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CITY OF MILWAUKEE  
LICENSES COMMITTEE HEARING

In the Matter of:  
1818 North Hubbard Street                      File No. 060062

COMMITTEE MEMBERS

ALD. JAMES WITKOWIAK - Chairman  
ALD. JAMES BOHL, JR. - Vice Chairman  
ALD. JOSEPH A. DUDZIK

HEALTH DEPARTMENT by PANDORA BENDER  
POLICE DEPARTMENT by SERGEANT CHET ULICKEY  
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

ALDERMAN MICHAEL McGEE

LEVY & LEVY, By MARK A. LANGHOLZ, N61 W6058  
Columbia Road, Cedarburg, Wisconsin 553012-0127,  
appeared on behalf of the Licensee.

Proceedings had and testimony given in the  
above-entitled matter before the UTILITIES &  
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the  
18th day of May, 2006, before Terese M. Schiebenes of  
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All City Personnel previously affirmed.)

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CHAIRMAN WITKOWIAK: Item No. 2, File

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060062, motion relating to the revocation of the

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Tavern Dance License for the premises at 1818 North

6

Hubbard Street. Good morning.

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(Whereupon all speakers were duly affirmed.)

8

CHAIRMAN WITKOWIAK: Will the Licensee

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identify himself for the record, please.

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MR. RAYMOND: John Raymond.

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CHAIRMAN WITKOWIAK: Address?

12

MR. RAYMOND: My home address, 1521

13

Ridgeview Court, Grafton.

14

CHAIRMAN WITKOWIAK: State your appearance.

15

You're his attorney?

16

MR. LANGHOLZ: Yes. Attorney Mark Langholz,

17

North 61 West 6058 Columbia Road, Cedarburg.

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CHAIRMAN WITKOWIAK: Let the record show

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Alderman McGee appears in this matter. Take the

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testimony from the Complainant first, Mr. Schrimpf?

21

MR. SCHRIMPF: Yes.

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CHAIRMAN WITKOWIAK: Could you identify

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yourself, both of you, for the record, please, and

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then we'll take your testimony.

25

MR. TORRES: Manuel Torres.

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1 MS. TORRES: Kathleen Torres.  
2 CHAIRMAN WITKOWIAK: Your address?  
3 MR. TORRES: 1801 North Commerce, No. 200.  
4 CHAIRMAN WITKOWIAK: And you are how far  
5 away from this location in question?  
6 MS. TORRES: 40, 50 feet.  
7 MR. LANGHOLZ: Mr. Chairman, if I may.  
8 CHAIRMAN WITKOWIAK: Yes.  
9 MR. LANGHOLZ: I guess to give the committee  
10 an update on where we're at in this process that  
11 myself and Mr. Raymond from the restaurant did have a  
12 meeting with the Torreses as well as the other  
13 neighbor, Dr. Paul Robb, who's also present.  
14 ALDERMAN MCGEE: Mr. Chair, can the citizens  
15 please have their testimony first?  
16 CHAIRMAN WITKOWIAK: Yeah. I asked them for  
17 their testimony first. You will get a chance to ask  
18 them questions and respond to that.  
19 MR. SCHRIMPF: Mr. Chairman, could I just  
20 ask a foundation question?  
21 CHAIRMAN WITKOWIAK: Go ahead.  
22 MR. SCHRIMPF: Mr. Torres, are you one of  
23 the Complainants in this matter?  
24 MR. TORRES: One of them, yes.  
25 MR. SCHRIMPF: And Mrs. Torres, you're the

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1 other Complainant in this matter?

2 MS. TORRES: Yes.

3 MR. SCHRIMPF: And you filed a complaint  
4 with the Office of the City Clerk dated May 9th, 2006?

5 MS. TORRES: Yes.

6 MR. SCHRIMPF: And I'm showing you a copy of  
7 that complaint. Does that appear to be the complaint  
8 that you signed?

9 MS. TORRES: Yes, it is.

10 MR. SCHRIMPF: And just so that the record  
11 is very clear, you are both residents of the City of  
12 Milwaukee?

13 MS. TORRES: Yes.

14 MR. TORRES: Yes.

15 MR. SCHRIMPF: That's all I have, Mr.  
16 Chairman.

17 CHAIRMAN WITKOWIAK: Your testimony, please.  
18 And if you could just pull the microphone towards  
19 yourself.

20 MS. TORRES: Well, we actually filed this  
21 because we made several attempts to work out this  
22 noise problem with the restaurant. This has been  
23 going on for over a year. We had been calling the  
24 police prior to that but found out we were calling the  
25 district, and nothing was really being documented nor

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1 were citations given prior to this year. So starting  
2 January is when we started to call the non-emergency  
3 number and started documenting exactly how many times  
4 we had to call for the noise.

5 The noise is that they have a DJ Wednesday  
6 through Friday, and they have a live band on  
7 Saturdays. The building is very close. We have, again,  
8 made several attempts to contact them, and at first  
9 they started to turn the music down when we called, so  
10 we knew it could be done, but then it just fell on  
11 deaf ears. We actually had been in contact with Mr.  
12 McGee's office to have him assist us with this issue.  
13 Again, this had been going on for a long time, and we  
14 finally gave up talking to the restaurant. We now  
15 just call the police every time there's been noise.

16 In my letter, as you have a copy of, we have  
17 several dates listed here. As I said, we've been  
18 keeping track of all the times that we've had to call.  
19 And the noise goes on 1:00, 2:00 in the morning, it  
20 starts from midnight, it goes until bar closing.  
21 There's other issues just besides the noise, it's the  
22 patrons that end up coming out because their entrance  
23 on -- their in-and-out where the patrons were coming  
24 out is right on our level, it's on the lower level,  
25 and the noise has just been terrible.

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1                   CHAIRMAN WITKOWIAK: What have you observed  
2 as far as patrons coming out?  
3                   MS. TORRES: Well, the patrons come out, and  
4 sometimes they sit on the patio for a little while,  
5 but then they're coming down going to Commerce Street,  
6 or they end up using the back of our building as a  
7 thoroughfare, and it's yelling and it's laughing and,  
8 of course, girls after they've had a couple drinks end  
9 up getting giggly and loud. And again, this has been  
10 going on. There's garbage issues, there's a lot of  
11 issues pertaining to this whole nightclub atmosphere.  
12                   CHAIRMAN WITKOWIAK: The people that you  
13 have just testified to that are coming out making  
14 noise, from your location, can you see this back door  
15 that they walk out of?  
16                   MS. TORRES: Absolutely.  
17                   CHAIRMAN WITKOWIAK: You've actually seen  
18 these people walking out and making noise?  
19                   MS. TORRES: Absolutely.  
20                   CHAIRMAN WITKOWIAK: On how many occasions?  
21                   MS. TORRES: As far as people coming out?  
22                   CHAIRMAN WITKOWIAK: And making noise.  
23                   MR. TORRES: I don't know if we can put a  
24 number on it.  
25                   CHAIRMAN WITKOWIAK: More than 10?

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1 MS. TORRES: Oh, absolutely more than 10.  
2 But as far as dates, I didn't monitor the dates on  
3 that.

4 CHAIRMAN WITKOWIAK: But in your complaint  
5 here, you've listed the dates that you've actually  
6 called the police?

7 MS. TORRES: Well, it's actually the police  
8 or the restaurant or the landlord, Tim Dixon, because  
9 we did enlist his help at first because he does occupy  
10 the office upstairs and said can you help us with  
11 this, what can be done.

