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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of a permanent extension of the Class "B" Tavern premises to include the extension of premises 12 feet on the north side of the current premise, reconfiguring the bar, kitchen, restroom areas and providing handicapped access.

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ERIC UECKE
"Cactus Club"
2496 South Wentworth Avenue

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COMMITTEE MEMBERS

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

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by KEVIN HULBERT
POLICE DEPARTMENT by SERGEANT CHESTER ULICKEY
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in the above-entitled matter, before the UTILITIES & LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on the 13th day of September, 2005.

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P R O C E E D I N G S

(Whereupon all the city employees were sworn.)

CHAIRMAN WITKOWIAK: Then you must all be here for the final item on the agenda, Eric Uecke, request for the permanent extension of the Class "B" Tavern premises to include the extension of premises 12 feet on the north side of the current premise, reconfiguring the bar, kitchen, restroom areas and providing handicapped access for the "Cactus Club" at 2496 South Wentworth Avenue.

MR. WHITCOMB: Good evening, Mr. Chairman. My name is Michael Whitcomb. I'm an attorney representing the applicant for this permanent extension of premises, and we do acknowledge receipt of the notice that there's a possibility that the application may be denied for various neighborhood objections.

As a preliminary matter, Mr. Chairman, I must make a record from a legal standpoint. At this time the applicant objects to this proceeding, and challenges the jurisdiction of this body to consider this matter, that the activity of this committee is ultra-virus,

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1 legally meaning beyond its authority. This
2 committee is not authorized to engage in building
3 and zoning regulatory activity. It is not within
4 the authority of the - - of the liquor licensing
5 authority as delegated to municipalities by the
6 State Legislature. There is no statutory
7 authority for municipal liquor licensing bodies
8 to engage in regulating otherwise legitimate
9 modifications to privately owned real estate.

10 The Utilities & License Committee may
11 regulate the sale of alcoholic beverages in a
12 particular area of a building, but it is
13 certainly not authorized legally to prohibit
14 lawful improvements to private property.
15 Wisconsin State Statute Chapter 125 regulates the
16 sale of alcoholic beverages, and within that
17 chapter, municipalities have been delegated
18 authority regarding the sale of alcoholic
19 beverages. But that chapter specifically states
20 that the sale of alcoholic beverages is a matter
21 of statewide concern, meaning that municipalities
22 may not extend beyond the authority granted.

23 Section 125.10 of the State Statute
24 states, Municipal regulation - - Regarding
25 municipal regulation it states, "A municipality

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1 may prescribe additional regulations for the sale
2 of alcoholic beverages not in conflict with this
3 chapter." Prohibiting the issuance of building
4 permits for licensed premises under Milwaukee
5 Code of Ordinances Section 90-13 does not and
6 cannot constitute a permissible - - a permissible
7 municipal regulation in this matter of statewide
8 concern.

9 This honorable committee is not
10 lawfully authorized to act as a mini plan
11 commission or a mini department of neighborhood
12 services for licensed premises. Wisconsin
13 Statutory Section 125.10(3) specifically states
14 that Chapter 123 of the State Statutes regulating
15 the statewide concern of the sale of alcoholic
16 beverages, "Does not affect the power of
17 municipalities to enact or enforce zoning
18 regulations." It is clear that this honorable
19 body cannot effect or limit the power of the
20 Department of Neighborhood Services to issue
21 building permits. The issuance of a liquor
22 license may be withheld without the approval of
23 DNS, as it oftentimes is for in - - awaiting an
24 occupancy permit, but a building permit cannot be
25 lawfully withheld pending the approval of this

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1 committee.
2 This has been a licensed establishment
3 since - - for nearly 100 years. Under this
4 applicant it's been licensed since 1996. He
5 extended and expended a great deal of money, time
6 and effort in developing the plans for the
7 expansion of his restaurant only to be confronted
8 by an objection from the building department
9 saying that no permits for its improvement can be
10 granted pending the approval of this committee.
11 There is an ordinance to that effect, however,
12 this is the first time this has ever occurred.
13 And I would ask a question based upon the grant
14 of the new license to Groppi's, how they were
15 able to expand its premises as they did,
16 containing a Class "A" license. Did they come
17 before this committee and seek the approval of
18 this committee or the local alderman before they
19 had their expanded plans? I have no knowledge of
20 such and neither does my client. But now, in
21 this particular instance, for an establishment
22 kitty-corner from Groppi's we have to now come
23 before this committee to get approval of building
24 and improvements on a particular piece of
25 property that are otherwise lawful under State

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1 Law. Those are my preamble comments.
2 But also, in the conduct of this
3 proceeding, because of all the witnesses here
4 that want to testify on one side of the issue or
5 the other, I would like the committee to tell us
6 what is the standard being employed by this
7 committee. The notice says neighborhood
8 objections. But nowhere in the municipal code or
9 in State Statute is there any standard by which
10 this committee makes a determination as to
11 whether or not lawful improvements to a structure
12 can be made. What is the standard? I understand
13 that under the new regulatory scheme that if an
14 establishment has a plan of operation on record,
15 the new ordinance states that before that plan
16 can be modified, substantially modified, the
17 standard is "whether or not it's detrimental to
18 the neighborhood." Broad and ambiguous. But
19 that standard does not apply in this case,
20 because this licensed establishment does not and
21 has not yet been required to file a plan of
22 operation for its existing license. So for - -
23 for the witnesses here today to know and for this
24 committee to conduct a vote, if it proceeds to
25 exercise jurisdiction before it, what is the

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1 question before the body? What is the standard
2 of review? Is it - - Is it the color of the
3 windows? The siding on the building? Is it the
4 manner of construction? I mean, are you exercise
5 - - exercising zone - - zoning authority? What
6 - - Just what is the standard of review?

7 If this committee proceeds on this
8 particular matter, what is the vote? I hereby
9 move that what - - what is met - - what standard
10 has been met or what standard has not been met.
11 And I would also like reference from the city
12 attorney as to where it is written, either in the
13 Milwaukee Municipal Code or in the State Statutes
14 how his building permit for his lawful
15 improvements can be denied, and if it is to be
16 denied, there has to be an articulable reason and
17 the grounds fore-stated by this committee, and I
18 ask that that be done beforehand, so I know what
19 to tell my people, what issue to address when
20 they come forward. This is very new to me, and
21 it's probably new to the committee, as well.
22 It's the first time it's been confronted with
23 this requirement, and therefore, I'm putting
24 everything on the table so that we all know today
25 and going into the future what the standard will

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1 be, so I can adequately advise my licensed
2 clients what they need to do and what they need
3 to anticipate, should they want to make any
4 modification to their licensed establishments.

5 CHAIRMAN WITKOWIAK: So I stayed here
6 so late in the day for you to tell me that I have
7 no jurisdiction to hear this matter. Just so I
8 understand that.

9 MR. WHITCOMB: It's not you, Mr.
10 Chairman. It's that the building and zoning
11 regulation in a municipality is specifically
12 designated to particular bodies within the city,
13 and those bodies exist. You have the regulatory
14 authority regulating the sale of alcoholic
15 beverages, but whether it's in a red room or a
16 blue room, that is not within your jurisdiction,
17 and you cannot deny it be - - because of it.
18 That's - - That's an example by exaggeration, but
19 it makes the point.

20 CHAIRMAN WITKOWIAK: I have a question
21 for the city attorney. This - - This - - Is
22 there, from what I understand now, is this
23 getting this building permit predicated on
24 getting this permanent extension of premises? I
25 - - I see this as a separation of two things.

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1 Why can't the building permit be issued to allow
2 this expansion, but this committee has to rule on
3 whether that expanded space can be used for the
4 sale and consumption of alcohol. Am I correct?

5 MR. SCHRIMPF: Mr. Chairman, you have
6 it exactly, and - - and I have just a few follow-
7 on questions. What is the current described
8 premises in the current Class "B"?

9 MS. BARRON: We have first floor and
10 basement storage.

11 MR. SCHRIMPF: First floor and basement
12 storage. And what is the intended expansion?

13 MR. WHITCOMB: Within - - Within the
14 existing structure, however, the area open to the
15 public will now be expanded, if you will, 12 feet
16 to the north.

17 MR. SCHRIMPF: And is this what? An
18 extra room or a patio or what?

19 THE APPLICANT: Most of it will be
20 extra bathrooms and storage.

21 MR. SCHRIMPF: But you're not going to
22 serve alcohol in the bathrooms. That's not a
23 reason for coming here.

24 THE APPLICANT: Well, the - - the - -
25 CHAIRMAN WITKOWIAK: Wait a minute. We

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1 need to swear you. We didn't swear you in yet.
2 MR. SCHRIMPF: All right.
3 CHAIRMAN WITKOWIAK: Could you raise
4 your right hand? We'll swear you in.
5 MADAME CLERK ELMER: (Whereupon the
6 applicant was sworn.)
7 THE APPLICANT: I do.
8 CHAIRMAN WITKOWIAK: Name and address
9 for the record.
10 THE APPLICANT: Eric James Uecke, 2494
11 South Wentworth Avenue, Milwaukee.
12 CHAIRMAN WITKOWIAK: Okay. I'm sorry
13 about that. Now could you proceed, please?
14 MR. SCHRIMPF: Okay. Is - - Is this
15 expanded area that counsel has talked about going
16 to be used for alcohol service?
17 THE APPLICANT: Yes, it is.
18 MR. SCHRIMPF: Okay. And how many
19 spaces or seats or area do you intend to expand?
20 THE APPLICANT: Well, we're expanding
21 the entire building north by about 12 feet three
22 inches.
23 MR. SCHRIMPF: Okay.
24 MR. WHITCOMB: But - - But - -
25 MR. SCHRIMPF: Well, no. Let me finish

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1 my questions.

2 THE APPLICANT: Of - - Of which most
3 will be bathrooms and storage.

4 MR. SCHRIMPF: Right. And I understand
5 that, but you're expanding the licensed premises
6 beyond its current description. Is that correct?

7 MR. WHITCOMB: There - -

8 THE APPLICANT: No, because the first
9 floor - -

10 MR. SCHRIMPF: Mr. Whitcomb, let the
11 witness answer.

12 THE APPLICANT: Well, according to the
13 description it's first floor and basement
14 storage. The first floor will still be used to
15 serve alcohol. The basement will still be used
16 for storage.

17 MR. SCHRIMPF: Right, and you're
18 expanding it 12 feet.

19 THE APPLICANT: Yes.

20 MR. SCHRIMPF: Okay. Mr. Chairman, the
21 ordinance says, "Any alteration, change or
22 addition resulting in expansion of a licensed
23 premises shall be approved by the Utilities &
24 Licenses Committee prior to the issuance of a
25 permit, pursuant to 200-24 by the Department of

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1 City Development. An applicant whose permit
2 application has been denied by the committee may
3 appeal that decision to the Common Council." So
4 it's very simple. We're expanding a Class "B"
5 premises, and as to the expansion, counsel is
6 raising questions about what the standard is.
7 The standard is whatever the standard is whenever
8 the committee recommends approval or denial of a
9 license, basically substantial evidence. Is
10 there substantial evidence to warrant the
11 committee action or not? So that's the answer.

12 CHAIRMAN WITKOWIAK: Okay. Thank you.
13 And, Mr. Whitcomb, your - - your objection is so
14 noted. It's on the record. Who - - Can I see a
15 show of hands here? Who is here to testify in
16 opposition to this expansion? You know what?
17 I'd like every - - I'd like everyone in this room
18 to raise their right hand. We're going to swear
19 you all in at the same time. You're the only
20 item left on the agenda. Everybody raise your
21 right hand. Are you ready? Everybody ready?
22 Okay. Let's go.

23 MADAME CLERK ELMER: (Whereupon the
24 witnesses were sworn.)

25 THOSE PRESENT: I do.

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1 CHAIRMAN WITKOWIAK: Okay. As far as
2 the opposition goes, there's some people with
3 health concerns and some people with time
4 concerns, and - - and if you would all be
5 courteous to one another and allow those people
6 to go first who - - who we had discussed allowing
7 to - - to leave soon.

8 Ms. St. Germain?
9 MR. WHITCOMB: Madame Clerk. Mr.
10 Chairman, I understand that documents have just
11 been submitted to Madame Clerk for the
12 committee's consideration. I would appreciate
13 the courtesy of being able to see a copy, so I
14 may speak to it in the event there is an issue of
15 concern in its admissibility.

16 MS. MCDONALD: Should I give him one?

17 MR. SCHRIMPF: Yeah, go ahead.

18 MS. MCDONALD: It's just a copy of my
19 statement.

20 CHAIRMAN WITKOWIAK: Yes, this is the
21 statement that you'll be reading and you composed
22 it?

23 MS. MCDONALD: Yes, I'm just going to
24 read what I'm going to say.

25 MR. WHITCOMB: I didn't know what it

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1 was.
2 CHAIRMAN WITKOWIAK: Yeah, give the - -
3 MR. WHITCOMB: That's fine.
4 CHAIRMAN WITKOWIAK: Okay. Alderman
5 Dudzik moves to make this statement part of the
6 record in this matter. Hearing no objections, so
7 ordered. State your name and address for the - -
8 MS. MCDONALD: Mary M. - -
9 CHAIRMAN WITKOWIAK: Health Department
10 and Neighborhood Services are excused. Okay.
11 DNS: Hold for occupancy.
12 HEALTH: And hold for plans.
13 CHAIRMAN WITKOWIAK: Hold for plans.
14 Okay. And you're excused.
15 Name and address for the record,
16 please.
17 MS. MCDONALD: Mary M. McDonald. 1416
18 East Russell Avenue, Milwaukee 53207.
19 CHAIRMAN WITKOWIAK: And, Mary, how - -
20 how close to this location do you live?
21 THE WITNESS: Three-quarters of a
22 block.
23 CHAIRMAN WITKOWIAK: Okay.
24 ALDERMAN BOHL: Mr. Chairman, I - -
25 CHAIRMAN WITKOWIAK: Alderman Bohl.

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1 ALDERMAN BOHL: I - - I apologize here.
2 I - - I raised a question to our assistant city
3 attorney in relation to his - - his ruling on
4 whether or not this body can continue to move
5 forward with action on - - on - - on this
6 particular quest here today. The - - The
7 question that I posed to him, and what he had
8 indicated, the - - the code seems to - - to
9 stipulate is that for a proposed expansion, this
10 body must render a decision before the matter can
11 be forwarded to DCD for the issuance of an
12 occupancy permit.

13 What I did raise to him is whether or
14 not this body can render a decision before there
15 is the approval of the appropriate building
16 codes, building code permits. Namely, are we
17 allowed to rule on a theoretical expansion
18 without the prior approval of that expansion
19 taking place? He's already established the order
20 of maybe B and C, we being B. I'm wondering if
21 there's an A that comes before B, and that's what
22 I pose here.

23 MR. SCHRIMPF: Well, the - - the
24 question is has there been approval of any
25 proposed plan by DCD?

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ALDERMAN BOHL: By DNS?

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MR. SCHRIMPF: Or DNS, rather.

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MR. WHITCOMB: Mr. Chairman, the reason

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we - - reason we are here today and the reason

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the application was filed, was based upon an e-

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mail that his contractor and architect received

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from Barney Zyland, the plan examiner II of the

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city, states, this is to my client. "It occurred

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to me, however, that your client must be approved

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by the Utilities & License Committee for the

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expansion of an establishment selling alcohol

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before I can issue any permits." And so they

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went - - His - - His contractor, his architect

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went to the city plan to get a permit to do the

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construction, and he - - the door was shut. He

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said you have to come to the Utilities & License

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Committee. I erroneously assumed that was

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attributable to the new regulations that came

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into effect in April concerning the plan of

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operation, but I was incorrect, because he, being

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an existent licen - - licensee, has not come up

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for renewal, where at the first time a plan of

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operation has to be submitted for existing

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establishments. And so, there hasn't been - -

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The DCD, the plan commission, the entire umbrella

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1 of the city planning, will not accept or consider
2 his plans, professional as they are, until
3 there's approval by this committee.

4 I mean, it seems back asswards, as is
5 the customary policy where, you know, hold for
6 pending occupancy permit where the license is
7 granted, it's held by the license clerk until
8 they have an occu - - occupancy permit. Now
9 everything's flipped where you have an existing
10 establishment with an existing occupancy permit.
11 You can't make any improvements until they have
12 the approval of this committee. I respectfully
13 submit it's for a court to decide whether or not
14 there's jurisdiction to do so, but it seems to be
15 highly irregular in this particular proceeding.

16 What - - What should - - He - - He
17 obtains an occupancy permit. He does the
18 construction. If there's space within his
19 application requiring a change, he files the
20 change with the - - with the license division,
21 and for an expansion, if it relates to capacity,
22 he comes back to this committee for approval
23 before he can use that new space. It's not
24 unlike someone goes and develops a bar, gets an
25 occupancy permit for the bar, comes to this

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1 committee and applies for a license.
2 Now everything's backwards. You have
3 to apply for a license before you even know
4 whether the improvements you can make are going
5 to be approved by the city, and before you can
6 even under - - undertake construction. And from
7 a businessman's standpoint he's been - - he's - -
8 he's done the planning. He's done the
9 architectural drawing. He's secured the
10 financing, and now everything's been put on hold
11 for about three or four months. And they're - -
12 from a businessman's perspective, he cannot make
13 any prediction as to his operation pending, on
14 what I consider to be a flip approval of this
15 committee on a building construction matter, not
16 on a licensed sale of alcohol matter.
17 ALDERMAN BOHL: Mr. Chairman, if I may.
18 CHAIRMAN WITKOWIAK: Alderman Bohl.
19 ALDERMAN BOHL: Let me just throw one
20 other wrinkle into this situation with regard to
21 the way I think the code is structured. And that
22 is, let's presume that an applicant comes forward
23 with a schematic of a plan that this body
24 approves. And then it goes back to DNS, who
25 determines that there is not adequate setback,

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1 and they require changes. Now, does that
2 automatically connote approvals or does it send
3 the matter back to this body, based on some
4 alterations that may be required based on other
5 setback and other codes? I tend to agree. I
6 think the law the way it's constructed is, pardon
7 the French, ass backwards.

8 MR. SCHRIMPF: Well, Mr. Chairman, it
9 seems, if there's a drafting problem with the
10 code, we'll have to look into that. It seems to
11 me that what the intent of the code was is to
12 find out if this body is willing to grant the
13 extension of the premises for purposes of alcohol
14 sales. If it is, then I think they'll move ahead
15 with the - - with the plans. You raise a good
16 point. What happens if they say no for some
17 structural reason you have to do this or that,
18 and then it has to come back here. Yeah.

19 MR. WHITCOMB: Mr. Chairman.

20 CHAIRMAN WITKOWIAK: Yes.

21 MR. WHITCOMB: Just from my historical
22 perspective. That provision of the ordinance has
23 been treated and understood to apply to permanent
24 extension of premises which relate to - - to the
25 activity outside of the physical building. It

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1 relates to soccer fields, volleyball courts,
2 patios, outside - - structures or licensed
3 premise outside of the physical building in which
4 the license has - - has already been applied for.
5 That's the way it's been understood, at least by
6 the practitioners and the bar owners. A
7 permanent extension of premise is extended beyond
8 that physical structure which is already
9 licensed.

10 Now it's being treated as any change
11 within the licensed premise, for which a building
12 permit is required, is going to be withheld
13 pending approval of this committee. And I
14 respectfully submit that was never the intent of
15 that particular provision, permanent extension of
16 premises.

17 MR. SCHRIMPF: Well, Mr. Chairman,
18 the - -

19 MR. WHITCOMB: I mean, that's just
20 practical. We debate as to the plain meaning of
21 the language, but I'm just thinking historically
22 this ordinance has been on the books for quite a
23 while, but it's never been interpreted as it is
24 being today, but it's always been used, if you
25 want to put on a patio, if you want to have a

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1 volleyball court, things of that nature.

2 MR. SCHRIMPF: Well, Mr. Chairman, Mr.
3 Whitcomb isn't quite right, because, for example,
4 we have the Kelly's Bleachers case where they
5 have an existing upper story, and they're
6 expanding into the upper story where they have
7 never expanded before, and that's a matter
8 pending before this committee. And the
9 ordinance, 90-13, says, "Any alteration," and
10 beyond doubt, this is an alteration.

11 MR. WHITCOMB: But in Kelly's bar, was
12 a described license premise on the application
13 has already been approved, save the second floor.
14 We have the first floor. We have a license for
15 the first floor. It's been in existence for
16 almost a hundred years, and with this applicant
17 for nearly ten years.

18 MR. SCHRIMPF: Yeah, but, Mr. Chairman,
19 their - - by their own admission they're altering
20 the premises.

21 CHAIRMAN WITKOWIAK: The first floor,
22 even though it's described as the first floor, is
23 - - is a given. It's a definite at this point.
24 So now they want to put an addition on it.

25 MR. SCHRIMPF: They want to put a 12

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1 foot addition on it.

2 MR. WHITCOMB: No, it's the same first
3 floor, except 12 feet presently not used for
4 people to walk through to buy a drink is going to
5 be opened up. I mean, it's still part of the
6 same building, and the back end of the 12 feet is
7 going to be new bathrooms. The front end is
8 going to be a new modified entrance, handicapped
9 entrance, but it - - I mean, expansion, whatever
10 it may mean legally, it's still within the same
11 - - all of the construction, all of the - - the
12 new plans for the establishment are going to be
13 contained within the first floor footprint of
14 that particular structure, for which they have a
15 general - - for which they have a license, first
16 floor, basement storage.

17 MR. SCHRIMPF: But you're going to
18 increase the capacity, aren't you?

19 MR. WHITCOMB: Well, that has - - That
20 is part of the occupancy permit procedure. What
21 the capacity may or may not be.

