

James A. Bohl Jr.
Alderman 5th District



March 21, 2003

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 021394

Attached are written objections to the renewal with a 10-day suspension based upon neighborhood objection of the Class "B" Tavern and Tavern Dance license application of Devon L. Reid for the premises at 5409 N. Green Bay Ave. ("Junior's Sports Bar & Grill") in the 1st Aldermanic District.

This matter will be heard by the full Council at its March 25, 2003 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink that reads "James A. Bohl Jr.".

JAMES A. BOHL, JR., Acting Chair
Utilities and Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
Milwaukee Police Department – License Investigation
CCF 021394

GONZALEZ, SAGGIO & HARLAN, L.L.P.

ATTORNEYS AT LAW

CHICAGO, ILLINOIS
(312) 236-0475
(312) 236-1750 FAX

CITY OF MILWAUKEE

2003 MAR 21 PM 3:33

INDIANAPOLIS, INDIANA
(317) 735-8500
(317) 735-8503 FAX

RONALD D. LEONHARDT
CITY CLERK

MERRILLVILLE, INDIANA
(219) 769-8500
(219) 769-8521 FAX

4TH FLOOR
225 EAST MICHIGAN
MILWAUKEE, WISCONSIN 53202

(414) 277-8500
FAX (414) 277-8521
E-MAIL : MAIN@GSHLLP.COM

WEST DES MOINES, IOWA
(515) 453-8509
FAX (515) 267-1408

CINCINNATI, OHIO
(513) 651-3456
FAX (513) 651-3446

MILWAUKEE, WISCONSIN
(414) 277-8500
FAX (414) 277-8521

March 21, 2003

VIA MESSENGER

ATTN: Linda
Office of the City Clerk
Council Services Division
Room 205, City Hall
200 East Wells Street
Milwaukee, WI 53202-3567

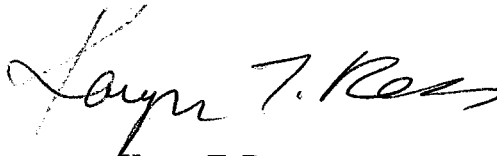
Re: Junior's Sports Bar & Grill
Our Client No.: 4858

Dear Linda:

Per our telephone conversation this morning, enclosed please find an original and one copy of the Brief In Opposition to the Proposed Ten Day Suspension. Please file the original, and return a file-stamped copy to the messenger who will be waiting upon same.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your time and attention to this matter.

Very truly yours,



Karyn T. Ross
Paralegal

Enclosures

cc: Mr. Devon Reid (w/ enclosure)

CITY OF MILWAUKEE

03 MAR 21 PM 3:32

CITY OF MILWAUKEE
MILWAUKEE COMMON COUNCIL

DONALD D. LEONHARDT
JUNIOR'S, INC. &
DEVON L. REID
CITY CLERK

v.

THE UTILITIES AND LICENSES COMMITTEE

BRIEF IN OPPOSITION TO THE PROPOSED TEN DAY SUSPENSION

The ten (10) day suspension of Junior's Incorporated's Class "B" Tavern and Tavern Dance license recommended by the Utilities and Licenses Committee (the "Committee") should not be approved by the Milwaukee Common Council. Junior's Incorporated ("Junior's"), through its agent Mr. Devon Reid ("Mr. Reid"), has fully complied with the requirements of Chapter 90 of the Milwaukee Code of Ordinances. There is no legitimate reason why Mr. Reid should be subject to a ten (10) day suspension of his Class "B" Tavern and Tavern Dance license.

PROCEDURAL BACKGROUND

1. Mr. Reid is the agent for Junior's, located at 5409 North Green Bay Avenue, Milwaukee, Wisconsin.
2. Mr. Reid filed an application to renew his Class "B" Tavern and Tavern Dance license with the Office of the City Clerk on February 17, 2003.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances the matter was referred to the Milwaukee Police Department for an investigation.
4. The Milwaukee Police Department did not object to the renewal of Mr. Reid's Class "B" Tavern and Tavern Dance license.

