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CITY OF MILWAUKEE

In the Matter of:

The permanent extension of the
Class B premises to include a
beer garden/private patio,
Plainfield Pub, LLC,
312 West Plainfield Avenue.

Excerpt from the Meeting of the Licenses Committee

Monday, July 13th, 2009

11:23 a.m.

at

Milwaukee City Hall
200 East Wells Street, Room 301-B
Milwaukee, Wisconsin

Reported by Margaret A. Matousek, RPR

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

2 COMMITTEE MEMBERS:

- 3 Ald. James A. Bohl, Jr. - Chair
- 4 Ald. Milele A. Coggs - Vice-chair
- 5 Ald. Ashanti Hamilton
- 6 Ald. T. Anthony Zielinski
- 7 Ald. Nik Kovac

- 8 Rebecca Grill - License Division
- 9 Tobie Black - Staff Assistant

10 Debra Seibold appeared as agent for
11 Plainfield Pub, LLC.

- 12 ALSO PRESENT:
- 13 Ald. Terry L. Witkowski
 - 14 Joseph L. Marinello
 - 15 Joseph Pekrul
 - 16 Dolores Applegate
 - 17 Paul Gessner
 - 18 Joe Janz
 - 19 Michael Wachniak

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1 TRANSCRIPT OF PROCEEDINGS

2 MR. BOHL: Our next item is for 10:30 a.m.,
3 Debra Seibold, agent for Plainfield Pub, LLC, the
4 permanent extension of the Class B premises to
5 include a beer garden/private patio, as agent for the
6 Plainfield Pub at 312 West Plainfield Avenue.

7 TERRY L. WITKOWSKI and DEBRA SEIBOLD,
8 called as witnesses herein, were first duly
9 sworn/affirmed on oath.

10 MR. BOHL: And for our agent, I'll need a
11 name and address for the record, please?

12 MS. SEIBOLD: Debra Seibold, 312 West
13 Plainfield Avenue, Milwaukee.

14 MR. BOHL: Thank you. Ms. Seibold, I'll
15 ask you now if you acknowledge receiving notice of
16 today's meeting with the possibility that your
17 application could be denied? There is an attached
18 paragraph that should have covered potential
19 neighborhood objections, that means as a potential
20 means of denial.

21 MS. SEIBOLD: Yes.

22 MR. BOHL: Ms. Grill, any holds on this?

23 MS. GRILL: Department of Neighborhood
24 Services has a hold for occupancy. You have to add
25 your beer garden, if it's approved today, to your

1 occupancy.

2 MR. BOHL: Very good. There's no police
3 report to Ms. Seibold. If you want to take a moment
4 or two and just let the committee know your reason
5 for applying for the beer garden/private patio, how
6 it would be operated, the dimensions, anything else
7 you think is relevant.

8 MS. SEIBOLD: The main reason for the patio
9 is for the smoking ban. My husband and I already had
10 a fenced-in patio that we used for our own private
11 use, as we live upstairs from the tavern. And we put
12 a six-foot fence on the north side, and we just added
13 the fence from the bar to the garage to keep that
14 area closed in and to keep the patrons back there.

15 We keep a very neat area. My husband is
16 out there cleaning up all the time from kids throwing
17 stuff out of their car windows, whatever. On a daily
18 basis, we are out there.

19 It's mainly just to keep the patrons in the
20 patio for the smoking ban, not out on the streets.
21 And I would like them to be able to take their
22 cocktails out there to have a cigarette.

23 MR. BOHL: Okay. All right, are there any
24 questions by committee members at this time? (No
25 response).

1 Let me just ask, this is cited for
2 neighborhood objections. Are there any residents
3 present here to testify on the permanent extension?
4 (Hands raised). I see one, two, three, four, okay.
5 Of those who are here, are any of you here in favor
6 of it? We have two individuals -- and now it's gone
7 from four to five here -- (unintelligible).

8 No, actually, I said it is cited for
9 neighborhood objections; are there any residents here
10 to testify? I didn't say -- okay.

11 Our protocol is to hear from objectors
12 first. What we will do is, I have five of you having
13 indication wanting to testify. We will swear all
14 five of you in right now if you will raise your right
15 hands, please.