22 MR. SCHRIMPF: But you're altering the
23 premises.

24 CHAIRMAN WITKOWIAK: But then, I mean,
25 are you telling me like if you bought the three

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1 houses to the north, and - - and you leveled them
2 and you built a huge hall on there, you should
3 say that should be included because it's also the
4 first floor?

5 MR. WHITCOMB: No.

6 ALDERMAN ZIELINSKI: Mr. Chairman.

7 MR. WHITCOMB: No. Because it's - - it
8 wasn't contemplated on the original license
9 application on the renewal occupation.

10 MR. SCHRIMPF: Neither was this.

11 ALDERMAN ZIELINSKI: Mr. Chairman,
12 could I say something?

13 CHAIRMAN WITKOWIAK: Alderman
14 Zielinski.

15 ALDERMAN ZIELINSKI: Our city attorney
16 has already given us his legal opinion as to this
17 particular matter. I don't see any value in
18 continuing this discussion. Again, the city
19 attorney has already given us his legal opinion.
20 We have a number of people here that have been
21 waiting for hours. They were supposed to be on
22 at three o'clock. I would hope that the
23 committee could proceed with accepting testimony
24 from the people in attendance.

25 CHAIRMAN WITKOWIAK: Okay. We're going

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1 to proceed with the - -

2 MR. WHITCOMB: Mr. Chairman, just
3 another point.

4 CHAIRMAN WITKOWIAK: Yes.

5 MR. WHITCOMB: I've just gleaned over
6 the statement by Ms. McDonald, and it creates a
7 problem that I anticipated before. Her comments
8 address the operation of the establishment, per
9 se, as a licensed establishment. I believe that
10 any comments made by the neighbors must, at a
11 minimum, relate specifically to expanding the
12 premises as requested. This is not a licensed
13 renewal hearing. It has not been noticed up as a
14 revocation hearing. I don't want this hearing
15 devolving into a neighborhood referendum as to
16 whether or not the operation - - lawful operation
17 of this - - this establishment now is acceptable
18 to the neighborhood. Those battles have been
19 fought. The license has been granted. I hope
20 - - I believe that the testimony must relate
21 specifically to the expansion of the premises,
22 and not just a general objection to having a bar
23 at this corner.

24 MS. MCDONALD: Mr. Chairman. I will
25 address the expansion, if it will help the

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1 statement. I don't have a problem with that.

2 MR. WHITCOMB: I just need to know the
3 rules.

4 CHAIRMAN WITKOWIAK: Okay.

5 MR. SCHRIMPF: Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Yes.

7 MR. SCHRIMPF: Counsel indicated this
8 has been noticed up as a revocation proceeding?

9 CHAIRMAN WITKOWIAK: No. He said it
10 has not been noticed.

11 MR. SCHRIMPF: Oh, it has not.

12 CHAIRMAN WITKOWIAK: Has not been
13 noticed as a revocation proceeding.

14 I think, Sergeant, you may be excused
15 if you'd like, also. I don't think we're - -

16 Let's say I'm going to proceed with
17 taking testimony. But here's what I'd like to
18 do. We have such a large - - a large number of
19 people. I don't want - - I don't want anybody to
20 be redundant. I don't want anybody to run off.
21 I don't want anybody to give the grandiose
22 opinions of something. Stick to the point. Keep
23 your testimony concise and short.

24 You all may be aggravated that you had
25 to wait so long for this opportunity. I don't

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1 want to hear any accusations that this
2 committee's dragging its feet on anything,
3 because we're not - - We work - - We work awful
4 hard. We have 2,000 licenses to keep track of in
5 the city, and you - - you ought to thank us for
6 doing a thorough job. So I'm sorry that you had
7 to stay so late, and I'm sorry you've been
8 inconvenienced. And now - - now let's hear the
9 testimony, and remember, it has to be - - has to
10 be direct testimony, not hearsay. Proceed,
11 please, Ms. McDonald.

12 MS. MCDONALD: Thank you.

13 MR. SCHRIMPF: Name and address for the
14 record, please.

15 THE WITNESS: I thought I did that.

16 CHAIRMAN WITKOWIAK: You already have.

17 THE WITNESS: Mary M. McDonald. 1416
18 East Russell Avenue, Milwaukee 53207.

19 CHAIRMAN WITKOWIAK: Go ahead.

20 THE WITNESS: And just to make things
21 clear, this is - - Part of my statement is an
22 objection to increasing capacity of this
23 establishment from 80 to 120 in a drinking area
24 that we already have problems with.

25 Before making my statement to the

00027

1 committee there's a very important issue I'd like
2 to address to them, and to the public. This is
3 not a personal vendetta by Alderman Zielinski and
4 a few women in the neighborhood against the
5 Cactus Club, as Eric would have you believe.
6 This is about using common sense regarding the
7 safety of our families and our property. The
8 quality of our lives in our Bay View
9 neighborhood, as it grows as an asset to our city
10 of Milwaukee.

11 When you buy a home next to the
12 airport, you have the reasonable expectation of
13 noise from airplanes. When you buy a house on a
14 busy street, you have the reasonable expectation
15 of noise and traffic from vehicles, especially at
16 peak times. When you buy a home near a bar,
17 restaurant or store, you have the reasonable
18 expectation of additional traffic, noise from
19 customers arriving and departing that place of
20 business. The key word here is "reasonable."

21 I already stated my name. I'm a single
22 person, 61 years of age. I bought my home at
23 1416 East Russell in November of 1999. I'm about
24 three-quarters of a block west of the Cactus Club
25 bar. I've invested over 120,000 dollars in

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1 renovations and improvements which include a
2 streetside garage with a full deck on top. From
3 that deck I have a direct view of the front door
4 of the Cactus Club and people entering and
5 exiting that door. I can also sit and observe to
6 see and hear people at street level. This is
7 what I've observed and experienced myself.

8 Customers, many who look underage,
9 leaving the bar and urinating and vomiting on my
10 and my neighbors' lawns. Customers leaving the
11 bar, entering cars and vans for periods of time
12 where they've played loud music, shouted, smoked
13 marijuana, both during bar time and after hours,
14 and yes, I could smell it. People leaving the
15 bar with beverages who threw the empty containers
16 on my and my neighbors' lawns. Music so
17 excessive, both on the weekends and on work
18 nights during the week, that it woke me from a
19 sound sleep in my bedroom, which is at the rear
20 of my house, when all my doors and windows were
21 shut tight in winter. People driving by,
22 stopping at other cars and waiting customers, and
23 what I believe to be selling dope.

24 When approached and asked to have some
25 respect for our neighborhood, these same

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1 customers have become rude and aggressive. I am
2 now afraid to approach anyone. Flowers have been
3 uprooted from my garden. Items have been stolen
4 from my yard. My driveway has been blocked. My
5 garage door has been graffitied, and my flagpole
6 was destroyed by completely bending it to the
7 ground with the flag in place.

8 I believe some of this was in
9 retaliation for complaint calls, but of course, I
10 can't prove that. However, the vandalism has
11 ceased since I stopped calling. Previous
12 complaints to the owner have been to no avail.
13 Calling the police to report noise has also been
14 fruitless. I believe the bar has a scanner,
15 because by the time the police arrive at my house
16 for the report and then go to the bar, the noise
17 has been completely reduced.

18 The owner of the Cactus Club came
19 knocking on our doors begging for our support
20 three or four years ago, I believe when his
21 license renewal was in question. Being the good
22 people that we are we trusted him to correct his
23 problems and run a decent establishment. I feel
24 he has ser - - severely misplaced our trust and
25 created an intolerable environment. He has not

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1 during this time contributed one valuable asset
2 to this neighborhood, but has created one of
3 danger and severely affected our reasonable
4 expectations of living in a safe and peaceful
5 neighborhood.

6 I firmly agree with Alderman Zielinski
7 that a live musical venue, such as the Cactus
8 Club has, belongs in a commercial area. We're
9 not here to keep a guy from making a buck, and we
10 all of - - many of us love music and - - and
11 bars. I estimate there to be a, and I'm not sure
12 of this, but approximately 320 residences and
13 seven or eight of serving or selling liquor in
14 our four or five block area. We have not
15 experienced problems from any of the other six or
16 seven establishments. My question is why should
17 one bar or less than one third of one percent of
18 the neighborhood be allowed to profit from mainly
19 non-resident trade at the expense of the safety
20 and peace of the other 319 families. Thank you
21 very much.

22 CHAIRMAN WITKOWIAK: Thank you for your
23 statement. Questions? Mr. Whitcomb, questions
24 of this witness? No. Any questions by members
25 of - - Any questions by members of the committee.

00031

1 Okay. Thank you for your time.
2 (Unknown): I noticed - -
3 THE WITNESS: Thank you.
4 (Unknown): I noticed a for sale sign
5 on your house. Do you plan on staying in the
6 neighborhood or ..
7 CHAIRMAN WITKOWIAK: No, you'll - -
8 you'll - -
9 ALDERMAN ZIELINSKI: Don't answer.
10 Don't answer. Just go.
11 MS. JANSEN: Good evening, Chairman,
12 and other members of the committee. My name is
13 Jackie Jansen. I own a home at 2529 South
14 Wentworth Avenue. This is my second time before
15 your committee. I recognize some of you.
16 Alderman Schrimpf from 2001, when I was here with
17 other neighbors.
18 MR. SCHRIMPF: No, ma'am. I'm not an
19 alderman.
20 THE WITNESS: I'm sorry. Oh, attorney
21 Okay. I don't know if you remem - -
22 remember myself and some other neighbors. I am
23 here because I've been - - the club has adversely
24 affected my family and I for several years. When
25 we first moved into the neighborhood we weren't

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1 really bothered by the music. It wasn't as many
2 times per week, and it wasn't attracting the huge
3 crowds it did in later years. So I came in 2001
4 to see what we could do about that. I am going
5 to give you copies of my testimony, as well as a
6 copy of a letter that was issued by Eric Uecke,
7 himself, to members of the Utilities & Licensing
8 Committee with promises that he made.

9 I mean, our area is residential. There
10 are some small businesses. I just want to point
11 out that on our street alone, the 2500 block,
12 there are - - there are - - is home to about a
13 dozen children, the majority of which are school-
14 aged. And I want to, for those who don't know,
15 MPS Elementary Schools are starting earlier now
16 at 7:45 a.m. I have a five year old daughter I
17 put on the bus at ten to seven. So when I'm kept
18 up late by noise, there's noise by patrons. They
19 - - They park in front of my house. Similar
20 things to Mary, they - - they go back and forth
21 between their cars to drink beer. They throw it
22 on my lawn. They're also smoking marijuana in
23 the cars. I feel threatened oftentimes, because
24 in the past I've asked people to just quiet - -
25 you know, to be more quiet, and I've gotten sworn

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1 at, and I feel threatened by that.
2 Eric Uecke has made promise to help - -
3 promises to help control the music, the noise,
4 and to patrol the neighborhood with his bouncers,
5 and these promises were not fulfilled. And that
6 was his letter that was dated 2001. I have kept
7 a journal, as best as I can. I know there have
8 been nights where music has gone on past one
9 o'clock in the evening, on weekends and on - -
10 during the weekdays. All I can say is I - - I
11 think the changes in Bay View are great. I'm not
12 again alcohol or the bands he promotes. I - -
13 I'm - - I am greatly concerned by the increased
14 capacity that the addition to the club would
15 concern - - would - - would bring. I have to
16 unload my children from the front of my house. A
17 lot of us don't have garages or limited parking
18 space, and a lot of times at night the cars are
19 just lined up, and I can't do that. I have to
20 park way far away, and that's a burden. And I
21 pay such high property taxes along the lake. I
22 think we should be assured some safety and a
23 certain level of peace. My family has recently
24 outgrown our house, and I'm sure people will hear
25 I have a "for sale" sign in front of my yard. I

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1 debated adding onto the back of my house, and
2 because of the noise I'm not going to do that.
3 And so I'm having to leave my friends and my
4 neighbors, my area, and I'm looking for a house
5 other - - in another neighborhood. So it's just
6 not worth it to me to add onto the back of my
7 house and stay where I am, because of the noise
8 has - - has bothered me that much.

9 MR. SCHRIMPF: Mr. Chairman.

10 CHAIRMAN WITKOWIAK: Thanks for your
11 testimony. Mr. Schrimpf.

12 MR. SCHRIMPF: Just one - - How do you
13 know that these disturbances are coming from
14 patrons of the Cactus Club?

15 THE WITNESS: Okay. I am about three
16 houses down on the - - from Groppi's on the same
17 side as Groppi's. I can see the Cactus Club
18 front door from all of the windows in the front
19 part of my house. So when I hear noise, I go to
20 the window. I can look. I see them at their
21 cars. I see them drink. I can see them going
22 back into the club. That's how I know it's
23 coming from the Cactus Club. When they turn the
24 corner, I assume they might be going to one of
25 the other bars. But I - - I have been affected

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1 by - - directly by Cactus Club. The noise, the
2 garbage, I've witnessed a lot of that. At two
3 a.m. I'm not always getting up and looking out
4 the window, but I've seen it enough times to know
5 it is his patrons.

6 CHAIRMAN WITKOWIAK: Questions by
7 members of the committee? Mr. Whitcomb, any
8 questions of this witness? Thank you very much.
9 And Alderman Puente moves to - - this letter that
10 Ms. Jansen read and the corresponding document
11 dated June 25th, 2000, Alderman Puente moves to
12 make it part of the record in this matter, and
13 hearing no objections, so ordered. Ma'am, your
14 name and address for the record, please?

15 MS. VITRANO: Nicole Vitrano. 2558
16 South Wentworth Avenue, Milwaukee.

17 CHAIRMAN WITKOWIAK: Okay. And your
18 testimony?

19 THE WITNESS: I'll just read a
20 statement. As a citizen of Milwaukee and a part
21 of Bay View's Wentworth neighborhood I'm speaking
22 out against the expansion of the Cactus Club. I
23 have two main concerns regarding the expansion,
24 and they both have to do with the proposed
25 increase in capacity from 80 to 200. My husband

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1 and I live about a half a block south of the
2 Cactus Club. Our house does not have a driveway
3 or a garage. We must both park on the street.
4 When we purchased our home, it was with the
5 knowledge that parking near our house was not a
6 problem. If the capacity is increased by 120 and
7 even half of the additional visitors drive a car,
8 parking will become a major issue. I don't
9 believe our neighborhood can handle the increased
10 number of cars. If I am not able to park near my
11 home, my family's quality of life will be
12 diminished. The prospect of having to park even
13 a block away is incredibly disturbing, whether
14 trying to get my three month old home or bringing
15 back groceries from a late night stop at the
16 supermarket. I'm afraid our lives will be
17 disrupted and negatively affected by increasing
18 the capacity at Cactus Club.

19 My second concern is that the value of
20 my property would decrease. If parking near my
21 home becomes more difficult, that could have a
22 negative impact on the value of my home. My
23 husband and I have chosen to make the City of
24 Milwaukee our home. I am a teacher in another
25 nearby district, but we enjoy living in Milwaukee

00037

1 and would like to continue to live here and raise
2 our family. However, if our property value will
3 suffer and if our quality of life is compromised,
4 our commitment to Milwaukee may change. For
5 these reasons I am against the proposed expansion
6 of the Cactus Club.

7 CHAIRMAN WITKOWIAK: Thank you. Any
8 questions of this witness? Mr. Whitcomb,
9 anything?

10 MR. WHITCOMB: I've learned early on in
11 my career never to cross-examine a woman with a
12 small infant in her arm.

13 THE WITNESS: Do you want a copy of my
14 statement or?

15 CHAIRMAN WITKOWIAK: Thanks for your
16 testimony. You may submit it.

17 ALDERMAN BOHL: I move to make it part
18 of the record.

19 CHAIRMAN WITKOWIAK: Alderman Bohl
20 moves to make the testimony of Ms. Vitrano part
21 of the record, printed record in this matter.
22 Hearing no objections, so ordered. Sir, your
23 name and address for the record, please.

24 MR. HOOD: My name is Riley Jonathon
25 Hood. I live at 1403 East Potter Avenue. I live

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1 a block north of the Cactus Club. I bought my
2 home 15 years ago in November of 1990. The
3 neighborhood was relatively quiet. The
4 neighborhood has been relatively quiet until the
5 last couple of years. I'm against this expansion
6 for reasons of traffic problems. Another 120
7 people will mean more cars. There's already been
8 a couple accidents on our street corner. My
9 driveway gets parked in fairly regularly.

10 I'm also against this expansion because
11 I've had a couple incidents, a couple incidents
12 with Cactus Club patrons. One incident was this
13 last July. A couple guys from the Cactus Club
14 came out. They were carrying a six-pack of
15 bottled beer. They got in their car, or they
16 were talking over their car. They opened up the
17 bottles of beer. They each drank one, and when I
18 - - They threw their bottles down on my lawn.
19 When I asked them to pick them up, they got in
20 their car and took off.

21 The next incident that I had was a
22 couple weeks later. It must have been after a
23 band or - - or something was playing there. I
24 was woke up in the middle of the night. There
25 was a bunch of people milling around at the

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1 driveway, which their - - their property - - they
2 have the main bar building. Then there's a
3 driveway. Then there's like a little house to
4 the north of there. So that driveway north of
5 their building, there was a bunch of people
6 milling around. They were making loud noises,
7 you know, like barking at the moon type noises
8 and things. And this is about 1:30 in the
9 morning. They woke me up out of a sleep. And
10 they wouldn't stop, so I went down there. I
11 asked them to stop. I asked them, you know, to
12 just move on. They were pretty, you know,
13 abusive verballywise and that, but, you know,
14 eventually they did move on. But the point was
15 it took me going out there and, you know, telling
16 them to quiet down for about a half an hour
17 before they did. So the place is already a
18 nuisance. And any - - any additional expansion
19 will mean more of the same. Thank you.

20 CHAIRMAN WITKOWIAK: Thank you.
21 Questions of this witness? No. I - - Listen, a
22 couple things that I won't put up with here.
23 Okay. I don't want any reaction from the crowd
24 to testimony, and I don't want this to get
25 personal between anybody, okay. Thank you. Any

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1 questions of this witness?

2 ALDERMAN PUENTE: Mr. Chair.

3 CHAIRMAN WITKOWIAK: Alderman Puente.

4 ALDERMAN PUENTE: The incident with the
5 six-pack, you saw those people come out of the
6 bar?

7 THE WITNESS: Yes, I did.

8 ALDERMAN PUENTE: Okay. What time of
9 day or night was that?

10 THE WITNESS: That was about seven
11 o'clock at night.

12 ALDERMAN PUENTE: Okay. Thank you.

13 CHAIRMAN WITKOWIAK: Thank you. Next
14 witness, please?

15 MS. HOOD: My name is Janice Hood and I
16 live at 1403 East Potter Avenue. And I'm against
17 the expansion of the Cactus Club, because there's
18 already eight bars in our neighborhood already,
19 and there's no parking. I've seen a lot of
20 accidents on our corner. It's an uncontrolled
21 intersection, and I've had to call 9-1-1 because
22 of drunken people on our sidewalk and in our
23 yard. And we - - our driveway gets parked in on
24 a regular basis. We have to go try to find the
25 people to move their car. And there's doors

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1 slamming night and day. And there's also
2 abandoned cars on the street that they come and
3 get on Monday. And it wakes me up in the middle
4 of the night. And there's garbage and beer
5 bottles that I have to pick up constantly, and I
6 don't think we need any more people in our
7 neighborhood.

8 CHAIRMAN WITKOWIAK: Thank you. Are
9 you related to the - - Just stay there. Are you
10 related to the person that just testified before
11 you?

12 THE WITNESS: That's my husband.

13 CHAIRMAN WITKOWIAK: Is there any
14 questions by members of the committee?

15 ALDERMAN DUDZIK: Mr. Chairman, I'm
16 sorry.

17 CHAIRMAN WITKOWIAK: Alderman Dudzik.

18 ALDERMAN DUDZIK: How long have you and
19 your husband lived there?

20 THE WITNESS: I've lived there seven
21 years. He's lived there longer.

22 MR. WHITCOMB: 15, he said.

23 ALDERMAN DUDZIK: Thank you.

24 CHAIRMAN WITKOWIAK: Thank you. Next
25 witness, please.

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1 MS. FRITZ: Good evening. My name is
2 Ziefanda Fritz. I have a cold, so it's going to
3 be a little difficult for me to speak, but I live
4 at 14 - - Sorry. I live at 2460A South Wentworth
5 Avenue. It's on the corner of Potter and - - of
6 Wentworth and Potter. I live one block away from
7 the Cactus Club.

8 As previously stated, in our
9 neighborhood within a three block square area
10 there's eight establishments that sell alcohol.
11 We've just added another one. So that's nine
12 that's going to be selling alcohol. Most of the
13 people in our neighborhood don't have parking
14 facilities. They have to park on the street.
15 And it's very difficult finding parking if you're
16 a person who comes home late at night. And I'm
17 one such person. I have to come home late at
18 night. I also go for walks late at night,
19 because I like to walk and it's quieter in the
20 evening, usually. My walking route for the first
21 part of it takes me past the Cactus Club. I have
22 on several occasions been accosted by people from
23 the Cactus - - Cactus Club. Most recently about
24 three weeks ago one guy came up to me and he
25 asked me, "Hey, if I pay you to beat me up, will

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1 you do it?" That's just stupid, you know, I
2 mean, I don't need somebody coming up to me
3 talking to me like that.

4 One occasion I came home late from work
5 and a guy walked out of the Cactus Club. He
6 started taking the garbage cans and throwing them
7 in the street. I'm not a person who is
8 intimidated by anybody. I used to live on the
9 North side on 34th and North Avenue. I moved out
10 here to have a quieter place to live. I walked
11 up to the guy, I told him, "You're going to put
12 those garbage cans back where they belong." He
13 gave me a funny look. I said, "No, you put them
14 back." He did.

