just will say this is the fourth time that
21 a phone has gone off and we've had one pager go off
22 as well, too. We do have signs posted out front
23 that try to elicit individuals turning off of their
24 electronic devices just because they come at
25 inopportune times. If you do have your cell phone

1 on, we're not going to hold it against you, please
2 quietly reach in your pocket; if you will shut those
3 off, I appreciate it.

4 Thank you. The motion by Alderman
5 Hamilton is to recommend approval of the renewal of
6 the licenses with the issuance of a 10 day
7 suspension based on matters contained in the police
8 report as well as the additional residential
9 testimony.

10 Are there any objections to that motion?

11 I will object to the motion.

12 Hearing no other objections, the motion
13 will carry on a 3-2-1 vote.

14 Mr. Schrimpf.

15 MR. SCHRIMPF: Mr. Arena, the Committee is
16 going to be doing findings of fact and conclusions
17 of law recommending renewal of this license with a
18 10 day suspension. You of course will receive a
19 copy of that. You will have an opportunity to
20 submit written objections. If so, they must be
21 received by the close of business, 4:45 p.m., in
22 Room 205, July 1, 2009. If you submit written
23 objections, then you will also have the ability to
24 appear before the Milwaukee Common Council when it
25 considers this matter at approximately 9:00 a.m. on

1 July 7, 2009 in the Council Chambers of this
2 building.

3 MR. ARENA: You said 4:45?

4 MR. SCHRIMPF: P.m. on July the 1st.

5 MR. ARENA: They don't close at 4:30?

6 MR. SCHRIMPF: No, I believe they close --
7 actually I believe they close at 5 o'clock, but I
8 believe the secretarial staff closes at --

9 MR. ARENA: Well, I was there recently --

10 ALDERMAN BOHL: I think the license
11 division has indicated they hope that people are in
12 the door by 4:30.

13 MS. GRILL: Mr. Chair.

14 ALDERMAN BOHL: Ms. Grill.

15 MS. GRILL: The staff assistant was
16 located previously in the license division, and our
17 office does close at 4:30; but the City Clerk's
18 Office closes at 4:45, which is now where those can
19 be filed.

20 ALDERMAN BOHL: Okay. Call it 4:45 then.

21 MR. ARENA: So that can be filed at 4:45
22 in the City Attorney's Office, is that what I
23 understand?

24 MS. GRILL: City Clerk's Office, Room 205
25 of City Hall.

1 MR. SCHRIMPF: Well, get it in by 4:30,
2 Mr. Arena, and then you're sure to get it in on
3 time.

4 ALDERMAN BAUMAN: 4 o'clock.

5 MR. ARENA: Can I ask that you send the
6 findings of fact to my office, Mr. Schrimpf, please.

7 MR. SCHRIMPF: If you give me your card so
8 I know where your office is, yes.

9 MR. ARENA: Well, you sent stuff to me
10 before.

11 MR. SCHRIMPF: I don't, my secretaries do.

12 ALDERMAN BOHL: Thank you.

13 (The hearing concluded.)

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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

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4 I, JENNIFER M. STEIDTMANN, RPR, CRR, Registered
 5 Professional Reporter, Certified Realtime Reporter, with
 6 the firm of Gramann Reporting Ltd., 710 North Plankinton
 7 Avenue, Suite 710, Milwaukee, Wisconsin, do hereby certify
 8 that I reported the foregoing proceedings had on June 23,
 9 2009, and that the same is true and correct in accordance
 10 with my original machine shorthand notes taken at said
 11 time and place.

12

13

14 Jennifer M. Steidtmann
 15 Registered Professional Reporter
 16 Certified Realtime Reporter

17

18 Dated this 7th day of July, 2009.

19 Milwaukee, Wisconsin.

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