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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the Tavern/Dance Application for:

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HARJEET WALIA

Agent for Parkeast Entertainment, Incorporated

7

916 East State Street

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR., - Chairman

ALD. JOE DAVIS, SR., - Vice Chairman

11

ALD. FREDERICK G. GORDON

ALD. JOSEPH A. DUDZIK

12

ALD. TERRY L. WITKOWSKI

13

LICENSING DIVISION by JAMES COPELAND

NEIGHBORHOOD SERVICES by PANDORA BENDER

14

HEALTH DEPARTMENT by PAUL ZEMKE

POLICE DEPARTMENT by SEARGENT JOHN HOGAN

15

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the UTILITIES &

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LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on

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the 18th day of February, 2004.

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1 P R O C E E D I N G S

2 CHAIRMAN BOHL: We're going to go back
3 to the item on the ten o'clock agenda for Harjeet
4 Walia, Agent for Parkeast Entertainment - -
5 tainment, Incorporated, Class B Tavern and
6 Tavern/Dance Renewal applications for Park East
7 Hotel at 916 East State Street in the 4th
8 District.

9 MR. WHITCOMB: Good morning, Mr.
10 Chairman.

11 CHAIRMAN BOHL: Good morning, Mr.
12 Whitcomb.

13 MR. WHITCOMB: Attorney Michael
14 Whitcomb appearing on behalf of the applicant,
15 who just stepped out a moment ago to visit the
16 men's room. So.

17 CHAIRMAN BOHL: Okay. I hope he's not
18 doing any dancing there, okay. Again, could I
19 see another show of hands of individuals who are
20 here to testify on this matter? Okay. What
21 we're going to do is for any individuals who are
22 here to testify in this matter, we're going to
23 just swear you in en masse at this point. If you
24 - - If you intend to testify, if you could raise
25 your right hand at this point, and we'll swear

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1 you in all together.
2 MS. ELMER: Do you solemnly swear to
3 tell the truth, the whole truth, and nothing but
4 the truth, so help you God?
5 THOSE PRESENT: I do.
6 CHAIRMAN BOHL: Okay. And, Mr.
7 Schrimpf, correct me if I'm wrong, can we at this
8 point ask - - ask Mr. Copeland - - or, I'm sorry
9 - - Mr. Whitcomb in - - in absence of Mr. Walia
10 if he acknowledges receiving the notice, because
11 he is the attorney.
12 MR. SCHRIMPF: Sure. It's a
13 corporation - -
14 CHAIRMAN BOHL: So.
15 MR. SCHRIMPF: - - and Mr. Whitcomb is
16 representing the corporation. He speaks for the
17 corporation.
18 CHAIRMAN BOHL: Then we'll do it that
19 way. That keeps us moving. Mr. Whitcomb, on
20 behalf of your client, I ask you if you
21 acknowledge receiving notice of today's meeting
22 with the possibility that the application could
23 be denied. It is cited for, if I can find it, it
24 is cited for neighborhood - - Thank you. It is
25 cited for neighborhood objections to loud music,

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1 noisy patrons, fighting, public drinking in the
2 streets and sidewalks, traffic problems including
3 illegally parked cars in the neighborhood lots
4 and blocking of private driveways, valet
5 attendants illegally parking vehicles behind the
6 church, and conduct which is detrimental to the
7 health, safety and welfare of the neighborhood.
8 MR. WHITCOMB: So acknowledged, Mr.
9 Chairman.
10 CHAIRMAN BOHL: And, Mr. Walia, we'll
11 need to swear you in, as well, please. Just
12 raise your right hand at this point.
13 MS. ELMER: Do you solemnly swear to
14 tell the truth, the whole truth, and nothing but
15 the truth, so help you God?
16 THE APPLICANT: Yes.
17 CHAIRMAN BOHL: Going around the horn,
18 we'll - - we'll bring in Health Department?
19 HEALTH DEPARTMENT: Health Department
20 has no objection.
21 CHAIRMAN BOHL: Neighborhood Services.
22 DNS: No objection.
23 CHAIRMAN BOHL: There is no police
24 report. I don't know if we're going to have any
25 representation from the 4th District here. Is

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1 there anybody here in terms of - - of those
2 individuals who raised their hand, can I see a
3 show of hands of those who are here in objection
4 to the license? Okay. All right. What we're
5 going to do, Mr. Whitcomb, in absence of a
6 representative for the district, I'm going to
7 allow you to provide an opening at this point.
8 You know the - - the drill. We'll bring forward
9 the objectors first. You will have the ability
10 after the committee has raised any questions to
11 cross-examine any of the - - the witnesses, and
12 then we'll allow you to bring any - - any of your
13 own witnesses here forward. So I'll - - I'll
14 allow you to have an opening start here, if you
15 would like.

16 MR. WHITCOMB: Thank you, Mr. Chairman.
17 My name is Michael Whitcomb. I represent the
18 Parkeast Entertainment, Inc. which has a license
19 for the establishment, the Park East. The Walia
20 family, Mr. Walia, is sitting to my left,
21 acquired the hotel about a year ago. Has
22 invested seven to eight million dollars in the
23 hotel. Has renovated it, remodeled it,
24 reconstructed the first floor, and it now comes
25 before this committee upon notice of neighborhood

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1 complaints, most of which are new to Mr. Walia.
2 He sincerely wishes to work with his neighbors.
3 Before I comment any further regarding
4 their complaints, we do not know of them
5 specifically and we are looking forward to
6 hearing what particularly they have to say. So I
7 make any - - reserve any further comments until
8 after their testimony is heard. There is a
9 representative from the city that would like to
10 speak to this matter. It's a gentleman that's
11 been here for a couple hours, and he's with the
12 office of the Mayor. I'd ask that this committee
13 hear from him first, so he - - he may continue on
14 with the business of the day and not wait any
15 longer, and perhaps his comments may be
16 considered as those equivalent to the
17 representative of the district, which we know
18 there - - there is not one at this present time.
19 CHAIRMAN BOHL: Okay. That would be
20 Marcus Smith.
21 MR. WHITCOMB: Yes, sir.
22 CHAIRMAN BOHL: Sure. Marcus, were you
23 sworn in then?
24 MR. SMITH: No, Mr. Chairman, I
25 haven't.

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1 CHAIRMAN BOHL: Okay. We'll swear you
2 in.
3 MS. ELMER: Do you solemnly swear to
4 tell the truth, the whole truth, and nothing but
5 the truth, so help you God?
6 MR. SMITH: I do.
7 CHAIRMAN BOHL: And you have a smile on
8 your face today, at least here.
9 MR. SMITH: Every day, Mr. Chairman.
10 And thank you.
11 CHAIRMAN BOHL: I'll acknowledge that's
12 true.
13 MR. SMITH: Thank you.
14 CHAIRMAN BOHL: The smile seems to be a
15 little bigger here today. Go ahead.
16 MR. SMITH: Mr. Chairman, very quickly.
17 The Mayor is requesting that you approve the
18 renewal applications for the Park East. Our
19 office has spoken with Mr. Walia about some of
20 the concerns raised in the special letter, and he
21 has assured our office that management is going
22 to address these problems immediately. Given all
23 that, the Mayor would hope that you would support
24 renewal for both applications.
25 CHAIRMAN BOHL: Okay. Are there

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1 questions of - - of Mr. Smith at this time?
2 MR. SMITH: Thank you, Mr. Chairman.
3 CHAIRMAN BOHL: Mr. Whitcomb, with this
4 - - with this coming forward - - what we would -
5 - what we would do is we would ask that
6 individuals who are here to testify in opposition
7 of the license come forward at this time. We
8 will need your name, if you - - If you have a
9 difficult spelling of your name, you could
10 provide a spelling of that - - that - - either
11 your first or last name with the difficulty, your
12 address for the record, and your reason specific
13 for - - for opposing the license or your concerns
14 with the license. What I would do is ask that - -
15 What we can do is use this microphone. If you
16 have difficulty standing, we would ask - - we
17 would then enable you to take a seat. We would
18 ask you to proceed in an orderly fashion one by
19 one to the microphone. If we get to the point
20 where the - - where the testimony you are
21 providing is substantially redundant with
22 previous testimony and you substantially agree
23 with previous things that are being said, we
24 would ask that - - that at some point you would
25 just indicate that that is the case.

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1 What we are looking for and what the
2 committee can only consider specifically is items
3 that you or yourself have personally witnessed.
4 And so, if - - if you live on one side of a
5 building that - - that is in the neighborhood of
6 this facility and you're on the back end and you
7 hear from your neighbors on the other end of the
8 building, and they have talked about how the
9 music wakes them, we cannot accept that, because
10 that is - - is secondhand testimony. That is
11 hearsay. So, only items that you have personally
12 seen, heard, or personally witnessed is what is
13 accepted here. We'll ask you to go one by one
14 and hopefully while someone is coming forward to
15 testify, individuals can move - - proceed forward
16 to the front row and be prepared to - - to try to
17 proceed forward in an orderly fashion. Are there
18 any questions relating to that? Okay. Thank
19 you. So we'll begin with you.

20 Good afternoon. And by the way, I want
21 to thank you all for your patience on this, as
22 well, too. I - - I know that you all have busy
23 days, and we appreciate your patience. So,
24 please proceed.

25 THE WITNESS: Thank you, Chairman. My

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1 name is Albert Merati, 929 North Astor.
2 CHAIRMAN BOHL: Mr. Merati.
3 THE WITNESS: Thank you.
4 CHAIRMAN BOHL: Spelling, please.
5 THE WITNESS: M-E-R-A-T-I.
6 CHAIRMAN BOHL: Thank you.
7 THE WITNESS: Thank you for hearing our
8 concerns. I live at the Regency. I'm a Surgeon
9 at the Medical College, and unfortunately there's
10 been at least four separate indi - - incidents in
11 which I've felt compelled to call the non-
12 emergency number of the Milwaukee Police for
13 noise complaints. In my bedroom on the 11th
14 Floor, across the street, I can hear the music,
15 which starts at about midnight and goes to about
16 two. Now, this can be a Wednesday, a Thursday.
17 It can be a Sunday, and it's - - it's not a good
18 place to live because of that. It's not complex.
19 I can hear the music across the street. I have
20 earplugs. When Officer Glen Depetro from, I
21 think, the 12th or 13th Precinct, responded to my
22 most recent concern about a month ago, he even,
23 you know, when he called me, I was wearing
24 earplugs and I could hardly hear the phone ring,
25 I mean, but I could hear - - I could still hear

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1 the thumping from the disco. So I'm concerned
2 about this. I didn't buy a place on Water
3 Street. I bought a place on Astor.

4 This past weekend the police were
5 called for a fight which broke out in front of
6 the establishment, which then - -

7 MR. WHITCOMB: At this time, Mr.
8 Chairman, I would object to his testimony
9 regarding any incident outside of the
10 establishment unless he himself saw it.

11 THE WITNESS: I saw it myself.

12 CHAIRMAN BOHL: Okay. We'll - - We'll
13 just - - We'll allow it to proceed forward here.
14 We'll see where it goes, Mr. Whitcomb. Go ahead.

15 THE WITNESS: I was awakened by noise
16 about 1:30 - 1:45. I can't remember exactly.
17 Forgive me. But about that time, it was this
18 past weekend, and this pushing and shoving - - I
19 didn't see any weapons. I'm on the 11th Floor.
20 Pushing and shoving from there spilled out in
21 front of my doorman at the Regency. I called
22 down and said, "Ali, can you see what's going
23 on?" He said, "Yes." At which point I called
24 the police. The police arrived several minutes
25 later, and the people had broken up by then.