15 On another occasion my - - I came home
16 to have - - see my neighbor very agitated because
17 his parking - - his driveway was parked in by
18 someone. The young man went into the Cactus Club
19 and asked if any of their patrons owned the car,
20 gave a description of the car, and the bartender
21 very rudely told him, "Why do you people come
22 into our club? There's clubs all around us
23 here." So I recommended to him that he call the
24 police and have the car towed, since it's
25 blocking his driveway. He's the homeowner. He

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1 can do that. So he told the people in the Cactus
2 Club I'm having the car towed.

3 MR. WHITCOMB: Mr. Chairman, once
4 again, it seems like she's relating a story of
5 someone else that - -

6 THE WITNESS: I was there. I was right
7 there with the person. I walked in the bar with
8 them. I saw what happened.

9 MR. WHITCOMB: I'm just addressing the
10 Chairman, ma'am. I'm not taking issue with what
11 you're saying, but to the propriety of saying it.

12 MR. SCHRIMPF: Mr. Chairman, the
13 witness should keep herself confined to what she
14 personally observed.

15 THE WITNESS: Okay. Personally I
16 observed this happening.

17 CHAIRMAN WITKOWIAK: Okay.

18 THE WITNESS: So I saw - - When the
19 policemen came to remove the car, a man came
20 running out of the Cactus Club and said, "Hey,
21 that's my car. What are you doing?" Well, you
22 were given the opportunity to take the car away
23 and you said it wasn't yours. So we've gotten
24 this kind of rude behavior from the patrons from
25 there along - - a lot of times, and it's gotten

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1 steadily worse.

2 I've been there for eight years, and in
3 the last eight years I've - - I've been woken up
4 a number of times in the middle of night by
5 people outside of my window screaming late at
6 night. I'll go out, I'll ask them to leave.
7 It's - - It's gotten just steadily worse, and the
8 parking positions get worse. We are able to park
9 on both sides of the street now, thanks to action
10 by - - by Alderman Zielinski. But when the
11 wintertime comes and the snow removal comes, you
12 can only park on one side of the street, and then
13 you're going to end up having to go three - four
14 blocks away from home.

15 I run a cleaning service. I have to
16 carry my equipment in at night in the winter.
17 I'm not walking three blocks with my two things
18 full of cleaning stuff because I can't find
19 parking to the fact that we're totally parked in
20 by patrons, you know. I mean, if you're going to
21 expand, there should be some kind of parking
22 expansion, as well. You should have a parking
23 lot, you know, before you expand your building.
24 Why don't you expand and get a parking lot? And
25 then you can have the more people, and then they

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1 won't get that much crap from us in the
2 neighborhood because we'll be able to park our
3 cars. So that's part of my - - my argument
4 against expansion.

5 Also, the patrons that come out there
6 are just littering all over the place. I mean,
7 every day I come out of there. And it's not just
8 his bar. I have to say there's patrons from
9 other bars that also litter. So I'm not saying
10 it's totally the Cactus Club and that they're the
11 only problem. But I'm saying that their patrons
12 seem to be the rudest of the bunch, you know. So
13 I just wanted to make that statement.

14 CHAIRMAN WITKOWIAK: Thank you. Any
15 questions of this witness? Mr. Whitcomb?

16 MR. WHITCOMB: No.

17 CHAIRMAN WITKOWIAK: Thank you. Next
18 witness.

19 (Unknown): Mr. Chairman, I have a
20 question if I could be recognized?

21 CHAIRMAN WITKOWIAK: All right.

22 (Unknown): How come all the opponents
23 are allowed to speak before people who are in
24 support? My time is worth as much as anybody.

25 ALDERMAN BOHL: That's the way the

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1 ordinance is written. The ordinance is written
2 that way.

3 CHAIRMAN WITKOWIAK: That's - - That's
4 the way we run this committee.

5 ALDERMAN BOHL: That is the way the
6 ordinance is written.

7 CHAIRMAN WITKOWIAK: Next witness,
8 please.

9 MS. COTTRELL: My name is Sue Cottrell,
10 and currently I live at 5275 South Lake Drive in
11 Cudahy. I'm here to oppose the expansion of the
12 Cactus Club because I was a resident of 2518
13 South Wentworth for 11 years. I moved a year and
14 a half ago, and one of the reasons was the noise
15 from the bands at the Cactus Club. In 1991 I
16 bought my home at 2518 South Wentworth, and
17 before I bought the home I went to the Cactus
18 Club to see if it would be a problem living so
19 close to a bar. My address - - My former address
20 was three doors south of the Cactus Club. There
21 were two patrons in the bar and a jukebox. There
22 was no problem.

23 For the next five years there were no
24 problem. Occasional softball team would go in
25 there at night. There were no live bands, no

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1 parking problems, no littering of beer bottles on
2 my lawn. Eric came around and introduced himself
3 to my neighbor, said he was purchasing the Cactus
4 Club and would not have live music. I, at the
5 time, was concerned about live bands, but at the
6 time things seemed okay, so nobody made an
7 objection. About a year later a neighbor had a
8 pallet of cinder blocks - - I had no garage. I
9 just have a driveway. And after bar time a - - a
10 cinder block was thrown through the back window
11 of my car, which occurred right about bar time.

12 For the next five years after Eric took
13 over the Cactus Club the noise factor at closing
14 time was pretty bad. Motorcycles revving up.
15 Car horns, particularly at closing time. Car
16 beepers, beer bottles on the lawn, which came - -
17 became pretty intolerable to the point that in
18 2001 my neighbor, Jackie, who already spoke to
19 you, and I attended a meeting of this commission
20 about reissuing the license of the Cactus Club.
21 We came to voice our objections.

22 And that was precipitated by the fact
23 that that summer I had had out of town guests,
24 and they - - In the summer I obviously had the
25 windows open. I have no central air

00049

1 conditioning. And I didn't say anything to them
2 about the possibility of noise. The next morning
3 they said, "What was going on out there? Do you
4 have to listen to that every night?" And it was
5 coming from the Cactus Club.

6 After the hearing at the - - before
7 this commission in 2001 some changes were begun.
8 There was a doorman outside the Cactus Club.
9 There were some set hours for music to end on
10 weeknights and on weekends. Eric made an effort
11 to have bands unload on the other side of the
12 Cactus Club between his house and the club. But
13 about nine months after that, in the Spring of
14 2002 I heard a horn beeping at night, and I had
15 taken to sleeping with ear plugs because of the
16 noise. And I was pretty used to tuning out
17 horns, motorcycle noises at two a.m. And this
18 horn noise didn't stop. And about 2:30 I got up,
19 and the whole front of my house was alight. My
20 car had been set on fire and had burned to the
21 - - into the asphalt. The car, if you're
22 interested in looking at the pictures of it,
23 melted into the asphalt. The siding on my house
24 was melted on two sides, and my neighbor's garage
25 infrastructure was melted.

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1 The next day there was a lot of
2 traffic, people going by to see the damage.
3 People dropping off cards and notes. But a
4 neighbor told me that four men, four young guys
5 had gone by and were taking pictures of the car.

6 MR. WHITCOMB: Objection.

7 CHAIRMAN WITKOWIAK: You can only - -

8 THE WITNESS: Okay. And at a later
9 meeting about the Cactus Club and the problems we
10 were having I asked Eric about this, and he
11 mentioned that they were artists, these four
12 friends of his were artists.

13 I moved out of the community two years
14 later, in large part because of the continuing
15 disruption and discomfort and fear caused by the
16 Cactus Club. That neighborhood where - - where I
17 had a strong community is a working class
18 residential neighborhood, and - - and I think
19 people have worked hard to live and let live with
20 the Cactus Club on the road to a peaceful co-
21 existence. I think this proposal to expand is an
22 affront to the people of my former community
23 and should be denied, because it would open the
24 door to serious problems. Thank you.

25 CHAIRMAN WITKOWIAK: Thank you. Any

00051

1 questions of this witness?

2 ALDERMAN DUDZIK: Mr. Chair.

3 CHAIRMAN WITKOWIAK: Mr. Dud - -

4 Alderman Dudzik.

5 ALDERMAN DUDZIK: Madam, the police

6 investigated your auto fire?

7 THE WITNESS: Yes.

8 ALDERMAN DUDZIK: And they determined

9 it was arson.

10 THE WITNESS: Yes.

11 ALDERMAN DUDZIK: They did.

12 THE WITNESS: And that was all.

13 ALDERMAN DUDZIK: That's fine. I just

14 - - Cars today have electrical problems that

15 sometimes cause fires. I just want to hear that

16 the police did, in fact, find that it was arson.

17 Thank you.

18 ALDERMAN PUENTE: Mr. Chair.

19 CHAIRMAN WITKOWIAK: Alderman Puente.

20 ALDERMAN PUENTE: When you say, "that's

21 all," they never cleared it then? No - - No

22 arrests were made in that incident?

23 THE WITNESS: No.

24 MR. WHITCOMB: The local alderman at

25 the time did investigate it and made a

00052

1 determination unrelated to the licensed activity,
2 Alderman Sue Breier. She represented to my
3 client that it was neighborhood kids.

4 ALDERMAN PUENTE: Okay. But we don't -
5 - With all due respect it was never cleared, so.

6 MR. WHITCOMB: That's my understanding,
7 as well.

8 ALDERMAN PUENTE: Correct. No arrests
9 were made.

10 THE WITNESS: No.

11 CHAIRMAN WITKOWIAK: So we don't know
12 who did it.

13 ALDERMAN PUENTE: We don't know who did
14 it.

15 THE WITNESS: It occurred at 2:30 in
16 the morning.

17 MR. WHITCOMB: Ma'am, what's your name
18 again, please?

19 THE WITNESS: Sue Cottrell.

20 MR. WHITCOMB: Cottrell?

21 THE WITNESS: C-O-T-T-R-E-L-L.

22 MR. SCHRIMPF: And, Mr. Chairman, just
23 for the record, the statement of counsel is
24 technically not evidence and is also hearsay.

25 CHAIRMAN WITKOWIAK: Next witness,

00053

1 please.

2 MS. JANSEN: My name is Karen Jansen,
3 and I live at 2545 South Wentworth Avenue. I
4 would like to say that I am not against Eric and
5 the Cactus Club, but I am against expansion.
6 This addition is going to take the occupancy,
7 which is 80 now, to a projected 200. We talked
8 - - I'm not going to read this whole thing,
9 because so much of it has been covered, but many
10 of us - - many people have asked us, both in the
11 newspapers and - - the area newspapers and the
12 Internet, why we moved into an area where bars
13 already existed. It wasn't the volume that we
14 have now.

15 What is the Palomino that's now, used
16 to be Marino's, and then it was Nelly's or
17 something else like that. And they were patrons
18 from the neighborhood. They - - They walked into
19 the bar. Marino's used to close at eight
20 o'clock, if - - if their - - if the traffic was
21 low. Garibaldi's was closed for a while. De
22 Marinis', the boys - - There was Mama De Marinis'
23 and the - - the boys weren't even operating at
24 that time. They've added since then.

25 Most of these bars are in a small

00054

1 little cul-de-sac area. There's only one
2 direction where you can enter and exit it, and
3 that is on Russell Avenue.

4 Let's see. We talked about the noise
5 levels. What I have personally seen is people
6 across the street from me, four or five people,
7 they open up their car doors and windows. They
8 turn up the music in their car, and they stand
9 around partying and drinking in front of my house
10 at two a.m. I'll skip most of this. We talked
11 about litter, vandalism, public urination.

12 I understand that the bars are allowed
13 to sell six-packs of beer to go. But what I have
14 seen personally is patrons walk out of the Cactus
15 Club, and the only reason I say that is because
16 my door looks right down the block into the
17 Cactus Club. So that's the only bar I can see.
18 They walk down to their car on my street, open up
19 their trunk. They take out bottles of beer.
20 They walk down Wentworth to Pryor. They turn
21 towards the alley, which is the back of my house.
22 They walk back down the alley, drinking their
23 beers and smoking and whatever. And then they go
24 back into the Cactus Club. And I know this
25 because I followed them, because I'm not

00055

1 sleeping.

2 Let's see. I talked about litter.

3 Eric and I have talked about a lot of these
4 problems. In fact, he has posted a sign on - -
5 on his club, an outdoor sign that says, "Please
6 have respect for our neighborhood and its
7 residents. Please, no noise, loitering,
8 littering or horseplay outside." The worst part
9 of all of this for me is my - - my safety. I am
10 now afraid to go out of my house at night to let
11 my dog out or to take a walk. I have encountered
12 patrons sitting on my front porch doing drugs. I
13 don't know where they came from. It's just the
14 area. My neighbors have encountered the same, as
15 you have heard.

16 Eric and I have talked about this drug
17 problem. And he has told me that he has
18 instructed his employees to tell his patrons that
19 although the Cactus Club does not condone drug
20 use in any way, do not go into the neighborhood,
21 but rather go down to the lakefront and sit on
22 the rocks and do it there.

23 In conclusion, we're talking about
24 excessive noise and litter, intoxicated people
25 staggering down the street and drugs all right

00056

1 outside of doors. These are just some of the
2 problems we have encountered. The neighborhood
3 has more traffic now than it can handle with the
4 recent expansion of Palomino, Garibaldi, and now
5 the Cactus Club wants to go from 80 to a possible
6 200. The increase in volume in this area that
7 already has serious problems that have not been
8 solved. Therefore, to the expansion of the
9 Cactus Club I ask the council to vote no.

10 CHAIRMAN WITKOWIAK: Thank you.
11 Questions by members of the committee? Mr.
12 Whitcomb, any questions of this witness?

13 MR. WHITCOMB: You indicated that the
14 Palomino Bar, which is marked in your exhibit,
15 they recently got an extension or expanded the
16 bar area?

17 THE WITNESS: No. No. I'm sorry.
18 What I mean by the expansion is that it has gone
19 from Marino's, which had a few people in it, and
20 used to close early, neighborhood people walking.
21 The traffic there after it changed to new owners
22 has increased substantially.

23 MR. WHITCOMB: Does Palomino's have an
24 outdoor patio?

25 THE WITNESS: Yes, they do.

00057

1 MR. WHITCOMB: Is that something new?
2 THE WITNESS: Yes, it is.
3 MR. WHITCOMB: Have there been any
4 other expansions of any other establishments in
5 the neighborhood other than Palomino's and now
6 Groppi's, that you're aware of since you've been
7 there?
8 THE WITNESS: Expansions?
9 MR. WHITCOMB: If you - -
10 THE WITNESS: Palomino did not expand
11 their - - their space. They attracted more
12 volume.
13 MR. WHITCOMB: They've always operated
14 and sold alcoholic beverages on the patio?
15 THE WITNESS: No.
16 MR. WHITCOMB: Okay.
17 THE WITNESS: I'm not sure what you
18 mean. The patio is new.
19 MR. WHITCOMB: For the sale of alcohol.
20 THE WITNESS: Yes.
21 MR. WHITCOMB: All right. And also the
22 patio for Groppi's is new for the sale of
23 alcohol. Right? Do you understand that?
24 That - -
25 THE WITNESS: Yes.

00058

1 MR. WHITCOMB: That was approved this
2 afternoon, recommended to the council.

3 THE WITNESS: Yes, but they close at
4 seven o'clock on Saturdays.

5 MR. WHITCOMB: I'm just trying to get
6 you to understand my question.

7 THE WITNESS: Okay.

8 MR. WHITCOMB: Of the other seven or
9 eight bars in the neighborhood, while you've been
10 in the neighborhood, has any other bar increased
11 the area of where it sold alcohol?

12 THE WITNESS: I don't believe so.

13 MR. WHITCOMB: Thanks. Not for
14 question, just information.

15 ALDERMAN DUDZIK: Mr. Chairman.

16 CHAIRMAN WITKOWIAK: Alderman Dudzik.

17 ALDERMAN DUDZIK: Just for
18 clarification. You mentioned a patio at
19 Palomino. Do you know how - - approximately how
20 many people that seats?

21 THE WITNESS: No.

22 ALDERMAN DUDZIK: Would you say it was
23 more than 20?

24 THE WITNESS: I'd say - - Yes.

25 CHAIRMAN WITKOWIAK: When you refer to

00059

1 patio, you just mean the outside seating - -

2 THE WITNESS: Actually, it's not - -

3 CHAIRMAN WITKOWIAK: It's the sidewalk
4 in front of the place.

5 THE WITNESS: It's the sidewalk. It's
6 not - - It's the sidewalk. It's not an added
7 patio.

8 CHAIRMAN WITKOWIAK: It's a very wide
9 sidewalk on the east - - on the east of the
10 place, and there's tables and chairs out there.

11 THE WITNESS: I don't really go there
12 that often.

13 ALDERMAN DUDZIK: Mr. Chairman, just
14 because the numbers are starting to swim because
15 of the hour, I believe, the capacity of the club
16 right now is 80?

17 THE WITNESS: Yes.

18 THE APPLICANT: Cactus Club, yes.

19 ALDERMAN DUDZIK: And you want to bump
20 it up to 200?

21 THE APPLICANT: Well, that's the
22 approximation. I mean, it's up to the inspector,
23 I guess.

24 ALDERMAN DUDZIK: That's fine. I just
25 want to - -

00060

1 CHAIRMAN WITKOWIAK: Bump it up to
2 where?
3 ALDERMAN PUENTE: 200.
4 CHAIRMAN WITKOWIAK: 200.
5 MR. WHITCOMB: It's, of course,
6 dependent upon what is approved, what's - -
7 according to - -
8 CHAIRMAN WITKOWIAK: We understand.
9 ALDERMAN DUDZIK: I understand. I'm
10 just trying to get, you know, some scale, you
11 know.
12 THE APPLICANT: You don't really know
13 until - -
14 MR. WHITCOMB: Approximately.
15 ALDERMAN DUDZIK: Right. Okay.
16 CHAIRMAN WITKOWIAK: Thank you for your
17 testimony. Next person, please.
18 MR. POTZERELL: Hi. My name is - -
19 CHAIRMAN WITKOWIAK: Hold on one
20 second. Alderman Puente moves to make the map
21 presented by Mister - - Mrs. Jansen as part of
22 the permanent record in this hearing. Hearing no
23 objection, so ordered. Name and address, sir,
24 for the record.
25 MR. POTZERELL: My name is Edward

00061

1 Potzerell, 2538 South Wentworth.

2 CHAIRMAN WITKOWIAK: And your

3 testimony?

4 THE WITNESS: Not to be redundant, but
5 I just want to say that I know there are four or
6 five bars in the area. I think, as neighbors in
7 our neighborhood, we've kind of resigned
8 ourselves to the fact that there is X amount of
9 things that we have to deal with. My point is,
10 to increase the expansion at the Cactus Club is
11 going to increase the problems that already
12 exist. You're talking we just said - - you just
13 said 80 to 200. Now you're going to talk about
14 affecting people two - three blocks away from
15 where I live. Those people aren't here. They
16 don't know that this is going to happen. So if
17 you okay this, you're affecting a lot more people
18 than are already affected.

19 I get up for work at four in the
20 morning. Friday and Saturday night for me are a
21 very precious thing, and I've been on numerous
22 occasions awoken by noise, cars, motorcycles, you
23 name it. I'm at the point now where I'm - - I'm
24 going to probably be heading a Blockwatch, and
25 I'm going to - - I'm going to have to stay up all

00062

1 night long and call the police at two in the
2 morning and wait until four or five in the
3 morning until they show up so I can file a
4 complaint. And if that's what I have to do to
5 change things in my neighborhood, I will do that.
6 Thank you.

7 CHAIRMAN WITKOWIAK: Thank you. Any
8 questions of this witness? No. Mr. Whitcomb?

9 MR. WHITCOMB: No.

10 CHAIRMAN WITKOWIAK: Thank you for your
11 testimony. Next witness, please? Name and
12 address for the record.

13 MS. MORRIS: Mary Morris, 2549 South
14 Superior Street. I'm one of those people that
15 are a little bit further away and - - and if
16 currently affected, will be even more affected if
17 the capacity is increased due to the expansion.

18 Just for the record I would love to see
19 that building fixed up. I - - I like Eric's
20 plans for it. But the expansion and added
21 capacity that would come with it would not - -
22 would affect the neighborhood very adversely.
23 Now I've been in that neighborhood 35 years, and
24 only once did we have problems with a bar, and
25 that was swiftly taken care of by the

00063

1 neighborhood. I am 68 years old. I'm working
2 full time. I need to get up for work at five
3 o'clock in the morning. I have personally seen,
4 and not only the Cactus Club, but the parking is
5 the biggest problem with the increased capacity.
6 But people are parking all the way around the
7 block at my house and up the block. Fortunately
8 I do have a driveway that I can pull in, but one
9 night I couldn't pull back out, because I was
10 parked in. I had heart surgery in February. My
11 children come to check on me often. There is no
12 place for them to park, especially if they can't
13 get into my driveway. So that is why I am
14 against increasing the capacity. I would be
15 against increasing the capacity of any of the
16 bars. Palomino, on the sidewalk, sometimes I - -
17 I think maybe the beer bottles are ending up on
18 my front lawn when they walk away from that
19 patio. So that can be a problem sometimes, but
20 any increased capacity in any of those bars
21 adversely affects the neighborhood, especially
22 when it comes to parking, because we have no off
23 street parking.

24 CHAIRMAN WITKOWIAK: Thank you for your
25 testimony. Any questions by this witness? No.

00064

1 Mr. Whitcomb?

2 MR. WHITCOMB: No, Mr. Chairman.

3 CHAIRMAN WITKOWIAK: Next witness,
4 please.

5 MS. MCDONALD: Good evening. Thank you
6 for your patience and attention to all of us. My
7 name is Phyllis McDonald. I reside at 2525 South
8 Superior Street. I am four doors away from the
9 Russell Avenue establishments. I own this
10 property jointly with Mr. Emery, who was a great
11 grandson of Buelah Britton. Although I am a
12 relative newcomer to Bay View, only 13 years, my
13 ties to this community are deep.