5. Based upon one letter of complaint from a resident of the area near Junior's, the Utilities and Licenses Committee scheduled a hearing on March 11, 2003, in connection with Mr. Reid's application for renewal.¹
6. At the March 11th hearing, a number of individuals who reside near Junior's testified regarding their personal observations of activity that occurs in Junior's parking lot at, or around, the time when Junior's closes each evening.
7. The Committee, in a March 14, 2003 Recommendation to the Common Council, found that the neighbors had observed loitering, littering, public urination, speeding cars, traffic problems, loud music and noise.²
8. Based upon the Committee's findings, they recommended that the Common Council renew Junior's Class "B" Tavern and Tavern Dance license contingent upon a ten (10) day suspension of said license.

FACTUAL BACKGROUND

9. Mr. Reid has employed three security personnel who's main job responsibility is to regulate and clean the parking lot adjacent to Junior's at closing time.
10. These three security personnel work diligently to expedite the patrons in their attempts to exit the parking lot.
11. Mr. Reid enlists the aid of the Milwaukee Police Department whenever the crowd of patrons will not leave the parking lot in an orderly, timely fashion.
12. Mr. Reid has repeatedly worked with residents of the surrounding neighborhood to attempt to address their concerns in connection with Junior's

¹ A copy of the complaint letter is attached to this Brief.

² A copy of the Committee's Recommendation is attached to this Brief.

13. Mr. Reid has offered to have quarterly meetings at Junior's where concerned neighbors can have an opportunity to voice their concerns.
14. Mr. Reid has provided concerned neighbors with his cell phone number and instructed them to call him at any time of the night if they have a complaint regarding Junior's.
15. Whenever a concerned neighbor voices a complaint to Mr. Reid, he takes the complaint very seriously and works with the neighbor to address their concerns.
16. The parking lot adjacent to Junior's is owned by a church located directly next door to the premises.
17. The church allows and support's Junior's use of the parking lot.
18. The church has never complained regarding the condition of the parking lot or Junior's use of the parking lot.
19. Mr. Reid resides above Junior's so that he can be present immediately if there are any incidents at the establishment.
20. Junior's is a long-standing, well-run, minority-owned Milwaukee establishment that serves as a much-needed social gathering place for the city's professional African-American community.
21. Many neighbors that live in closer proximity to Junior's than those who testified at the Committee's hearing have never complained regarding the conduct of patrons in the parking lot at closing time.
22. Mr. Reid would suffer substantial losses if his Class "B" Tavern and Tavern Dance license were suspended for ten (10) days.
23. Mr. Reid would have to layoff a number of employees for the ten (10) days because of the significant decline in patrons he would likely experience due to the suspension of the Class "B" Tavern and Tavern Dance license.

ARGUMENT

It is clear that Mr. Reid has done everything within his power to address the concerns of those residents who reside near Junior's. Mr. Reid has employed security personnel to facilitate the timely and orderly exit of patrons from the parking lot; he's held meetings with concerned neighbors in an effort to address their concerns; he resides on the premises so that he can be available immediately to assist with any problems; and he has provided neighbors with 24 hour access to him if they have any concerns. Short of closing down his entire business, there is nothing more Mr. Reid could do to console the neighbors who testified at the Committee's hearing on March 12, 2003. Junior's is a long-standing Milwaukee tradition that addresses the pressing need for social gathering spots for this city's professional African-American and multicultural community. To suspend Mr. Reid's Class "B" Tavern and Tavern Dance license for ten (10) days would put an enormous financial strain on Mr. Reid, Junior's, and the employees of Junior's. The majority of the neighbors who reside near Junior's have never complained regarding the closing-time activities of the patrons. For the Common Council to give the small number of neighbors who have complained the power to threaten the very existence of Junior's would be wholly unfair.

Junior's is one of the best run African-American owned businesses in the City, and one of a few that have had no police department, building inspector or community services objections.