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1 Between the noise and these concerns,
2 and I'm sure, I don't want to take the thunder
3 from the other neighbors of the other buildings,
4 but this is ruining the neighborhood.

5 CHAIRMAN BOHL: Okay. Thank you.
6 Thank you, Mr. Merati. Dr. Merati.

7 THE WITNESS: Thank you.

8 CHAIRMAN BOHL: One second here. Are
9 there questions by committee members of - - of,
10 is it Dr. Merati here then, I assume. Did you
11 say you were a Surgeon?

12 THE WITNESS: At the Medical College,
13 yes.

14 CHAIRMAN BOHL: Okay. You may know - -
15 You may know a Dr. Richard Stelega, who - - No?

16 THE WITNESS: No.

17 CHAIRMAN BOHL: My uncle is a - - is a
18 surgeon at St. Joe's, and - - and he - -

19 THE WITNESS: I was there.

20 CHAIRMAN BOHL: And he does do some
21 instruction at the Medical College, too, so. Is
22 there a question by Alderman Gordon?

23 ALDERMAN GORDON: Thank you, Mr.
24 Chairman. Dr. Merati, how long have you lived at
25 your present address?

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1 THE WITNESS: Two and a half years.

2 ALDERMAN GORDON: Pardon me?

3 THE WITNESS: Two and a half years.

4 ALDERMAN GORDON: Have you ever had the

5 occasion to speak to someone from the Park East

6 Hotel about your concerns?

7 THE WITNESS: Yes, I did. And - -

8 ALDERMAN GORDON: And whom did you

9 speak to?

10 THE WITNESS: Eventually, directly to

11 Mr. Walia, who was a gentleman, and I believe is

12 in earnest about wanting to be a good neighbor,

13 but despite this conversation which we had

14 several months ago, which was cordial, despite

15 this conversation, things haven't changed. And

16 that's my concern. This isn't the first day, you

17 know. I think Mr. Walia has tried to change

18 things, but it's still not good. That's my

19 concern.

20 MR. SCHRIMPF: Mr. Chairman.

21 ALDERMAN GORDON: Thank you.

22 CHAIRMAN BOHL: Mr. Schrimpf.

23 MR. SCHRIMPF: Thank you. You said

24 this occurs on Wednesdays, Thursdays, Sundays?

25 THE WITNESS: As an example, sir.

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1 MR. SCHRIMPF: Pardon me?

2 THE WITNESS: I gave those dates as
3 examples, for it can happen Friday and Saturday,
4 of course, as well.

5 MR. SCHRIMPF: Is it frequently? Like
6 once a month, twice a month, three times a month?

7 THE WITNESS: That the sound is there?
8 Yes, every weekend. It's every - - From - -

9 MR. SCHRIMPF: Every weekend.

10 THE WITNESS: I think it's Wednesday to
11 Sunday. I don't hear it much on Mondays or
12 Tuesdays.

13 MR. SCHRIMPF: When you say this has
14 disturbed your sleep, on those occasions when it
15 did, were you required to have surgery the next
16 day?

17 THE WITNESS: On Sunday nights, yes. I
18 operate every Monday.

19 MR. SCHRIMPF: Okay. That's all I
20 have, Mr. Chairman.

21 THE WITNESS: We begin at six.

22 CHAIRMAN BOHL: Dr. Merati, one follow-
23 up for you. In terms of - - of your testimony on
24 - - on loud noise, is this - - is this noise
25 music that you believe is - - is coming from the

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1 - - the licensed nightclub establishment, or is
2 this patrons with loud music in cars, or - - or
3 what - - what is the extent of the noise?

4 THE WITNESS: It's basically, all I get
5 is a thumping sound. It's the thumping of the
6 disco. I can't hear any of the higher end, and
7 it's a persistent thumping, and you can imagine
8 what it's like to try to hear that when you can
9 actually feel it.

10 CHAIRMAN BOHL: So what you're saying
11 is this is continuous over a long period of time.
12 It's not- -

13 THE WITNESS: It starts and stops
14 between about midnight and two. That's been my
15 experience.

16 CHAIRMAN BOHL: Okay. I mean, what I'm
17 trying to get at is I wonder if this - - You
18 know, oftentimes you have patrons or individuals
19 driving through a neighborhood who,
20 unfortunately, have the bass on their automobiles
21 too loud, and that's something that usually lasts
22 for about 15 seconds while somebody's driving on
23 or through the neighborhood.

24 THE WITNESS: I understand.

25 CHAIRMAN BOHL: I'm wondering - -

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1 THE WITNESS: Now, I understand.

2 CHAIRMAN BOHL: - - if - - if that is

3 what you believe is - -

4 THE WITNESS: No, I don't see any - -

5 When I go to the window or try to look see what's

6 going on there, I don't see cars driving by.

7 It's not - - There's no Dolby shift as they drive

8 by or anything like that, no. It's coming from

9 there.

10 CHAIRMAN BOHL: Okay. From - - From

11 their establishment. Thank you.

12 MR. SCHRIMPF: Mr. Chairman, one

13 follow-up?

14 CHAIRMAN BOHL: Go ahead, Mr. Schrimpf.

15 MR. SCHRIMPF: Thank you. When the

16 disco is closed, does the noise stop?

17 THE WITNESS: Yes. Yes, except for a

18 few transient voices, you know, from people

19 leaving.

20 MR. SCHRIMPF: Okay. That's all I

21 have.

22 CHAIRMAN BOHL: Thank you. Okay. Dr.

23 Merati, Mr. Whitcomb.

24 MR. WHITCOMB: When did you speak with

25 Mr. Walia?

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1 THE WITNESS: I would say it was at
2 least two months ago. Maybe it was three months
3 ago. I can't recall exactly. It was - -
4 MR. WHITCOMB: Mr. Walia ever ask to
5 speak with you and you refused to speak with him?
6 THE WITNESS: He asked for a meeting,
7 and I declined.
8 MR. WHITCOMB: And when was that?
9 THE WITNESS: I think it was during the
10 one and only conversation I remember having
11 directly.
12 MR. WHITCOMB: And why did you decline
13 that meeting, sir?
14 THE WITNESS: I felt that we didn't
15 need to meet in person. We could handle it
16 cordially over the phone. As I said, it was a
17 cordial conversation.
18 MR. WHITCOMB: And was that - -
19 THE WITNESS: And I acknowledged
20 his - -
21 MR. WHITCOMB: - - during the
22 conversation at which time you threatened to
23 close him down?
24 THE WITNESS: I don't recall that.
25 MR. WHITCOMB: And you live on the 11th

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1 Floor of the Regency. Is that correct, sir?

2 THE WITNESS: Yes.

3 MR. WHITCOMB: And your - - Is that a
4 condo you own?

5 THE WITNESS: Yes, sir.

6 MR. WHITCOMB: And your windows on your
7 condo, which direction do they face?

8 THE WITNESS: Both north and east. My
9 bedroom is not on the east - - north wall,
10 though.

11 MR. WHITCOMB: And can you hear music
12 emanating from Summerfest when Summerfest is in
13 operation?

14 THE WITNESS: I cannot. But I have
15 been out of town for quite a bit of the last two
16 Summerfests, so I can't say for sure.

17 MR. WHITCOMB: How often are you in
18 town?

19 THE WITNESS: Out of a 30 day month,
20 maybe 25 days in town, I guess. I don't - - I
21 haven't - - I haven't calculated it, sir. I'm
22 out of town a bit.

23 MR. WHITCOMB: What would your
24 recommendation to this committee be regarding the
25 music at the Park East Hotel?

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1 THE WITNESS: I'm just here to express
2 my concerns as a citizen of that nice
3 neighborhood. I don't know that I have specific
4 recommendations. They have the experience on how
5 to balance the needs of the citizens, not me.

6 MR. WHITCOMB: And if the noise - -
7 noise concerns that you have were resolved, you'd
8 have - - you would have no objection to the
9 renewal of this license?

10 THE WITNESS: I would love to have a
11 great restaurant I could walk to and go have a
12 drink after dinner, have out-of-town professors
13 visit me. Say, come stay at my place, there's a
14 great place across the street.

15 MR. WHITCOMB: Have you ever been
16 inside the - - what we've been calling the disco?

17 THE WITNESS: You mean, "Aqua?" No.

18 MR. WHITCOMB: And you're assuming that
19 the thumping sound is then, therefore, coming
20 from Aqua.

21 THE WITNESS: I'm - - I'm sure it is,
22 sir.

23 MR. WHITCOMB: Having not been in
24 there, how can you be so sure?

25 THE WITNESS: I don't know how to

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1 answer that. I don't know where else the
2 thobbing sound would be coming from in our
3 neighborhood at that time of the night?

4 MR. WHITCOMB: Automobiles, sir, with
5 their windows down?

6 THE WITNESS: Not like this, sir. I
7 look out, and I don't see anything. We hear it
8 in our bedrooms, sir. It's a thumping sound.
9 It's a disco.

10 MR. WHITCOMB: No further questions.

11 CHAIRMAN BOHL: Thank you.

12 THE WITNESS: Thank you for hearing our
13 concerns.

14 CHAIRMAN BOHL: The next - - The next
15 resident. Thank you. So, again, your name and
16 your address.

17 THE WITNESS: My name is Christopher
18 Hill. I live directly across the street on 1006
19 East State. My windows are facing the Astor,
20 right across the street.

21 CHAIRMAN BOHL: Okay. Thank you.
22 Please proceed, sir.

23 THE WITNESS: Sure. Again, concerns,
24 mainly noise stemming from their valet service.
25 Cars are waiting right outside and constant,

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1 constant honking. Constant waiting for the valet
2 service to come out. The - - Again, the
3 thumping. It's the base coming from - - from the
4 club. You know, constant, bass from the club, as
5 well as from the cars. I mean, that's, you know,
6 as well as, the patrons. I mean, there's, you
7 know, a lot of patrons, noisy until 2:20 in the
8 morning.

9 Personal experience was the first
10 couple weeks in - - in their operation, there was
11 a brawl outside of the establishment when - - as
12 they were closing. I called over to have them do
13 something about it. When I spoke to the bar
14 - - I asked for the bar manager. They said, oh,
15 well, it's not our concern. It's outside of our
16 establishment. Not our concern. I didn't get
17 the name of the bar manager. At which point - -

18 MR. WHITCOMB: Mr. Hill, allow me to
19 interrupt at this point.

20 THE WITNESS: Sure.

21 MR. WHITCOMB: A time frame, you said a
22 couple weeks after they opened.

23 THE WITNESS: Right.

24 MR. WHITCOMB: For members of the
25 committee that don't know when it opened, when

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1 was that?

2 THE WITNESS: Was - - Was it Fall, I
3 believe. It was in late Fall, I believe.

4 MR. WHITCOMB: I'm sorry.

5 THE WITNESS: That's okay. And at
6 which point I then contacted the non-emergency
7 police, so - - Because it was over by the time,
8 you know, by the time - - But it just - - It kind
9 of irked me, the fact that, you know, it's
10 outside the establishment, and they tell me it's
11 not our concern. Well, yes, it is. You know,
12 you feed your patrons alcohol and then you put
13 them on the streets, and then you need to have
14 some sort of control, you know, bouncers or
15 something, you know, what if they start
16 destroying things or, you know, whatnot. It's
17 just - - It's, you know, no one's looking to shut
18 them down. It's just it's becoming a nuisance
19 because it's a residential area. It's - - It's a
20 nightclub, and it's - - It's pretty much, you
21 know, just voicing the same concerns.