14 My lot has a unique feature. It has
15 frontage on both Superior Street and on Wentworth
16 Avenue. Consequently, I have regular comparison
17 to the effects of having the Garibaldi Club and
18 Palomino on the Superior side of my lot, and
19 Cactus Club on the Wentworth side of my lot. For
20 brevity, Superior Street is tolerable. Wentworth
21 is terrible. With the expansion we went to a
22 recent presentation meeting at the Buelah Britton
23 Center, and there were no questions received at
24 that time. But later in conversations with Eric
25 and e-mails he did confirm that the possibility

00065

1 of the expansion of the Cactus Club could be up
2 to 200 people. I do not find that 250 percent of
3 the current occ - - occupancy is being a "little
4 expansion." The odds of the increased occupancy,
5 the increased traffic, will affect me, my
6 property and my sleep. But I can't prove
7 anything.

8 Some of my previous things that I have
9 glazed over here and include the fact of litter,
10 waking, my - - mine was the garage that was
11 affected by the fire. There's no Bay View CSI.
12 I can't prove anything. What I've not seen is
13 accountability that was prom - - at the last
14 renewal. I have not seen an outside bouncer to
15 quell, by his presence, the revved up partyers
16 who are taking their energy to the street. I
17 have not seen a neighborhood patrol, except my
18 neighbors. I do not see accountability in the
19 proposed changes to complete items other than
20 those that are specifically required by the
21 municipal code.

22 It is a difficult task for a proprietor
23 to control his clientele before or after their
24 time in his establishment. And this is a
25 fundamental point. If the control is ineffectual

00066

1 at the current occupancy rates, how could it be
2 at all possible at 250 percent of the current
3 occupancy rate? I don't know. I cannot prove
4 anything, but what are the odds? Someone said
5 that change is inevitable, and I would say that
6 that is true. This part of the world has changed
7 from marsh river edge to the Kashu village,
8 rolling mill to park. My deed records a house on
9 my lot since the turn of the previous Century,
10 ,and throughout the changes to this neighborhood
11 it has had residences. Businesses have risen up
12 to serve the people who live in those residences.
13 As a Bay View resident I feel that the Russell
14 Avenue locals would be better - - a better
15 service to us as restaurants and retail, rather
16 than late night music and mischief. I do not
17 support an expansion that will allow an increase
18 in occupancy of the Cactus Club. I request that
19 you vote no.

20 CHAIRMAN WITKOWIAK: Thank you.
21 Questions by members of committee? Mr. Whitcomb,
22 any questions of this witness? No. Next
23 witness, please.

24 MR. WHITCOMB: Mr. Chairman, do you
25 have the application in your folder?

00067

1 CHAIRMAN WITKOWIAK: Yes, we do.

2 MR. WHITCOMB: So you have - - You have
3 the before and after schematics.

4 CHAIRMAN WITKOWIAK: Yes.

5 MR. WHITCOMB: Okay. Thank you.

6 CHAIRMAN WITKOWIAK: Name and address
7 for the record, please.

8 MS. WUSSEL: My name is Gretchen
9 Wussel. I lived at 2564 South Wentworth Avenue.
10 I owned a duplex, and I've owned that duplex
11 there for 15 years. I've been in the
12 neighborhood for 22 years. I would have never
13 purchased a duplex in that area if I would have
14 known that the popularity of that corner has
15 exploded the way it has over the years. The
16 Cactus Club has been hailed as the best rock club
17 in the city, which is wonderful. I've heard good
18 things about Eric. I've heard that he's a very
19 good businessman, and he's very fair. It's
20 gotten to a point, like everyone else, I don't
21 sleep. I don't sit up in the front parlor at
22 night anymore, because the noise is unbearable.
23 I've called the police on people that were
24 drinking in trucks, urinating on my neighbor's
25 house, urinating on my own sidewalk. I have

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1 watched them walk back into the Cactus Club.
2 I've waited for hours for police to come, and
3 we've given up calling the police.
4 It's frightening to think that I'd
5 retire in a neighborhood like that and I, myself,
6 am looking for a single family home to get out of
7 the neighborhood, and maybe that will make a lot
8 of people happy that are in the music and bar
9 business, that another person would leave. I'm
10 losing another friend of mine, and I've lost one
11 of my best friends, after the fire, she's moved
12 away. I don't feel that we should be intimidated
13 or forced into this expansion. I know that
14 Eric's been trying to be friendly with us, and
15 he's been very polite about it in coming by and
16 introducing himself. We've never seen him
17 before, come down our block, and recently he's
18 come a couple times a day walking his dog with
19 his friend. I don't think that anything at this
20 point is going to convince us, after all the
21 years that we've had disruption in the
22 neighborhood. The parking's unbearable. I,
23 myself, don't have a driveway, and I cannot put
24 one in. The yard isn't big enough. I have to
25 park on the street. My tenants have complained.

00069

1 My tenants have complained about watching men
2 urinate on the cars in broad daylight in the
3 summertime.

4 MR. WHITCOMB: Once again - -

5 THE WITNESS: I know I can't refer to
6 my tenants, but - - I don't want to think that
7 someday I can't rent my flat because they - - the
8 neighborhood has such a reputation of being the
9 - - the ultimate place to - - to party on the
10 weekends. Thank you.

11 CHAIRMAN WITKOWIAK: Questions by
12 members of the committee? Mr. Whitcomb? No.
13 Next witness, please.

14 MR. KELPNER: Paul Kelpner, 1427 East
15 Russell. I'd like to thank the board for hearing
16 my testimony, and agree with the Chairman that
17 you're doing a fine job. I live - - I live at
18 approximate 150 foot from the doorstep of the
19 Cactus Club.

20 There are five liquor licenses within a
21 one block radius of my home. Those being the
22 Cactus Club, Groppi's, Palomino, Club Garibaldi,
23 and At Random. There are nine liquor licenses
24 within a - - a four block radius of my home, to
25 include Phil & Dom's, De Marinis', Mama De

00070

1 Marinis', Pudler's Hall and Three Brothers.
2 Given this, this is still majorly a residential
3 neighborhood, a resident - - A residential
4 neighborhood that has seen a lot of changes in
5 the past couple years. It has become a choice
6 destination for a diverse crowd in search of
7 specialty groceries, unique live music acts, and
8 trendy bars and pubs, and yet it remains a mostly
9 residential neighborhood.

10 This resident has noticed a recent and
11 marked increase in foot and vehic - - vehicular
12 traffic and noise level and a decrease in
13 available parking and general calm. I do not
14 support this or any renovation projects that
15 would facilitate the progress of these recent
16 trends and hinder - - Excuse me - - and hinder my
17 quiet enjoyment of my home or - - or draw larger
18 crowd into this already bloated community. For
19 these reasons I respect - - respectfully oppose
20 granting permits to 2496 South Wentworth Avenue
21 that will increase legal maximum occupancy.

22 CHAIRMAN WITKOWIAK: Thank you. Thank
23 you for your testimony. Questions by members of
24 the committee?

25 ALDERMAN DUDZIK: Mr. Chairman.

00071

1 CHAIRMAN WITKOWIAK: Alderman Dudzik.

2 ALDERMAN DUDZIK: Again, maybe I'm
3 missing the numbers. How long did you say you
4 worked there or lived there? Excuse me.

5 THE WITNESS: Yeah, I - - I purchased
6 that property approximately three years ago. I
7 think it's also important that to know that I
8 grew up on Superior and Knock, which is
9 approximately four to five blocks away from the
10 residents. I've lived in Bay View for 25 of my
11 30 years, and I know this neighborhood very well.
12 So I've seen the changes.

13 CHAIRMAN WITKOWIAK: Thank you.
14 Questions? Okay. Thank you for your testimony.
15 Next witness, please.

16 MR. HASS: My name is Ron Hass. I've
17 lived at 2525 South Shore Drive. I live on the
18 24th floor of Bay View Terrace.

19 CHAIRMAN WITKOWIAK: Could you just
20 pull that microphone a little closer to you, sir?
21 We're just having a hard time hearing you.

22 THE WITNESS: Sure.

23 CHAIRMAN WITKOWIAK: There you go.

24 THE WITNESS: I've lived there for 19
25 years. And in the past few years I have noticed

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1 the increase in the traffic and the parking
2 problem, even around our building, even though we
3 are about a block and a half, or a block and a
4 quarter away. We have noticed that, being on the
5 24th floor, in the last couple years the amount
6 of noise from the - - especially from the
7 motorcycles that had people who were leaving late
8 at night. Often, when they do take off and that,
9 they do their best to try to make as much noise
10 as possible as they can with the motorcycles, and
11 you can hear them as much as six to eight or a
12 mile away. Basically, I would be against the
13 expansion just because of the additional parking
14 problems that it would create, and also, in the
15 area down there, it is a high density
16 neighborhood where there - - a lot of people do
17 live and the - - the homes are small with small
18 frontages and parking becomes a great problem.

19 My other comment would be is one, I was
20 a little disappointed in the notice that you
21 covered a lot of things about what was going on
22 in the expansion, but you did not say that the
23 capacity was going to be like almost doubled,
24 which I thought was a little bit disappointing to
25 me that it seemed to be a little bit incomplete.

00073

1 I'm also the President of Bay View
2 Terrace, and I know I can't testify for other
3 people, but then - -
4 CHAIRMAN WITKOWIAK: Then don't.
5 THE WITNESS: - - being the President,
6 I do hear a lot of complaints from the other
7 people in there.
8 CHAIRMAN WITKOWIAK: You can't - - You
9 can't say that.
10 THE WITNESS: Okay.
11 CHAIRMAN WITKOWIAK: You snuck it in on
12 me, though.
13 THE WITNESS: Okay. So that's - - That
14 would be my comments.
15 MR. SCHRIMPF: Mr. Chairman.
16 CHAIRMAN WITKOWIAK: Okay. Thank you.
17 Yes, Mr. Schrimpf.
18 MR. SCHRIMPF: Very briefly, is that
19 that high rise which is at the end of the Hoan
20 Bridge and Superior?
21 THE WITNESS: That is correct.
22 MR. SCHRIMPF: Okay. And did you say
23 you live on the 25th floor?
24 THE WITNESS: 24th.
25 MR. SCHRIMPF: 24th floor. And you

00074

1 hear the noise up there?
2 THE WITNESS: I hear the noise up there
3 better than a person who would be on the first or
4 second floor, because believe it or not, the
5 higher up you are, the less trees there are. The
6 sound is not inhibited by anything, so
7 consequently we hear the noise much better. In
8 fact, with the windows open I could - - it seems
9 like anybody who talks in the alley it's like
10 they're standing outside my window.
11 MR. SCHRIMPF: That's all I have, Mr.
12 Chairman.
13 ALDERMAN PUENTE: Mr. Chair.
14 CHAIRMAN WITKOWIAK: Alderman Puente.
15 ALDERMAN PUENTE: Approximately how far
16 away then is it from the Cactus Club?
17 THE WITNESS: It would be about a block
18 and a quarter.
19 ALDERMAN PUENTE: A block and a
20 quarter?
21 THE WITNESS: Block and a quarter,
22 correct.
23 ALDERMAN PUENTE: And how do you know
24 it's coming, the music is emanating from the
25 Cactus Club?

00075

1 THE WITNESS: I didn't say music. I
2 - - And I don't know, you know, it's the noise
3 from the traffic that has increased, and I know
4 that it's motorcycle people who are leaving,
5 okay. Whether they're from the Cactus Club or
6 not, I couldn't testify, okay. There's no way to
7 prove that, just like a lot of other people who
8 have been here could have said it's theirs. No
9 way that they can prove exactly what is going on
10 and it's exactly people from the Cactus.

11 CHAIRMAN WITKOWIAK: Thank you, Mr.
12 Hass. Any other questions for this witness?

13 ALDERMAN DUDZIK: Mr. Chairman.

14 CHAIRMAN WITKOWIAK: Alderman Dudzik.

15 ALDERMAN DUDZIK: Mr. Hass, are you a
16 retired city employee?

17 THE WITNESS: Yes, I am.

18 ALDERMAN DUDZIK: Further proof that
19 living in the City of Milwaukee after retirement
20 from the city is a good thing. Thank you very
21 much.

22 THE WITNESS: We've enjoyed living in
23 the City of Milwaukee, and I worked for the city
24 for 38 years.

25 ALDERMAN DUDZIK: Thank you.

00076

1 CHAIRMAN WITKOWIAK: Mr. Whitcomb, any
2 questions of this witness? No. Okay. Next
3 witness, please. Name and address for the
4 record.

5 MR. SCARDINO: My name is Sam Scardino.
6 I live on 2535 South Superior Street.

7 CHAIRMAN WITKOWIAK: And your
8 testimony, Mr. Scardino.

9 THE WITNESS: I've owned my property
10 there for over 34 - - 34 years now. And I feel
11 that myself and a lot of my neighbors pay pretty
12 high taxes, and I don't think we deserve to have
13 the added traffic or nuisance by any more bars or
14 expansion of bars. I'm not against anybody
15 making an honest living. I just don't feel that
16 we deserve the treatment that we've been getting
17 in the neighborhood.

18 CHAIRMAN WITKOWIAK: Thank you. Any
19 questions of this witness? No. Thank you very
20 much, Mr. Scardino. Next witness, please.

21 MS. PABLOCK: Good evening. My name is
22 Vera Pablock. I live at 902 East Homer Street.

23 CHAIRMAN WITKOWIAK: 902 East Homer?

24 THE WITNESS: East Homer.

25 CHAIRMAN WITKOWIAK: Okay. Thank you.

00077

1 Proceed with your testimony.

2 THE WITNESS: I guess I'm going to be a
3 bit sentimental, but these streets are the
4 streets of my childhood, and I can't tell you how
5 painful it is. My family has owned property, our
6 property for 45 years. My parents bought our
7 property in 1960. I can't tell you how painful
8 it's been for me to see this beautiful area
9 called Bay View turned into a kind of, what shall
10 I call it, a - - just come and grab what's really
11 good and just profit off of it. I guess that's
12 what I'm calling it or whatever you call it.

13 CHAIRMAN WITKOWIAK: Exploitation.

14 THE WITNESS: Exploi - - Thank you.
15 Exploitation. I guess what I would compare it to
16 is - -

17 ALDERMAN BOHL: Would that be hearsay?

18 THE WITNESS: In our - - In our city is
19 Brady Street, a perfect, almost a perfect
20 analogy. I don't want to see Russell Street
21 become another Brady Street. Where you had Brady
22 Street, these beautiful properties kind of close
23 to the lake, and nice residents. It's untenable
24 now. It's neurotic. There are all sorts of
25 problems on Brady Street. It's - - It's not a

00078

1 place for kids anymore. We have to keep one - -
2 one thought in mind here. This is a residence.
3 This is where people live. There are children
4 here. Do we care about the children in our
5 neighborhood. So little said for them, to defend
6 them.

7 I have nothing against this man. I
8 have nothing against his establishment. I have
9 nothing against anybody's establishment in my
10 area, as long as it's tenable in - - with regard
11 to what the Milwaukee Police Department has very
12 accurately labeled, "quality of life issues."
13 When we talk about quality of life issues, are we
14 talking about low quality, mediocre quality or
15 high quality? I assume we're talking about high
16 quality. When my husband and I bring our child,
17 we have a toddler, we bring her down to the lake.
18 We love to go down to the lake. We're afraid to
19 cross the street, and I'm not exaggerating.
20 There are cars circling that corner all the time.
21 Cars and motorcycles. Why? Because nobody can
22 find a parking spot. And then add to it all the
23 other traffic from all the other establishments,
24 and the people who live there, and the
25 condominiums that have been built in the last ten

00079

1 years, you've got a lot of congested - - a very
2 congested area with narrow streets, cul-de-sacs.
3 That was never - - It's just at it's absolute
4 limit.

5 We don't want to see this become
6 another Brady Street. You have - - You have to
7 help us to not let that happen. What's happened,
8 I think, at Brady Street is a tragedy. It's just
9 - - I don't even want to go down there anymore.
10 It's too much. It's noisy. We're afraid to
11 cross the street. If - - If this gentleman wants
12 to have such an establishment with 200 people
13 capacity, I - - let him take it to a commercial
14 strip, to 27th Street or some other busy
15 thoroughfare that - - that would allow that,
16 where people don't have to be bothered by noise
17 and congestion and - - and traffic. But
18 certainly not on the narrow streets of this Bay
19 View neighborhood. That's preposterous.

20 CHAIRMAN WITKOWIAK: Thank you for your
21 testimony. Any questions by members of the
22 committee? Mr. Whitcomb?

23 MR. WHITCOMB: What is your address
24 again, please?

25 THE WITNESS: 902 East Homer Street.

00080

1 MR. WHITCOMB: And how far away is that
2 from - -

3 THE WITNESS: About five blocks.

4 CHAIRMAN WITKOWIAK: Thank you. Next
5 witness, please. Name and address for the
6 record, please.

7 MR. PONTO: Eric Ponto, 2573 South
8 Wentworth.

9 CHAIRMAN WITKOWIAK: And your
10 testimony?

11 THE WITNESS: I live on the same side
12 of - - of the street as Groppi's, about half a
13 block from the Cactus Club. Have lived in the
14 area for about eight years now, and actually,
15 moved to the area because it was a vibrant
16 community, and we love the diversity, and I think
17 there's - - there's nothing against the patrons
18 of the Cactus Club, or even the acts. I've
19 actually been to the Cactus Club to see bands.

20 I frequent the bars in the area. Club
21 Garibaldi, I've gone - - actually get fish fry
22 many times from Palomino. But I'm one of the
23 ones who is lucky that I'm up to the point where
24 I can gauge when there's a big band playing,
25 because that's when the traffic comes down to my

00081

1 end of the block. And I have to say that we're
2 not talking about a majority of the people who
3 are the problem. We're talking about a small
4 percentage of people who - - who are causing
5 problems. And I think it's not even the people
6 who are from Bay View who are frequenting the
7 Cactus Club. It's the people who come from out
8 of town to see a show. And what - - What my fear
9 is with the expansion, there's a possibility of
10 larger bands, which might draw larger people from
11 - - from different areas, and my fear is as we
12 get more people from outside the area, they
13 probably won't respect the neighborhood the same
14 way the current Cactus Club patrons, most of
15 them, do.

16 So I really think it comes down to
17 expansion. We would love to see Eric do work on
18 the bar, make it look better, control the sound
19 for the bands that do play there. But I think
20 that as the music venue, it's one that works best
21 for small bands and small capacity at 80 people,
22 rather than something that's going to be expanded
23 to 200 people.

24 And just in closing, I'm an architect,
25 and know something about urban planning, and this

00082

1 - - this area just really, it's not designed for
2 the traffic that is currently there. And I think
3 to try and increase that is not just an issue for
4 parking, but I'd be interested to see what DPW
5 has to say about just traffic studies in the
6 area, what can be really done to control traffic.

7 CHAIRMAN WITKOWIAK: Thank you, Mr.
8 Ponto. Questions by members of the committee?

9 ALDERMAN DUDZIK: No.

10 CHAIRMAN WITKOWIAK: Mr. Whitcomb?

11 MR. WHITCOMB: No, Mr. Chairman. Thank
12 you.

13 CHAIRMAN WITKOWIAK: Okay. Thank you.
14 Next witness, please. Anybody else that wants to
15 testify in opposition. Name and address for the
16 record, please.

17 MS. MARTEL: Marilyn Mayerhoffer
18 Martel, 2538 South Superior Street.

19 CHAIRMAN WITKOWIAK: And your
20 testimony.

21 THE WITNESS: I'd like to preface my
22 comments about the expansion, remodeling of
23 Cactus Club, by saying my husband and I have
24 lived on Superior Street for almost 25 years. We
25 love Milwaukee. We love Bay View. We knew, as

00083

1 other residents, be they owners or renters, when
2 we moved into the neighborhood, all those
3 establishments were there. Maybe under different
4 names, maybe without - - with a different,
5 perhaps, following, but those buildings and
6 businesses were there. And so, I think we've
7 tried over the years to make that adjustment to
8 the things that have changed, the increased
9 traffic, the increased parking problem, the
10 litter, sometimes. Some of the things that no
11 doubt have been testified to earlier.

12 I'm here to just make a couple of
13 comments. I believe that the expansion of the
14 club, whether it's the Cactus Club or any of the
15 clubs in our neighborhood, just will negatively
16 impact on our neighborhood, which is really
17 basically a neighborhood. Very densely
18 populated, and I think that it will also set a
19 precedent, because if - - if the Cactus Club is
20 allowed to expand, what's to stop any of the
21 other places from also expanding. And I think
22 that that sets off some anxiety in our community
23 about how others might do the same and consider
24 this. I'd really think that the parking is - -
25 is a very important issue. With the Bay View

00084

1 Terrace only two blocks east of the Cactus Club,
2 with the other things that are in the
3 neighborhood, it's, as I said, a very densely
4 populated neighborhood, I just don't think that I
5 could agree to the expansion of any of those
6 clubs, and tonight, it's the Cactus Club. I'm
7 saying I'm opposed to that.

8 CHAIRMAN WITKOWIAK: Thank you. Any
9 questions of this witness? Mr. Whitcomb? Okay.
10 Is there anyone else here to testify in
11 opposition? Okay. I'm going to ask one more
12 time. Is there anybody else here to testify in
13 opposition that has not testified before?

14 Closing the testimony on opposition. Now I - -
15 Now I'd like to hear testimony from the - - from
16 the proponents, the supporters.

17 We're going to take just a five minute
18 break. Court Reporter has to change her paper.

19 (Off the record.)