16 CITIZENS, called as witnesses herein, were
17 first duly sworn/affirmed on oath.

18 MR. BOHL: What I'm going to ask is when
19 we -- as we start to get into a bigger group of
20 individuals, I'm going to ask we start using the
21 standing microphone. What we will do is we will take
22 the three objectors first. And I would ask that all
23 three of you please take a front row seat, if you
24 could, and that way we can proceed in an orderly
25 fashion, your name and address for the record, your

1 specific reasons for opposing that.

2 If you could, also, please indicate as
3 well, too, if you live in the vicinity, if you could
4 let the committee know, this is my address, it is
5 approximately three doors down or one block away,
6 that would be helpful. So if you could all, please,
7 just shuffle this way here.

8 And, sir, you're the first. So we will
9 take you right at the standing microphone. If in the
10 event you are physically unable to utilize the
11 standing microphone, you may -- you may then take a
12 seat. Please proceed.

13 MR. MARINELLO: My name in Joseph, middle
14 initial is L., Marinello, M-A-R-I-N-E-L-L-O. I live
15 at 4170 South 4th Street, Milwaukee, 53207.

16 MR. BOHL: And where is that in relation to
17 this --

18 MR. MARINELLO: Well, basically just about
19 across the alley from the tavern where they are.

20 MR. BOHL: Thank you, sir. Please proceed.

21 MR. MARINELLO: We've had a problem quite a
22 while ago with the noise and everything from the
23 tavern. This was all taken care of by the alderman.
24 The back door was being left open with noise.

25 We went down to the captain at the Second

1 District and talked to him. They said that they
2 would take care of it. They would, every third call
3 that would come in, they would be charged for any
4 noise level or anything that was wrong. That's fine.
5 They said to try to be neighborly and get along with
6 people. Fine. And we did.

7 I got no objections to their business being
8 there. For the last few years, it's been very nice.
9 It's been quiet. They take care of their business
10 very well outside. I have no objections to that.

11 But if this is licensed again, it's going
12 to bring the noise right back that we tried to get
13 rid of and we had gotten rid of.

14 The patio is a small area. There's a house
15 right next door. The other house that's down after
16 the other house is a gentleman that's quite elderly
17 and sick down there. This other young man that lives
18 there goes to work quite early in the morning.

19 Now, opening a patio for drinking and
20 smoking is going to bring the same kind of noise when
21 they had the back door open that we had a time to get
22 it closed because of the noise and the vulgarness
23 that was coming out of there.

24 I have a grandson that comes over and my
25 daughter and friends. I don't want to be sitting

1 across the alley listening to this.

2 Like I say, I have no problems with their
3 business being there. The last few years, it's been
4 very fine. There's been no noise. There's been no
5 problems. I had to go over twice last year because
6 of one motorcycle that went up the alley cranking it.
7 And I asked Debbie about it. She said it was a new
8 guy that stopped, and she would make sure he didn't
9 come back. So that was fine

10 The other complaint was I had to go out
11 there one night around quarter to ten. They had the
12 back door open. I talked to John. I told, him,
13 John, you know this door is not to be opened; it's
14 supposed to be closed at all times. He closed it.

15 I'm trying not to call the police, cause
16 any trouble or anything else. They said if we had
17 some questions, to go over and talk to them. And we
18 did. But now they bring this up. And it's just
19 going to bring the problems back again. We will end
20 up calling the police because of the noise and all of
21 that.

22 MR. BOHL: Thank you. If you want to hold
23 on. Once you've provided testimony, if you could
24 please wait at the microphone, all of you, because
25 there may be questions, rather than have me call you

1 back.

2 Any questions by committee first?

3 MR. KOVAC: The operator mentioned she
4 built a new fence. Have you noticed that?

5 MR. MARINELLO: Yes.

6 MR. KOVAC: Can you anticipate whether that
7 would affect the noise would have on you or have you
8 already noticed that?

9 MR. MARINELLO: It won't change any of the
10 noise. It's right between the bar and the garage
11 they have there, and it's going to echo. It's going
12 to come right over. And it's not only going to be
13 me, it's going to be the other people there. And the
14 fence just went up a few months ago, so.