CONCLUSION

For the above-outlined reasons, we ask the Common Council to approve the renewal of Junior's Class "B" Tavern and Tavern Dance license without the recommended ten (10) day suspension.

Respectfully submitted this 21st day of March, 2003, in Milwaukee, Wisconsin.

GONZALEZ, SAGGIO & HARLAN, L.L.P.
Counsel for Junior's Incorporated

By: 

One of Its Attorneys

Karma S. Rodgers
State Bar No.
Erin C. Hughes
State Bar No. 1036141
GONZALEZ, SAGGIO & HARLAN, L.L.P.
225 E. Michigan, 4th Floor
Milwaukee, Wisconsin 53202
(414) 277-8500

COUNSEL FOR JUNIOR'S INCORPORATED AND DEVON REID

1st AD

January 17, 2003

Jim Copeland-Manager License Division
City Hall
200 E. Wells, Room 105
Milwaukee, WI 53202

Dear Mr. Copeland,

Many of our neighbors including ourselves have a concern regarding Junior's Sports Bar and Grill located at 5409 N. Greenbay Avenue. Our concerns involve various types of activities such as *gun shots, armed robberies, thefts, drug related activities, urinating in public, and traffic concerns such as speeding on Greenbay, Custer and Lawn Avenues*. With spring just around the corner, our concerns grow even greater. Another concern would include possible fire code violations, including the number of occupants in the building as well as loitering. These kinds of activities are not conducive to a healthy, safe and friendly neighborhood atmosphere.

We are interested in doing what we can to maintain a pleasant place to live for all. We have been actively involved with our local community center for the past few years and have gotten to know many of those in our neighborhood as well as their concerns.

We are kindly requesting to be notified when Junior's Sports Bar and Grill's liquor license is up for renewal. Listed below are just a few of my immediate neighbors that would like to be notified as well.

Respectfully Submitted,

Lisa Reep

Tom and Lisa Reep
1436 W. Lawn Avenue
Milwaukee, WI 53209

Connie Knurr
1437 W. Lawn Avenue
Milwaukee, WI 53209

Cindy Beaster
1429 W. Lawn Avenue
Milwaukee, WI 53209

Carol Peterson
1322 W. Lawn Avenue
Milwaukee, WI 53209

Jeff Pawlinski
Alderman, 13th District



CHAIR:
Utilities & Licenses Committee

COMMITTEES:
Zoning, Neighborhoods and Development
Steering & Rules
Anti Graffiti Policy
Administrative Review Appeals Board
Resolutions Committee - League
of Wisconsin Municipalities

Date: March 14, 2003

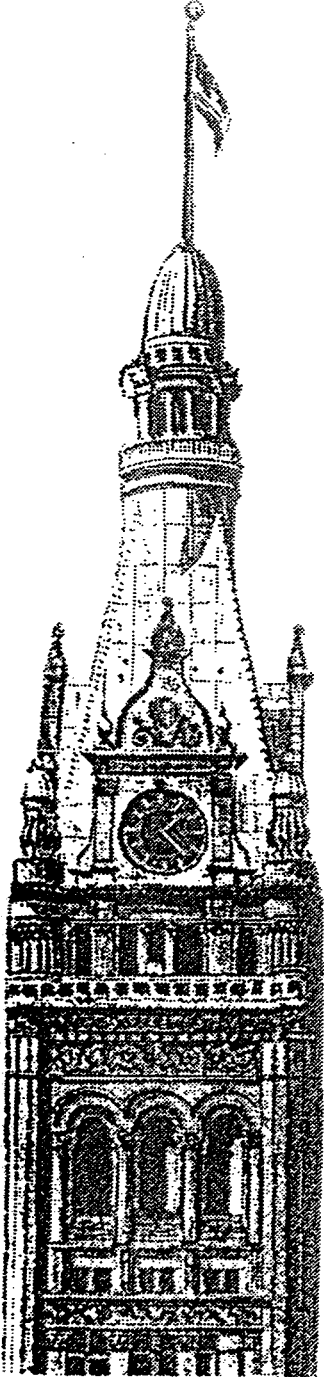
To: All Members of the Milwaukee Common Council

From: The Utilities and Licenses Committee

Re: Report of the Renewal Application of the Devon L. Reid, as agent for "Junior's, Inc." for a Class "B" Tavern and Tavern Dance license for the premises located at 5409 North Green Bay Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Sports Bar & Grill").