22 CHAIRMAN BOHL: Thank you, Mr. Hill.
23 Are there questions by committee? Mr. Hill, one
24 second.

25 THE WITNESS: Oh, I'm sorry.

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1 CHAIRMAN BOHL: Are there questions by
2 committee of Mr. Hill?
3 ALDERMAN GORDON: Mr. Chairman.
4 CHAIRMAN BOHL: Alderman Gordon.
5 ALDERMAN GORDON: How long have you
6 lived at your current residence?
7 THE WITNESS: Five years.
8 ALDERMAN GORDON: Five years?
9 THE WITNESS: Yes.
10 ALDERMAN GORDON: And have you had any
11 conversations personally with Mr. Walia about the
12 concerns that you've raised?
13 THE WITNESS: No, I haven't.
14 ALDERMAN GORDON: And the only
15 conversation that you had - -
16 THE WITNESS: Was with a bar manager,
17 the first - -
18 ALDERMAN GORDON: - - with a bar
19 manager.
20 THE WITNESS: Right. Correct. And I
21 have been inside Aqua, and it's a beautiful
22 place, a beautiful place. It looks like they've
23 done a wonderful job, and I've - - You know, it
24 looks like they've put quite a lot of effort and
25 - - and expenses into it.

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1 ALDERMAN GORDON: Now, when you
2 indicate - - The kind of music, you indicated
3 that it's dance music.
4 THE WITNESS: Electronic music. Music
5 that I actually listen to, you know.
6 ALDERMAN GORDON: Thank you.
7 MR. SCHRIMPF: Mr. Chairman.
8 CHAIRMAN BOHL: Mr. Schrimpf.
9 MR. SCHRIMPF: How fre - - Mr. Hill.
10 CHAIRMAN BOHL: Mr. Hill.
11 THE WITNESS: Oh, sorry.
12 CHAIRMAN BOHL: Mr. Hill, we're going
13 to keep you up there until we say you're done to
14 go, okay.
15 THE WITNESS: I'm sorry. I'm sorry.
16 MR. SCHRIMPF: Mr. Hill, first of all,
17 how frequently are you disturbed by the noise
18 you've described?
19 THE WITNESS: Wednesday through Sunday.
20 MR. SCHRIMPF: Every weekend?
21 THE WITNESS: Every weekend.
22 MR. SCHRIMPF: Next question, when the
23 bar closes - -
24 THE WITNESS: Yes.
25 MR. SCHRIMPF: - - does the noise stop?

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1 THE WITNESS: The noise stops.
2 MR. SCHRIMPF: That's all I have.
3 ALDERMAN DAVIS: Mr. Chair.
4 CHAIRMAN BOHL: Alderman Davis.
5 ALDERMAN DAVIS: Mr. Hill, do you have
6 a condo association where you're at? Do you own
7 a condo?
8 THE WITNESS: No. It's a rental.
9 ALDERMAN DAVIS: It's a rental?
10 THE WITNESS: Yeah.
11 ALDERMAN DAVIS: Okay. And have any
12 - - I can't ask that question. That will be all.
13 CHAIRMAN BOHL: Any other questions by
14 committee? Mr. Whitcomb?
15 MR. WHITCOMB: What floor do you live
16 on, sir?
17 THE WITNESS: I live on the second
18 floor.
19 MR. WHITCOMB: Is it - - And your
20 present concern, you testified what you
21 experienced when the place first opened in late
22 Fall. However, your present concern is the noise
23 from the - -
24 THE WITNESS: The noise and the
25 parking, yes, because - -

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1 MR. WHITCOMB: Let me finish the
2 question.

3 THE WITNESS: Oh, I'm sorry.

4 MR. WHITCOMB: Your present concern is
5 - - is the noise from the music emanating from
6 Aqua?

7 THE WITNESS: The noise, yes, and then
8 the parking situation with the valet.

9 MR. WHITCOMB: And the parking problem
10 is the honking of horns?

11 THE WITNESS: That, and they're taking
12 up all the spots.

13 MR. WHITCOMB: All the spots, sir. I
14 don't understand.

15 THE WITNESS: They're taking up all the
16 parking spots that are available to the residents
17 in the area.

18 MR. WHITCOMB: No further questions.

19 CHAIRMAN BOHL: Mr. Hill.

20 THE WITNESS: Yes.

21 CHAIRMAN BOHL: One follow-up. Is that
22 - - Are you referring to street parking that's in
23 the area?

24 THE WITNESS: Well, we have limited - -
25 I should have elaborated on that before. I

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1 apologize. As citizens - - or residents, we have
2 - - With parking permits we have very limited
3 parking available to us. So with - - with the
4 club it's very - - With their valet service it's
5 very - - It just takes up even more of the
6 limited parking that we have available to us.

7 MR. WHITCOMB: Street parking, though.

8 THE WITNESS: Correct.

9 CHAIRMAN BOHL: Okay. And just as a
10 caveat, even if they didn't have valet parking,
11 and if those were customers - -

12 THE WITNESS: Because it's not going to
13 change anything, so - -

14 MR. SCHRIMPF: One at a time.

15 CHAIRMAN BOHL: I just - - You can - -
16 You can just put blur in there, Jean, okay. You
17 can put blur.

18 I just was going to say, very likely if
19 - - if a patron was still going to the
20 establishment, notwithstanding whether they had
21 valet or not, they would probably try to find the
22 closest available street parking or free parking.

23 THE WITNESS: True, but I was - - Did
24 they have - - They do have a parking lot or
25 structure, but I don't know if it was only

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1 available to their hotel patrons, or if that's
2 available to their club.
3 CHAIRMAN BOHL: Okay.
4 THE WITNESS: Their club patrons, as
5 well.
6 CHAIRMAN BOHL: And I don't know, but
7 thank you. Alderman has some more follow-up.
8 THE WITNESS: Sure.
9 ALDERMAN DAVIS: Mr. Hill.
10 THE WITNESS: Yes.
11 ALDERMAN DAVIS: Have you complained to
12 the management of your apartment building?
13 THE WITNESS: I know several of our - -
14 Several of our tenants have.
15 ALDERMAN DAVIS: No, I - -
16 THE WITNESS: And we do have - - I
17 haven't personally, no, because I wasn't sure
18 what our - - what our apartment management could
19 do, really.
20 ALDERMAN DAVIS: Okay. So no verbal or
21 written complaint to your management of your
22 apartment building.
23 THE WITNESS: No.
24 ALDERMAN DAVIS: To the establishment.
25 THE WITNESS: No.

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1 ALDERMAN DAVIS: Okay.
2 CHAIRMAN BOHL: Thank you, Mr. Hill.
3 THE WITNESS: Sure.
4 CHAIRMAN BOHL: Mr. Whitcomb, you
5 didn't have any additional follow-up, did you?
6 MR. WHITCOMB: Thank you.
7 CHAIRMAN BOHL: Okay. Good afternoon.
8 Thank you for your patience here.
9 THE WITNESS: Good afternoon. I'm
10 Rebecca Webb from the Shoreline Company. I'm the
11 property manager of the building.
12 CHAIRMAN BOHL: Is that Webb with two
13 "Bs"?
14 THE WITNESS: Correct.
15 CHAIRMAN BOHL: Thank you. Please
16 proceed.
17 THE WITNESS: I realize I can't tell
18 you about the numerous complaints that I've
19 received from our tenants in that neighborhood.
20 MR. WHITCOMB: I move to strike that
21 comment, Mr. Chairman. She just said it by
22 saying it.
23 CHAIRMAN BOHL: Just, please, proceed.
24 THE WITNESS: Okay. But I can tell you
25 about the adverse effect that it has had on our

00030

1 vacancy rate. We have a building across the
2 street that has 45 units. Currently we have ten
3 vacant apartments.

4 MR. WHITCOMB: What's the address
5 there, ma'am? Just for the record.

6 THE WITNESS: 1006 East State Street
7 and 1014 North Astor.

8 CHAIRMAN BOHL: Okay. Please go on.

9 THE WITNESS: There are 45 units there.
10 Currently we have ten that are vacant. In
11 another month we'll have another two, and that is
12 over 25 percent vacancy rate. That is unheard of
13 for this building.

14 CHAIRMAN BOHL: Ms. Webb, how long have
15 you been the manager for this property?

16 THE WITNESS: Ten years. I'm sorry.
17 For the - -

18 CHAIRMAN BOHL: For the - - For the
19 company you work for.

20 THE WITNESS: Ten years.

21 CHAIRMAN BOHL: And has, during that
22 duration, has the location that you just spoke of
23 been under the - - the control of the company
24 during those times?

25 THE WITNESS: About five years.

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1 CHAIRMAN BOHL: The last five years
2 here.

3 THE WITNESS: Correct.

4 CHAIRMAN BOHL: What has been - - What
5 has been a typical vacancy rate at that - - at
6 that property in the last five years?

7 THE WITNESS: You're usually looking at
8 98 percent occupied.

9 CHAIRMAN BOHL: So you would say that
10 out of the 45, there may be one - two vacancies?

11 THE WITNESS: One. One.

12 CHAIRMAN BOHL: And when did - - When
13 did this - - this vacancy problem here first come
14 about?

15 THE WITNESS: I would say in Fall.
16 That's when people started vacating. And we
17 haven't been able to re-rent the apartments, and
18 we are trying everything. We are offering a one
19 month's free rent. We have gone down over 20
20 percent in our - - in our rates. Apartments that
21 were going for 1195 are now on the market for 985
22 and cannot be re-rented.

23 CHAIRMAN BOHL: Have you or - - or
24 anyone from Shoreline have - - have made any
25 attempt to - - to contact the owners of - - of

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1 the establishment here before us, the Walias?

2 THE WITNESS: We sat down with Mr.

3 Walia's brother about two weeks ago.

4 CHAIRMAN BOHL: And - - And what - -

5 what became of that meeting?

6 THE WITNESS: We were told that some of

7 the things would change, you know, the complaints

8 that we had brought up, which have not changed.

9 One of the things that was brought up in the

10 meeting was the parking problem, that people are

11 parking in our private lots. Last night there

12 were people parking in the private lots. Two

13 weeks later we were told that they were going to

14 talk to the valet service to make sure that the

15 valet service wasn't illegally parking in lots.

16 Obviously, that has not occurred, because they

17 remain parking - -

18 MR. WHITCOMB: I'm going to object to

19 any testimony, unless this particular witness

20 observed a valet working for the hotel parking

21 cars illegally in some private lot. I mean, they

22 were - -

23 CHAIRMAN BOHL: Yeah, I mean, we - -

24 Mr. Whitcomb, I think we can accept that - - that

25 there may be cars illegally parked there. Now,

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1 whether or not - - The correlation is where do
2 you draw the line, and we can't say that she's
3 personally seen valets driving, and we will
4 acknowledge and ask that that be stricken, as
5 much as that - -

6 THE WITNESS: Well, that was the
7 discussion that I had with Mr. Walia.

8 CHAIRMAN BOHL: Certainly, okay.
9 Any - - Any other testimony here, Ms. Webb, at
10 this point?

11 THE WITNESS: Not that wouldn't be
12 considered hearsay.

13 CHAIRMAN BOHL: Are there questions by
14 committee members of - - of Ms. Webb?

15 ALDERMAN GORDON: Mr. Chairman.

16 MR. SCHRIMPF: Mr. Chairman.

17 CHAIRMAN BOHL: Alderman Gordon, first.

18 ALDERMAN GORDON: Yes. I just had a
19 question relative to the re-renting of the units
20 that people vacated. When you show these units,
21 are - - I'm assuming they're during daylight
22 hours. Correct?