12 CHAIRMAN WITKOWIAK: Mr. Torres, do you have  
13 anything to add?

14 MR. TORRES: Not at this point, no.

15 MR. SCHRIMPF: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

17 MR. SCHRIMPF: Thank you. The dates that  
18 you listed in your letter, are those all 2006?

19 MS. TORRES: Yes, they are.

20 MR. SCHRIMPF: We're talking about the year  
21 2006?

22 MS. TORRES: Yes.

23 MR. SCHRIMPF: And on a weekly basis, how  
24 many times per week are you disturbed with noise  
25 emanating from this premises or patrons that you've

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1 observed?

2 MR. TORRES: I'd say at least once,  
3 sometimes twice a week, but we also have neighbors  
4 that are bothered by the noise.

5 MR. SCHRIMPF: I'm only interested in you  
6 right now. And on any of these occasions, were you  
7 awoken from sleep?

8 MS. TORRES: Absolutely.

9 MR. SCHRIMPF: That's all I have, Mr.  
10 Chairman.

11 CHAIRMAN WITKOWIAK: Alderman Bohl.

12 ALDERMAN BOHL: I'm wondering -- and I'm not  
13 necessarily placing any burden on the Complainants --  
14 but I'm wondering if there is any police report that  
15 is part of this record because I don't see it in our  
16 packet here, in terms of their calls. I'm assuming  
17 this may be 1st District.

18 MR. TORRES: It's the 5th District.

19 MS. TORRES: And I did ask if we needed to  
20 present anything, and they told me that would be  
21 available to the Committee, so I didn't get copies of  
22 that.

23 ALDERMAN BOHL: Is there a police report?

24 MR. SCHRIMPF: Mr. Chairman. Sergeant  
25 Ulickey does, apparently, have a police report.



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1 Sergeant Ulickey, what did you hand me? Could you  
2 identify that document.

3 SGT. ULICKEY: This is a police attachment.  
4 When we receive an application for renewal or any  
5 other instance as it relates to a licensed premise,  
6 this is typed up. This is based upon a PA-33, Report  
7 of an Incident Report, that our department uses in the  
8 normal course of business to document any incidents  
9 that occur on a licensed premise, whether it be a  
10 tavern, rooming house, or some such.

11 MR. SCHRIMPF: Mr. Chairman, I would ask if  
12 there are any incidents reflected in that report for  
13 the dates reflected in the complaint, and I'll hand  
14 Sergeant Ulickey a copy of the complaint listing the  
15 dates.

16 SGT. ULICKEY: Yes, there are.

17 MR. SCHRIMPF: And what dates are those,  
18 sir?

19 SGT. ULICKEY: I have January 19th, I have  
20 March 5th. They have it listed as March 4th, but I  
21 believe it was midnight. I have April 20th, and I  
22 have several others that are not -- three, four others  
23 that are not listed there.

24 MR. SCHRIMPF: Starting with the date of the  
25 first date you mentioned, I think it was January 19th?

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1 SGT. ULICKEY: Yes, sir.

2 MR. SCHRIMPF: What does the police report  
3 demonstrate?

4 SGT. ULICKEY: On the 19th at 1:30 a.m.,  
5 Milwaukee police were dispatched to 1818 North Hubbard  
6 for a noise nuisance complaint. As officers exited  
7 their auto, they could hear loud music coming from the  
8 Roots Bar, approximately 100 feet away. A citation  
9 was issued to John Raymond. There had been several  
10 complaints regarding loud music coming from the bar.  
11 That citation is set for pretrial on 5/31 of '06.

12 MR. SCHRIMPF: I believe the second date you  
13 mentioned was March the 4th?

14 SGT. ULICKEY: Yes. On 3/5 of '06 at 1:21  
15 a.m., police were dispatched to 1818 North Hubbard for  
16 a noise nuisance complaint. The officer who responded  
17 did not at that time hear loud music coming from the  
18 tavern or from the bar, however, had a complaint  
19 regarding loud music and issued a citation based on  
20 this complaint. John Raymond was issued a citation  
21 for noise violation, and that is set for pretrial on  
22 5/31 of '06.

23 MR. SCHRIMPF: And then the last date you  
24 mentioned I believe was April 20th?

25 SGT. ULICKEY: Yes. On April 20th at 12:30

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1 a.m., Milwaukee police were dispatched to 1818 North  
2 Hubbard for a noise nuisance complaint. Upon  
3 officers' arrival, Roots Bar was closed and locked,  
4 and no patrons were observed or vehicles leaving. The  
5 Complainant, Manuel Torres, a white male, 7/9 of '56,  
6 1801 North Commerce, did want a citation issued, and  
7 officers issued a noise nuisance citation to John  
8 Raymond. That citation is not yet in our system.

9 MR. SCHRIMPF: That's all I have.

10 CHAIRMAN WITKOWIAK: Questions by members of  
11 the Committee?

12 ALDERMAN BOHL: Mr. Chairman. Question for  
13 Sergeant Ulickey; that is, without necessarily  
14 expounding, were any of the additional items that were  
15 listed as incidents in the police report items that  
16 occurred after January 1, or were these items prior to  
17 January 1, 2006?

18 SGT. ULICKEY: They are all after January  
19 1st of 2006.

20 CHAIRMAN WITKOWIAK: I'd like to ask Mr.  
21 Schrimpf, can we use the rest of the items on there?

22 MR. SCHRIMPF: Let me ask another foundation  
23 question, Sergeant. Are they all related to noise  
24 nuisance complaints?

25 SGT. ULICKEY: Yes, they are.

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1 MR. SCHRIMPF: Then it's probably fair to  
2 use it.

3 CHAIRMAN WITKOWIAK: I'd like the rest of  
4 them read into the record then.

5 SGT. ULICKEY: On March 10th of 2006 at  
6 1:15, Milwaukee police were dispatched to 1818 North  
7 Hubbard Street for a noise nuisance complaint. As  
8 officers exited their auto, loud music could be heard  
9 coming from the Roots Bar. Officers spoke to John  
10 Raymond, and a citation was issued for noise nuisance.  
11 That citation is set for pretrial on 5/22 of '06.

12 On March 18th, at 11:00 p.m., Milwaukee  
13 police were dispatched to 1818 North Commerce for a  
14 noise nuisance. Officers spoke to the bar owner, John  
15 Kuehl, who stated he had just told the band to turn  
16 the noise down 15 minutes prior to the officers  
17 arriving. There was a Complainant for the loud music,  
18 and a citation was issued to John Kuehl.

19 On 4/30 of '06 at 1:29 a.m., Milwaukee  
20 police were dispatched to 1818 North Hubbard for a  
21 noise nuisance complaint. Complainant, Manuel Torres,  
22 stated the music was too loud, causing a disturbance.  
23 Officers found music playing inside the establishment,  
24 however, they were not able to hear the music from the  
25 street. A citation for noise nuisance was issued to

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1 John Kuehl.

2 And on 5/14 of '06 at 12:05 a.m., Milwaukee  
3 police were dispatched to 1818 North Hubbard for a  
4 noise nuisance complaint. The caller, Manuel Torres,  
5 stated loud music from Roots Cellar was causing a  
6 disturbance. Officers were about 100 feet away from  
7 the bar and could hear a band playing. The manager,  
8 John Kuehl, was on the scene and was issued a citation  
9 for noise nuisance. That citation and the previous  
10 citation I indicated are not in our system yet.

11 CHAIRMAN WITKOWIAK: Are there any more  
12 questions by members of the Committee?

13 MR. SCHRIMPF: Just one follow-up question,  
14 Mr. Chairman. Sergeant, are all these complaints  
15 attributable from Mr. or Mrs. Torres, from your  
16 records, or can't you answer that?