20 (Back on the record.)

21 CHAIRMAN WITKOWIAK: This is the
22 resumption of the Utility & License Committee
23 meeting for September 13th, 2005. We're hearing
24 the item of Eric Uecke, 2496 South Wentworth
25 Avenue, and now we are going to hear from the

00085

1 supporters. Name and address for the record,
2 please.

3 MS. DRAKE: My name is Anna Drake, and
4 my address is 1440 East Russell Avenue. But I'd
5 like to point out that my front door is actually
6 on Wentworth, and faces directly across the
7 street from the Cactus Club. In that
8 intersection there, I'm on one of the corners
9 that is occupied by Groppi and by Cactus Club on
10 the other two.

11 I have not lived in Bay View very long.
12 I've been there about six months. I live there
13 with my fiance'. We moved there. We're young
14 professionals. We came to Milwaukee to work. We
15 have nine to five jobs like many of the people in
16 the neighborhood. And we chose this neighborhood
17 because it would be a wonderful place to start a
18 family. Also, because it does have the best rock
19 and roll club in Milwaukee.

20 I go to the Cactus Club probably four
21 days a week, not always to drink, but also,
22 because that is where all of the friends that
23 I've made in the neighborhood hang out. And I
24 can tell you firsthand, none of the regulars ride
25 motorcycles. All of the motorcycles that I've

00086

1 seen in the neighborhood are parked outside the
2 Palomino. None of the people that are there on a
3 daily basis do drugs. And most of us leave the
4 bar quietly and go straight to our homes.

5 My front window faces the corner there
6 of Russell and Wentworth, and for months I've
7 been sleeping in the front room with the window
8 open because it's too hot in the back part of the
9 house. I've never once been woken up by noise.
10 I've never had anybody damaging my property or on
11 my lawn, or anything, and mine would be the most
12 logical one to walk onto.

13 I also want to say that because of the
14 nature of my job, I work in the Federal building
15 right down here. I come home between five and
16 seven in the evening, as most of the residents of
17 the neighborhood do. I've never had a problem
18 finding parking. I also go out at night, on
19 weekend nights, and when I come back, I've never
20 had a problem finding parking. I always park
21 right in front of my house, and sometimes, right
22 in front of the Cactus Club. There's pretty much
23 always parking there. I'm trying to think if I
24 miss - -

25 Oh, I support the expansion, because it

00087

1 would improve the appearance of the club. It
2 would improve the soundproofing. It would
3 provide for handicap accessibility, which is
4 almost ludicrous to think that we don't have that
5 in every establishment in our neighborhood. And
6 frankly, the bathrooms need to be fixed up a
7 little bit.

8 THE APPLICANT: Yeah, I agree with you
9 totally on that.

10 THE WITNESS: While I haven't had a
11 problem with noise, because other people probably
12 are more sensitive to it, I think that improved
13 soundproofing is a brilliant idea. Where I
14 differ from a lot of the arguments that you've
15 heard from people is that I do go to shows there,
16 as often as I can. Some of my favorite bands
17 play there. And I'm excited about the
18 improvement of one of my favorite clubs in the
19 country, and to rock clubs all over this country.
20 I love the Cactus Club. It is a gem, absolutely.
21 A lot of people think that in order to identify
22 as a resident and as a person who identifies with
23 the community there that it seems like you can't
24 also love and support this club. But I identify
25 as both. I love the neighborhood. I love the

00088

1 club, and I support Eric's plans.

2 CHAIRMAN WITKOWIAK: Thank you. Any
3 questions by members of the committee?

4 ALDERMAN DUDZIK: Mr. Chair, I just
5 have two - -

6 CHAIRMAN WITKOWIAK: Alderman.

7 ALDERMAN DUDZIK: - - two questions, I
8 guess. What's the latest you've ever been at the
9 Cactus Club?

10 THE WITNESS: I've been there until
11 closing time.

12 ALDERMAN DUDZIK: Seriously. Can you
13 name three of your favorite bands?

14 THE WITNESS: Three of my favorite
15 bands?

16 ALDERMAN DUDZIK: Um-hnh.

17 THE WITNESS: In general or that play
18 at the Cactus Club?

19 ALDERMAN DUDZIK: That play at the
20 Cactus Club.

21 THE WITNESS: Let's see. The
22 Mistreaters, The Frogs, and, well, The White
23 Stripes used to play there. Now they're too big

24 ALDERMAN DUDZIK: That's fine. That's
25 fine. I just wanted to see if Alderman Bohl knew

00089

1 of any of these bands.

2 THE WITNESS: You should come down to
3 the Cactus Club.

4 ALDERMAN DUDZIK: Yes, you should.

5 ALDERMAN BOHL: And, again, I don't
6 have - - I live in a nice neighborhood where
7 there's not all this loud noise and trouble and
8 beer bottles and everything. But I - - But I
9 concur with many of you, I pay very high taxes,
10 too.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: Thank you, Mr. Chair.
13 Do you feel the expansion would increase the
14 traffic volume in the neighborhood?

15 THE WITNESS: I see that absolutely as
16 a potential issue, but like I've said. The hours
17 that I get home from work - - If you go into the
18 Cactus Club in the hours between six o'clock and
19 9:30 at night, there are usually three to four
20 people in there. The shows start at ten or
21 after. And by that point, most of the residents
22 are home and parked, on the street, yes, but I
23 mean, I never have trouble. So, I mean - - And
24 the kids that come to shows, either from out of
25 town or from downtown Milwaukee, have no problem

00090

1 parking a few blocks away and walking to a show.
2 I never minded doing it, and I didn't feel the
3 need to urinate on people's yards on the way.
4 ALDERMAN PUENTE: Thank you for that.
5 CHAIRMAN WITKOWIAK: Mr. Whitcomb.
6 MR. SCHRIMPF: Mr. Chairman, I believe
7 the witness' restroom is across the street
8 though.
9 THE WITNESS: It is now. It wasn't
10 always.
11 CHAIRMAN WITKOWIAK: Mr. Whitcomb, any
12 questions of this witness. Thank you.
13 THE WITNESS: Thank you.
14 CHAIRMAN WITKOWIAK: If there's anyone
15 that has any time constraints and - - and has to
16 - - feels the urge to leave real soon, come - -
17 THE APPLICANT: Allison Gilley over
18 here would like to - - They've been here for a
19 lifetime, like we all have.
20 CHAIRMAN WITKOWIAK: Okay.
21 MR. WHITCOMB: Mr. Chairman, I have a
22 picture of an architect's rendering of what it
23 will be on the exterior by appearance. I'll
24 describe later what the interior will look like,
25 and I also have a contemporary picture, just so

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1 - - for comparison for the committee's sake.

2 CHAIRMAN WITKOWIAK: Okay. And
3 Alderman Dudzik moves to make these two pictures
4 part of the record, and hearing no objection, so
5 ordered. Ma'am, your name and address for the
6 record, please.

7 MS. ROSE: Alice Rose. 2496 South
8 Wentworth Avenue, Milwaukee, Wisconsin 53207.

9 CHAIRMAN WITKOWIAK: And your
10 testimony?

11 THE WITNESS: I just want to - - I just
12 want to say that I lived - - I lived above the
13 Cactus Club for many years, and I have no
14 problems with Eric or any of the people that come
15 in there. They're all doing a - - a good job.

16 CHAIRMAN WITKOWIAK: So Mr. Uecke is
17 your landlord. Is that correct?

18 THE WITNESS: Um-hnh. Yeah.

19 THE APPLICANT: She lives directly
20 above the club. She's been up there for almost
21 50 years.

22 THE WITNESS: I live right above the
23 tavern.

24 THE APPLICANT: She used to own it.

25 THE WITNESS: I owned it.

00092

1 CHAIRMAN WITKOWIAK: Do you hear any
2 noise at night?

3 THE WITNESS: No. No - - You're bound
4 to hear noise. I don't care where you go.
5 You're going to hear some noise, you know.
6 You're going to a bar, you're going to hear
7 noise. That's for sure. But anyway, they - -
8 they're all good people that come in there.

9 CHAIRMAN WITKOWIAK: Okay. Any
10 questions of this witness?

11 ALDERMAN BOHL: Now the - - Mr.
12 Chairman, now the question would be to ask Mrs.
13 Rose if she's heard of any of those bands.

14 THE WITNESS: Well, I probably heard
15 them. I hear them upstairs, yeah.

16 ALDERMAN DUDZIK: Can you name your
17 favorite bands?

18 THE WITNESS: No, not right now. I
19 don't know.

20 MR. SCHRIMPF: Watch it, Mr. Chairman.
21 She might teach a few steps that we don't know.

22 THE WITNESS: We used - - We had music,
23 too. We had Dick Hiron and them. We had
24 Western music. We had Western music. Very nice.
25 We run a nice place, and Eric's running a nice

00093

1 place, and it's a good place.

2 CHAIRMAN WITKOWIAK: Thank you. Any
3 other questions of this witness? Thank you for
4 your testimony.

5 MR. WHITCOMB: Ms. Rose.

6 CHAIRMAN WITKOWIAK: Oh, go ahead.

7 MR. WHITCOMB: How long have you lived
8 there?

9 THE WITNESS: 40 years, over 40 years
10 now.

11 MR. WHITCOMB: And - - And you ran a
12 bar there for a while?

13 THE WITNESS: For 40 years.

14 MR. WHITCOMB: And when did you sell
15 the bar?

16 THE WITNESS: To Eric.

17 MR. WHITCOMB: In 1996?

18 THE WITNESS: I think it was.

19 THE APPLICANT: It was in '96.

20 THE WITNESS: Yeah.

21 MR. WHITCOMB: Thank you.

22 THE WITNESS: I had it - - I had it all
23 that time that I had it.

24 CHAIRMAN WITKOWIAK: What was the name
25 of it when you had it?

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1

THE WITNESS: Cactus Club.

2

CHAIRMAN WITKOWIAK: Oh, the Cactus - -

3

THE WITNESS: Um-hnh.

4

MR. WHITCOMB: It's been the Cactus

5

Club for 40 years.

6

THE APPLICANT: Yeah, she was saying

7

that they started as a live music place, as well,

8

but it was Country & Western. So that's a little

9

bit different format, but we've actually had

10

quite a few old country ritzy bands play there,

11

so, but not just specifically that.

12

THE WITNESS: Yeah, a lot of different

13

bands.

14

CHAIRMAN WITKOWIAK: Thank you for your

15

testimony, Alice.

16

THE WITNESS: You're welcome.

17

CHAIRMAN WITKOWIAK: Next person,

18

please.

19

MS. JUST: Hello. My name is Vickie

20

Just.

21

MR. SCHRIMPF: Vickie?

22

THE WITNESS: Just, as in "just do it."

23

I live at 1201 East Russell. I own the Village

24

Tea House, which today I just opened up, again.

25

I'll be reopening as soon as I can get the money

00095

1 for the license. I closed down so I could be a
2 better foster parent to my foster children.

3 But I am also a patron of the Cactus
4 Club. And I live on the corner of Russell and
5 Clement, which is very, very - - The traffic is
6 quite a problem. I don't know about that end of
7 the town. You know, back then we had horses, you
8 know, to go to the Country and Western club, so
9 now we have major car problems. We have major
10 accidents. At my end I've requested another stop
11 sign and other things, but I haven't been too
12 successful in that.

13 I'm excited to be here today, because I
14 think that we need to support the businesses. If
15 we're going to support Groppi's to get a license,
16 even though they sold to a minor, whatever, and
17 we support the other - - A lot of these are
18 business people that are here to support, and I
19 think that's very favorable in this great city of
20 ours. When I moved to Bay View, I lived on the
21 East side of 20 years, yeah, I'm that old, you
22 couldn't even buy a place over there now over on
23 Brady Street. I don't think the Bay View would
24 ever be the other East side, but it's been the
25 other East side for a long time. I wouldn't

00096

1 imagine everyone's heard that line before. No,
2 we're all going to get a bumper sticker tonight
3 that said, "I closed city hall," but I just want
4 to say that I'm all for expanding and improving
5 anything, and especially if we can improve the
6 neighborhood in whatever way. The parking is a
7 problem for a lot of things. For the Groppi's.
8 A lot of people, I think, in my neighborhood, I
9 prefer to walk, especially the way things are
10 lately. I - - I've been there, I think Bleed is
11 a good band. I've seen them. I used to be a
12 drummer 25 years ago in an all girl band, and I
13 just think that this is discrimination because it
14 all comes in all forms.

15 And I - - I hope much success to Eric
16 in his thing. They do need a new bathroom. I
17 just went there the other night with one of my
18 friends. She has never been there before,
19 because, you know, whatever, and she's from
20 another suburb. And it wasn't that bad for her.
21 Actually, she's going back again. And I just
22 want to say thank you, and thanks for putting up
23 with all the time and I really think that Bay
24 View has really grown and it should be supported.
25 All the small businesses should be supported

00097

1 more. Thank you.

2 And the motorcycles, I don't think, you
3 know, I think they're - - they're a problem. I
4 live on - - on that corner, and it's crazy. I
5 don't think they're all going down to the Cactus
6 Club, but that neighborhood should be a little
7 bit more monitored, I think. I live across the
8 street from the church, and there's a lot of
9 vandalism and stuff going on. But I think to
10 improve the neighborhood, to improve his space,
11 maybe improve the clientele, I just think it's a
12 good thing. Thank you.

13 CHAIRMAN WITKOWIAK: Wait. Hang on a
14 second. Any questions of this witness? Alderman
15 Dudzik.

16 ALDERMAN DUDZIK: First of all, I was
17 one of your first patrons when you opened up.

18 THE WITNESS: Thank you.

19 ALDERMAN DUDZIK: I happened to be
20 working in the area, and I haven't been back
21 since, but that's - - It's not - - not a comment
22 on the place. It was very nice.

23 But my comments, questions, concerns
24 are by your own admission traffic in the area has
25 increased even in the short period of time that

00098

1 you've been there, and you did state that
2 expansion, improvement is - - is a good thing.
3 Expansion, whether it's this place or your place
4 would only add to the congestion that you are - -

5 THE WITNESS: A lot of my patrons take
6 the bus, the 15 stops right on Russell.

7 ALDERMAN DUDZIK: All right. But - -
8 But - - But my point is that the - - that
9 increased traffic, whether it's at his place,
10 Groppi's, the Palomino Club, De Marinis', your
11 place, increases the problem that you complain
12 about.

13 THE WITNESS: Okay.

14 ALDERMAN DUDZIK: And - - And so we - -
15 What I'm trying to get at is - -

16 THE WITNESS: So we can chuck a luck a
17 little bit.

18 ALDERMAN DUDZIK: You can't - - We
19 can't - - We can't have it both ways. We can't
20 have expansion and - - and a restriction of
21 traffic.

22 THE WITNESS: Well, I think we can
23 consider opening up some par - - I know there's
24 been some consideration about opening up some
25 parking spot. I don't know how all the other

00099

1 businesses around there do it, where all their
2 - - their, you know, clients park. I encourage
3 other, you know, other means of traffic.
4 I mean - -

5 THE APPLICANT: Transportation.

6 THE WITNESS: Transportation.
7 Definitely. If could get them, too, on the back
8 of my bike, I would. Bicycle.

9 ALDERMAN DUDZIK: And my last comment
10 is going to be towards your foster children.
11 They're extremely well-behaved.

12 THE WITNESS: Thank you so much. It
13 took two years. And now I'm back. I'm going to
14 be opening - - I - - I really appreciate all of
15 this, because I think it's - - I think Bay View
16 has grown, and the traffic has - - I mean, like
17 really what I'm saying is at the turn of the
18 Century we didn't have that much. My street
19 where you turn on Russell is the busiest. That
20 - - Nobody takes the freeway to the end. They
21 turn right there. And it's crazy. So I
22 protected them, you know, it's crazy. No matter
23 - - I don't know where they're going. I can't
24 control that. They're going home from off the
25 Hoan Bridge. I have no control over that. But I

00100

1 do have control of saying maybe we could put a
2 stoplight or, you know, not have people come from
3 KK going 90 down - - not to the Cactus Club, you
4 know. You know what I mean. That's a different
5 issue, and I'll - - I'll see you guys on that one
6 later, but I just want to say that I'm for him,
7 and I'm, you know, I have children. And I
8 support all the businesses. But the traffic is
9 in the area. And it's - - it's a thing on the
10 East side, too. You know, it's all over
11 Milwaukee. I have a parking ticket right now
12 that I just put back on and ran in here quick.

13 (Unknown): For most of them.

14 THE WITNESS: You know. I mean, I've
15 never had gotten so many parking tickets in my
16 whole life in the past year, but I appreciate it,
17 and - - and I - - Much success to the new Gari
18 - - What's the new place that just got their
19 thing for the outside drinking?

20 MR. WHITCOMB: Groppi's.

21 THE WITNESS: Groppi's. Thanks.

22 CHAIRMAN WITKOWIAK: Any questions of
23 this witness? Okay.

24 MR. WHITCOMB: What's the address of
25 her new place?

00101

1 THE WITNESS: 1201 East Russell.

2 CHAIRMAN WITKOWIAK: Okay.

3 ALDERMAN BOHL: Great advertising.

4 Right?

5 THE WITNESS: Yeah. No.

6 MR. JOHNSON: All right. Chris

7 Johnson. I live at 2415 South Wentworth.

8 CHAIRMAN WITKOWIAK: And your

9 testimony?

10 THE WITNESS: I'm in support of it.

11 I've been in the area for about a year now, and
12 moving back to Milwaukee, just because it's a
13 vibrant neighborhood. It's made me come back to
14 Bay View, and I think that it's got a lot of draw
15 for a lot of people. And I think it's because of
16 places like the Cactus Club. Actually, I don't
17 really frequent it that often. I go to the
18 Palomino. Sorry. But I do walk past there, and
19 I live a block away, just a little bit to the
20 north. And I have noticed their staff, if
21 someone's being noisy, actually telling them to
22 be quieter, and things like that, as I walk past.
23 And what I've also noticed in my neighborhood,
24 the traffic, when most people are getting home
25 from business, like from work, is usually due to

00102

1 the De Marini Restaurants in that block. Like I
2 - - Like was mentioned earlier, the Cactus Club,
3 the traffic seems to be coming a little after ten
4 o'clock and everyone's home. So I notice a
5 decrease in traffic actually later on at night
6 and parking problems.

7 CHAIRMAN WITKOWIAK: Okay.

8 THE WITNESS: I think it - - it's also
9 a good idea that it's - - anything that's going
10 to help the area like the outside renovation and
11 soundproofing and things like that, and handicap
12 access, of course, is only going to draw more
13 people to the area. And as far as, you know, Bay
14 View changing, I know it's - - it seems like - -
15 that's what drew me back to Bay View rather than
16 the East side, is because it's a vibrant, diverse
17 area. And I don't think anyone can complain or
18 even say that their property values have gone
19 down in the last ten years in Bay View. And I
20 think it's because that area, and - - and kind of
21 places that draw entertainment and good food and
22 venues like that, that it's becoming that way.

23 And I think, also, the motorcycle noise
24 that I've noticed in the neighborhood, because
25 when I'm on my front porch, is usually people

00103

1 accessing Bay View from the Hoan Bridge or going
2 to the Hoan Bridge. That seems to be the major
3 thoroughfare, and I know it goes through there,
4 and there is a stoplight there.

5 CHAIRMAN WITKOWIAK: Okay. Thank you.
6 Any questions of this witness?

7 ALDERMAN PUENTE: Mr. Chair.

8 CHAIRMAN WITKOWIAK: Alderman Puente.

9 ALDERMAN PUENTE: You believe the
10 expansion would increase the traffic in that
11 area?

12 THE WITNESS: I think any kind of - - I
13 think it's going to be happening regardless. I
14 think more people are coming to Bay View because
15 of places on KK, and they're going to be coming
16 from down there, also. I think as Bay View grows
17 and becomes more popular of a destination for
18 people, they're going to come - - it's going to
19 feed - - Other places are going to feed off each
20 other. Like I said, Wentworth, things like that.
21 I think the renovations are going to outweigh the
22 problems. And like I said, the parking issues,
23 that time of night, I don't see it as much as I
24 do between the dinner hours, like I said, the De
25 Marinis', so I think it can take it.

00104

1 ALDERMAN PUENTE: Thank you.

2 THE WITNESS: Thank you.

3 CHAIRMAN WITKOWIAK: Next witness,
4 please. Name and address for the record.

5 MR. DYKSTRA: John Dykstra. 2623 South
6 Delaware Avenue, Milwaukee, Wisconsin 53207.

7 CHAIRMAN WITKOWIAK: And your
8 testimony?

9 THE WITNESS: I live about three blocks
10 away from the Cactus Club, and yes, I am a
11 renter. I've been there for about three years
12 now, but I'm getting married this Saturday. I'm
13 looking to buy a home with my new wife, and I
14 would be honored to find a house near the Cactus
15 Club and raise a family in this area.

16 ALDERMAN PUENTE: That one lady was
17 selling her house.

18 THE WITNESS: I'm sorry. What?

19 ALDERMAN PUENTE: One of the ladies who
20 testified earlier says she was selling her house.

21 THE WITNESS: We'll talk maybe. I - -
22 You know, I didn't really plan on coming up here
23 and talking. So I don't have anything planned.
24 But I - - I just want to point out that I noticed
25 a lot in the opposition's testimony that they

00105

1 didn't stick to the guidelines of what was
2 supposed to be done here. They didn't talk about
3 renovation problems. They talked about public
4 urination. They talked about marijuana use.
5 They talked about things that you can't prove
6 that happened from the Cactus Club. Granted,
7 these people may have walked out of the Cactus
8 Club, but there's nothing to say that they didn't
9 get intoxicated at Club Garibaldi, stop into the
10 Cactus Club, and then leave from there. It's a
11 bar area. It's always been a bar area. And
12 really the only valid argument I've heard is - -
13 is parking. And, sure, you know, that - - that
14 could possibly be a problem. But I also don't
15 think, and I don't want to put words in Eric's
16 mouth here, but I don't think he's planning on
17 packing 200 people into that bar every night. In
18 fact, I don't think his bookings are going to
19 change one bit, because it does very well for
20 him. And in the last couple of months with the
21 crackdown on - - on all of the capacity issues
22 and everything, there's been a very, very few
23 nights where we actually had to turn people away
24 to say, hey, we're at capacity. You can't come
25 in here tonight.