23 THE WITNESS: I do not personally show
24 the units. I do have an on-site manager here.

25 ALDERMAN GORDON: Okay.

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1 THE WITNESS: That could explain that.
2 ALDERMAN GORDON: That answers my
3 question. Thank you.
4 CHAIRMAN BOHL: Mr. Schrimpf.
5 MR. SCHRIMPF: Thank you, Mr. Chairman.
6 You said the vacancy started increasing in about
7 Fall. Was that Fall of 2003?
8 THE WITNESS: Correct.
9 MR. SCHRIMPF: And did that coincide
10 with the opening of this location?
11 THE WITNESS: I believe so.
12 MR. SCHRIMPF: That's all I have.
13 ALDERMAN DAVIS: Mr. Chairman.
14 CHAIRMAN BOHL: Alderman Davis.
15 ALDERMAN DAVIS: Ms. Webb, has your
16 realty company sent out any written concerns to
17 Mr. Walia over at the Park East Hotel about maybe
18 some of the - - the problems that you're - -
19 that's occurring in the - - in your
20 establishments?
21 THE WITNESS: No written.
22 ALDERMAN DAVIS: Nothing written, huh.
23 THE WITNESS: No.
24 ALDERMAN DAVIS: Okay.
25 CHAIRMAN BOHL: Other questions? Mr.

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1 Whitcomb.

2 MR. WHITCOMB: Mr. Chairman, I would
3 move to strike this witness' entire testimony
4 concerning the vacancy rates at her apartment.
5 She's provided absolutely no foundation that it
6 has any bearing, whatsoever, to the operation of
7 this establishment. It's purely speculative, and
8 if that motion is not granted, I'll probably
9 spend a considerable period of time examining her
10 on the rental practices on that - - in that part
11 of the city.

12 CHAIRMAN BOHL: Mr. Schrimpf, your
13 input.

14 MR. SCHRIMPF: Well, that's why I asked
15 her the question, when - - when did she notice
16 the - - the increase in vacancy rates? And she
17 said it was at about the time that this place
18 opened up.

19 CHAIRMAN BOHL: Okay.

20 MR. SCHRIMPF: So there is a
21 connection.

22 CHAIRMAN BOHL: Mr. Whitcomb, I'm going
23 to - - I'm going to rule that - - that it is
24 acceptable. What I'm going to say is that she
25 has had conversations with - - with one of the

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1 Walias. Inasmuch as - - as her ability to draw a
2 direct correlation, she has - - she has not
3 indicated that it - - I don't recall from her
4 testimony her - - her indicating that - - that it
5 is directly attributable, other than to say,
6 through circumstantial, that it has coincided.
7 If you wish to proceed in terms of - - of cross-
8 testimony, we'll ask you to do so.

9 MR. WHITCOMB: The structure you're
10 talking about is 1006 East State Street.
11 Correct?

12 THE WITNESS: Correct.

13 MR. WHITCOMB: It has 45 rental units.

14 THE WITNESS: There are two buildings
15 there. Together they have 45 units.

16 MR. WHITCOMB: What are the two
17 addresses?

18 THE WITNESS: 1014 North Astor.

19 MR. WHITCOMB: Uh-huh.

20 THE WITNESS: And 1006 East State
21 Street.

22 MR. WHITCOMB: And on November 1st,
23 2002 how many of those 45 units were occupied and
24 rented?

25 THE WITNESS: 35. Ten were vacant.

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1 MR. WHITCOMB: And - -

2 THE WITNESS: I'm sorry - - I'm sorry,
3 sir. November 1st?

4 MR. WHITCOMB: Yes.

5 THE WITNESS: I'm going to take a very
6 good guess and say about seven. Six or seven.

7 MR. WHITCOMB: On November 1st, 2002
8 only seven of 45 units were rented?

9 THE WITNESS: No. Were vacant.

10 MR. WHITCOMB: And on October 1, 2002
11 how many units were vacant?

12 THE WITNESS: It - - It's really hard
13 to say. I'm sorry.

14 MR. WHITCOMB: Do you have leases for
15 the apartments?

16 THE WITNESS: We go by rental
17 agreements. 60 day notice.

18 MR. WHITCOMB: What does a rental
19 agreement provide?

20 THE WITNESS: A rental agreement is not
21 a one year contract. You just have to give a 60
22 day notice to vacate the - - the unit. It's
23 basically a 60 day lease then.

24 MR. WHITCOMB: So any person who would
25 have vacated that apartment building because of

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1 their concerns over Park East Hotel would have
2 been no sooner than 90 days after it's opened.
3 Would that be accurate?

4 THE WITNESS: They would have been able
5 to vacate, correct.

6 MR. WHITCOMB: And how many people
7 provided you with written notice to vacate on or
8 before December 1, 2002?

9 THE WITNESS: Before that date or - -
10 I'm sorry. On December 1st I think I got three
11 vacating notices.

12 MR. WHITCOMB: And how many vacating
13 notices do you customarily receive per month?

14 THE WITNESS: At that location, not - -
15 not that much. I mean, if you were to go from a
16 year from now - - or last year, we probably had
17 zero, maybe one vacating notice, December 1.

18 MR. WHITCOMB: Is it your testimony
19 that in one year in all 45 units you only had one
20 person vacate for 12 months in those 45 units?

21 THE WITNESS: No. I'm talking about on
22 December 1 that we would have received a vacating
23 notice.

24 MR. WHITCOMB: My question to you,
25 ma'am, is how many people provide you on an

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1 average vacating notice on a monthly basis.

2 THE WITNESS: On average I would have
3 to say zero then. I mean, we probably only re-
4 rent there maybe three - four apartments a year,
5 if even. It's not a high - - It doesn't have a
6 high vacancy rate at that building. People have
7 long - - longevity there.

8 MR. WHITCOMB: No further questions.

9 CHAIRMAN BOHL: One follow-up for you,
10 Ms. Webb. In terms of written - - written notice
11 that you have received, have you received any
12 written notice that has specifically cited the
13 establishment that's here before us as a reason
14 for - - for - - for their termination?

15 THE WITNESS: No. We do not ask for a
16 reason. They are given a form that just has to
17 have their name and their apartment address.
18 They do not have to give us a reason as to why
19 they vacate.

20 CHAIRMAN BOHL: Does your company, as
21 any normal course of business, do any follow-up?

22 THE WITNESS: No, we do not.

23 CHAIRMAN BOHL: Okay. I'm just
24 curious. Sometimes people may see an exodus,
25 want to ask the rent's becoming too high or other

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1 concerns.

2 MR. WHITCOMB: One follow-up question.

3 For the 45 units how many parking spots are

4 provided by those two properties?

5 THE WITNESS: I would say we have about

6 24.

7 MR. WHITCOMB: On site?

8 THE WITNESS: Yes. And we do have a

9 gate.

10 MR. WHITCOMB: And the rest of the

11 parking for your tenants has to be on the street?

12 THE WITNESS: Correct. On the street,

13 or we do have other buildings in the neighborhood

14 that will rent out to them.

15 MR. WHITCOMB: How many buildings do

16 you have in the neighborhood?

17 THE WITNESS: Um - -

18 MR. WHITCOMB: That's Shoreline

19 Company, correct?

20 THE WITNESS: Correct. We have 2800

21 units on the east side of Milwaukee, and that

22 general - - on that block probably 250 units.

23 MR. WHITCOMB: You have 2800 units,

24 Shoreline does?

25 THE WITNESS: Correct. On the east

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1 side of Milwaukee.

2 MR. WHITCOMB: What's the turnover on
3 - - for those 2800 units?

4 THE WITNESS: Usually our occupancy
5 rate is 98 percent.

6 MR. WHITCOMB: What is the turnover?

7 THE WITNESS: Well, then the turnover
8 wouldn't be that - - Two percent, I guess. The
9 turnover is not - -

10 MR. WHITCOMB: Well, turnover, I mean,
11 you could have 100 percent - -

12 CHAIRMAN BOHL: Mr. Whitcomb, I'm going
13 to rule that that's irrelevant necessarily.
14 Because I - - I know where you're going from, but
15 if she says the east side of Milwaukee, we could
16 be talking about properties that span all the way
17 down to UWM, and I don't know how that is
18 necessarily relevant. If you're talking about
19 the properties within proximity, that's one
20 thing. So, we'll ask you to move on.

21 MR. WHITCOMB: No further questions.

22 CHAIRMAN BOHL: Thank you. Thank you,
23 Ms. Webb.

24 THE WITNESS: Thank you.

25 CHAIRMAN BOHL: Ma'am, thank you for

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1 your patience.

2 THE WITNESS: Thank you for your
3 endurance. My name is Deborah Block, and I'm the
4 Senior Pastor of Emmanuel Presbyterian Church,
5 which has lived at 1100 North Astor Street since
6 1870. Good neighbor and a good citizen. We
7 welcome the revitalization of our neighborhood
8 and want to support a quality of life for our
9 residential neighbors and share their concern
10 about the late night disorderly conduct of Aqua
11 patrons.

12 Our recent direct experience with the
13 Park East has involved the repeated unauthorized
14 use of our parking lot - -

15 MR. WHITCOMB: Mr. Chairman - - Mr.
16 Chairman, I would object - -

17 THE WITNESS: - - by its customers and
18 valet - -

19 CHAIRMAN BOHL: Pastor, Pastor, one
20 second here, please.

21 THE WITNESS: I would like to know - -

22 MR. WHITCOMB: This is a legal
23 proceeding, ma'am. It has rules by which
24 everyone has to abide, even you.

25 Mr. Chairman, I would object to her

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1 recitation of any testimony concerning the
2 establishment and its operation other than that
3 which she has actually seen or observed.

4 CHAIRMAN BOHL: Mr. Whitcomb, I will
5 allow her to proceed forward here at this time.
6 If I think that there is something that may be
7 questionable, we will - - we will take that into
8 consideration, okay. Go ahead, Alderman.

9 ALDERMAN WITKOWSKI: As long as there's
10 an interruption in testimony, just for my
11 clarification as I sit here being the newest
12 member on this panel, other than objections, is
13 it appropriate for Attorney Whitcomb to interrupt
14 testimony to ask other questions like in the case
15 of - - address?

16 CHAIRMAN BOHL: If - - If there - -
17 Preferably, no. I think that ultimately if there
18 is something that he believes is hearsay, he can
19 - - he can certainly raise a question to that if
20 it is questionable in terms of the - - the
21 testimony that is provided. Preferably, not.

22 ALDERMAN WITKOWSKI: Thank you, Mr.
23 Chairman. I was just getting the procedure down.

24 CHAIRMAN BOHL: And I would agree, Mr.
25 Whitcomb, that we would ask that - - that in the

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1 course of normal business such as with the
2 previous - - with the previous - - previous
3 speaker here, witness, that if you have follow-up
4 questions, that you try to retain them as much as
5 possible. And I understand that you wanted to
6 get information as to which property she was
7 talking about. We would ask that you would write
8 those down and refrain until - -

9 MR. WHITCOMB: Intending no disrespect.
10 I was just making a record.

11 CHAIRMAN BOHL: And I understand here.
12 Pastor, if you could - - you could please
13 proceed.

14 THE WITNESS: It is disrespectful, and
15 thank you very much. Our recent direct
16 experience with the Park East has involved
17 repeated unauthorized use of our parking lot by
18 its customers and valets. Mr. Walia approached
19 the church, approached me last summer about use
20 of our lot and permission was never granted.
21 However, their valets, when I have questioned
22 them directly, tell me there is a parking
23 agreement and the same misrep - -
24 misrepresentation has been communicated to our
25 neighbors.