15 MR. BOHL: Any other questions by
16 committee?

17 Are there any questions, Ms. Seibold, that
18 you have? And my retort -- and this is going to
19 apply to any future applicants who are in here -- you
20 must ask a question, and it must be a question based
21 on their testimony. If you have a comment based on
22 what they stated, write it down, and you'll get an
23 opportunity to provide comments later. This is any
24 questions?

25 MS. SEIBOLD: No.

1 MR. BOHL: Thank you, sir. Next witness,
2 please.

3 MR. PEKRUL: My name is Joseph Pekrul. My
4 address is 4164 South 4th Street. I am two doors
5 across from the bar.

6 MR. BOHL: And, Mr. Pekrul, the spelling of
7 your last name, please?

8 MR. PEKRUL: P-E-K-R-U-L.

9 MR. BOHL: Thank you. Please proceed.

10 MR. PEKRUL: It's been a nice, quiet
11 respectable bar. The only thing I'm concerned about
12 is going outside, if it escalates, the noise, the
13 disturbance of the future. That's about it.

14 MR. BOHL: Thank you for your brevity here.
15 Questions by committee members?

16 Any questions for this witness?

17 MS. SEIBEL: No.

18 MR. BOHL: Thank you, sir. Next witness?

19 MS. APPLGATE: My name is Dolores
20 Applegate, A-P-P-L-E-G-A-T-E. I live at 4202 South
21 4th Street. It is kitty-corner to the bar.
22 Basically, we can hear what goes on in the bar when
23 the bar windows are open. My concern is now it's
24 going to be taken outside. Even with the fence, at 2
25 o'clock in the morning, I don't want to hear what's

1 going on out there. So it is my concern that if we
2 can hear what goes on inside, when they take it
3 outside, everyone is going to hear what's going on,
4 in the neighborhood.

5 It's a residential area. There is no other
6 establishments in that area. It's all residential.
7 So that is our concern.

8 MR. BOHL: Okay. Thank you, ma'am, for
9 your testimony here.

10 Questions by the committee?

11 Ms. Seibel, any questions on this?

12 MS. SEIBEL: No.

13 MR. BOHL: Thank you. All right, thank
14 you. If you could potentially relinquish your seats
15 here, we have two other witnesses. We will hear from
16 those individuals who are in favor. Again, if you
17 are able to use the standing microphone, we would ask
18 that; otherwise, you can be seated.

19 Sir, we will hear from you first.
20 Your name and address, please, for the record?

21 MR. GESSNER: My name is Paul Gessner,
22 G-E-S-S-N-E-R, 3859 South 5th Place. I'm about five
23 blocks away from the Plainfield Pub. I'm also the
24 president of the Town of Lake Neighborhood
25 Association.

1 Deb Seibold is one of our most active
2 members. She is a block watch captain. She runs
3 regular meetings. She has organized neighborhood
4 clean-ups. We just had a neighborhood clean-up this
5 past spring with over 40 members present. She
6 provided, you know, hospitality after the
7 neighborhood clean-up. She is very active in the
8 neighborhood. She is very responsible. And, as the
9 association, would support her being able to expand
10 her business.

11 MR. BOHL: Okay, very good. Thank you.

12 Any questions by committee members?

13 MS. COGGS: The neighbors who just
14 testified, are they involved with your neighborhood
15 group?

16 MR. GESSNER: I have not seen them at a
17 meeting.

18 MR. BOHL: Any other questions?

19 Any questions from that side of the table?

20 All right. Thank you, sir.

21 MR. JANZ: Joe Janz, 9606 West Harding
22 Place. I don't live in the neighborhood. I'm here
23 mainly for informational purposes and to back up Deb,
24 Deb's character.

25 I've owned and operated Liquid Johnny's

1 from 1981 until 2002. We had a similar situation
2 that Deb is now applying for. We had a beer garden,
3 in a neighborhood situation, ran it for 21 years.
4 Patrons were allowed to go outside and drink and
5 smoke. Extension of premise included hours until
6 two, until 2:30 in the morning. Twenty-one years we
7 ran that without an incident.

8 So you've mentioned earlier you're going to
9 be bombarded with these applications. They can be
10 run. It's still the control of the owner/operator.
11 If a place is noisy, it can be noisy inside or out.
12 The owner has got to appease the neighbors.