00106

1 The big issue on the re-model is to
2 make it look better, to make it sound better for
3 the neighborhood. To get that wheelchair access.
4 To have the bathrooms so that they don't smell
5 ungodly awful. Sorry, Eric, but they just do
6 stink really bad.

7 THE APPLICANT: I'm bringing a
8 bulldozer.

9 THE WITNESS: I mean, the point is is,
10 you know, Bay View is on the rise, and if
11 everybody continues this "not in my backyard
12 attitude," then there's going to be no place in
13 Milwaukee for these things to go. You know,
14 Milwaukee has historically been down on music
15 clubs. The Globe couldn't get their relicense.
16 Tijo's is forced out of their location. Club
17 after club after club has to relocate and
18 relocate and relocate. You know. Pretty soon
19 we're all going to be going to Chicago to see a
20 show, and that's it. That's all I have to say.

21 CHAIRMAN WITKOWIAK: Mr. Dykstra, are
22 you an employee of the Cactus Club?

23 THE WITNESS: Not technically. I help
24 him out with some sound gigs on occasion,
25 possibly once a month.

00107

1 CHAIRMAN WITKOWIAK: Okay. Thank you.
2 Any questions by members of the committee? No.
3 Mr. Whitcomb, any questions of this witness?

4 MR. WHITCOMB: No, Mr. Chairman.

5 CHAIRMAN WITKOWIAK: Next witness,
6 please. Name and address for the record, please.

7 MR. KNIEVER: Thank you for taking the
8 time to stay this late. My name is Paul
9 Knievers. My address is 2402 South Burrell in
10 Bay View. Eric is one of the few club owners I
11 know who is honest, cares about his neighborhood
12 enough to mitigate significantly through the use
13 of construction materials, the escape of sound
14 into his neighborhood. I frequent the club two
15 or three times a year. I'm not a - - a regular.
16 I go to a lot of music venues. I'm a
17 professional engineer. I mix for the Milwaukee
18 Symphony Orchestra, the Pabst Theater, the
19 Milwaukee Repertory Theater, First Stage
20 Children's Theater, Summerfest and all the ethnic
21 festivals. I know what the rules are for live
22 music. Eric does not have live music that
23 extends out of his club to the extent that it
24 exceeds the 50 decibels at 50 feet limit. That
25 is the law. I don't know that he has any sound

00108

1 complaints, because he's done so much work
2 involved in this. And I compliment him for that.
3 And there should be notice taken that he's
4 already gone well out of his way, far beyond what
5 any other club owner that I know has done, to
6 make his club quiet and safe in the neighborhood.

7 I also want to say the previous
8 testimony from the opponents is, in my opinion,
9 largely hearsay. I don't see any facts. When we
10 were harassed by a nightclub that was too loud
11 which forced us to move, it was quite easy to
12 take pictures of people urinating. Those were
13 facts. All I hear is hearsay. Mama De Marinis',
14 which I frequent, is busy early. The Palomino
15 attracts a lot of people from Marquette. Those
16 people are, by and large, earlier. They're there
17 earlier in the neighborhood, taking up parking
18 earlier, and I guarantee you that the motorcycle
19 noise is not coming from the largely Hondas
20 parked outside the Cactus Club.

21 I support Eric's work. I think that
22 it's a big mistake to consider the income and the
23 taxes that are going to come into the city and
24 the income that's going to come in the city from
25 people from out of state who stay overnight and

00109

1 buy food and accommodations and in many ways
2 contribute to Milwaukee's artistic community.
3 And the sense that Milwaukee's part of a circuit
4 of music that musicians are willing to come to.
5 Right now we don't have very many venues like
6 Eric's, and we should do everything in our power
7 to keep it.

8 CHAIRMAN WITKOWIAK: Thank you, Mr.
9 Knievers. Questions by committee?

10 ALDERMAN PUENTE: Mr. Chair.

11 CHAIRMAN WITKOWIAK: Alderman Puente.

12 ALDERMAN PUENTE: How far away are you
13 from the Cactus Club?

14 THE WITNESS: I live by Klements
15 Sausage Company, so I'm not in immediate hearing
16 or listening distance. But frankly - -

17 ALDERMAN PUENTE: Quite - - Quite a bit
18 always then.

19 THE WITNESS: Yeah, but I've - -I've
20 been a professional musician for 31 years
21 and I - -

22 ALDERMAN PUENTE: I heard all that.

23 THE WITNESS: - - and I recognize the
24 problems that the neighbors feel, but they're
25 blaming the wrong person for many of it.

00110

1 ALDERMAN PUENTE: How long have you
2 lived at - -

3 THE WITNESS: A year.

4 ALDERMAN PUENTE: One year. Thank you.

5 CHAIRMAN WITKOWIAK: Questions by? Mr.
6 Whitcomb?

7 MR. WHITCOMB: No, sir. Thank you.
8 That hat you are wearing. Is that your company?

9 THE WITNESS: No, it's just a freebie I
10 got from somebody, so. All right. Thank you for
11 your time. Hope you don't stay too late.

12 CHAIRMAN WITKOWIAK: It's up to all the
13 rest of you. Next witness, please.

14 MR. SCHULIST: Hi. My name is
15 Christopher John Schulist, and I'm a bartender
16 and the bar manager of the Cactus Club. And I
17 live at 800 East Lincoln Avenue.

18 CHAIRMAN WITKOWIAK: And your
19 testimony, Christopher.

20 THE WITNESS: Well, I just wanted to
21 say that I work there three to four nights a
22 week, and sometimes I'm there, like I - -I think
23 the last time I haven't been there was last week
24 - - last weekend, which after that was 14 days in
25 a row. And I just really care about the place,

00111

1 and I just want to make sure that we do
2 everything possible to, you know, to comply with
3 the neighborhood. And I thought that after the
4 first time that we went up to renew our liquor
5 license that we were going to do everything in
6 our power to comply with the neighborhood, and
7 just - - so we can both co-exist. Because it's
8 a great place to work. It's great clientele, and
9 like most of the supporters here, I probably - -
10 I could probably get all of them a drink right
11 now, just knowing their faces, because I know all
12 of the clientele there. And our - - Our
13 clientele is kind of like a community that we
14 don't - - we don't want to be shut down. So if
15 there's like a bad apple that came in, we'll do
16 everything in our power to make sure that he
17 calms down and he gets out.

18 And when I first started at the Cactus
19 Club, there were big curtains on all the windows.
20 So it was easy to be like, well, they're out the
21 door. Now we don't see anything. But now, I can
22 see up and down the blocks, and I'm standing
23 right in the middle of the room. The bar is
24 right in the middle of the room, and I can see on
25 both sides through the windows, and if I see

00112

1 anyone milling around out there because, you
2 know, I do feel like it's a community, that I
3 could ask anyone in the bar to go outside and
4 check it out and make sure that they're being
5 quiet, make sure there's no disturbance. Because
6 we do, we want to comply with the neighborhood.
7 And I think the expansion is a great idea, just
8 for the fact that it's - - it's kind of like
9 saying thank you to our clientele that, I mean,
10 they have been really good to us, and it - - it's
11 been a great place to work. We just want to make
12 it nicer for them to come.

13 And as far as like noise complaints and
14 everything, you know, we've complied with
15 stopping the shows earlier and really, you know,
16 just on the weekends. We hardly ever have shows
17 during the week. And if they do, they're over by
18 12 at latest, 12:30 at the latest. And we've
19 done everything in our power, and it's like we
20 want to do this kind of for the neighborhood to
21 be like, hey, we - - we want to soundproof it.
22 We want to make sure that we're going to cover
23 all our bases here, so we can co-exist. It's
24 going to look nicer, and yeah, maybe people - -
25 more people will want to come, but it's - - it

00113

1 will just be a nicer place for every - - everyone
2 to come, and I just - - I just think it's a great
3 place to work and - - and be, and I don't know,
4 like after - - after the testimonies opposing, I
5 was getting worried, because I was like it sounds
6 like an awful place to be, like - - like I'm so
7 scared to go to work, but it's just not like that
8 at all. And I've never had a problem there.
9 I've never felt safer in any bar in Milwaukee,
10 and it's not just because I work there, but
11 because everyone is so nice, and very compliant.
12 And no one wants to disrupt anything, because we
13 all want this place to exist, so we can all see
14 live music and do it peacefully. And so, if
15 there is someone that is doing anything wrong,
16 we'll try to squash it, and I mean, the only time
17 the police have ever come are just routine
18 checks. And I mean, I have nothing on my record
19 from there, and the times they've come, like,
20 Sergeant Cook was a regular. He would just stop
21 by on his beat and just say hello, and that
22 happened with a few of the other beat cops is
23 that they would just say hello, and, you know,
24 and it - - it made me even feel safer than I
25 already do. And I guess that's pretty much it.

00114

1 I just love the place, and I think it's a really
2 good idea to expand.

3 CHAIRMAN WITKOWIAK: Thank you,
4 Christopher. Questions by committee?

5 ALDERMAN DUDZIK: Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Alderman Dudzik.

7 ALDERMAN DUDZIK: Thank you. Are you
8 aware of any reason why the Cactus Club could not
9 improve the exterior of the building without
10 expanding?

11 THE WITNESS: No, I mean, that - - that
12 is possible, but like an overall overhaul - - Our
13 capacity would go up if we put in another women's
14 stall, I mean, just. It's not saying that we
15 have to - - we want to bring more people in.
16 It's just, there's only one women's stall, and
17 back when I first started working there, which
18 was like almost six years ago, not that many
19 girls came in. And now, it's - - it's, I'd say,
20 it's pretty even. And to have two men's stalls
21 and only one women's stall, the women are
22 waiting. So we'd like to accommodate them by
23 putting in more bathrooms. And if we do that,
24 you know, just - - just that, our capacity would
25 go up.

00115

1 MR. WHITCOMB: The issuance of any
2 building permit for a grandfather facility
3 requires that the entire facility be brought up
4 to modern code. So to do the exterior they would
5 have to in turn do all of the exterior work,
6 which is part of the plans.

7 ALDERMAN DUDZIK: Thank you.

8 MR. SCHRIMPF: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

10 MR. SCHRIMPF: Mr. Schulist, when you
11 leave the place, what time of the night do you
12 leave the place?

13 THE WITNESS: Probably usually - - It
14 depends. If it's a - - If it's a show night,
15 usually later. But there's like probably at the
16 very latest as far as cleaning goes, maybe around
17 like three - 3:30.

18 MR. SCHRIMPF: Three - 3:30 in the
19 morning. And then, I take it, most of the
20 patrons are gone.

21 THE WITNESS: Oh, we - - We have to - -

22 MR. SCHRIMPF: All gone.

23 THE WITNESS: Bar time is 15 minutes
24 ahead, and we get everyone out. On weekends,
25 2:30 bar time, which is actually 2:15. We can't

00116

1 have anyone else in the bar. Because we just - -
2 We don't - - We don't want to get a ticket from
3 the police, because there's a ticket involved
4 there. And at that point we have a doorman that
5 is outside that we make sure ushers everyone, and
6 just makes sure everyone disperses quietly. And
7 prior to that, if I could say that, at last call
8 and when I tell people that it's time to leave,
9 that I tell everyone in the bar that's in the bar
10 that please be quiet, because of our neighbors.
11 And we have - - We have a big sign, and if - - My
12 speech many times has been if you want to come
13 here again, please be quiet outside, because we
14 want to co-exist with the neighborhood.

15 MR. SCHRIMPF: Okay.

16 CHAIRMAN WITKOWIAK: Okay. Thank you,
17 Christopher. Oh, I - - I have a question to ask
18 you now.

19 THE WITNESS: Okay.

20 CHAIRMAN WITKOWIAK: You've obviously
21 been talking about this proposed expansion for a
22 while. And your capacity now is 80. What do you
23 really see, and there was a comment made before
24 about that we don't plan to pack 200 people in
25 there.

00117

1 THE WITNESS: Right.

2 CHAIRMAN WITKOWIAK: Realistically, in
3 your conversations, what did you think the - -
4 Obviously, if - - if this would be approved, you
5 would spend a lot of money on this expansion.
6 And - - and we take it, that you would want to
7 earn - - be able to earn more money because of
8 that. By doing that you would put more people
9 in. What's a reasonable amount of people, you
10 think, it would be in there?

11 THE WITNESS: I'd say at the most
12 probably like, I don't know, 100 - 120 tops.

13 MR. WHITCOMB: Is that music nights or
14 all nights?

15 THE WITNESS: Yeah, just music - - All
16 nights, God, I would kill to be working on a
17 night where 80 people came on - - on a non-show
18 night, because it would be great. I would make
19 some money. It's - - During the week it's
20 really, really dead. And I - - I park my car
21 right outside the Cactus Club at six o'clock.
22 And I - - It's never - - During - - Especially
23 during the weekdays, no one - - There's not more
24 than like - - total that have come in from six to
25 ten, more than like 12 people, total. And like

00118

1 the only time it would ever like get busy is like
2 maybe after 11 on weekdays, and that means
3 probably about 25 people.

4 CHAIRMAN WITKOWIAK: Thank you.

5 THE WITNESS: Sure.

6 CHAIRMAN WITKOWIAK: Thank you for your
7 testimony. Next witness, please. Name and
8 address for the record, please.

9 MS. QUINN: My name is Christine Quinn,
10 Q-U-I-N-N, and I live at 1827 East Rusk Street.
11 I've lived in Bay View for only about a month and
12 a half, however, I resided in Washington Heights
13 in Milwaukee for about two years, and spent the
14 majority of my adult life living on the East
15 side. And I would like to speak strongly in
16 support of this proposal, because I believe the
17 Cactus Club is one of those places, that in
18 conjunction with the other businesses in Bay
19 View, really makes Bay View a destination
20 neighborhood for I guess what pundits would call
21 the creative class of young professionals. I
22 like to consider myself a part of that class, but
23 I think that the Cactus Club really draws in a
24 unique mix of people that make Milwaukee, and
25 specifically Bay View, a very livable place. I

00119

1 live bicycling distance from the Cactus Club, and
2 frequently when there are shows, you can see a
3 whole mess of bicycles outside of the club, which
4 I think really shows that neighbors and other Bay
5 Viewers come to the club.

6 I only go there about six - seven times
7 a year, because the bathroom situation for women
8 is really horrible. There's one stall, as I
9 believe, everyone already knows. And what that
10 means is if you want to take a break in the
11 lady's room, you have to miss often an entire set
12 if there's three bands. So you have a couple
13 beers. You need to take a break. You will miss
14 the second band and be only able to hear the
15 third band after waiting in line, because the
16 lady's room is on the bar side, not on the stage
17 side.

18 I think this expansion is very
19 consistent with other developments in other
20 neighborhoods of Milwaukee. And it really, when
21 I saw the proposal, it made me think of Comet.
22 Now, Comet is on Farwell, and that was a coffee
23 shop that many people in my generation hung out
24 at while we attended college, be it, Marquette or
25 UWM. Well, that has grown and changed with the

00120

1 clientele. It was recently redone to now have a
2 bar, to now have a more upscale menu, because the
3 patrons that went there ten years ago for a cup
4 of coffee are now dropping 25 bucks or more on
5 dinner. I believe this expansion proposal is
6 consistent. I believe it's a huge plus to the
7 neighborhood, and I find the opposition's blanket
8 statements about all the traffic problems and
9 other noise concerns to really be not terribly
10 credible, for one. Not terribly tied
11 consistently with the Cactus Club as opposed to
12 other businesses and other traffic patterns in
13 the neighborhood. And on balance I believe that
14 clearly allowing the Cactus Club to expand would
15 make it an even better asset for the neighborhood
16 as it would strengthen the business and
17 strengthen its tie to the community. Thank you.

18 CHAIRMAN WITKOWIAK: Thank you, Ms.
19 Quinn. Alderman Puente.

20 ALDERMAN PUENTE: Thank you, Mr. Chair.
21 When you say you're a bicycle ride distance from
22 the club, exactly how far are you from the club?

23 THE WITNESS: I live one block west of
24 KK, or a portion of a block, so I would say it's
25 about five or six blocks depending on how you

00121

1 count it. So I'm outside of hearing distance,
2 but it's - -

3 ALDERMAN PUENTE: I count the same way
4 you do.

5 THE WITNESS: Well, everything's
6 walking distance if you have the time.

7 ALDERMAN PUENTE: Okay. All right. So
8 approximately five to six blocks.

9 THE WITNESS: Right.

10 ALDERMAN PUENTE: Thank you.

11 THE WITNESS: It's a very quiet ride on
12 the way home after a show.

13 ALDERMAN PUENTE: Thank you.

14 CHAIRMAN WITKOWIAK: Next witness.

15 MR. BIRCH: My name is Jordan Birch. I
16 live at 2491 South Superior Street.

17 CHAIRMAN WITKOWIAK: And your
18 testimony, please.

19 THE WITNESS: Well, my apartment
20 actually is right above the Palomino, right next
21 door to the Cactus Club, and actually, my bedroom
22 is about four feet behind the stage of the Cactus
23 Club. So sometimes during shows I can hear noise
24 coming from the club, but a lot of it is
25 motorcycles from the Palomino, music from the

00122

1 Palomino, obviously, because I live right above
2 the bar. I frequent the Cactus Club fairly
3 often, and usually when I go in there, it's the
4 same faces. You know. The same ten to 15 people
5 roughly, and we all know each other, and most of
6 us live in Bay View. And you know, we - - we
7 live here, too, just like everybody else, and we
8 want it to be a nice neighborhood. And we don't
9 want litter, and we don't want people knocking
10 over garbage cans, or peeing on our cars or
11 anything. You know, I mean, it's - - We live
12 here, and we want it to be good, too, and, you
13 know, it's - - I just find it really amazing that
14 people wouldn't want the Cactus Club to be more
15 soundproofed, to have handicap access and better
16 bathrooms. If you have more bathrooms, people
17 aren't going to leave and walk outside to go find
18 a bathroom, you know. It's just - - It's common
19 sense. And I don't know. I think - - I think it
20 would be a great addition to the neighborhood,
21 especially the soundproof facade. I think it
22 would make that corner look really sharp, and,
23 you know, it's - - it's Eric's business and he
24 owns it and why not let him improve his business.
25 It just doesn't make sense that this is such an

00123

1 issue to me. I guess that's kind of it.

2 CHAIRMAN WITKOWIAK: Thank you.

3 ALDERMAN PUENTE: Mr. Chair.

4 CHAIRMAN WITKOWIAK: Alderman Puente.

5 ALDERMAN PUENTE: How long have you

6 lived there?

7 THE WITNESS: I moved in about six or
8 seven months ago.

9 ALDERMAN PUENTE: Six or seven months
10 ago.

11 THE WITNESS: And I've worked at the
12 Palomino for the last three years.

13 ALDERMAN PUENTE: Do you think the
14 addition would increase the traffic in the area?

15 THE WITNESS: It would probably
16 increase a little bit of traffic at night, but
17 that's about ten o'clock at night when the shows
18 start on the weekends. And most of the shows are
19 on the weekends. I really don't see it as a
20 problem. I've had to park my car - - It's
21 usually harder for me to park my car when I would
22 travel to work than it would be to travel at
23 night to go see a show.

24 ALDERMAN PUENTE: Do you think the
25 addition would cause any other problems, as far

00124

1 as littering or noise?

2 THE WITNESS: I think basically with
3 any - - with any bar area you're going to have
4 people coming in from out of the neighborhood,
5 who probably don't respect the neighborhood as
6 much as we do, people that live there. And
7 that's just the way it is with every bar, and,
8 you know, you can easily see that on Water
9 Street, or Brady Street. And I really think that
10 if - - if the Cactus Club was bigger, you would
11 have the ability to keep people in the club
12 longer, so they weren't milling about outside.
13 Especially if there's bathrooms. It just kind of
14 makes sense to me that you could keep them
15 confined if the space was bigger and a little bit
16 nicer and a little less smokey.

17 MR. SCHRIMPF: Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

19 MR. SCHRIMPF: Mr. Birch, from your
20 testimony it sounds to me like you have seen
21 people milling outside of the place.

22 THE WITNESS: There's people milling
23 outside of - - of bars everywhere. I mean,
24 Garibaldi, Palomino.

25 MR. SCHRIMPF: Yeah, but my question is

00125

1 whether or not it is the Cactus Club.
2 THE WITNESS: Not usually. There's
3 usually a door guy out there all the time at
4 night, and, you know, some people have to come
5 out and take breaks if they're not smokers,
6 because it gets kind of smokey in there, and
7 that's pretty much the extent of it.
8 MR. SCHRIMPF: Have you seen people
9 urinate outside of the place?
10 THE WITNESS: I have never seen anybody
11 urinate, ever.
12 MR. SCHRIMPF: Okay. That's all I
13 have, Mr. Chairman.
14 ALDERMAN DUDZIK: Mr. Chairman.
15 CHAIRMAN WITKOWIAK: Alderman Dudzik.
16 ALDERMAN DUDZIK: If I may, how old are
17 you?
18 THE WITNESS: I'm 24.
19 ALDERMAN DUDZIK: You're not married.
20 THE WITNESS: No.
21 ALDERMAN DUDZIK: And hopefully you
22 don't have any children.
23 THE WITNESS: No.
24 ALDERMAN DUDZIK: That you know. Okay.
25 Thank you.