17 SGT. ULICKEY: That I can't answer. They do  
18 list the Complainant, but some are not named.

19 MR. SCHRIMPF: That's all I have.

20 CHAIRMAN WITKOWIAK: Does the Licensee or  
21 his attorney have any questions of the police report?

22 MR. LANGHOLZ: On the police report, no.

23 CHAIRMAN WITKOWIAK: Now you'd like to give  
24 us an opening statement or something?

25 MR. LANGHOLZ: Yes, please. And I can

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1 certainly follow up with questions for the Torreses or  
2 if the Committee would like to, as well.

3 CHAIRMAN WITKOWIAK: You'll have that  
4 opportunity.

5 MR. LANGHOLZ: Thank you. I as well as John  
6 Raymond met with Mr. and Mrs. Torres as well as Dr.  
7 Paul Robb, who's a neighbor to the Torreses. We were  
8 able to set up a meeting, actually, for last night,  
9 where Mr. Raymond presented the steps that he had  
10 taken to try to control the noise, acknowledged that  
11 it wasn't enough to keep the noise from bothering the  
12 neighbors in the condo, also presented to them plans  
13 from a company out of Chicago for sound abatement and  
14 bids he received from them and indicated to the  
15 residents that he is planning on signing those  
16 contracts. Having that done in terms of the sound  
17 abatement, also, in the interim until that is done has  
18 agreed to cancel much of the music on the nights that  
19 the music is going on.

20 At the end of that meeting, an agreement was  
21 at least reached that we would come to the Committee  
22 this morning, present what happened at the meeting,  
23 ask the Committee if the Committee, in light of that,  
24 is willing to keep this matter open but revisit it. I  
25 suppose, June 6th is the next date when this Committee

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1 would convene on an issue like this, to at least see  
2 the status of the license, to see the status where  
3 we're at in terms of noise complaints, and with the  
4 changes in the building. And I believe at least as of  
5 even this morning when I talked to the Torreses again,  
6 they were in agreement with that, as well. So with  
7 that being said, certainly could ask some questions of  
8 the Torreses, but if the Committee would have any  
9 questions about what has been done or the meeting  
10 between myself and the neighbors.

11 CHAIRMAN WITKOWIAK: I'll make a comment to  
12 your request right now. It troubles me somewhat that  
13 it's -- You had your meeting last night. We have a  
14 sufficient record here this has been going on for a  
15 long time, and it looks like the complaints have been  
16 blatantly ignored. So now you come and you had this  
17 emergency meeting the night before, and you come to  
18 the table and you say we have everything worked out  
19 because you may be 15 minutes away from losing your  
20 license. Alderman Bohl.

21 ALDERMAN BOHL: Mr. Chairman, I just wanted  
22 to ask the Torreses, in terms of the occasions where  
23 they've either attempted to contact the police  
24 department or the management or the proprietor, how  
25 many of these incidents were not related to the music

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1 either playing from the DJ or band, and were any of  
2 these instances based on occasions where you had  
3 patrons outside yelling and screaming?

4 MS. TORRES: We didn't keep track of how  
5 many times we called with regards to that. A lot of  
6 the patrons being outside were prior to this year,  
7 and it was being on the patio past 11:00 or the band  
8 coming out and smoking or having their break outside  
9 and laughing. And we called the restaurant every time  
10 that happened. We did not call the police back then  
11 for those instances. Again, we were trying to work  
12 with them to resolve a lot of these issues.

13 ALDERMAN BOHL: Have at least those type of  
14 nuisances abated themselves, have they been reduced,  
15 have you had fewer problems with outside noises in  
16 recent?

17 MS. TORRES: To be quite honest with you, it  
18 happens a lot in the summertime, that's when a lot of  
19 it happened, and we're coming up on the summer season  
20 here, so it's a little more difficult than the winter.  
21 Obviously, people aren't going to stand out there in  
22 the cold as much. A lot of that happened in the  
23 summer, so it's really hard to say if that's really  
24 changed a lot or not because wintertime is usually is  
25 slower for them.



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1 ALDERMAN BOHL: And being summer, you don't  
2 want to pray for rain, as well.

3 MS. TORRES: And it's hard for us, also,  
4 because we don't want to sit with our windows closed.  
5 We like to open our windows in the summertime.

6 ALDERMAN BOHL: Thank you.

7 MR. LANGHOLZ: Mr. Chairman, if I could, to  
8 your comment. And I understand your -- I don't know  
9 if you said frustration -- or at least your concern  
10 here. In response to that, I can offer the following  
11 things: That when the complaints began, some of the  
12 issues that the restaurant did; they took small steps  
13 to try to address it, and I talked to them about the  
14 fact that they simply weren't enough. In terms of  
15 moving where the music was coming from, making efforts  
16 to keep the door on the lower level shut that's  
17 closest to the neighbors, building boxes to cover the  
18 windows to try to keep the music from exiting those,  
19 and so it is not that they simply ignored it and took  
20 no steps to change, but it wasn't enough to change and  
21 to solve the problem.

22 And in terms of the steps that the  
23 restaurant has taken to actually change the structure  
24 of the restaurant, those meetings were actually held  
25 in April when bids were received, and Mr. Raymond can

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1 speak to this, but it's my understanding before I was  
2 retained on the case that those bids were forwarded to  
3 the Alderman's Office, as well, and I think the  
4 biggest problem -- obviously, the biggest problem is  
5 noise, but another very big problem with the case is  
6 that communication is broken down, and quite frankly,  
7 most of that comes from the restaurant. The  
8 restaurant didn't keep the neighbors engaged here in  
9 terms of letting them know these are some steps we're  
10 taking, is this enough. That wasn't done, and that, I  
11 think, has furthered the problem.

12 If nothing else, since I have began working  
13 with Mr. Raymond, I have made an effort to open  
14 communication with the neighbors to let them know  
15 exactly what the restaurant is doing and to also try  
16 to open it up the other way again. So because we're  
17 at that point and because that is open and, again, I  
18 think the Torreses are still in agreement with the  
19 idea of asking this Committee to at least hold this  
20 matter open for a brief period of time to make sure  
21 that the issues have been resolved.

22 CHAIRMAN WITKOWIAK: When were you retained?

23 MR. LANGHOLZ: 10 days, two weeks ago,  
24 something in that time frame. I don't have the exact  
25 date.

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1                   CHAIRMAN WITKOWIAK: Do you have any  
2 questions of the Torreses concerning their testimony?

3                   MR. LANGHOLZ: Is it true that the problems  
4 that you've had with the restaurant have been  
5 primarily associated with the music; would that be  
6 true?

7                   MS. TORRES: Fair to say, yes.

8                   MR. LANGHOLZ: And if the noise from the  
9 music or the noise coming from the restaurant were  
10 taken care of, you don't object to necessarily the  
11 restaurant being there, but it's just the fact that  
12 the noise is bothering you at late hours?

13                  MS. TORRES: Right. We do not object to the  
14 restaurant being there. Obviously, we worked long and  
15 hard to work through this issue with them before  
16 having to come here.

17                  MR. LANGHOLZ: And if that issue can be  
18 resolved with the music in terms of making it such  
19 that you don't hear the music in your apartment, that  
20 in your mind would resolve this issue; is that  
21 accurate, as well?

22                  MS. TORRES: As far as the music, yes. You  
23 can have 100 bands in there, as long as we don't hear  
24 them.

25                  MR. TORRES: But it's a big if.

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1 MR. LANGHOLZ: Thank you.