13 And I started coming to this committee in
14 1975, and I remember one of the first meetings the
15 alderman said, "You have a right to fail." So there
16 is speculation that because it's going outside, that
17 it can't be controlled.

18 I know Deb from being active in the Tavern
19 League. She is on the board of directors of the
20 Tavern League. You guys see mostly the bad operators
21 here. She is a good operator. And I didn't hear any
22 complaints about her license up to this point.

23 So I'm currently a realtor. We are going
24 to be dealing with this in all cities and villages.
25 I have one at the Village of West Milwaukee talking

1 about the same thing, and West -- West Allis. Never
2 had beer gardens, and now they have changed their
3 mind and given the applicants the right to fail.

4 Thank you.

5 MR. BOHL: I know. You know we -- and
6 if -- and not necessarily at this location -- if we
7 get a ton of calls and complaints that start to come
8 in, we ought to give them all the state legislators'
9 and state senators' numbers as well, too. There's
10 your call for complaint right there. Because, you
11 know what? They make the state law, and we are the
12 one that takes the complaints and the hits if the
13 noise is loud enough in some of the locations. Thank
14 you, Mr. Janz.

15 Questions by the committee?

16 This witness?

17 Thank you. Good to see you here.

18 Sir, I don't recall that we swore you in.

19 Is that correct?

20 MR. WACHNIAK: No. I raised my hand,
21 but -- it's --

22 MR. BOHL: All right, you were sworn? You
23 were not sworn in?

24 MICHAEL WACHNIAK, called as a witness
25 herein, was duly sworn/affirmed on oath.

1 MR. BOHL: Yes, it never ceases to amaze me
2 how more comes out of the woodwork here when you ask.
3 Go ahead, sir. That -- actually, that bends down.
4 Your name and address, sir.

5 MR. WACHNIAK: My name is Michael Wachniak,
6 3934 South 2nd Street.

7 MR. BOHL: You'll have to spell Wachniak.

8 MR. WACHNIAK: W-A-C-H-N-I-A-K.

9 MR. BOHL: Thank you. Please proceed, sir.

10 MR. WACHNIAK: I'm in favor of the beer
11 garden, because it can be controlled and not out on
12 the street where you'd have people walking and
13 talking. She can control the environment.

14 MR. BOHL: Are you -- area you a resident
15 of the relative neighborhood, is that?

16 MR. WACHNIAK: Yes. I'm approximately a
17 block and a half, two blocks away.

18 MR. BOHL: Okay.

19 MR. WACHNIAK: I'd have more problems with
20 the noise from Plainfield curve than I think you
21 would hear from the bar.

22 MR. BOHL: Well, that, your alderman is
23 working on, because he's trying to reduce the number
24 of accidents there.

25 Are there any questions by committee

1 members of this witness?

2 Any individual questions on that side of
3 the table?

4 All right, thank you, sir, for your
5 testimony.

6 Alderman Witkowski, we will hear from you.

7 MR. WITKOWSKI: Thank you, Mr. Chairman.
8 First of all, let me state that I was -- I'm the
9 city's representative, your representative, Council's
10 representative to the Wisconsin League of
11 Municipalities which met last Wednesday, Thursday and
12 Friday in the northwest corner of this state. So the
13 materials that we're -- that I'm looking at today,
14 this is the first time I'm looking at them for all
15 the items that we will be handling. Likewise, any
16 notification to the area went out, got there about
17 the time that I was representing you.

18 The -- I have my concerns. This is a
19 residential area. There is not another business
20 within blocks. When this bar opened up, it was a
21 problem with noise. It did receive a 10-day
22 suspension.

23 And since that time -- that's probably five
24 years ago -- this bar owner has become one of the
25 most responsible people, indeed, being responsive to

1 any complaints, addressing them as they came up,
2 including motorcycle noise and any other noise that's
3 testified to by residents.

4 She has been involved in actually running
5 one of the biggest block watches until the
6 neighborhood association was formed and still runs
7 the block watch. Has done clean-ups.

8 And I am at a loss to make a recommendation
9 here. I am very much concerned that this is a
10 residential area and also that this is a responsible
11 business owner.