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1 MR. WHITCOMB: Objection. Strike the
2 testimony based on hearsay.

3 CHAIRMAN BOHL: Okay.

4 THE WITNESS: Park East does not - -

5 CHAIRMAN BOHL: Pastor. I will accept
6 everything except for the last comment with
7 regard to the neighbors. Her - - Her direct
8 discussion with - - with regard to the valets is
9 certainly admissible, as well as her testimony
10 with Mr. Walia, as well, too. I'm sorry. Please
11 proceed.

12 THE WITNESS: Am I not allowed to say
13 that members of our congregation have - - have
14 complained about having that information
15 presented - -

16 CHAIRMAN BOHL: That would be - - That
17 would be - -

18 THE WITNESS: - - to them?

19 CHAIRMAN BOHL: That would be hearsay
20 if they're not here to present it themselves,
21 yes.

22 THE WITNESS: We believe the Park East
23 does not have its own parking capacity for the
24 operation of a nightclub-type establishment and
25 has, therefore, invaded the neighborhood to meet

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1 its needs without regard or respect. Last night
2 the governing board of our congregation took
3 unanimous action to oppose the renewal of this
4 license. And I represent that opposition to you
5 today in the hope that it make a difference. We
6 also hope that the fact that Mayor Pratt's
7 election party was held last night at the Park
8 East does not prejudice City Hall's
9 recommendation on this matter of the quality of
10 life in this truly wonderful Milwaukee
11 neighborhood.

12 CHAIRMAN BOHL: Thank you, Pastor. One
13 moment here. Are there questions by committee
14 members?

15 MR. SCHRIMPF: Mr. Chair.

16 CHAIRMAN BOHL: Mr. Schrimpf.

17 MR. SCHRIMPF: Pastor Block, first of
18 all, when was this conversation with Mr. Walia
19 and you regarding the use of the parking lot?

20 THE WITNESS: He dropped in one day
21 during the summer. I don't have - -

22 MR. SCHRIMPF: That was the summer of
23 2003?

24 THE WITNESS: Yes.

25 MR. SCHRIMPF: And did you take this to

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1 the governing board of the church or did you give
2 him a flat no during the course of the
3 conversation?

4 THE WITNESS: It's not my authority to
5 grant permission for an arrangement like that.

6 MR. SCHRIMPF: So I take it, you took
7 it to the governing board?

8 THE WITNESS: I believe Mr. Walia may
9 have written a letter to the governing board.

10 MR. SCHRIMPF: And were you present
11 when the governing board declined to extend the
12 use of the parking lot?

13 MR. WHITCOMB: Object - -

14 THE WITNESS: Yes. Yes, I was.

15 MR. SCHRIMPF: Okay. How is it that
16 you know that cars from this establishment are
17 using the parking lot?

18 THE WITNESS: Because sometimes - - I
19 live at 1100 North Astor Street. I'm often in my
20 study late in the evening, particularly on
21 Saturday nights. And on this past Thursday night
22 when we had a class at the church, our members
23 came in the door complaining that there was no
24 place to park. And the cars in our lot were
25 valet parked for customers at the Park East.

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1 MR. SCHRIMPF: How did you know that?

2 THE WITNESS: The valet was in the lot.

3 MR. SCHRIMPF: Do you know the valet

4 who operates the valet service for the

5 establishment?

6 THE WITNESS: They seem to be different

7 young men when I call out the window to them on

8 Saturday nights.

9 MR. SCHRIMPF: Are there any other

10 locations in the area that have valet parking

11 that could account for these cars in the church

12 lot?

13 THE WITNESS: Yes. And these cars were

14 not being parked by either Westeria, Delmundo or

15 the Knick.

16 MR. SCHRIMPF: And those would be the

17 other two locations.

18 THE WITNESS: Yes, sir.

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

20 Chairman.

21 CHAIRMAN BOHL: One - - One follow-up

22 to that. You - - It appears from your testimony

23 here that there are two other establishments

24 which may have valet services in the immediate

25 vicinity. How is it that - - that you are able

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1 to distinguish or - - or how is it that you know
2 that the individuals or the valets that are
3 parking in your church's lot are not from those
4 establishments?

5 THE WITNESS: I asked them.

6 CHAIRMAN BOHL: Okay. So this is - -
7 This is just - -

8 THE WITNESS: My - - My - - My office
9 - - My study is on the second floor directly
10 overlooking the lot. And when I hear cars coming
11 and going at 10 or 11 on a Friday or Saturday
12 evening, I have opened the window, called down to
13 the young men and say, "Who do you work for? Who
14 are you parking cars for? You don't have
15 permission to park here," and two times they have
16 told me, yes, they do.

17 CHAIRMAN BOHL: Okay. And when - -
18 When is the most recent - -

19 THE WITNESS: Last Thursday evening.

20 CHAIRMAN BOHL: Last week Thursday.

21 THE WITNESS: Um-hnh.

22 CHAIRMAN BOHL: Okay. Thank you.

23 Other questions by committee? Mr. Whitcomb? One
24 moment, Pastor, please.

25 MR. WHITCOMB: When was the last time

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1 you tried to contact a representative from the
2 Park East Hotel?
3 THE WITNESS: Friday morning.
4 MR. WHITCOMB: Friday morning past?
5 THE WITNESS: Um-hnh.
6 MR. WHITCOMB: And who did you speak
7 with?
8 THE WITNESS: Mr. Walia was not in his
9 office. I left a message with whoever was
10 answering the phone.
11 MR. WHITCOMB: And what was the purpose
12 of your contact at that time?
13 THE WITNESS: To complain about the use
14 of the parking lot.
15 MR. WHITCOMB: From the prior Thursday
16 evening?
17 THE WITNESS: Yes. Well, we have a
18 track record now.
19 MR. WHITCOMB: Prior to that time, when
20 did you attempt contact with the Park East Hotel?
21 THE WITNESS: We probably would have
22 done that at last night's board meeting, because
23 Thursday night, as far as the members and I were
24 concerned, was maybe the straw that broke the
25 camel's back, and our having heard of this

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1 hearing we instead took the motion that I
2 reported.

3 MR. WHITCOMB: Has anyone from your
4 congregation, your board, or you, yourself, ever
5 sat down with Mr. Walia in the last six months to
6 discuss your concerns?

7 THE WITNESS: No.

8 MR. WHITCOMB: No further questions.

9 CHAIRMAN BOHL: Thank you. Thank you,
10 Pastor. Ma'am, are you next? Could I just see a
11 show of hands of those individuals who have yet
12 to testify but intend to do so in - - in
13 opposition to the application? Just - - Just one
14 left here. Okay. Thank you. Ma'am, your - -
15 your name and your address, please.

16 THE WITNESS: My name is Bertha Sweet.
17 That's sweet like sugar. And my address is 1006
18 East State Street. I am the on-site property
19 manager for what is called Windsor Court
20 Apartments. That includes, also, the address
21 1014 North Astor.

22 Now, Mr. Gordon just stepped away, but
23 he - - his question to Ms. Webb was - -

24 CHAIRMAN BOHL: And just - - Just so
25 you're aware, we - - we have a room that has

00052

1 testimony. He's in the next room here. He can
2 hear the audio.

3 THE WITNESS: Okay. His question - -

4 CHAIRMAN BOHL: He's smiling right now,
5 Bertha.

6 THE WITNESS: - - to Ms. Webb was do
7 you ever show apartments at night? And her
8 answer was, well, I have an on-site manager.
9 That's me. And, yes, I do. I show apartments as
10 late as eight or 8:30, you know. They come at
11 eight o'clock. They're gone at 8:30 or so. But
12 eight o'clock is my cut-off time. And, yes,
13 Aqua, has been a concern with the prospective
14 tenants. The problem right now is the - - the
15 building on State Street has a large vestibule.
16 The building is a semi-circle, and - - and it's a
17 one level vestibule, the entrance, the locked
18 entrance. This is like a church. It's an echo
19 chamber. The - - The people who leave the party
20 may be inebriated and are so loud and so shrilly,
21 and that just reverberates off of there. And our
22 bedrooms in this building are right there. So
23 I'm - - I'm awake all the time, Thursday, Friday,
24 and Saturday, being the primary bad nights.

25 Friday, the 13th, was - - was

00053

1 horrendous. So I got up and put my robe on and
2 went to the front door, thinking that they were
3 inside of the building, and - - and they weren't.
4 They were outside on the street. And the only
5 place they could have come from was Aqua,
6 because, you know, it was - - it was 1:25 or
7 something. So this is the situation.

8 And another question was approached,
9 have we ever gotten notice as to why these people
10 are moving. Well, to tell you, you're going to
11 say to me well, that's hearsay. And I - - I did
12 attach a note which Ms. Webb told me was not
13 admissible here today. But the fellows that
14 moved out said, Mrs. Sweet, I hope you have good
15 luck renting this beautiful apartment - -

16 MR. WHITCOMB: Objection.

17 THE WITNESS: - - with - - But the
18 people are - - are very unhappy. Now, we had
19 other people here today that had to get to work,
20 you know, it was a long wait. And they had
21 statements that - - that are important to this
22 issue.

23 But I tell them this is short term.
24 Aqua is short term. Right now it's new, it's
25 beautiful. It is totally New York/Miami.

00054

1 They've got a zillion dollars in this place, and
2 it is beautiful. But it's short term. But I
3 cannot convince my tenants that this is short
4 term and, please, stay, it's going to go away.
5 It doesn't work that way.

6 CHAIRMAN BOHL: Thank you, Mrs. Sweet.
7 Are there questions by committee members of - -
8 of Ms. Sweet? Mr. Whitcomb?

9 MR. WHITCOMB: To those members of the
10 committee that are not necessarily familiar with
11 the area, there are a number of restaurants and
12 taverns within a block of the Park East Hotel.
13 Correct?

14 THE WITNESS: There's the - - the Knick
15 and Westeria.

16 MR. WHITCOMB: And, also, in the - - in
17 the Astor Hotel, there's a restaurant and bar in
18 there, as well?

19 THE WITNESS: There is, yes.

20 MR. WHITCOMB: And just a block further
21 north, there's the County Clare Restaurant?

22 THE WITNESS: There is, um-hnh.

23 MR. WHITCOMB: And there's that other
24 restaurant right before it?

25 THE WITNESS: That's not there anymore.

00055

1 In the brownstone, are you referring to?

2 MR. WHITCOMB: Correct.

3 THE WITNESS: That's not there any
4 longer.

5 MR. WHITCOMB: And have you had
6 occasion to meet with Mr. Walia concerning your
7 concerns about noise?

8 THE WITNESS: No, I have not.

9 MR. WHITCOMB: And in the time frame of
10 concern, if I understand your testimony, the
11 testimony of the others correctly, is
12 approximately 11 o'clock until bar time?

13 THE WITNESS: Pardon? Repeat that.

14 MR. WHITCOMB: The time frame for which
15 the concern is the noise is from 11 o'clock until
16 bar time or bar closing?

17 THE WITNESS: Correct. Correct. Um-
18 hnh.

19 MR. WHITCOMB: No further questions.

20 MR. SCHRIMPF: Mr. Chairman, one more
21 question?

22 CHAIRMAN BOHL: Mr. Schrimpf.

23 MR. SCHRIMPF: Do you experience the
24 noise problems that you've described to the
25 committee on those occasions when the Park East

00056

1 operation is not going?