2 CHAIRMAN WITKOWIAK: And should it be  
3 possible to shield the sound of that music, what about  
4 the people exiting at closing time? Was there any  
5 discussion in your meeting about not being able to use  
6 that door?

7 MR. LANGHOLZ: There was. And there are a  
8 couple of issues. One is because of the fire code,  
9 the door can't be locked, however, there are two  
10 attempts to deal with the door. One is a proposal to  
11 actually build more of a vestibule there, almost a  
12 second door coming out of there to act as a sound  
13 barrier in terms of people just taking a step out of  
14 the actual restaurant area into that as well as  
15 enforcing and placing a doorman from the restaurant at  
16 the door to set it up more as an emergency exit rather  
17 than a casual exit, just to step out and smoke or  
18 drink on the patio in the lower level. So those are  
19 the two steps being taken to usher the people, number  
20 one, for the noise in terms of the second door to  
21 create the buffer, and number two, to usher the people  
22 back upstairs and exit upstairs.

23 CHAIRMAN WITKOWIAK: This door we're  
24 referring to, is this on the north side of the  
25 building?

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1 MR. LANGHOLZ: It's on the south side.

2 CHAIRMAN WITKOWIAK: And then that door  
3 faces the condominium, right?

4 MR. LANGHOLZ: The door itself doesn't face  
5 the condominium because the condominium would be just  
6 east of the restaurant. When you step out of that  
7 lower level door, the condominium, it is just right  
8 around the corner. I think it's fair to say it's 40  
9 feet. It gets close to that lower level. It doesn't  
10 directly face it, but it's close.

11 CHAIRMAN WITKOWIAK: If I knew this was an  
12 issue, I would have one of my employees near the end  
13 of the night stand in front of that door and say  
14 unless this building is on fire, you're not leaving by  
15 this exit.

16 MR. LANGHOLZ: And that is what I'm  
17 committing Mr. Raymond, as well. I agree.

18 CHAIRMAN WITKOWIAK: In the 11th hour.  
19 Could I ask the Torreses just to sit back, please. We  
20 have two other gentlemen here that are going to  
21 testify. Name and address for the record.

22 MR. NEVELL: My name is Robert E. Nevell, my  
23 address is 1801 North Commerce Street, Unit 100,  
24 Milwaukee, Wisconsin.

25 CHAIRMAN WITKOWIAK: Go ahead, Mr. Nevell,

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1 your testimony, please.

2 MR. NEVELL: Yes. I am a neighbor of the  
3 Torreses. I live actually right downstairs from them.  
4 I'm directly across the way from the Roots Restaurant.  
5 I want to corroborate the noise problem that had  
6 occurred, developed since they first started having  
7 music, which I believe was in the summer of 2004.

8 I did make calls to the restaurant over that  
9 time period. At first the restaurant was cordial and  
10 that, but slowly they just were not answering the  
11 phones regarding that matter. I never contacted the  
12 police on this issue, and one of the reasons why, I  
13 can hear the noise, my bedroom happens to be not  
14 facing directly the Roots Restaurant. I have a second  
15 bedroom facing that. Mine is next to that second  
16 bedroom, but I close off that bedroom, I never use it  
17 anymore. I use it more for storage than anything  
18 else.

19 My bedroom, I can still hear the noise from  
20 a distance, it's the lower bass noise, and I close off  
21 the windows, I never keep them open during the summer.  
22 The summer season, it's been very acute, the problem.  
23 And the noise problem does continue. Last Saturday,  
24 obviously -- I had prepared an affidavit myself, and  
25 I opened up the door, and the music was going full

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1 swing, and it's something that we have been living  
2 with for the past couple of summer seasons, and it's  
3 particularly aggravating during the summer period.  
4 And it's nothing to do with the patrons who  
5 are on the patio talking, which you can hear their  
6 conversations -- fine, it's during regular hours --  
7 but it's when the music starts at 10:00 p.m. at night,  
8 and it's in a residential area that it's very  
9 aggravating because that's when the music should be  
10 winding down, if anything, but that's when they're  
11 promoting. They have ads in the papers. The Onion  
12 paper has an ad, this most recent one here, indicating  
13 that the bands would be available and DJs from  
14 Wednesday, Thursday, Friday, and Saturday, with music  
15 starting at 10:00 p.m., and there's reduced-priced  
16 drinks during that time period, obviously as an  
17 incentive for patrons to enter the premises at that  
18 time period. It's not like they're just getting the  
19 upstairs dinner patrons coming downstairs and staying  
20 awhile, I think it's actually they're inviting  
21 additional guests there.  
22 Right now, the building -- and I like Roots,  
23 I wish they will stay, it's just that they need to  
24 deal with this noise issue -- and to me the building  
25 right now is just not suited to have live

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1 entertainment. It's a restaurant with an office on  
2 top. It was never really intended to provide  
3 entertainment a venue. We moved into the area, it was  
4 a new building, all of us, in 2001, and the building  
5 was built later on, so we had no idea that this site  
6 was going to have live entertainment. In fact, we  
7 were told previously that it was going to be some sort  
8 of a delicatessen or something that would be closing  
9 by the end of the evening. So it was kind of a  
10 surprise to us when this developed.

11 So, again, I am all for any type of sound  
12 abatement. As long as I don't have to hear it, that  
13 is something that's fine with me. But again, it's the  
14 late hour music, which right now, I'm hopeful that  
15 they can correct it, but it's very difficult for me to  
16 believe that they can at this point, but I'm hopeful.

17 CHAIRMAN WITKOWIAK: Thank you. Committee  
18 members, any questions of this witness? Did you wish  
19 to question this witness?

20 MR. LANGHOLZ: No.

21 CHAIRMAN WITKOWIAK: Let me ask you this,  
22 Mr. Nevell. Were you part of this meeting last night?

23 MR. NEVELL: No, I was not.

24 CHAIRMAN WITKOWIAK: You were not. Thank  
25 you. Sir, identify yourself for the record.



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1 DR. ROBB: Dr. Paul Robb, 1801 North  
2 Commerce Street, No. 300. I live just above the  
3 Torres.

4 CHAIRMAN WITKOWIAK: And your testimony,  
5 please.

6 DR. ROBB: I actually did fill out an  
7 affidavit, which I had signed notarized on Tuesday, I  
8 believe. The issue, again, has been going on for some  
9 time, it's been very irritating to myself and the  
10 neighbors. Last summer was probably the worst because  
11 at that point they were actually leaving the windows  
12 open and just letting the music flow out into the  
13 neighborhood. They, at least, closed windows and put  
14 some sound boxes up, but it clearly has not been  
15 enough.

16 I have called the police on several  
17 occasions, too. The last two that I've documented in  
18 my notes were from April 29th and then just this last  
19 weekend, May 13th. My problem is with all of this --  
20 I used to make calls to the restaurant, too, last  
21 summer. At first they kind of turned the music down,  
22 and then they became less and less cooperative, and  
23 finally they just wouldn't answer the phone again. We  
24 were sort of waiting for this Licensing meeting to  
25 occur. We thought it was coming at the end of

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1 December. We were trying to find out when that was to  
2 come and present our case at that point, and we never  
3 got good answers. I was talking to numerous people  
4 trying to find out when this was, and we didn't find  
5 out until after the fact, and that's when Kathy Torres  
6 started finding out about the proper channels to do  
7 this by calling the non-emergency number and getting  
8 the police involved. So we've been doing that since.

9 My trouble, as well, is that this is the  
10 11th hour, and this Committee was going to meet -- I  
11 don't know when it was planned exactly, but I'm sure  
12 it was before this past weekend, so even up to this  
13 past weekend, knowing that they were coming before  
14 this Committee, they still had noise issues. It just  
15 shows a reticence to actually do something productive  
16 for the neighborhood.