FINDINGS OF FACT

1. Devon L. Reid (hereinafter the "Licensee") is the agent for "Junior's, Inc." doing business at 5409 North Green Bay Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Sports Bar & Grill"). Said license expires at midnight, April 25, 2003.
2. An application to renew said license was filed with the Office of the City Clerk on February 17, 2003.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was no Milwaukee Police Department report which could form the basis for non-renewal or suspension of the license. There were, however, neighborhood objections to loitering, littering, gunshots, armed robberies, thefts, drug-related activities, public urination, speeding vehicles, traffic problems, loud music and noise, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On February 25, 2003, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of neighborhood objections that could form the basis for suspension or non-renewal of the licenses of the Licensee. The matter was scheduled for a hearing on the neighborhood objections on March 11, 2003 at 9:15 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the agent



of the Licensee appeared at the hearing and was not represented by counsel.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Neighbors have experienced congregations of patrons during operating hours and at closing time playing music from their cars and drinking intoxicants to the disturbance of the adjoining neighbors. Frequently people in these congregations scream at each other and patrons report that there have been gunshots involving individuals in those congregations.
 - B. One neighbor testified that she actually leaves her home one or two weekends per month and stays with a son in order to avoid the noise and disturbances emanating from patrons of this establishment on weekends.
 - C. Patrons have observed what they believe to be the passing of "joints" in cars occupied by patrons of the premises. One automobile that is known as a "drug car" frequents the parking lot of the premises. The parking lot in question is actually owned and operated by a church.
 - D. Neighbors have observed patrons publicly urinate upon leaving the premises.
 - E. This location has been the source of large numbers of automobiles driven by patrons that "cruise" the neighborhood, go the wrong way on a boulevard, double park, and illegally park in driveways.
 - F. One neighbor testified that patrons leaving the premises tore down her fence and then used the pickets from the fence to engage in a fight with each other.
 - G. Neighbors have regularly had their sleep disturbed, particularly on weekends, during the summer time by operation of this premises.
 - H. The licensee admits there is noise generated by patrons at closing time. The licensee has also testified that he has

individuals patrol the parking lot, and has requested patrons to not engage in disorderly acts or noisy conduct at closing time and when leaving the premises.

- I. Another supporter of the licensee testified that the church has been the source of traffic difficulties even on Sunday mornings when services are held and that, in fact, the problems connected with this location have actually been reduced in the period of time that the current licensee has been the operator of the premises.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Devon L. Reid, as agent for "Junior's, Inc." at 5409 North Green Bay Avenue has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of his Class "B" Tavern and Tavern Dance license without undergoing a ten (10) day suspension. The Committee finds the neighborhood objections to be true as to loitering, littering, public urination, speeding cars, traffic problems, loud music, noise, and conduct detrimental to the health, safety and welfare of the neighborhood.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to renew the Class "B" Tavern and Tavern Dance license of Devon Reid, as agent for "Junior's, Inc." for this premises with a ten (10) day suspension.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes, zero (0) noes and one (1) excused recommends that the Class "B" Tavern and

Tavern Dance license held by Devon L. Reid as agent for
"Junior's, Inc." be renewed with a ten (10) day suspension.

Said suspension is to be in effect from midnight, April 25, 2003
through midnight, May 5, 2003.

Dated and signed at Milwaukee, Wisconsin this 14th day of
March, 2003.

A handwritten signature in black ink, appearing to read "Jeffrey A. Pawlinski". The signature is stylized with a large initial "J" and a long, sweeping underline.

JEFFREY A. PAWLINSKI
Chairman, Utilities and
Licenses Committee

65128