12 What I would ask the committee is that --
13 we have had public testimony. I would ask that you
14 hold this item. Holding this item does not affect
15 the license. It might affect the time schedule for
16 construction. But I'd like to have a neighborhood
17 meeting and meet with the neighbors, be able to work
18 out with the bar owner what hours you operate an
19 outdoor patio. How -- will this be daylight? Would
20 this be certain months of the summer? What does this
21 mean? Does this mean in the dead of winter people
22 will be out there? And get basically more
23 information and have residents get more information
24 and see if there's a happy medium here.

25 MR. BOHL: Alderman Zielinski.

1 MR. ZIELINSKI: I was very encouraged to
2 hear that this applicant has been successful in terms
3 of addressing the loud motorcycle noises. And I was
4 hoping she could share with the committee and all the
5 people listening here, possibly some people operate
6 bars who have problems with motorcycle noises, and
7 maybe you can provide us with some examples. How did
8 you do it?

9 MS. SEIBOLD: First of all, I put up a sign
10 No Motorcycles After 10:00 p.m. And they're also in
11 the restrooms and in -- on the walls in the bar, just
12 smaller ones. And then, I mean, I have had
13 motorcycles pull up later, and I've gone out there
14 and told them they've had to leave. And they are
15 like, Ah, that's discrimination. I'm like, sorry,
16 take it up with my alderman, you know, or the
17 committee because I can't have you here. They leave,
18 sometimes disgruntled. They will be loud, of course.
19 That's about all I do, really, for --

20 MR. ZIELINSKI: Well, that's good. If
21 there's no motorcycles after 10 o'clock, you don't
22 have to worry about noise after that time. Okay,
23 thank you. That was insightful -- (unintelligible).

24 MR. BOHL: The other reason is that if it's
25 a bike that's older than a 2007, they were carbureted

1 engines. Carbureted engines mean rather than fuel
2 injection that you can get on them and start it and
3 drive off -- you have to warm it. You have to put a
4 choke on. You have to warm the engine with the
5 choke, which actually revs it up higher and louder.
6 Which means that as you're warming up the bike for
7 about four minutes -- three, four minutes, if it's
8 cooler; maybe a minute if it's hot outside.

9 And, ultimately, that means that when some
10 people question if somebody gets on a bike and if
11 it's been sitting and the engine is cold, it's got to
12 run, it's got to run until it warms before you can
13 actually kick off the choke and then drive it off.

14 MR. KOVAC: Mr. Chair, you also could just
15 take the motor off.

16 MR. BOHL: That, you can do. And then you
17 could also try to avoid things like Screaming Eagle
18 pipes and things that make them louder, as well, too,
19 if you keep those things on.

20 MR. ZIELINSKI: But you do not exclude the
21 types of bikes that Alderman Kovac rides, right?

22 MR. KOVAC: I've been there after ten on my
23 bike. Because you host the Biketober Fest.

24 MS. SEIBOLD: Yes.

25 MR. ZIELINSKI: I can vouch for him.

1 MR. BOHL: I have not been there after --
2 (unintelligible). There's been a request. Any
3 comments, Ms. Seibold, to the request of your
4 alderman on that issue?

5 MS. SEIBOLD: No, not really. Like I say,
6 this is all because of the smoking ban. It's -- the
7 patio is actually mine and my husband's for private
8 use. And we are going to put a door on the one end
9 of the bar, instead of going out the front door, to
10 go through a back door to the patio. I believe I made
11 maps for you.

12 So, I mean, I'm not going to do it unless
13 this is approved, you know, because that's money that
14 I can't afford. Saturday, I had 13 customers all
15 day. So it's stuff --

16 MR. BOHL: Alderman -- and I don't know --
17 thank you. I don't know if there will be agreement
18 on the committee to hold this matter. What I will
19 say is, if we do, I don't want to hear more neighbor
20 testimony. You could provide a summation of where
21 things are. I'm really, really opposed to re-dos, to
22 the point where now neighbors who didn't show up
23 today feel that we have to show up in mass and have
24 another six, seven opponents and five other
25 supporters, to the point where we are rehearing

1 duplicative testimony of individuals who didn't show
2 up on the first go.