17 I'm in agreement, as well, if I don't hear  
18 it, I'm fine, but as Manuel said, it's a big if, and I  
19 don't know that we have any guarantees from these  
20 people when they've been so reticent to do anything,  
21 just dragging their feet along the whole way, and it's  
22 come to this point in the 11th hour, as you mentioned,  
23 that we're sort of getting some communication here. I  
24 didn't have any conversation with you until a couple  
25 -- Tuesday night after I put my notice in, so there

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1 was nothing -- no one came around the condominium,  
2 nobody put up any notice to tell anybody anything. I  
3 know you've only been hired for two weeks, but we  
4 didn't hear from you until two nights ago for me.

5 So I have grave concerns about this actually  
6 being fixed. If it was fixed, I'd be fine, but I have  
7 grave concerns about whether it can be fixed. The  
8 building is not built for that. Sound abatement,  
9 there was talk about putting some changes in windows  
10 and the door only. I'm not sure how much the music is  
11 going to flow through the upper level and out the  
12 windows of the top level, as well. I'm not sure if  
13 that's going to happen. If it happens, great, but I'm  
14 not sure.

15 CHAIRMAN WITKOWIAK: Thank you. Questions  
16 by members of the Committee of this witness? Do you  
17 have any questions of this witness?

18 MR. LANGHOLZ: Just a couple. Thank you,  
19 Mr. Chairman. Dr. Robb, you obviously were present at  
20 the meeting, correct?

21 DR. ROBB: Yes.

22 MR. LANGHOLZ: And again, it simply is a  
23 matter of controlling the noise in terms of any issues  
24 that you have with the restaurant, correct?

25 DR. ROBB: That's the majority of it. The

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1 trouble, as Kathy said, the noise, after hours people  
2 hanging out on the patio and when they're leaving  
3 becomes more of an issue in the summer when people  
4 will kind of hang around outside as they are leaving  
5 an establishment. That was what was happening last  
6 summer. In the winter, that doesn't happen so much,  
7 obviously. So I don't know what's going to happen and  
8 whether that's going to improve because the management  
9 has done things or it's just a weather-related issue,  
10 I don't know.

11 MR. LANGHOLZ: With the agreement to cancel  
12 the majority of the music in the interim as well as  
13 the sound abatement, are you of the opinion that  
14 you're at least willing to see if that works in terms  
15 of fixing the problem?

16 DR. ROBB: Just what you said, some of the  
17 music. I think you should cancel all of the music  
18 until you have your sound improvement buffering in and  
19 you've tried it, see what the Council wants to go  
20 forward with, otherwise, I don't think there should be  
21 any music there other than light background music in  
22 the interim.

23 MR. LANGHOLZ: Thank you.

24 CHAIRMAN WITKOWIAK: I have a couple  
25 questions for the Licensee. Are you the original

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1 licensee of the location?  
2 MR. RAYMOND: Yes, I am.  
3 CHAIRMAN WITKOWIAK: When did you open up?  
4 MR. RAYMOND: February of 2004.  
5 CHAIRMAN WITKOWIAK: February of '04?  
6 MR. RAYMOND: Yes.  
7 CHAIRMAN WITKOWIAK: From the time you  
8 opened up until now, did your business plan change at  
9 all?  
10 MR. RAYMOND: No.  
11 CHAIRMAN WITKOWIAK: When did you have your  
12 first live music venues?  
13 MR. RAYMOND: Probably summer of '04.  
14 CHAIRMAN WITKOWIAK: You came before this  
15 Committee to receive your license?  
16 MR. RAYMOND: Yes.  
17 CHAIRMAN WITKOWIAK: At that time, did you  
18 submit a written business plan?  
19 MR. RAYMOND: I don't recall.  
20 ALDERMAN BOHL: Mr. Chairman, I don't know  
21 that we required at that time a full plan of  
22 operation.  
23 MR. SCHRIMPF: That's correct, Mr. Chair.  
24 CHAIRMAN WITKOWIAK: Do you recall were you  
25 asked or do you recall discussing having live music at

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1 this location when you came for your original license  
2 hearing?

3 MR. RAYMOND: That was the intent of  
4 receiving the Cabaret or Dance Tavern License was to  
5 be able to offer music at our venue, so that was the  
6 reason why I requested that license.

7 ALDERMAN DUDZIK: I just want to be clear.  
8 Have you always had a Tavern Dance License?

9 MR. RAYMOND: Year one we had a Cabaret  
10 License, I didn't quite comprehend the licenses that  
11 were necessary, and then I realized that a Dance  
12 Tavern in '05 and 06 were the same licensing to some  
13 degree where I could hold live music.

14 ALDERMAN DUDZIK: I guess to follow up on  
15 the Chairman's question, can you give me an idea of  
16 how much of your business is derived from the  
17 restaurant aspect of your business versus how much of  
18 your business is derived from the bar? Because  
19 listening to these individuals talk about your  
20 location, I think it's more of a bar than a  
21 restaurant.

22 MR. RAYMOND: There's two restaurants within  
23 our building, there's Roots upstairs, and there's a  
24 lower restaurant called The Root Cellar, and The Root  
25 Cellar is a more casual bar atmosphere, and the

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1 upstairs Roots is more formal fine dining.

2 ALDERMAN DUDZIK: Maybe I'll ask my question  
3 again. Can you define for me, give me an idea how  
4 much of your business is derived from the restaurant  
5 end of business versus the bar end of business?

6 MR. RAYMOND: Restaurant is probably about  
7 85 to 90 percent revenue just for food and restaurant  
8 sales, and about 10 to 15 percent is derived from the  
9 later hours, perhaps 10:00 to 2:00.

10 ALDERMAN DUDZIK: Thank you.

11 CHAIRMAN WITKOWIAK: Any further questions  
12 by members of the Committee? Alderman McGee.

13 ALDERMAN MCGEE: Thank you, Mr. Chair and  
14 Committee members. I just want to extend my  
15 appreciation for your willingness to hold this meeting  
16 today and also to constituents who went through the  
17 last two years of turmoil and anguish at nights in  
18 particular because of Roots Restaurant.

19 In my short tenure, that was one of the  
20 agenda items for those individuals that live in the  
21 area. It's the Brewer's Hill area. A lot of those  
22 people who couldn't come today are some of the highest  
23 taxpayers in the city, and these calls are low  
24 priority calls. I had been actually working with the  
25 chief's office and also the 5th District captain who

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1 exchanged, they exchanged captains within the time  
2 that I've been in office, so this has been a low  
3 priority. But I think lately, given that there is  
4 documentation of tickets recently, and I would want to  
5 submit any DNS files that I did get. Department of  
6 Neighborhood Services also sent notices -- I don't  
7 know if you have that in your files -- to the  
8 restaurant.

9 But I just think it's a case, and I always  
10 say taverns and neighborhoods don't go together unless  
11 the patrons are from the neighborhood, and a lot of  
12 the noise and nuisances, and these are only a small  
13 estimate. There are residents who live west of Roots  
14 who couldn't be here today, and they had complained of  
15 actual urination on their lawns, individuals  
16 regurgitating food onto their lawns, things of that  
17 nature, just a lot of reckless behavior at night. And  
18 I just want to definitely tell you, from my side of  
19 it, I tried to reach out to the restaurant, and as an  
20 alderperson, I feel definitely disrespected by the  
21 restaurant. I assume because they're in a  
22 neighborhood such as Brewer's Hill that has a very  
23 fine reputation throughout the city that the alderman  
24 is not a person that's needed. Any of the meetings  
25 that have taken place, you would just be amazed, and



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1 I've not been an alderman as long as you all have, but  
2 I just want to ask you as an alderperson, you call a  
3 restaurant or a tavern and report to have problems,  
4 most of the time you're going to get a call back, some  
5 kind of response.