00126

1 CHAIRMAN WITKOWIAK: Thank you for your
2 testimony. Next witness, please. Name and
3 address for the record, please.

4 MS. FORD: Charlotte Ford, 2402 South
5 Burrell in Milwaukee.

6 CHAIRMAN WITKOWIAK: And your
7 testimony, Charlotte.

8 THE WITNESS: I think Eric should be
9 able to do what he wants to his club. He's going
10 to increase capacity. He's going to be re - -
11 He's just - - He's going to make it better. He's
12 going to make it a destination for everybody that
13 wants to go and see live music, which live music
14 bars have been being closed down just so quickly.
15 It's one of the last places we can go see if we
16 don't want to go to a discotheque, if we don't
17 want to be in that scene.

18 So I think it's very, very sad that the
19 neighborhood is - - some of the neighborhood is
20 opposing him being able to make his building
21 better, to - - It's - - I don't know. It's just
22 really sad when you can't do what you want to do
23 with your property, to make it better. That's
24 all I have to say.

25 CHAIRMAN WITKOWIAK: Questions of this

00127

1 witness? Mr. Whitcomb?
2 MR. WHITCOMB: How long have you lived
3 in the area?
4 THE WITNESS: I've lived there for
5 almost a year now. I've been in Milwaukee for
6 six years.
7 MR. WHITCOMB: Thank you.
8 ALDERMAN PUENTE: Mr. Chair.
9 CHAIRMAN WITKOWIAK: Alderman Puente.
10 ALDERMAN PUENTE: Where you live is
11 where Paul testified earlier by Klement's
12 Sausage?
13 THE WITNESS: Correct.
14 ALDERMAN PUENTE: Thank you.
15 CHAIRMAN WITKOWIAK: Next witness,
16 please. Is there anyone else here to testify in
17 support?
18 MS. ROBERTS: My name is Cameron
19 Roberts. I live at 2966 South Herman Street.
20 CHAIRMAN WITKOWIAK: What's your
21 address?
22 THE WITNESS: 2966 South Herman.
23 CHAIRMAN WITKOWIAK: Herman, okay.
24 THE WITNESS: It's not in the exact
25 Cactus Club neighborhood, but it is in Bay View.

00128

1 I am also a business owner in the neighborhood.
2 And a couple of the issues that I would like to -
3 - to touch on is the fact that - - and some
4 people have mentioned that the Bay View is very
5 much a neighborhood that is changing and is
6 developing and is growing. And as such, it has
7 the problems that are attendant to that. I think
8 what needs to be kept in mind, too, is that this
9 is an important business district, this Russell
10 Avenue business district. It is business. It is
11 residential. But it is business, too.

12 I think to deny Eric the ability to
13 improve this particular property, it - - it's a
14 negative for the neighborhood in general. The
15 building needs improvement. Part of that
16 improvement, obviously, is the facade and the
17 control of noise, ventilation, all of that, the
18 bathroom situation. I've - - I've known Eric for
19 many years. I have been a Cactus Club regular in
20 the past, not - - I can barely stay awake past
21 ten o'clock these days, so it hasn't been very
22 frequent, lately. However, I - - I think he's
23 attempting to address some of these issues of - -
24 with - - with his ventilation and soundproofing
25 and all of this. I - - I also think as - - as

00129

1 was mentioned with the bathrooms, that's - - It's
2 - - It seems to me from what I can kind of
3 understand from this is that it's almost
4 ancillary that the - - the capacity is going up
5 because he's addressing these issues. But the
6 capacity will go up, and that is a part of a
7 business' growth. And in order to pay for
8 improvements with - - to a business you need to
9 be able to attract more customers, offer a better
10 environment, a better product, and subsequently,
11 you know, you can charge more and you can make
12 more money. And, you know, people ask why does
13 the capacity have to go up? Well, that's part
14 and parcel of it. It's - - It's needed to be
15 able to improve the facility. It's my belief.
16 And, I mean, I think - - I think he is attempting
17 to address the problems that many of these
18 residents have brought up, and I do empathize
19 with their situation. You know, I've - - I have
20 lived in - - in noisy neighborhoods and - - and
21 problematic neighborhoods before, too. And
22 without people willing to try to make those
23 changes, I - - I think he is earnest in this, and
24 - - and it's just a personal opinion, obviously.
25 But I think - - I think another issue

00130

1 is capacity. Attendance in a club like this is
2 - - is driven by the type of acts, and I - - I
3 think the type of acts that Eric books appeals to
4 a limited crowd, anyway. And I don't think that
5 that's going to change terribly much, and, you
6 know, I - - I know that if - - if my restaurant
7 could be at capacity every night, I'd be
8 thrilled. But it doesn't happen that way. And I
9 don't think that that the increase on a regular
10 basis is going to be that extreme. I think it's
11 going to increase generally anyway, because the
12 neighborhood is - - is changing and growing, and
13 businesses are becoming more successful there.
14 And - - And part of the success of a business is
15 increased traffic, you know. I think it's value
16 to the city is - - is important, too. It's - -
17 It's a unique place. The type of acts that he
18 gets don't go to many other pla - - don't get
19 booked in many other places in the city. I
20 think, you know, the improvement of his business
21 and the improvement of the clientele and the - -
22 the - - just the general atmosphere of the club,
23 it - - it - - I think there is more benefit than
24 - - than detriment, you know. This is - - This
25 is just my perspective. You know, people choose

00131

1 to live in a city because of the diversity of a
2 city. There's different things to do, different
3 places to go, and - - and - - and Bay View is
4 unique in that it has a lot of interesting
5 different places. This is one of them, and I
6 would really hate to see him be denied the - -
7 the possibility of improving his - - his
8 business, and - - and contributing to the
9 neighborhood in that respect.

10 CHAIRMAN WITKOWIAK: Questions by
11 committee?

12 ALDERMAN PUENTE: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Puente.

14 ALDERMAN PUENTE: You mentioned where
15 you live. Approximately how far is that from the
16 Cactus Club?

17 THE WITNESS: It's across KK, about
18 four blocks. So it's probably a good eight -
19 nine blocks, ten blocks.

20 ALDERMAN PUENTE: And how long have you
21 lived there?

22 THE WITNESS: There, I have lived only
23 for about a year. Before I lived - - I've lived
24 in Bay View for ten years. I lived across from
25 Bay View High School. I've lived in different

00132

1 areas of Bay View for a long time.
2 ALDERMAN PUENTE: And you have a
3 business in the area?
4 THE WITNESS: Um-hnh. Yes, I do.
5 ALDERMAN PUENTE: And where is that
6 located - -
7 THE WITNESS: It's not - -
8 ALDERMAN PUENTE: - - compared to the
9 Cactus Club?
10 THE WITNESS: It's - - It's on
11 Kinnickinnic and Lincoln. So it's - - it's
12 further away.
13 ALDERMAN PUENTE: It's further away.
14 THE WITNESS: Um-hnh.
15 ALDERMAN PUENTE: Okay. And how long
16 have you had your restaurant?
17 THE WITNESS: About four and a half
18 years now.
19 ALDERMAN PUENTE: Is that one next to
20 the bank there?
21 THE WITNESS: Next to where?
22 ALDERMAN PUENTE: The bank?
23 THE WITNESS: The bank?
24 ALDERMAN PUENTE: On KK and Lincoln?
25 THE WITNESS: No, it's - -

00133

1 CHAIRMAN WITKOWIAK: What's the name of
2 your place?

3 THE WITNESS: It's Lulu - - Lulu Cafe'
4 and Bar. We're - -

5 ALDERMAN PUENTE: Oh, you have a bar,
6 too.

7 THE WITNESS: Yeah, it's - - it's a
8 cafe' and a bar, yes. It's across the street
9 from Stone Creek Coffee. I don't know if you
10 know where that is.

11 ALDERMAN PUENTE: You made a statement
12 that he's trying to do what he can to work with
13 the neighborhood and had. What - - What do you
14 - - What do you know that he's done to do that?
15 What do you base that statement on?

16 THE WITNESS: Well, I just base it on
17 the - - the proposals that he's made in terms of
18 increasing, you know, having a bouncer available,
19 and - - and, you know, watching the neighborhood.
20 I think the issue - - the issue of ventilation is
21 important, because it does get smoky in there. I
22 know, for one, since I don't smoke anymore, it is
23 difficult for me to be in there. And I could see
24 where, you know, people would have to take a
25 break to get away from it. If you address that

00134

1 issue, then you don't have people - - you don't
2 have the problem of people hanging out outside or
3 - - or, you know, loitering and then going back
4 in. I mean, that's - - that's kind of my - -

5 ALDERMAN PUENTE: So the bouncer is the
6 only thing that you've seen him do so far. Is
7 that correct? I mean, the ventilation's another
8 thing, but did you - -

9 THE WITNESS: Oh, I - -

10 ALDERMAN PUENTE: Have you - - Have you
11 seen a bouncer at the door?

12 THE WITNESS: Yes, I have.

13 ALDERMAN PUENTE: Okay.

14 THE WITNESS: Yes, I have seen that.
15 And I have actually - - I have witnessed Chris
16 closing the bar before and asking people to keep
17 it down, go to your car, go home. I mean, I - -
18 I think they - - the employees there do - - They
19 care about their jobs, and they do want to - - to
20 keep the place open and keep it nice and keep it
21 going. Keep - - Keep the neighborhood cleaned
22 up, if they can, you know. You have control only
23 so far. I think they try to exert that control
24 when they can.

25 ALDERMAN PUENTE: All right. Thank

00135

1 you.

2 THE WITNESS: Thank you.

3 CHAIRMAN WITKOWIAK: Thank you for your
4 testimony. Next witness, please. Name and
5 address for the record.

6 MR. BARRON: Mark Barron. 2428 South
7 Wentworth Avenue.

8 CHAIRMAN WITKOWIAK: And your
9 testimony, Mark?

10 THE WITNESS: I'll try to keep it
11 brief. I'll say that I - - I am not a very
12 frequent visitor to the Cactus Club, but I do
13 appreciate having them as a very close neighbor
14 of mine.

15 CHAIRMAN WITKOWIAK: How far away do
16 you live?

17 THE WITNESS: About a block and a half.

18 CHAIRMAN WITKOWIAK: Block and a half,
19 okay. Continue.

20 THE WITNESS: So I think regarding the
21 expansion, I certainly - - I think it's a - -
22 it's a positive for the neighborhood. What I
23 would say, personally speaking, is one of the
24 reasons I chose to stay in Milwaukee and buy a
25 house and ended up in Bay View was truly in part

00136

1 because of the Cactus Club being in proximity to
2 the house I was able to purchase. Obviously the
3 other, you know, bars and entertainment,
4 certainly having Groppi's there is a great thing
5 as well, but that's a double-edged sword in and
6 of its own right and - - and what I would say is
7 regarding concerns about some of the traffic and
8 parking, you know, I'm a relatively young guy,
9 come and go at lots of different hours, and my
10 personal opinion of traffic issues in that
11 neighborhood have a lot more to do with Groppi's
12 than they do with Palomino or Cactus Club or any
13 of the other bars. So the point being with that
14 I think is that to say that traffic and parking
15 issues that occur on weekends or earlier in the
16 day because of one of the other businesses
17 closely located to the Cactus Club should also be
18 addressed, if we're going to say parking and
19 traffic are going to increase due to this other
20 business.

21 When I come home from work between 3:30
22 and four o'clock, I often have to put up with
23 lots of interesting driving maneuvers, because
24 people can't find parking for Groppi's. So now
25 we're going to have a patio outside of Groppi's

00137

1 that's going to draw more people at different
2 times of day. Granted, I understand, they close
3 earlier. But let's keep in mind that you're - -
4 you're changing the dynamic of - - of the traffic
5 in the neighborhood with that, as well. That
6 said, I also want to add that I have a tendency
7 also to walk around the neighborhood at all
8 hours. And again, a young guy, I do frequent the
9 bars maybe once a month in the neighborhood. I
10 have never - - never, never, never, whether I'm
11 driving home, walking in the neighborhood, or
12 having been at one of the - - the neighborhood
13 bars, seen anybody misbehaving near the Cactus
14 Club in two years. That's the truth. I've never
15 seen anybody urinate. I've never seen anybody do
16 drugs. I've never seen anybody be loud. And if
17 I did, I would take it up, you know, and I would
18 - - I would obviously not say that, but I - - My
19 bedroom windows are five feet from the sidewalk.
20 There is no possible way that I would not be
21 woken up if there was neighborhood noise, a block
22 and a half from Cactus Club.

23 To be perfectly blunt, the times I've
24 been woken up has been patrons of the De Marinis'
25 Restaurants. So, again, to say that it's one

00138

1 establishment that's going to cause a problem, I
2 think is shortsighted.

3 CHAIRMAN WITKOWIAK: Mark, thank you.
4 Questions by members of the committee?

5 ALDERMAN PUENTE: Mr. Chairman.

6 CHAIRMAN WITKOWIAK: Alderman Puente.

7 ALDERMAN PUENTE: How long have you
8 lived at your house?

9 THE WITNESS: Two years.

10 ALDERMAN PUENTE: Okay. When you made
11 a statement that you come home at two - three,
12 that's in the morning?

13 THE WITNESS: Occasionally, sure.

14 ALDERMAN PUENTE: And you attribute the
15 traffic circling because of Groppi's?

16 THE WITNESS: No, no, no. I - - I
17 should - -

18 ALDERMAN PUENTE: You said - -

19 THE WITNESS: If I can clarify. No,
20 no, I'm sorry. I probably wasn't that clear. I
21 attribute - - Oh, two - three in the afternoon,
22 I'm sorry.

23 ALDERMAN PUENTE: I asked you what
24 time.

25 THE WITNESS: I'm sorry. I'm sorry. I

00139

1 was thinking you meant a.m. No, p.m. - - p.m.
2 ALDERMAN PUENTE: That's what I did
3 mean was a.m., and you said yes to that.
4 THE WITNESS: No, I'm sorry. I
5 misspoke.
6 ALDERMAN PUENTE: All right.
7 THE WITNESS: No. I misspoke.
8 ALDERMAN PUENTE: So it is two or three
9 in the afternoon.
10 THE WITNESS: Yes. Correct.
11 ALDERMAN PUENTE: Groppi's is closed at
12 two or three in the morning. That's why I
13 clarified that. All right. Thank you.
14 THE WITNESS: You're welcome.
15 ALDERMAN DUDZIK: Mr. Chairman.
16 CHAIRMAN WITKOWIAK: Alderman Dudzik.
17 ALDERMAN DUDZIK: You live west of - -
18 THE WITNESS: I live north.
19 ALDERMAN DUDZIK: North of Cactus Club?
20 THE WITNESS: Yes.
21 ALDERMAN DUDZIK: On - - On - -
22 THE WITNESS: Wentworth.
23 ALDERMAN DUDZIK: On which side of the
24 street. East or west side of the street.
25 THE WITNESS: East side.

00140

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ALDERMAN DUDZIK: Thank you.

THE WITNESS: You're welcome.

CHAIRMAN WITKOWIAK: Any other questions? Mr. Whitcomb, questions of the witness?

MR. WHITCOMB: No, Mr. Chairman.

CHAIRMAN WITKOWIAK: Okay. Next witness, please.

MR. ROSENBERG: How are you tonight?

CHAIRMAN WITKOWIAK: Good evening.

THE WITNESS: Adam Rosenberg. 2484 South Wentworth. I live one door down from the Cactus Club and Eric's property.

CHAIRMAN WITKOWIAK: And your testimony?

THE WITNESS: I've lived at that location - - I've lived in Bay View for about a year and a half. I've lived in that location for a couple of months. I don't frequent the club that often, but I live next door to it, so I'm privy to just about everything that happens at that intersection. I walk my dog. I have a 150 pound dog that I walk four or five - six times a day, at all hours of the night, during the day, at closing, after closing, during the hours that

00141

1 the bar would be open. It differs every night.
2 I have two vehicles that I park on the street.
3 I've never ever had a problem with parking. I
4 own my own business. I'm also an attorney. I
5 come back and forth from the neighborhood, gosh,
6 four or five times a day, occasionally at night.
7 I frequent the Palomino. I certainly go to
8 Groppi's, which is directly across the street
9 from me, and most of the traffic I see is traffic
10 that exits the Hoan Bridge and uses Russell as a
11 thoroughfare to get to destinations in Bay View
12 or down Superior and go to work downtown. I
13 certainly do. That's one of the reasons I moved
14 into the neighborhood.

15 I have absolutely no problem with what
16 Eric's doing. I support it. The place needs
17 more - - Patrons, you know, people have talked
18 about upgrading the patrons, and I really don't
19 think any of the patrons need upgrading. I think
20 the patrons are great. I think they're a lot
21 less noisy than those who attend, say,
22 Garibaldi's or the Palomino, or certainly that
23 drive up and down the street in loud vehicles or
24 on Harley's. And I've never seen a Harley parked
25 at the Cactus Club, not that I'm against

00142

1 Harley's, but that's just the way it is. A lot
2 of these neighbors have been attributing the bike
3 noise, which is primarily from Harley's, to the
4 Cactus Club. And I think that's a big problem.
5 There's a sign on Eric's door or on the wall next
6 to Eric's door that baffles the sound from the
7 place now, inadequate, but it's there. And it
8 says, "Respect our neighborhood. Respect our
9 neighbors." And I think the big problem is that
10 many of these neighbors who have spoken in
11 opposition with absolutely no factual basis do
12 not respect the club and its patrons. And I
13 think that's the big problem here tonight.

14 You have a businessman who turned a
15 place that had little, if any, following, ten
16 years ago - - approximately ten years ago, into,
17 you know, the area's premier Indie Rock
18 destination in Southeastern Wisconsin. And
19 that's the truth. And I'm a fan of all sorts of
20 music, and, you know, I have no problem with
21 that. But the neighbors have to respect the
22 businesses that are in the neighborhood. You
23 have Groppi's, you know, great. When - - When
24 Lou Groppi and everyone was there and it was a
25 small market and it certainly didn't have the

00143

1 panache that it did now, there are people that
2 went. And now that it has the panache and it
3 just got granted a license, hey, I'll be out on
4 the patio, too, having some wine until eight or
5 8:30, whenever they have to close. That's going
6 to contribute. People are going to park. People
7 are going to walk. There's certainly going to be
8 more traffic in the neighborhood. But I can't
9 see parking issues, these parking issues, people
10 urinating, allegedly smoking marijuana, drugs,
11 this - - I - - I'll tell you that if these
12 neighbors were - - had any factual basis, we
13 would see it here tonight. We would see police
14 reports. We would see photographs of very - -
15 just - - just of the street being unparkable at
16 various hours of the evening. There is nothing
17 here, other than their testimony to support any
18 of these allegations. None.

19 In fact, I know, as a fact, because
20 I've done the research, that the police have been
21 called to the Cactus Club twice, I believe it's
22 twice, in the last ten years. By who? By the
23 owner. One to report some damage. I think it
24 was twice to report some damage. But never
25 because of an altercation or anything like that.

00144

1 And I assure you that if any of these problems
2 seriously existed in the area, these neighbors
3 that have so diligently stayed tonight would have
4 easily produced some type of factual evidence, if
5 even in the form of police reports or photographs
6 being taken. And I can tell you that as a
7 neighbor, and as these people know, I do support
8 Eric and the club, I walk my dog down the south
9 end of that street on a regular basis, on the
10 other side of Russell, past these neighbors'
11 homes. And I've had a neighbor - - Now, my dog
12 is very well behaved, very well behaved, but I've
13 had a neighbor, and I won't mention who, two
14 neighbors, one attempt to photograph me walking
15 my dog without a leash, and another, loudly
16 exclaiming that she was going to call the police
17 to report me for an ordinance violation.

18 Now I submit to you if I can't walk my
19 dog without having threats and photographs being
20 taken, that any of these allegations that the
21 neighbors have leveled here today, would be
22 easily backed up with that camera, or with police
23 reports, or something else that has some merit to
24 it, other than oral testimony that, in my
25 opinion, is completely baseless and without merit.

00145

1 In closing, you know, the expansion's
2 great. Do a lot for the neighborhood. I think
3 it would be great. I think the place looked like
4 a dump when I first moved in, and I did drive
5 around the neighborhood several times. I
6 frequent the Palomino. I'm there, I've been
7 going there. I've been in the area since '97,
8 and go to those locations and go down to see them
9 pretty much all the time. And I haven't seen
10 much change, except for the diligent work of
11 Eric, who in good faith, has re-painted the
12 place, even though probably hopefully going to
13 get torn down and renovated. But has done things
14 to make sure that these neighbors, who I believe
15 do not respect his business and the patrons, he
16 has done what he can to appease them, and offer
17 them some type of good faith. If you have
18 doormen patrolling the neighborhood making sure
19 that there is no noise or doing what they can to
20 ensure that there's no noise from the patrons, or
21 just changing the facade with a coat of paint and
22 - - and moving some dumpsters to the side and
23 basically cleaning things up in the hopes that
24 the neighbors will see he's making the effort.
25 So I'm totally behind you, and that's pretty much

00146

1 it.

2 CHAIRMAN WITKOWIAK: Thank you for your
3 testimony, Adam. Questions by - - Alderman
4 Puente?

5 ALDERMAN PUENTE: What time of day do
6 you walk your dog?

7 THE WITNESS: You name it. Seven in
8 the morning, two in the - - two in the morning,
9 ten at night, eight at night.

10 ALDERMAN PUENTE: When you had the
11 incident with the neighbors, what time was that?

12 THE WITNESS: Oh, I think that was
13 about - - Let's see. I came home from work on
14 Friday. I had a long work day and decided to
15 relax and walk my dog. That'd have to be about
16 6:30 at night, after the club opens.