2 THE WITNESS: I personally don't hear
3 the music.

4 MR. SCHRIMPF: Okay.

5 THE WITNESS: I feel it. I can feel
6 it, but I don't hear it.

7 MR. SCHRIMPF: Okay. With that
8 correction - -

9 THE WITNESS: And - - And at night when
10 - - when they're leaving, you know, they're right
11 there, I think in my bed with me. But, you know,
12 because of the way the building is built, my
13 bedroom is right there, and so it's their - -
14 it's their loud - - You know, it's the people
15 leaving that are creating the problem. One of
16 the problems I have and - - and these guys, these
17 young guys are probably trying to get through
18 college, and so, they're being a valet and
19 they're getting - - they're getting a nice tip.
20 But when they take my parking space on State or
21 on Astor, because what they've done is they've
22 parked this SUV here, then they've left three-
23 fourths of a space. You - - You might get Mini
24 Cooper in there. Then they put another
25 automobile. And so then, when they get busy, two

00057

1 of them will - - will stash these two cars that
2 they've parked, pull this one up to this tail and
3 back this one up to this front so that they now
4 have another space. I don't think that's very
5 nice. It's kind of like being at the mall when
6 you've got your directional on and that guy comes
7 there and whips into your parking space. It's
8 not very nice.

9 MR. SCHRIMPF: That's a separate issue
10 from the noise, ma'am.

11 MR. WHITCOMB: But it's a big issue.
12 What do I do with my 12 bags of groceries? I
13 cannot double park on State or Astor without the
14 risk of getting rammed. And, yes, it's an issue.

15 MR. SCHRIMPF: Thank you.

16 CHAIRMAN BOHL: Thank you, Mrs. Sweet.
17 Is there anyone else who is here to testify in
18 opposition to the license that has not done so?
19 Okay. Mr. Whitcomb, the ball's in your court.

20 MR. WHITCOMB: Thank you, Mr. Chairman.

21 CHAIRMAN BOHL: One second.

22 MR. WHITCOMB: Thank you. First off,
23 Mr. Chairman, I'd like to explain to the
24 witnesses who testified here today that I
25 intended no disrespect in my manner of

00058

1 examination, but I am duty-bound to my client to
2 preserve the record and to make certain that the
3 testimony that is elicited and heard by this
4 committee is properly admitted under the law.

5 Mr. Walia and his family owns the Park
6 East Hotel, opened up - - When did Aqua first
7 open, sir?

8 THE APPLICANT: November 12th.

9 MR. WHITCOMB: November 12th of 2002.

10 That's the restaurant on the first floor on the
11 corner of Astor and State Street, and I believe
12 it is the bass music from that establishment that
13 is causing concerns to the neighbors. This is a
14 matter that is newly presented to my client. He
15 will, indeed, address it.

16 I don't want to get into a he said/she
17 said debate with the neighbors concerning the
18 valets, whether they were his valets or other
19 valets. He has never represented to anyone that
20 he had any agreement with the church, that they
21 had rights to park there. His valet is a private
22 company contracted. Same valet service works
23 downtown on Jeff - - on Milwaukee Street, and
24 also, on Plankinton Avenue. He will further
25 instruct them, and I will recommend to him that

00059

1 that company for that particular location perhaps
2 wear shells, colorful shells, so that the
3 neighbors, indeed, know that when someone is
4 parking in a place illegally that it is, indeed,
5 the valet service for the Park East or perhaps of
6 someone else in the neighborhood illegally
7 parking. It's a professional valet service. We
8 apologize if it has caused some inconvenience.
9 We're not totally convinced that the valet
10 service itself is illegally parking cars on
11 private property, because they'd lose their
12 contract with the hotel if they were found to do
13 that. But if there's a manner of identification
14 of his particular valet representatives which - -
15 that can be recognized by the neighbors, he will,
16 indeed, do that, and then the neighbors will know
17 in particular that, yes, indeed, it's the valet
18 service from the Park East. They are mis-parking
19 cars. They can contact the hotel, register a
20 complaint. Mr. Walia will deal with it, either
21 by correcting it or by getting a brand new
22 service. The first - - Go ahead, sir.
23 THE APPLICANT: And also with all the
24 neighbors got advertisements. We have a deal
25 with them. We have car parking with them, and

00060

1 also, have garage in back where might be making
2 more cars parking for us. And we have almost 100
3 car parking in our own, which we use for our
4 guests.

5 CHAIRMAN BOHL: Mr. Walia, one - - one
6 follow-up. You said you have 100 car parking
7 lot. How many - - How many of that is provided
8 to - - Because you also have apartments. Do you
9 still also - -

10 THE APPLICANT: We don't have any
11 apartments.

12 CHAIRMAN BOHL: You don't function with
13 any apartment or any hotel then or?

14 THE APPLICANT: We have hotel.

15 MR. WHITCOMB: 159 hotel rooms.

16 CHAIRMAN BOHL: 159 hotel rooms.

17 THE APPLICANT: They don't - - They
18 don't all come with the cars either, so. We have
19 cars obviously daytime, and also, in - -
20 especially in the winter we have been slow.

21 MR. WHITCOMB: There's a parking lot in
22 the back. Everyone's familiar with the parking
23 in the back.

24 THE APPLICANT: Also, we have 20 cars
25 parking agreement with our next door neighbor.

00061

1 CHAIRMAN BOHL: In terms of Aqua, Aqua
2 is - - Aqua, my understanding, is both a
3 restaurant and a nightclub. Are they separate of
4 the - - Are the two separate and distinct or - -

5 THE APPLICANT: We own both.

6 MR. WHITCOMB: There's an entryway
7 which separates them. The entryway that's from
8 the west - - the west side of - - the east side
9 of the building entryway mid block separates the
10 restaurant from Aqua.

11 CHAIRMAN BOHL: But they do share the
12 same name, per se, do they not? Are they both
13 called Aqua? One is a restaurant, one is the - -

14 THE APPLICANT: Just one name, yes.

15 CHAIRMAN BOHL: Just one name, okay.
16 All right. I'm sorry. Mr. Whitcomb, go ahead.

17 MR. WHITCOMB: Do you want something
18 further?

19 I'm not totally convinced that any
20 vacancy problems are attributable to the hotel,
21 but it very well may be the - - the bass music,
22 and if he opened November 2nd, someone with a 60
23 day notice, according to the hotel, the earliest
24 the notice could have been provided would - -
25 would be January 1. 60 days there later, it's

00062

1 where we are right now. So I'm not altogether
2 certain that the vacancy was created by the
3 noise, but the noise will be addressed. I'm not
4 all - - altogether convinced that people not
5 occupying the vacant spaces are not doing so
6 because of Aqua. The noise is after 11, and even
7 the manager indicated that people see the
8 apartments up until eight or 8:30 at night. But
9 that's - -

10 Debate with the neighbors so as not to
11 address their concerns, that is not what Mr.
12 Walia intends to do. He does intend to address
13 their concerns. The vibration is - - is an issue
14 which has not been raised before. The police, as
15 well as his own private staff, have walked about
16 the building while the music is playing loud.
17 They do not hear it. They do not see it as being
18 loud. But if it's a vibration from the thumping,
19 that's something entirely different, and that
20 very well may be accurate, and that's just a
21 matter of reducing the bass of the music itself.
22 And they're certainly willing to do that.

23 They have - - They purchased this hotel
24 about a year ago. Aqua, which appears to be the
25 - - the concern, the nightclub where the music is

00063

1 played a bit loud or after 11 o'clock when the
2 restaurant no longer is - - as seeing it operates
3 as a night spot. They will address that. They
4 will reduce the music. They will work with the
5 neighbors. There was a candidate here that's one
6 of the finalists for the district that was here
7 to hear the testimony. He had to leave. He
8 indicated that he would work with the parties to
9 see if he could, not necessarily mediate, but
10 have a full understanding of what the neighbors'
11 concerns are. Mr. Walia understands them, he
12 advises the neighbors how he would address their
13 concerns, and then see what the result is. And
14 I'm confident the result will - - will be that he
15 will address their concerns.

16 The Walia family has not been fully
17 cognizant of the concerns until they were
18 expressed today. It would have been nice, had
19 most of these people contacted the Walias
20 directly, sat down with them in person with a
21 meeting, but, I think, that that was more
22 attributable to the absence of a local
23 representative in the district since November
24 than it is of any fault of either the neighbors
25 or Mr. Walia. This is particularly a matter

00064

1 where the local alderman would address and
2 probably resolve. We just haven't had a local
3 alderman in that area during this period of time.

4 Security has now been assigned to
5 patrol the outside of the facility at closing and
6 near closing time, as well. Security will also
7 be instructed to monitor the valet. The security
8 is in-house. The valet is a privately contracted
9 service. Security will now be instructed that
10 they oversee the valet service, as well, most
11 particularly to keep cars moving, most particular
12 to keep the noise down and the parked cars, most
13 particularly to keep the cars from honking the
14 horn during that period of time which is - - when
15 it is the most disturbing after 11 o'clock at
16 night.

17 Now, the valet service has been told of
18 the parking complaints. They contend that they
19 do not park on private property. Perhaps some of
20 the tactics that they described by taking one car
21 and taking up three spots in order to reserve the
22 two for later on is a valet method. I haven't
23 heard of it, but they will be contacted with
24 that, as well. If there's a particular spot
25 adjacent to any hotel that - - hotel or apartment

00065

1 complex that that particular building wants to be
2 preserved for their tenants for the grocery
3 shopping, unloading, just identify it and the
4 valet service will be instructed not to park any
5 of its cars in that particular location. The
6 intent is not to inconvenience the neighbors or
7 to usurp their - - an all right, superior
8 residential right to street parking, and if they
9 would like a spot not to be used under any
10 circumstances by the valet service, map it out.
11 We'll present it to the service, and they will
12 not park any cars there at any time of the day.

13 As one would expect, and at this
14 particular location with this new ownership,
15 there have been some growing pains. As a hotel's
16 new management, the Walia family adjusts in full
17 to the neighborhood. They appreciate it that it
18 may have been difficult for the neighbors to have
19 their concerns addressed by the local - - by a
20 local representative since that position has been
21 absent during this period of concern. But now, I
22 believe a direct line of communication has been
23 opened. At least one of the candidates for the
24 district is willing to assist both sides, if you
25 will, the neighbors and the establishment, to

00066

1 resolve their concerns.

2 Mr. Walia is certainly willing to make
3 concessions. His family is. He's not there to
4 disturb or overwhelm the neighborhood. He has an
5 investment. His family has an investment of near
6 eight million dollars, and he's not going to risk
7 it by having a few hours a night thump-thump
8 music to disturb his neighbors. He will address
9 that. It will be resolved. It may be a matter
10 of realignment of the music facilities within the
11 establishment. That might - - might be more of
12 an acoustic problem than it is an actual volume
13 problem, but that will be addressed to the point
14 where it will no longer be a concern of the
15 neighbors. Sir? Yes, go ahead, sir.

16 THE APPLICANT: I just want to say all
17 my neighbors are my customers, and like you said,
18 they all love this place, and I love to work with
19 them, make sure we both are comfortable and live
20 together in the same neighborhood. So our goal's
21 goes the same, and they like to - - I want to do
22 good, and they are my customers, so I have no
23 reason to argue with my neighbors.