6 The responses I did get was a letter saying  
7 that they did have some boards up for soundproof, that  
8 was last year, and then recently I received another  
9 letter. But on March 28th, when this came to a boil,  
10 it's just amazing, and to this day I just cannot  
11 believe this happened to myself, but a lot of things  
12 are happening out here with me. On March 28th, I  
13 called a town hall meeting for the residents with the  
14 ownership. The owners found out the residents would  
15 be there and tried to cancel the meeting after I had  
16 already sent out probably a thousand letters for those  
17 who live in the area and tried to cancel the meeting.  
18 I was like you can't cancel the meeting. I showed  
19 up because I knew that the residents would show up.

20 About 30 residents showed up, and believe it  
21 or not, the ownership felt compelled to not even allow  
22 us in the restaurant. It was a cold night. We stood  
23 out there for 45 minutes waiting for the lawyer for  
24 the owners to come. The owners refused to let the  
25 patrons in, who are actually the residents in the

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1 neighborhood. I thought that would be good for  
2 business if you have a meeting to try to reconcile  
3 some differences with the constituents and with the  
4 patrons that you as a restaurant and actually come to  
5 your location. They wouldn't let anybody in.

6 And then the most disrespectful thing was  
7 that after 45 minutes, the police were called, and the  
8 police responded that the alderman was out here  
9 starting a ruckus. I just really couldn't believe  
10 that. And my constituents, some of them, they say  
11 that's between me and the owners, but I really think  
12 as a representative of the area that was one of the  
13 most disrespectful things you could do to an  
14 alderperson, especially when they're trying to work  
15 and resolve some issues.

16 So if you just look at the information  
17 that's presented on Saturdays and Wednesdays and  
18 Thursdays, there's live music after 10:00, the noise  
19 has not changed at all, nothing has actually  
20 progressed in the situation other than last-minute  
21 maneuvers by the lawyer to try to meet with what he  
22 felt was the most disgruntled residents. But there  
23 are other residents who are willing to testify if they  
24 were here today about the noise problems going on with  
25 the patrons.

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1                   And I really suggest that they take the  
2 summer off, maybe not be revoked, but I would say at  
3 least a 90-day suspension and maybe in September,  
4 after the plan is conducted by the restaurant to  
5 soundproof the building, to give the residents the  
6 summer off because they definitely deserve that and  
7 come back in maybe September to December and see if  
8 these have changed. There's students who come to this  
9 location late at night and when colleges end would  
10 still come. If these have changed, that would  
11 be fine, and if not, then it would have to be revoked  
12 in December when they come up for renewal.

13                   CHAIRMAN WITKOWIAK: Thank you, Alderman.  
14 Questions by members of the Committee of Alderman  
15 McGee? Do you have any questions of the Alderman?

16                   MR. LANGHOLZ: No.

17                   CHAIRMAN WITKOWIAK: Alderman McGee, would  
18 you part with that newspaper for the Committee,  
19 please?

20                   ALDERMAN MCGEE: Yes.

21                   CHAIRMAN WITKOWIAK: Alderman Dudzik moves  
22 to make the newspaper ads part of the permanent record  
23 in this hearing. Hearing no objections, so ordered.  
24 Has the attorney had an opportunity to look at the DNS  
25 report?

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1 MR. LANGHOLZ: Yes. Thank you.

2 CHAIRMAN WITKOWIAK: Alderman Bohl moves to  
3 make the DNS report part of the permanent record in  
4 this hearing. Hearing no objections, so ordered.

5 Ms. Bender, do you have any comment on the  
6 DNS report?

7 MS. BENDER: No.

8 MR. SCHRIMPF: Mr. Chairman, just one item.  
9 In deciding this issue, the Committee is really  
10 confined to the four corners of the complaint, in  
11 other words, the allegations that are raised in the  
12 complaint, the testimony that you heard related to  
13 those allegations. There was some testimony regarding  
14 I believe it was public urination and I believe it was  
15 vomit. Those matters are not within the four corners  
16 of the complaint.

17 CHAIRMAN WITKOWIAK: Understood. Thank you.  
18 Is there anyone else here to testify in this matter?  
19 Let the record show no one else acknowledges.

20 DR. ROBB: Can I say one thing? In our  
21 record, I think that there was certain amounts of  
22 times the police were called. There were many other  
23 times when it's just not worth getting up and getting  
24 to the phone and trying to get the police and then  
25 they're going to call you back later. You just kind

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1 of go to another bedroom and put pillows over your  
2 head and try to sleep. It's not just those  
3 incidences. I know that's in the record, but there's  
4 enough in the record.

5 CHAIRMAN WITKOWIAK: Do you have anything to  
6 say in closing before we take this matter to  
7 Committee?

8 MR. LANGHOLZ: I do. I have two things.  
9 One is I can't speak for the owner of the building,  
10 but for the restaurant itself, the restaurant also  
11 would like to work with the Alderman. The restaurant  
12 sent the bid for the sound abatement to the Alderman  
13 in April. When I was on the case, I placed a call to  
14 the Alderman's Office and also followed up with a  
15 letter just really, again, to try to include the  
16 Alderman in this process, as well. It was after that  
17 that I made contact with the residents. That's the  
18 first part.

19 The second part in closing is this; that I,  
20 again, would ask the Committee to not rule on the  
21 matter today for a couple of reasons. Number one is,  
22 in terms of the Complainant in this matter -- and I  
23 appreciate the other two neighbors coming today -- in  
24 terms of the Complainant, Mr. and Mrs. Torres, in  
25 speaking with them, it is still my understanding that

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1 they join in terms of asking this Committee to keep  
2 this open, again, for a short period of time in order  
3 to make sure that these changes work and that this  
4 case has been resolved. I would also ask that it be  
5 kept open and that the Committee not make a finding on  
6 it today because of the fact that there have been  
7 small steps that have been taken, and while I  
8 understand the 11th hour being here and probably past  
9 the 11th hour, to be quite honest with you, the fact  
10 that the restaurant is willing to make cancellations  
11 of music as well as invest a substantial amount of  
12 money in making structural changes to the restaurant  
13 to satisfy the neighbors' concerns, the changes to the  
14 restaurant are going to be in excess of \$15,000 to  
15 make the changes that they have been told by sound  
16 abatement experts are needed to address this issue.  
17 And so what we're asking for is the opportunity to do  
18 that.

19           Should all of this have been done  
20 previously? Yes. But we're here at this point, and  
21 because the Complainants are at least willing to do  
22 that and with the understanding of canceling the music  
23 as well as the installation of the sound abatement, I  
24 would ask that the restaurant be given time to do that  
25 without actually taking the license at this point.

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1 ALDERMAN MCGEE: One last thing. In  
2 reference to the construction, it's my understanding  
3 that it's going to take at least six weeks before the  
4 construction is even completed, so that's an extra six  
5 weeks of chaos that could go on unchecked.

6 CHAIRMAN WITKOWIAK: This matter is in  
7 Committee.

8 ALDERMAN BOHL: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Alderman Bohl.

10 ALDERMAN BOHL: There have been a lot of  
11 comments that have been made and the nature of  
12 complaints in this establishment. Counsel just  
13 indicated that there have been some small steps made.  
14 I would agree. I will tell you this much, I think  
15 that there have been small steps taken, although I  
16 would say that they've been taken backward rather than  
17 forward. What I believe has taken place has been a  
18 blatant disregard of not only the quality of life and  
19 the peaceful enjoyment of residents of their home but  
20 also a blatant disregard of sufficiently dealing with  
21 this issue not only with the police department,  
22 Department of Neighborhood Service, but also the  
23 Office of Alderman McGee.