3 Is there a will of the committee here
4 on this matter?

5 MR. ZIELINSKI: Mr. Chairman?

6 MR. BOHL: Mr. Zielinski.

7 MR. ZIELINSKI: Well, I'm going to tell
8 you, I'm willing to take extra time to make sure that
9 the neighborhood is thoroughly informed and able to
10 make a decision that's going to impact them on a
11 regular basis. We are talking about something here,
12 where we can listen for 15, 20 minutes, but this is
13 something people are going to live with for who knows
14 how many years.

15 So I think if the alderman of the area
16 requests an opportunity to have a community meeting,
17 I would -- I would make that motion. I would make a
18 request -- and I'm sure that the chairman will follow
19 his previous policy of not allowing the people that
20 testified already, to testify again. So having said
21 that, that would be my motion.

22 MR. BOHL: Yeah. As I said, I don't have a
23 problem with that. My hope would be that at least
24 Alderman Witkowski will be able to come forward and
25 sort of say, this was the consensus or that there was

1 no consensus that was reached.

2 We will just restate the motion here and
3 say that Alderman Zielinski moves to hold at the call
4 of the chair. Are there any objections to that
5 motion? Hearing none, so ordered.

6 I just want to reiterate one other point.
7 And that point, again, is -- is that you will find
8 more establishments that will wind up having
9 residents that will go outside, whether it's on a
10 patio or out front, based on the smoking ban.

11 And the distinction will be, individuals
12 still can walk out on this patio and smoke a
13 cigarette. The difference is, is that it would not
14 enable the sale of or consumption of alcoholic
15 beverages. But it doesn't preclude individuals from
16 going out there and having those cigarettes. Thank
17 you, Ms. Seibel. We will, I guess, see you in
18 September then.

19 MS. SEIBOLD: Okay.

20 (Hearing concluded at 11:48 a.m.)
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1 STATE OF WISCONSIN)
 2) SS:
 3 MILWAUKEE COUNTY)

4 I, Margaret A. Matousek, RPR and
 5 Notary Public in and for the State of Wisconsin, do
 6 hereby certify that the preceding hearing was
 7 recorded by me and reduced to writing under my
 8 personal direction.

9 I further certify that said hearing
 10 was taken at Milwaukee City Hall, 200 East Wells
 11 Street, Room 301-B, Milwaukee, Wisconsin, on the 13th
 12 day of July, 2009, commencing at 11:23 a.m.

13 I further certify that I am not a
 14 relative or employee or attorney or counsel of any of
 15 the parties, or a relative or employee of such
 16 attorney or counsel, or financially interested
 17 directly or indirectly in this action.

18 In witness whereof, I have hereunto
 19 set my hand and affixed my seal of office on this
 20 21st day of July, 2009.

21
 22 _____
 23 Margaret A. Matousek, RPR
 24 Notary Public

24 My commission expires December 26th, 2010.

25

	5th (1) 11:22	along (1) 7: 5	9:20,21;22:10	14: 7
1		amaze (1) 15: 1	basically (3) 6:18;10:22;17:22	came (1) 17: 1
10 (1) 18:21	9	anticipate (1) 9: 6	basis (2) 4:18;21:11	can (16) 5:24;9: 6;10:22;
10:00 (1) 18:10	9606 (1) 12:21	appeal (1) 13:12	become (1) 16:24	11: 2,18;13: 9,11;
10:30 (1) 3: 2	A	APPLEGATE (2) 10:19,20	beer (6) 3: 5,25;4: 5;13: 2;	15:11,13;18: 7;
10-day (1) 16:21	able (6) 4:21;11:17;12: 9;	A-P-P-L-E-G-A-T-E (1) 10:20	14: 2;15:10	19: 2,12,16,25;
11:48 (1) 22:20	accidents (1) 15:24	applicant (1) 18: 2	belive (1) 20:10	21:12;22:12
13 (1) 20:14	acknowledge (1) 3:15	applicants (2) 9:19;14: 3	bends (1) 15: 3	captain (2) 6:25;12: 2
15 (1) 21:12	across (3) 6:19;8: 1;10: 5	application (1) 3:17	beverages (1) 22:15	car (1) 4:17
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2	19: 5;13;20: 7	applying (2) 4: 5;13: 2	bike (4) 18:25;19: 6,10,23	cause (1) 8:15
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