24 ALDERMAN DAVIS: What's the capacity of
25 Aqua?

00067

1 THE APPLICANT: 370 - - 70 or 80.

2 CHAIRMAN BOHL: Is that 370 for the
3 club itself or also for the restaurant, as well,
4 too.

5 THE APPLICANT: Everything.

6 MR. WHITCOMB: The club itself is
7 about, I - -

8 THE APPLICANT: 170, maybe.

9 MR. WHITCOMB: And then the restaurant
10 is the other side. Right?

11 THE APPLICANT: Yes.

12 MR. SCHRIMPF: Mr. Chairman.

13 CHAIRMAN BOHL: Mr. Whitcomb, are you -
14 -

15 MR. WHITCOMB: I would just advise the
16 people here, members of the committee that are
17 not familiar with the Walia family, they are
18 heavily invested in the City of Milwaukee. They
19 have a number of areas in the city where they've
20 established quite a few businesses, car washes,
21 filling stations, grocery stores, all in
22 neighborhood areas. They have - - When they
23 first opened, they had similar concerns. They
24 have been addressed or resolved. It's more of a
25 growing pain issue than the - - to adjust in the

00068

1 neighborhood, to understand what the concerns
2 are. They've always responded to them
3 positively, and there's no reason they won't in
4 this particular instance. They have too much at
5 risk. They want to be there for the long term,
6 and they want to peacefully co-exist with their
7 neighbors, and they hope to be able to work with
8 them cordially. Regrettably, that this district
9 just has not had a representative that could be
10 active on a day to day basis, and I think perhaps
11 would have - - Or if the - - the former alderman
12 was, indeed, still with us, we would not be here
13 before you today.

14 CHAIRMAN BOHL: Okay. Thank you, Mr.
15 Whitcomb. Mr. Schrimpf?

16 MR. SCHRIMPF: Thank you, Mr. Chairman.
17 Mr. Walia, is there cocktail service provided to
18 guest rooms at this facility?

19 THE APPLICANT: Yes. Room service,
20 yes.

21 MR. SCHRIMPF: Okay. And is that done
22 by refrigerators that - - that bill the guests or
23 is that done by room service? In other words,
24 somebody actually bringing the cocktail to the
25 room.

00069

1 THE APPLICANT: Somebody bringing the
2 cocktail to them.

3 ALDERMAN GORDON: Mr. Chairman.

4 CHAIRMAN BOHL: Alderman Gordon.

5 ALDERMAN GORDON: Thank you. Just a
6 couple of comments. One being that I remember
7 that the Park East Hotel had a very successful
8 jazz set on Friday evenings after work, and it
9 would seem to me that given some of the concerns
10 expressed by the witnesses who testified
11 regarding noise problems, that might be a
12 consideration you'd want to take relative to the
13 current location in terms of diversifying the
14 musical format, because, you know, my experience
15 with techno music is not that substantial, but in
16 previous hearings regarding previous
17 establishments in the downtown area, that seems
18 to be a major problem, and it's been a problem
19 with Pure, and it appears to be a problem with
20 this location. So, that might be a suggestion
21 you'd want to take and perhaps discuss it with
22 management about having more diversified music
23 for this particular location.

24 And secondly, you know, if - - if
25 there's going to be modifications made relative

00070

1 to the sounding, the soundproofing, it might be
2 advisable to have whatever changes you're going
3 to make and invite some of the people who
4 testified today, you know, to find out how they
5 feel about whatever modifications that have been
6 made relative to either turning down the bass or
7 having more soundproofing installed, so that they
8 have first-hand knowledge and first-hand
9 experience about, you know, what changes you've
10 made in terms of trying to accommodate the
11 quality of life concerns that have been
12 expressed, vis-a-vis, the testimony.

13 I think that's really important given
14 the investment that you've made, obviously, and
15 certainly the investment that the residents and
16 the other businesses that abut your establishment
17 are making to this neighborhood, as well.

18 CHAIRMAN BOHL: Other questions at this
19 point? We're not in committee for comments yet.
20 Questions? Mr. Whitcomb, for clarification do
21 you intend to have any other individuals testify
22 at this point?

23 MR. WHITCOMB: No, I - - I'd just make
24 a comment. I'm concerned the Pastor did not
25 intend any disrespect, but the Park East Hotel

00071

1 has probably been a site of fundraiser, election
2 parties for every conceivable candidate within
3 the city and county of Milwaukee, and the mere
4 fact that the Mayor had his there last night has
5 absolutely no bearing, whatsoever, on his support
6 of Mr. Walia. I'm certain no disrespect was
7 intended, but that hotel is pretty much known for
8 its involvement in -- in public official events.

9 CHAIRMAN BOHL: Okay. Thank you. Any
10 other questions by committee? Otherwise, this
11 matter is in committee. Is there --

12 ALDERMAN WITKOWSKI: Mr. Chairman.

13 CHAIRMAN BOHL: Alderman Witkowski.

14 ALDERMAN WITKOWSKI: I'm -- I'm very
15 impressed that the business has decided to make
16 some changes at this point in time, however, I'm
17 not impressed with the fact that an argument is
18 made that because there was no alderman in the
19 area that the business could not make any changes
20 or address any of these needs prior to this time.
21 I'm amazed that you have to wait until your
22 license is due as a businessman to make any
23 changes, and too, at this point say that you're
24 willing to work with people. I would think that
25 as a good neighbor, you would have made changes

00072

1 along the way and made adjustments along the way
2 and addressed these concerns.

3 I thank the neighbors for coming down
4 to testify. I did notice a number of them go out
5 the door and make comments to other people that
6 they apparently they couldn't wait anymore, so we
7 would have - - would have probably had more
8 testimony. We are trying to keep Milwaukee a
9 vibrant city, alive, and I think entertainment is
10 part of that. Downtown growth and downtown
11 living is part of that. But I think we also have
12 to maintain a quality of life in the neighborhood
13 in the downtown neighborhood, especially where
14 you've got people living. And I - - I don't
15 think a business should resist complaints from
16 neighbors and wait until such a point that your
17 - - that your license is due before you do
18 anything about it. I would - - Doctor, I would
19 hate to visit you on a - - on a day after you
20 couldn't get any sleep, and have you have some of
21 important business with me. I also think - -

22 CHAIRMAN BOHL: We're in committee
23 here. Alderman, may I just interject. I'm sorry
24 to - - to interrupt here. I do want to - - I do
25 want to raise one issue of - - of clarification

00073

1 here, and I think that Mr. Walia is trying to
2 jump out of his seat here on this. He applied
3 for this license a year ago, and at the time they
4 applied for it, they knew that it was going to be
5 some time before the operation was open in terms
6 of operating as a restaurant and/or liquor
7 license or nightclub, if you will. I believe
8 that that's been since around November, late in
9 the year. They've been operating as a licensed
10 establishment for about, would that be, three and
11 a half - four months or thereabouts, three and a
12 half months. Even though they had their
13 application in and was approved a year ago it did
14 not - - They didn't choose to act on it, because
15 they weren't ready to do so. So it is three and
16 a half months since they've been in operation. I
17 think that - - I will - - I'm not going to go any
18 further in terms of legitimacy of complaints. I
19 think that there are certainly some legitimate
20 complaints here. But I do want to let you know
21 it's not as though they've been operating for a
22 year, have gotten these complaints last January,
23 last February, last March, last April, and are
24 just coming forward here now. I apologize for
25 interrupting you. But I just wanted to clarify

00074

1 that for - - for those committee members who were
2 not here a year ago at the time.

3 ALDERMAN WITKOWSKI: Thank you, Mr.
4 Chairman. I appreciate your clarification.
5 However, I will still move approval of a Class B
6 Tavern license with a 15 - - 15 day suspension of
7 the tavern/dance license.

8 CHAIRMAN BOHL: Thank you, Alderman
9 Witkowski. The - - And, Alderman Witkowski, want
10 to specify here in terms of objections.

11 ALDERMAN WITKOWSKI: Based on the
12 neighborhood complaints, including the noise,
13 parking, and other traffic problems.

14 CHAIRMAN BOHL: Okay. Alderman, I - -
15 Just as a - - as a friendly amendment to that, as
16 well, too, I would just try to suggest a couple
17 things, and - - and one is I - - I - - I think
18 that - - that some of this - - this situation
19 certainly bears the unfortunately result that
20 there is not present representation in this
21 district. You know, I - - I know that a lot of
22 the residents wonder when they have complaints,
23 who they go to in that interim time to take some
24 legitimate complaints. And - - And very often
25 and ideally we, as - - as elected officials for

00075

1 this area here, would - - would be the go-between
2 to try to resolve issues and prevent it from
3 reaching this point. And, again, it's an
4 unfortunate circumstance.

5 But I - - What I want to say is that
6 there's two weeks here between now and when this
7 license will formally be taken up by the Common
8 Council, and I think that there is adequate time
9 for Mr. Walia to try to meet with some
10 representatives of - - of the neighborhood in the
11 interim time to get someone in who may be able to
12 deal with some of the - - the acoustic issues,
13 maybe putting in potentially or - - or purchasing
14 some additional soundproofing equipment on
15 specific walls, redirecting the - - the - - the
16 speakers, if you will, turning the volume down,
17 and also, insuring that between now and - - and
18 two weeks from now when this item is formally
19 taken up, that a measure is taken in place
20 promptly here, I mean, promptly to deal with some
21 of the issues, I think, that are truly happening
22 with the valet system, so that - - that there be
23 some measures that's in place where they know
24 where the - - the limits are and are not, that
25 customers, if they choose to honk horns, are

00076

1 told, you know what, take your business down - -
2 down the line.

3 But I - - I think that there's an
4 opportunity to meet here and try to address some
5 of these - - these measures in a prompt fashion.
6 To do so between now and - - and March 2nd, and
7 to insure that it's done in a prompt fashion so
8 that we don't have to wait another year, because
9 the last thing I think residents want to see is
10 lip service to get them through another license
11 period and then have to wait a year before they
12 come back if complaints are not addressed in an
13 adequate manner. So, I mean, as a friendly
14 amendment I would just ask that those - - that
15 you would accept at least that some measures be
16 undertaken, and that representative - - that Mr.
17 Walia or any representatives he has meet with - -
18 with a representative of the neighborhood group
19 to try to undertake and address some of those
20 concerns on a prompt basis.

21 MR. WHITCOMB: Mr. Chairman, while
22 everyone's here - -

23 CHAIRMAN BOHL: We are in committee,
24 Mr. Whitcomb. That - - That means everyone else
25 here is a brick wall right now.

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1 ALDERMAN WITKOWSKI: So what you're - -
2 what you're - -

3 CHAIRMAN BOHL: It would be your motion
4 with add on - -

5 ALDERMAN WITKOWSKI: You would add on
6 to my motion.

7 CHAIRMAN BOHL: It would be an add-on.
8 Correct.

9 ALDERMAN WITKOWSKI: Yes, I'll accept
10 that. Thank you.

11 CHAIRMAN BOHL: Okay. Do I need to
12 reiterate that for clarification? Alderman - -
13 Alderman Gordon.

14 ALDERMAN GORDON: Mr. Chairman. No, I
15 - - I concur with the motion, and I think that if
16 those conditions are followed, just to be clear,
17 then the 15 day suspension period would not apply
18 or would be rescinded.

19 ALDERMAN WITKOWSKI: That's not my
20 motion.

21 ALDERMAN GORDON: Okay. That's why I
22 wanted clarification. So in addition to the
23 conditions that have been expressed, the 15 day
24 suspension period would still apply. Thank you.

25 CHAIRMAN BOHL: Correct. And - - And,

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1 Alderman Gordon, just to reiterate, the motion is
2 made for renewal of the Class B tavern - -

3 ALDERMAN GORDON: Right. I got that
4 part.

5 CHAIRMAN BOHL: - - and a 15 day
6 suspension of the Class B tavern license with the
7 caveat that - -

8 MR. WHITCOMB: The tavern/dance.

9 ALDERMAN WITKOWSKI: The tavern/dance.

10 CHAIRMAN BOHL: The tavern/dance
11 license with the caveat that representatives of
12 this establishment meet with residents to try to
13 rectify some of those issues.