24 I'm profoundly disturbed that it has come  
25 this far. It should have never gotten to this point,

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1 and residents should not have to go to the levels that  
2 they have gone to. I just don't believe that holding  
3 this matter will sufficiently deal with the problems,  
4 nor do I believe that at this point that they ought to  
5 be rewarded as such. It never seems to amaze me how  
6 often when people dig themselves into such a  
7 sufficient hole that they somehow find religion when  
8 they find out that they're 10 feet down, and I don't  
9 feel that it ought to be sufficiently rewarded.

10 Now, I'm, I would guess, somewhat skeptical  
11 at this point that even with soundproofing that you  
12 will perhaps rectify the problem. Perhaps you can  
13 find a way. I'll tell you my one concern is unless  
14 you can sufficiently control the bass in what you're  
15 playing, I've heard previous situations where the  
16 music has been remedied but where residents who are in  
17 adjacent areas still get the underlying boom, boom,  
18 and I'm going to tell you that I think that presents  
19 itself as a very real problem. If you're sitting down  
20 at 10:00 at night, 10:30 at night and winding down for  
21 the evening, even if the music isn't there, to feel  
22 the rattle, to have that play in your head when you're  
23 trying to settle for the night because you've got to  
24 get up early the next morning, I don't know that you  
25 can sufficiently deal with that, and I'm really torn



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1 at this point on whether or not to even present you  
2 the opportunity to move forward with that, especially  
3 in light of your comment that a substantial portion of  
4 your business is not necessarily being derived from  
5 the music. I'm really torn between just yanking this  
6 license entirely and saying that this is just not a  
7 sufficient location and giving you that opportunity.

8 I will say that right now I'm willing to  
9 bend to at least the willingness of Alderman McGee to  
10 provide you that opportunity. If you indicate it's a  
11 substantial investment, it's a substantial investment.  
12 I call it this much; it's the price of doing business.  
13 The fact is the price of doing business also means  
14 that if you can't get it right by your neighbors, then  
15 you need not have that portion of your business in the  
16 future.

17 I will at this point, based on neighborhood  
18 testimony and items contained within the police  
19 report, move for a 90-day suspension of the Class B  
20 Tavern License.

21 MR. SCHRIMPF: Mr. Chairman, I don't believe  
22 the notice involves the Class B Tavern License. I  
23 believe it's only the Tavern Dance.

24 ALDERMAN BOHL: I'm sorry. I would move at  
25 this point for a 90-day suspension of the Tavern Dance

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1 License. The Common Council meets, I believe, on the  
2 31st of May, and that would provide 90 days from that  
3 time, that would take you to Labor Day, if you want to  
4 make that substantial investment. I'm going to tell  
5 you this much; it will at least provide the neighbors  
6 with a reasonable reprieve through the course of the  
7 summer.

8 In addition to that fact, I'm going to tell  
9 you that you better meet with the Alderman and these  
10 neighbors to find suitable means of even addressing  
11 the problems when it comes to the patrons exiting,  
12 even to the point where you do have to hire security  
13 to quietly escort people, to remind them on their way  
14 out, to continuously state to individuals that if they  
15 cannot respect the neighborhood in their entering and  
16 exiting that you don't want them in terms of your  
17 business, because what's going to happen otherwise is  
18 your Liquor License is going to be yanked, and you're  
19 not going to be in business, otherwise you're going to  
20 be serving nice food with Cherry Coke. I don't know  
21 that you want to get to that point, and I don't know  
22 that the neighbors based on their testimony want to  
23 get to that point in terms of the restaurant itself.

24 But the burden is on you. The burden  
25 shouldn't be on the neighbors, the burden isn't on

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1 Alderman McGee. The burden is on you to take a  
2 proactive approach, and my hope is that this 90 days  
3 will provide you the opportunity to one, see clear  
4 that you're getting a real stern shot over the bow  
5 here.

6 And the last thing is the fact that you've  
7 taken the time of this body, of these employees, this  
8 is our city's tax dollars at work here that we have to  
9 hold this hearing that should not have been held, it  
10 should not have come to this. You're costing the  
11 taxpayers sufficient amount of money and time. I  
12 should be dealing with my constituents' phone calls  
13 right now and concerns in my own district and should  
14 not be here hearing this matter. Consider this:  
15 You've used up eight lives, as far as I'm concerned --  
16 I don't know if this motion will hold -- you're on  
17 life nine. I would treat that very, very warily and  
18 bend over backwards to make certain that this works,  
19 if you can do that.

20 CHAIRMAN WITKOWIAK: The motion by Alderman  
21 Bohl is to recommend a 90-day suspension of the Tavern  
22 Dance License at 1818 North Hubbard Street, based on  
23 the police report and neighborhood testimony that  
24 we've received today.

25 On the motion, I want to comment on the

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1 motion. I will not support the motion, and I feel  
2 that the proximity of this venue with the surrounding  
3 neighborhood, I don't think this place should have  
4 live music, and my fear is that should he be given the  
5 opportunity -- and it's the will of the Committee and  
6 the whole Council, this isn't my decision alone, this  
7 is based on what I've heard today -- my fear is that  
8 the Licensee will go and spend \$15,000 and take care  
9 of 80 percent of the problem.

10 I'm familiar with how the bass tones travel  
11 and that vibration travels, and I'm convinced that you  
12 could spend this money and get rid of the actual --  
13 anything above that lower level bass you could  
14 probably get rid of that. I fear that that bass noise  
15 could continue to reverberate throughout the  
16 neighborhood, and then you'll bring this attorney to  
17 the table again when we say this problem hasn't been  
18 solved, and you're going to have a better argument  
19 because now you've spent \$15,000 and we're still  
20 considering taking your license away, and I just don't  
21 want to go through that.

22 I think you have a wonderful restaurant  
23 there, I think you're trashing your business and the  
24 neighborhood by what you're doing with the live music.  
25 I just think that the proximity of that place to the

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1 neighborhood, you just have a water-and-oil situation  
2 there with that live music that I don't think is going  
3 to mix. That's my opinion. We'll see what the will  
4 of the rest of the Committee and the Council is.  
5 Alderman Dudzik.

6 ALDERMAN DUDZIK: Thank you very much. I  
7 guess having only three members on this Committee,  
8 there's only three possibilities that we can pursue.  
9 I'll be real honest with you, I happen to agree with  
10 the fact that there needs to be some serious steps  
11 taken, I just have to warn my fellow Council members  
12 that we have seen far more serious issues before this  
13 body with regards to shootings at locations and drug  
14 usage at locations and handed out far less -- from  
15 what I'm hearing -- far less severe penalties to these  
16 different locations. And I'm thinking of one in  
17 particular that we just handed out I think it was a  
18 60-day suspension and there was a shooting there last  
19 night. And so I have a hard sometime supporting the  
20 idea of a 90-day suspension, although I will support  
21 some suspension if I'm given the opportunity.

22 By your own admission, this is apparently  
23 about 10 percent of your business, and I think that  
24 you have had ample opportunity to address this issue  
25 for the last couple years. I feel for these

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1 neighbors, but I also understand you have certain --  
2 you should have certain opportunity to adjust.  
3 Whether you adjust or not adequately or not, that's  
4 something that we can take up at a later date, but I  
5 think that a 90-day suspension, for me, on a situation  
6 that basically boils down to a noise complaint or a  
7 series of noise complaints, is a bit severe, given  
8 some of our past actions.

9 I also have always tried to hold to the idea  
10 of progressive discipline. In some instances, it's  
11 not something that we do, in other instances, I think  
12 we do a very good job of applying progressive  
13 discipline. So at this point in time, I won't be  
14 supporting a 90-day suspension.

15 CHAIRMAN WITKOWIAK: Further discussion on  
16 the motion? Alderman Bohl.

17 ALDERMAN BOHL: Ironically, Alderman Dudzik  
18 and I were just commenting on this yesterday at times  
19 when the Committee meets and we throw three balloons  
20 in different areas as far as our opinions. I don't  
21 discount what Alderman Dudzik says in terms of the  
22 severity that we've taken in terms of matters in other  
23 establishments.

24 I often say that this Council uses much the  
25 term progressive discipline. There are some times

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1 where cancer hits and hits hard, and you've just got  
2 to take it all out. If an establishment is brand new  
3 and has four shootings in the first six months, I  
4 don't believe that in some instances that there  
5 deserves to be a second opportunity.

6 The only other comment that I would make is  
7 that this particular matter that we're taking up today  
8 applies only to the Tavern Dance License and not the  
9 Class B. This particular establishment still will  
10 have its doors open, still will have the ability to  
11 operate, still will have the ability to play some kind  
12 of quiet music in the background or do televisions or  
13 have games or something else and to create some middle  
14 niche, but their doors will still be open, they will  
15 still be able to have customers come in. I think  
16 we're taking just one element, and it's actually the  
17 lesser of the elements. If we were actually  
18 talking about a 90-day suspension of the entire Class  
19 B License, we would be talking about them shutting  
20 their doors down entirely.

21 We're not talking about that. We're talking  
22 about the ancillary use, the secondary use, the music  
23 to the tavern itself, and that's why I believe that  
24 it's sufficient to provide that 90-day reprieve,  
25 particularly in light of the situation where if this

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1 gentleman seeks to move forward here, and we're  
2 talking about a six-week period of time before you get  
3 some new sound or installation installed, you're  
4 talking about half of those 12 weeks anyways in that  
5 alone. The fact is is they've had ample  
6 opportunities. This is not something where they've  
7 been called over a two-week period because this just  
8 opened up. There are times where it just builds and  
9 builds, and I think this one built sufficiently.

10 Mr. Chairman, I believe the motion is  
11 suitable, and I'm hopeful at the very least if we're  
12 on three different levels that is the happy medium  
13 that we at least strive at this point.

14 CHAIRMAN WITKOWIAK: Further discussion on  
15 the motion? I just want to comment, and I told this  
16 to many licensees and my constituents, I do my very  
17 best nearly 100 percent of the time not to form any  
18 opinions of how I'm going to vote on something before  
19 I hear all the evidence presented at the Committee.  
20 I've told my constituents. I've never come in here  
21 and said I've heard all this stuff and we're going to  
22 have a vote to pull this guy's license or I've heard  
23 there's good things happening there, we have to  
24 protect this guy. I've never done that since I've  
25 taken this job. I wait until I hear all of the



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1 testimony and everything is on the table before I  
2 formulate my opinion.

3 And I consider -- and this is just me  
4 speaking -- I consider every case a separate case on a  
5 case-by-case basis. I do my very best not to compare  
6 this case to some other case we heard. Every case, to  
7 me, is an individual case that comes before this  
8 Committee, and personally I don't care what we did to  
9 somebody six weeks ago because some other  
10 circumstances in some other neighborhood and some  
11 other thing happened. That's a whole different series  
12 of times and events and instances that I don't use as  
13 a comparison thing, and I think based on just what you  
14 heard from these three Committee members today that we  
15 -- and we are entitled to our different opinions and  
16 our different votes, and it will be interesting to see  
17 how this comes out -- but I personally don't believe  
18 that I have to compare this situation to something we  
19 did or didn't do in a previous case.

20 CHAIRMAN WITKOWIAK: The motion by Alderman  
21 Bohl is to recommend a 90-day suspension of the Tavern  
22 Dance License for the premises located at 1818 North  
23 Hubbard Street. Will the Clerk please call the roll.

24 THE CLERK: Alderman Bohl.

25 ALDERMAN BOHL: Aye.

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1 THE CLERK: Alderman Dudzik.

2 ALDERMAN DUDZIK: No.

3 THE CLERK: Mr. Chair.

4 CHAIRMAN BOHL: No.

5 THE CLERK: Motion fails two to one.

6 CHAIRMAN WITKOWIAK: The matter is still in  
7 Committee. Alderman Bohl.

8 ALDERMAN BOHL: Mr. Chairman, at this time,  
9 I would move for denial of the Tavern License for the  
10 premises at 1818 North Hubbard Street, based on  
11 neighborhood complaints as well as items in the police  
12 report.

13 CHAIRMAN WITKOWIAK: The motion by Alderman  
14 Bohl is to recommend revocation of the Tavern Dance  
15 License for the premises at 1818 North Hubbard Street,  
16 based on neighborhood testimony and items contained in  
17 the police report. Is there any discussion on the  
18 motion?

19 ALDERMAN BOHL: Mr. Chairman. I will just  
20 say that I don't want to rule this out. I want to  
21 speak to that in terms of a lesser penalty because I'm  
22 really on the fringe. Should this matter come before  
23 the Common Council and there is a motion to sustain 90  
24 days, I will be voting for a 90-day suspension. In an  
25 attempt to get enough votes to move, I'm on the fence

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1 leaning one way. My only other alternative is not to  
2 go less, it's to go out, and that's why I'm going to  
3 make this motion here.

4 I don't know if the applicant will attempt  
5 to challenge this before the entire Council, should it  
6 come before the Council, I would sufficiently provide  
7 an opportunity for a 90-day suspension. That is the  
8 only other reasonable alternative for me. A lesser  
9 suspension is not sufficient.

10 CHAIRMAN WITKOWIAK: Any further discussion  
11 on the motion? City Clerk, please call the roll.

12 THE CLERK: Alderman Bohl.

13 ALDERMAN BOHL: Aye.

14 THE CLERK: Alderman Dudzik.

15 ALDERMAN DUDZIK: No.

16 THE CLERK: Mr. Chair.

17 CHAIRMAN BOHL: Aye.

18 MR. SCHRIMPF: Counsel, the Committee is  
19 going to be doing Findings of Fact and Conclusions of  
20 Law recommending to the full Common Council that this  
21 Tavern Dance License be revoked. You will receive a  
22 copy of that. The Complainants will receive a copy of  
23 that, as well. You will have an opportunity to submit  
24 written objections to that recommendation, which must  
25 be filed by the close of business next week Thursday,

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1 which is 4:45 p.m.

2 If you file such objections, then you will  
3 have an opportunity to appear before the Common  
4 Council when it meets on this matter on May 31st,  
5 2006 in the Common Council Chambers of this building,  
6 the same floor but the opposite end, at approximately  
7 9:00 a.m. Will you accept service on behalf of the  
8 Licensee?

9 MR. LANGHOLZ: Yes.

10 CHAIRMAN WITKOWIAK: Alderman Bohl moves for  
11 approval of File No. 060062, a motion relating to the  
12 revocation of the Tavern Dance Licence for the  
13 premises at 1818 North Hubbard Street. Are there any  
14 objections to that motion? Hearing none, so ordered.  
15 Thank you all for appearing here.

16 \* \* \*