14 ALDERMAN GORDON: Mr. Chairman, on the
15 motion.

16 CHAIRMAN BOHL: Go ahead, Alderman
17 Gordon.

18 ALDERMAN GORDON: Thank you. I'm going
19 to object to the motion, primarily because I
20 concur that there has been a void of
21 representation in the 4th Aldermanic District,
22 and I know that this committee has spoken on that
23 issue several times. And we've had a licensed
24 premises and applicants come before us regarding,
25 you know, approval or whatever the case may be,

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1 regarding their individual situations, and it
2 seems if there had been a representative, if
3 there had been an alderperson involved in this
4 situation, we wouldn't be here. I firmly believe
5 that. And the past representation provided by
6 the former alderman I think would attest to that.
7 And this could have been cleared up if there had
8 been representation in that position during this
9 time period. And I think that's why I would be
10 more amenable to having this worked out between
11 the parties, given that a lot of them just got
12 notice about the situation recently. And it
13 seems to me to penalize them for something that
14 they may not have been aware of because of not
15 having communication between individuals during
16 dependency - - during dependency of these kinds
17 of situations occurring may have been a barrier.
18 And I don't think they should be penalized for
19 that because it's not necessarily their fault.

20 However, now it's been brought to their
21 attention, and I think two weeks would be more
22 than enough time for them to get together with
23 some of the people who testified today, work out
24 a plan to deal with their concerns and issues,
25 and invite them to see the results of

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1 modifications to be made at the establishment in
2 terms of soundproofing, in terms of music format,
3 and parking. So, that's my concern, and that's
4 my position.

5 CHAIRMAN BOHL: Is there any other
6 discussion on the motion?

7 ALDERMAN WITKOWSKI: On the motion, Mr.
8 Chairman.

9 CHAIRMAN BOHL: Alderman Witkowski.

10 ALDERMAN WITKOWSKI: Just wish to point
11 out that I heard several witnesses indicate that
12 they contacted the owner and they contacted
13 management during this period. And I still don't
14 see it as a lack of alderman problem.

15 CHAIRMAN BOHL: I would concur with
16 that. I think that there was clearly testimony
17 that made that evident. The motion before us is
18 for renewal of the Class B tavern and renewal of
19 the Class B tavern and dance application with a
20 15 day suspension, and also, the caveat that
21 measures be taken immediately to - - to meet with
22 area residents and address the valet and noise
23 problems prior to March 2nd, 2004.

24 ALDERMAN DAVIS: Mr. Chairman.

25 CHAIRMAN BOHL: Alderman Davis.

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1 ALDERMAN DAVIS: I feel compelled to
2 speak on this one. I - - I can't support that
3 particular motion, and I'll preface my comments
4 by this. I understand the concerns of the
5 neighbors in the area. There's no doubt about it
6 that their quality of life has been impacted.
7 But I think what I'm hearing is is that they want
8 to see some movement from this establishment,
9 someone who invests millions of dollars into an
10 establishment that's only been operating for
11 three and a half months. Rationale would tell me
12 is that this particular establishment is going to
13 start acquiescing to make sure that those - -
14 those conditions are met. My concern is that
15 there's no illegal - - there's no illegal
16 circumstances in the documents that we have
17 before us to be consistent as far as granting
18 suspen - - suspension - - suspensions is
19 concerned. I'm more interested in making sure
20 that establishment works with the neighborhoods,
21 particularly when they've taken the time to come
22 and address this particular committee, this body,
23 to say that, look, we have some concerns in this
24 particular area. We need your help as far as
25 committee is concerned. So in order for me to

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1 sus - - support this particular suspension, there
2 would have to be some type of illegal activity,
3 drug sales, fights, gunshots, those type of
4 things. But what I'm hearing, the neighbors are
5 saying, are saying, look, we're hearing a lot of
6 loud bass in the area. We tried to contact the
7 owner. The owner has just blown us off. So, if
8 we're going to take a hold of this problem and
9 move forward and try to make sure that it's
10 equitable, not only for the neighbors but - - but
11 also for the establishment, I think we need to
12 make sure that we send a strong message to say
13 that these issues need to be resolved, but we
14 also need to say that based upon the testimony of
15 some of the residents in the area, they're not
16 looking to shut this place down. They're looking
17 to make sure that they listen - - that - - that
18 this establishment listens to their concerns.
19 So, I can't support the motion for suspension,
20 but I - - You know, I will wait until - - find
21 out what this body will decide.

22 CHAIRMAN BOHL: I'm not - - We've
23 already stated the motion multiple times. I
24 think we know what it is before us here. I'm not
25 going to state it a third time. Is there any

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1 other discussion on the motion?

2 ALDERMAN GORDON: I'd like a roll call,
3 please.

4 CHAIRMAN BOHL: Okay. That's fine.
5 Alderman Witkowski, just for clarification, this
6 is cited for your - - your motion is made on
7 which grounds? I always want to be very clear.

8 ALDERMAN WITKOWSKI: Based on the
9 quality of life objections, the detrimental - -
10 factors detrimental to the health, safety and
11 welfare of the neighborhood, noise, parking,
12 traffic - - and traffic problems I mentioned.

13 CHAIRMAN BOHL: Okay. Parking,
14 traffic, traffic problems, noise, and conduct
15 detrimental to the health, safety and welfare of
16 the neighborhood. And, Clerk, if you'd go
17 through a roll call vote, please.

18 MS. ELMER: Alderman Davis?

19 ALDERMAN DAVIS: No.

20 MS. ELMER: Alderman Gordon?

21 ALDERMAN GORDON: No.

22 MS. ELMER: Alderman Dudzik?

23 ALDERMAN DUDZIK: No.

24 MS. ELMER: Alderman Witkowski?

25 ALDERMAN WITKOWSKI: Aye.

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1 MS. ELMER: Mr. Chair?

2 CHAIRMAN BOHL: Aye. Motion fails.

3 Two - three. Is there another motion.

4 ALDERMAN GORDON: Mr. Chairman, I would
5 move for approval of the Class B tavern and
6 tavern/dance license, and with the assurances
7 that have been made by the owner that these
8 accommodations would take place and once they
9 are, that the neighbors - - or the witnesses that
10 have been here today to testify, be consulted,
11 and, in fact, be brought over to the
12 establishment to have their concerns remedied by
13 observation and participation, and a report sent
14 to the committee Chairperson by Mr. Whitcomb or
15 by Mr. Walia assuring us that the conditions have
16 been met, and with that, my motion is to renew
17 with a Class B - - to renew the Class B tavern
18 and tavern/dance applications.

19 CHAIRMAN BOHL: Okay.

20 ALDERMAN DAVIS: Mr. Chairman.

21 CHAIRMAN BOHL: On the motion, Alderman
22 Davis.

23 ALDERMAN DAVIS: I would ask that my
24 colleague would also, as a friendly amendment,
25 include a warning letter for the process of

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1 progressive discipline.

2 ALDERMAN GORDON: Yes, absolutely.

3 CHAIRMAN BOHL: Motion before us is for
4 renewal of the Class B tavern and tavern/dance
5 applications with a warning letter, and with the
6 stipulation that proactive measures be taken to
7 address the concerns expressed here today, that a
8 - - a follow-up be provided to the Chairperson of
9 this committee as to the timeliness of that being
10 done. Is there any discussion on the motion? We
11 will again go through a roll call vote, Madame
12 Clerk.

13 MS. ELMER: Alderman Davis?

14 ALDERMAN DAVIS: Aye.

15 MS. ELMER: Alderman Gordon?

16 ALDERMAN GORDON: Aye.

17 MS. ELMER: Alderman Dudzik?

18 ALDERMAN DUDZIK: Aye.

19 MS. ELMER: Alderman Witkowski?

20 ALDERMAN WITKOWSKI: Aye.

21 MS. ELMER: Mr. Chair?

22 CHAIRMAN BOHL: No. The motion
23 prevails, four to one.

24 ALDERMAN GORDON: Mr. Chairman, to the
25 citizens of the 4th Aldermanic District, you

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1 know, I would like to extend the opportunity to
2 respond to any concerns or questions or
3 complaints that you have regarding licensed
4 premises in your neighborhoods, because I know
5 that until April the 6th there's going to be this
6 continued void of representation in the 4th
7 Aldermanic District, and I'm sure my colleagues
8 on the committee would not mind hearing from you
9 if you have serious concerns like this, because I
10 think that those concerns have to be addressed by
11 someone from Utilities & Licenses Committee, and
12 if we hear about complaints, you know, we can
13 work with Ms. Krajna, who currently is the person
14 who is hearing those complaints, at least at some
15 point in time.

16 So I'm offering my services to you, and
17 to people who are listening, if you live in the
18 4th Aldermanic District and you have some
19 concerns or questions or issues about license
20 premises, please contact me.

21 CHAIRMAN BOHL: And what - - Mr.
22 Whitcomb, we're going to just move on. What I
23 would ask as the Chairperson of the committee,
24 that this - - this addressing of concerns be done
25 expeditiously. I would still prefer to see it

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1 before March 2nd. I will reserve the right, if I
2 do not hear from residents, that any effort has
3 been made on the part of addressing them, to take
4 this at committee and to make a motion that - -
5 that notwithstanding committee's recommendation
6 that there be some type of penalty that - - that
7 be applied. Know that it will come from me,
8 because I'm going to tell you, it will come from
9 me. Notwithstanding what the committee here has
10 recommended, if I do not - - if I hear from
11 residents that there's been no effort to sit down
12 with him and resolve those issues. So, Mr.
13 Whitcomb.

14 MR. WHITCOMB: Could you please ask the
15 neighbors if they'd just designate one individual
16 for the contact person?

17 CHAIRMAN BOHL: If we could - - If we
18 actually could have you meet them out in the
19 hallway and do that. As you know we're already
20 two plus hours behind, so I would appreciate
21 that.

22 THE APPLICANT: I have one question.
23 Refuse to meet me, what can I do?

24 CHAIRMAN BOHL: Well, then I'll
25 certainly hear from you and hear from them. I

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1 don't think that we're going to have any problems
2 with their refusal to meet you. It's in their
3 interest to resolve those problems. Thank you,
4 all.

5 One thing I'm going to ask here is for
6 those of you, we have one item left on our
7 morning agenda. I do want to take a 15 minute
8 break for lunch, but what I will do is because
9 you've been patient, unless you need two - - two
10 minutes just to - - to rest your fingers, I would
11 prefer to proceed forward, because you've been
12 waiting patiently, and I thank you for that.
13 We'll proceed forward on this one item.

14 Unfortunately, for those of you are here for the
15 beginning of the 1:30 agenda, we're - - We've
16 been working here since 8:30 this morning. Many
17 of us have not eaten lunch, have not even gotten
18 a break to get up and go. We're going to take
19 the last item, and then we're going to start late
20 in the afternoon. So, I'm going to call the - -
21 the last item from the morning agenda, if I can
22 even find my morning agenda. Thank you, all.

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3 STATE OF WISCONSIN)

4 MILWAUKEE COUNTY)

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7 I, JEAN M. BARINA, of Milwaukee Reporters

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10 and that it is a true and accurate transcription of

11 the Utilities & Licenses Committee Hearing held on

12 February 18, 2004.

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JEAN M. BARINA - COURT REPORTER

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Dated this day of March, 2004

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