17 ALDERMAN PUENTE: And that was during
18 the summer?

19 THE WITNESS: That was Friday. That
20 was last Friday, yes.

21 ALDERMAN PUENTE: Okay. And the one
22 incident, both neighbors were involved?

23 THE WITNESS: Absolutely.

24 ALDERMAN PUENTE: Thank you

25 CHAIRMAN WITKOWIAK: What kind of dog

00147

1 do you have that's so intimidating?
2 ALDERMAN PUENTE: Big one.
3 THE WITNESS: I have a Leonburger and
4 Turkish Shepard Mix.
5 CHAIRMAN WITKOWIAK: Okay. Any
6 questions by members of the committee?
7 ALDERMAN PUENTE: I just want to know
8 the time of day, because I'm sure during the
9 daylight hours it's easier to take photographs
10 than at night. Thank you.
11 THE WITNESS: Either way, I mean, they
12 would have some documentation of - - of what's
13 allegedly going on, and they don't.
14 ALDERMAN PUENTE: Thank you.
15 CHAIRMAN WITKOWIAK: Mr. Whitcomb, any
16 questions of this witness?
17 MR. WHITCOMB: No.
18 CHAIRMAN WITKOWIAK: Thank you for your
19 testimony.
20 THE WITNESS: Thank you.
21 CHAIRMAN WITKOWIAK: Next person to
22 testify, please.
23 MR. FOX: Thank you, members of the
24 committee.
25 CHAIRMAN WITKOWIAK: Your name and

00148

1 address for the record, please.

2 THE WITNESS: I said, thank you,
3 members of the committee.

4 CHAIRMAN WITKOWIAK: Name and address.

5 THE WITNESS: Patrick Fox. I live at
6 3143 South Pennsylvania Avenue. I live about six
7 blocks south of Cactus Club.

8 CHAIRMAN WITKOWIAK: And your
9 testimony.

10 THE WITNESS: I don't know Eric
11 personally. I just moved here a couple years
12 ago, so I'm relatively new to the Bay View area.
13 But after searching for a place to live for, God,
14 about a month and a half and commuting from
15 Madison, Wisconsin, I decided to - - I decided my
16 girlfriend and I should move to Bay View, based
17 on a lot of the businesses in this area, and
18 mainly for the Cactus Club and what it has to
19 offer.

20 Immediately upon entering the facility
21 I enjoy the place. The - - The bartenders, the
22 people that Eric has surrounded him with - -
23 himself with are - - They're not - - They don't
24 judge you. They're - - They're great people.
25 I've actually left a wallet, PDA, things right at

00149

1 the bar, I mean, earlier testimony about people
2 crossing the street to - - to stay away from
3 these people, I think are - - are based purely on
4 - - on - - I don't know where that's coming from.

5 I'm just really concerned that people
6 are getting a bad rap just based on - - on people
7 who are not in the Bay View area or not from the
8 Milwaukee area. Now, I'm - - I'm a motorcyclist.
9 I ride a old Suzuki, and I park quite a bit,
10 right in front of the Cactus, and I always make
11 it sure that when I leave, that I take proper
12 care to be aware of my surroundings, that this is
13 a neighborhood, and I - - I tell you of all the
14 times I parked there, I - - I kind of wished that
15 I had more of a bike community right there,
16 because there's a number of other motorcycles
17 parked near me, whenever I'm there, which is
18 probably three nights a week, sometimes more than
19 my girlfriend would probably care to know.

20 But I believe that Cactus is a very
21 important part of the Bay View community, and
22 just today I - - I saw this - - this flier that
23 even demonstrates this more so. There's a Bay
24 View bash coming up this weekend, is what it's
25 called, and among the family of people in the Bay

00150

1 View community, including the Bay View
2 Neighborhood Association, we have
3 OnMilwaukee.com, Sprecher, Shepherd Express,
4 banks, who are contributing to this community
5 event. And I believe that Cactus Club is also
6 listed on this, as well, as a contributor to this
7 Bay View event. And I believe this is why Eric
8 should be allowed the expansion to make his place
9 better and betterment for the entire community.

10 MR. SCHRIMPF: Mr. Chairman.

11 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

12 MR. SCHRIMPF: Thank you. As I
13 understand your testimony, you, Mr. Fox, you ride
14 a bike?

15 THE WITNESS: Yes, I do.

16 MR. SCHRIMPF: To the Cactus Club?

17 THE WITNESS: Um-hnh.

18 MR. SCHRIMPF: I'm just kind of
19 curious. When you arrive at the Cactus Club, how
20 many bikes do you normally see?

21 THE WITNESS: I usually see none when I
22 get there.

23 MR. SCHRIMPF: Yours is the only one?

24 THE WITNESS: I see them more down at
25 the other end of the block.

00151

1 MR. SCHRIMPF: And the other end of the
2 block implies what?
3 THE WITNESS: Palomino area.
4 MR. SCHRIMPF: Okay. I'm just kind of
5 curious. What kind of a bike do you ride?
6 THE WITNESS: It's an '82 GS 850
7 Suzuki. It's - -
8 MR. SCHRIMPF: Thank you. That's all I
9 have.
10 CHAIRMAN WITKOWIAK: Any other
11 questions by members of the committee?
12 ALDERMAN DUDZIK: Mr. Chairman.
13 CHAIRMAN WITKOWIAK: Alderman Dudzik.
14 ALDERMAN DUDZIK: Thank you. With
15 regards to the flier in your hand, where is that
16 event being held? Is there a central location or
17 is it Bay View, period?
18 THE WITNESS: It's going to be - - It's
19 on Kinnickinnic Avenue between Potter and
20 Clement.
21 ALDERMAN DUDZIK: Thank you.
22 CHAIRMAN WITKOWIAK: Alderman Puente?
23 ALDERMAN PUENTE: When you get there on
24 your bike, you're the only bike there. What - -
25 What about when you leave?

00152

1 THE WITNESS: I'm normally the only
2 bike there, as well.

3 ALDERMAN PUENTE: So you're the only
4 bike there.

5 THE WITNESS: Um-hnh.

6 ALDERMAN PUENTE: Thank you.

7 CHAIRMAN WITKOWIAK: Thank you for your
8 testimony. Next. Next witness, please. Name
9 and address for the record.

10 MR. MEIER: Kevin Meier. 2629 South
11 Kinnickinnic Avenue in Bay View.

12 CHAIRMAN WITKOWIAK: Your testimony.

13 THE WITNESS: Well, I'd just like to
14 say that I book shows in town, sometimes book
15 shows at Cactus Club, book shows in Riverwest,
16 book shows on the East side. Often Eric calls me
17 up, says, "Hey, do you know anyone coming through
18 the area, would like to play at the club?" And I
19 would say, if we get 75 to 100 people at a show,
20 it's a amazing success. And these are the types
21 of bands that come to the Cactus Club, These are
22 the types of bands that come to Anopa, Mad
23 Planet. It's rare that you're going to pack - -
24 I mean, to think that capacity is going to go up
25 to 200 every night is preposterous. It's just

00153

1 not going to happen, and the way I understand the
2 law is that if you - - as Chris was saying, if
3 you put in another toilet, the capacity
4 immediately goes up. That's not really the issue
5 that we're looking at. We're looking at
6 renovating the place, making it so that more than
7 one girl can go to the bathroom at one time.
8 It's handicap accessible. And I also play in a
9 band that has played the Cactus Club, and not - -
10 No - - No real nice way to say this, but we're
11 considered fairly popular. And our band is - -
12 If we sell the Cactus Club, that's - - that's
13 rare, and people think that - - I mean, I don't
14 - - And we play around the country, and we play
15 with bands that are - - We play at clubs that are
16 similar to the Cactus Club, and it's - - it just
17 doesn't happen where you're going to build a club
18 to 200 just because the capacity is such.

19 I mean, in - - in Riverwest I can do a
20 show, and if 100 people come, it's a brilliant
21 success, and that's at a club which has a
22 capacity of, I don't know, 150 or 200, and people
23 know that, and they still don't come. You get
24 100 people, and that includes a large Riverwest
25 crowd that doesn't make the trek over to Bay

00154

1 View, because they don't have cars or they don't
2 - - they don't leave their neighborhood. So I -
3 - I've done shows at Cactus Club where 25 people
4 come and everyone's happy, because all the people
5 want to do there is watch live music, have a
6 drink, and have a sense of community, which is
7 something that this guy has brought to our
8 neighborhood, and that's why I moved to Bay View,
9 and someday, perhaps, buy a house in Bay View,
10 because Cactus Club came because business has
11 followed suit, and we see restaurants, other
12 bars, clothing shops, coffee shops popping up,
13 because people are coming here, because they
14 don't like the East side, for instance, or they
15 don't feel safe in Riverwest. People feel safe
16 in Bay View, and I know that because that's why
17 my friends moved here.

18 So I don't understand why people would
19 say they don't feel safe crossing the street
20 outside the Cactus Club. I walk to the Cactus
21 Club because I live close enough. I don't see
22 people urinating. I don't - - it doesn't happen.
23 And I do believe that there would be proof if it
24 was happening. I - - I walk with my girlfriend
25 to the Cactus Club and back, and she feels safe.

00155

1 And I know other - - If you want to talk about
2 safe, ask the girls that go to the Cactus Club
3 and walk there, and walk home. It just seems odd
4 that it is perceived as such a threatening
5 environment when it's a magnet for people in
6 their late 20s and 30s to come because of the
7 culture, and I guess that's pretty much all I
8 have to say.

9 CHAIRMAN WITKOWIAK: Thank you, Kevin.
10 Questions of this witness? Mr. Whitcomb?

11 MR. WHITCOMB: No, Mr. Chairman.

12 CHAIRMAN WITKOWIAK: Thank you for your
13 testimony. Next person to testify, please.

14 MR. WALINSKI: Hello.

15 CHAIRMAN WITKOWIAK: Name and address
16 for the record.

17 THE WITNESS: Art Walinski. I live at
18 2515 South Austin Street, which is in Bay View.

19 CHAIRMAN WITKOWIAK: Your testimony.

20 THE WITNESS: I'm in favor of the
21 Cactus Club and its expansion. I live in the
22 neighborhood, and I moved there for that same
23 reason that places like the Cactus Club are
24 there. It is a very big deal for me to move back
25 to Milwaukee from San Francisco where I've been

00156

1 comfortably for many years, 12 years. And I came
2 back to the neighborhood, because things like
3 this were occurring here. My neighborhood I
4 would call pretty sleepy. It's - - It's on
5 Austin Street. It's a quiet street. A couple of
6 bars have closed down there. The Just One More
7 and DBs Bar. Since they've closed down, I've had
8 my flagpole stolen, my garage graffitied, car
9 crashed in front of my house, and I still call it
10 a really sleepy neighborhood. I mean, these are
11 anomalies. And so, you know, you can find
12 problems with anything, but I don't think that
13 these problems that these people are seeing are
14 caused exclusively by the Cactus Club.

15 The traffic in the neighborhood is - -
16 is getting more and more. It's an off-ramp to
17 the Hoan Bridge, literally, I mean, it is the way
18 you get to and from the Hoan Bridge. And, you
19 know, people are moving to Bay View. They are
20 professionals that live in the City of Milwaukee.
21 They work downtown. You know, it's - - it's a
22 natural evolution of things. I have a few notes
23 here.

24 You know, when that condominium complex
25 was built, that big tall structure on the lake

00157

1 that one of the gentleman here lives in and was
2 complaining about the Cactus Club, people
3 complained about that being built there, too.
4 And I think that nowadays people say, oh, wow,
5 it's a condo complex. It's there. It's not a
6 big problem there. You know, it's a perception
7 more than anything else.

8 Let's see here. Yeah, I just think,
9 you know, it's improving the whole neighborhood.
10 It's not destroying the neighborhood at all. And
11 the improvements that Eric's going to make in the
12 place are addressing all these concerns. It's
13 pretty straightforward. And I think that people
14 just have a perception that's hard to get over.
15 And that's about it, you know. Everybody picks a
16 monster, and sometimes people have different
17 views of who the monster is.

18 CHAIRMAN WITKOWIAK: Thank you very
19 much. Questions by committee?

20 ALDERMAN DUDZIK: Mr. Chairman.

21 CHAIRMAN WITKOWIAK: Alderman Dudzik.

22 ALDERMAN DUDZIK: Could you just,
23 because I'm not that familiar with the Bay View
24 area, how far do you live from Cactus Club?

25 THE WITNESS: I live about a half a

00158

1 mile.

2 ALDERMAN DUDZIK: Half a mile. West?

3 THE WITNESS: Due west, yeah.

4 ALDERMAN DUDZIK: Due west. How are
5 the improvements that Eric's proposing going to
6 be addressing the number one concern that the
7 proponents had, and that is the volume of traffic
8 and parking - - lack of parking in the area?

9 THE WITNESS: Well, that was kind of my
10 point. I mean, people look at things
11 differently. The traffic in the neighborhood has
12 increased because of what the city itself has
13 done. I mean, they completed the Hoan Bridge.
14 You know, it's an off-ramp. Groppi's Deli is
15 there. That's, you know, people - - I got into a
16 car accident there, myself. I knocked the door
17 off of a woman's car who was opening it up in to
18 me in front of Groppi's Deli at five o'clock in
19 the afternoon. It was congested traffic. I
20 mean, it's not - - There isn't a problem. That
21 - - That's not the problem to address by Eric's
22 Club. It's just - - It's just happening there in
23 general.

24 ALDERMAN DUDZIK: Mr. Chairman. The
25 Hoan Bridge was actually something that was

00159

1 desired by the people that lived in the Bay View
2 area, and so I guess, I'll go back to my question
3 is how is Eric's expansion going to address
4 parking issues in that area? Your perception,
5 living a half a mile away, is that there's no
6 parking problem. And I've listened to any number
7 of the supporters, and they've - - a number of
8 them have lived outside the immediate area. And
9 whenever I listen to arguments about taverns, for
10 whatever reason that they're here, I really do
11 put a great deal of weight on the people who are
12 living right across the street, and I realize
13 that one gentleman that I insulted inadvertently
14 lived four - - or slept four feet away from the
15 band in the Cactus Club. But a number of the
16 people that have come up and have spoken in favor
17 of this club didn't live right there. You're a
18 perfect example.

19 THE WITNESS: I agree. It's a valid
20 issue, and I don't live right there. But I go
21 there almost every night into that neighborhood,
22 right. I have never once had to park more than a
23 block away from there. The parking improves
24 there in the evening. It doesn't get worse. It
25 really does. Especially in the late night. You

00160

1 know. Nowadays, if you go in, you know, around
2 five - six o'clock at night and Groppi's is open,
3 there's more and more parking problems, you know.
4 And I - - I'm sure that, you know, there are
5 issues that I don't see every day, not living
6 right across the street from there. But it's an
7 evolutionary thing. I don't think it's something
8 that's going to be, you know, caused just by
9 Eric's club or fixed by Eric's club alone.

10 ALDERMAN DUDZIK: Thank you.

11 CHAIRMAN WITKOWIAK: Any other
12 questions by committee?

13 ALDERMAN PUENTE: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Alderman Puente.

15 ALDERMAN PUENTE: How long have you
16 lived there?

17 THE WITNESS: Five years.

18 ALDERMAN PUENTE: Thank you.

19 CHAIRMAN WITKOWIAK: Thank you for your
20 testimony. Next person to testify, please.

21 MR. KACHUR: William Kachur. Live on
22 2568 South Logan. It's approximately - -

23 CHAIRMAN WITKOWIAK: How far?

24 THE WITNESS: I'm about four to five
25 blocks away.

00161

1 CHAIRMAN WITKOWIAK: Okay. And your
2 testimony.

3 THE WITNESS: I'll try and keep it
4 brief. Made just a few notes. But in regards to
5 parking, oftentimes, I will either walk to the
6 Cactus Club, or I will drive. I'm also in a band
7 that - - that frequents and plays at the Cactus
8 Club. And as a band, you're told to get there
9 early, you know, to load in your equipment. In
10 regards to parking, and this is approximately
11 around eight o'clock is the loading time. There
12 is no parking at that point in time at eight in
13 the evening around that area. We oftentimes will
14 even drive our van back home or we'll, you know,
15 try and find a spot. But it's usually fairly far
16 away, because there is no parking at eight in the
17 evening. So I'm not too sure what the parking
18 issue is because when we enter the Cactus Club,
19 the Cactus Club at that point in time is
20 absolutely empty. The people aren't arriving to
21 the Cactus Club until approximately 10:30, and
22 everybody who has ever driven there knows that
23 it's already tough to park once you arrive there.

24 That being said, with parking out of
25 the way, just one or two points. I just wanted

00162

1 to say that this issue, I think, is really in
2 regards to the expansion, and what people have
3 mentioned before, is that it will address a lot
4 of the issues that have been mentioned. You
5 know, it will keep people more inside if there is
6 that problem of people being outside. And I can
7 tell you from being a musician who plays there,
8 Eric does not allow any extra noise. We can't
9 even plug in our instruments until a certain
10 time, and that's usually not until nine o'clock.
11 So all these expansion issues, why I'm in favor
12 of it, is it's only going to make the community
13 better. If there are noise issues, then, sure,
14 he's going to alleviate that problem with his
15 expansion. And, yes, there's going to be 12 feet
16 of expansion, but if we went over the details of
17 the expansion, he would show you that a lot of it
18 is going to be for band equipment, and it's not
19 necessarily going to be an expansion for people,
20 for - - for head room. And, again, and last
21 thing I'll say is in regards to head room,
22 Milwaukee is very fickle for music and playing.
23 What the gentleman said earlier about, yeah, if
24 there's 25 people there, that - - that's a great
25 night. So just because the head count may go up,

00163

1 in no way means that the people will actually
2 increase at the Cactus Club, and I, no offense,
3 Eric, but I don't think it will increase. I
4 think it will stay the same place that it's been.
5 It's already the premier club in Milwaukee, and
6 he doesn't sell it out that often. He just
7 doesn't. And it's still a great place to go. So
8 being the premier club, if he can't pack it at
9 80, a capacity issue is probably not an issue.

10 CHAIRMAN WITKOWIAK: Thank you for your
11 testimony. Questions by committee?

12 ALDERMAN PUENTE: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Puente.

14 ALDERMAN PUENTE: Sir.

15 CHAIRMAN WITKOWIAK: Sir.

16 ALDERMAN PUENTE: How far away do you

17 live?

18 THE WITNESS: I'm about four and a half
19 blocks.

20 ALDERMAN PUENTE: Four and a half
21 blocks.

22 THE WITNESS: Yeah.

23 ALDERMAN PUENTE: How long have you
24 lived there?

25 THE WITNESS: About two and a half

00164

1 years.

2 ALDERMAN PUENTE: Thank you.

3 CHAIRMAN WITKOWIAK: Next person to
4 testify, please. Why don't we get like an on-
5 deck circle going here. Whoever's going to
6 testify, why don't you come sit in the front row.
7 This isn't church, you know. And then you can
8 just - - Okay. Anybody else wants to testify,
9 come on, sit, sit up. We've got all these chairs
10 in the front row vacant here. Ma'am, your name
11 and address for the - -

12 MS. LUTZ: My name is Valerie Lutz. I
13 live at 501 East Wilson Street in Milwaukee.
14 Zipcode 53207.

15 CHAIRMAN WITKOWIAK: Valerie, how far
16 away are you from the - -

17 THE WITNESS: I live about eight blocks
18 - nine blocks away.

19 CHAIRMAN WITKOWIAK: Okay. And your
20 testimony is?

21 THE WITNESS: I'll be quick, because I
22 think a lot of people here tonight in favor of
23 Eric have already made a lot of really good
24 points, and just for the record, I am in favor
25 Eric being able to improve his business and

00165

1 expand it and improve it for the neighborhood.
2 I think it's important as a community
3 for us to continue to support our small
4 businesses in Bay View. I've lived in the
5 neighborhood now for about a year and a half, and
6 I relocated from a very large city, and one of
7 the reasons I chose Bay View is because of the
8 small businesses that are going in there, that
9 are growing, that are attracting new people to
10 the neighborhood, that are providing
11 entertainment and places for people to go. And I
12 think it's a thriving community, and it's on its
13 way up, and we need to continue - - do our best
14 to support businesses that are driving them.

15 CHAIRMAN WITKOWIAK: Thank you.
16 Questions by members of the committee?

17 ALDERMAN PUENTE: Did you say how far
18 away you lived? I know you said a year and a
19 half.

20 THE WITNESS: About eight or nine
21 blocks.

22 ALDERMAN PUENTE: How much?

23 THE WITNESS: Eight or nine blocks.

24 ALDERMAN PUENTE: Thank you.

25 CHAIRMAN WITKOWIAK: Any other

00166

1 questions? Thank you. Sir, your name? Thank
2 you for your testimony. Sir, your name and
3 address for the record?

4 MR. BELL: My name is John Bell. I
5 live at 3017 South Superior. I am not in the
6 affected area where the bar is. I live about ten
7 blocks from there.

8 CHAIRMAN WITKOWIAK: Okay.

9 THE WITNESS: There are a couple
10 questions that have been raised with the matter
11 of congestion and the increase of traffic that's
12 occurring in Bay View. A couple things that have
13 been left out. In the last year we've added the
14 Lake Express. I couldn't give you a number as to
15 the amount of traffic that that's helped increase
16 into the neighborhood, but it definitely has had
17 an impact when your only two egress routes are to
18 jump on 794 and take the Hoan Bridge going north
19 or to come up what ends up being Russell Street
20 and going right through the intersections where
21 the Palomino and Garibaldi and Groppi's and the
22 Cactus Club are at.

23 I have never been to Eric's bar. I
24 have never even thought about stepping foot in
25 there until this matter came up a couple weeks

00167

1 ago. And I'm a little bit more interested now.
2 I'm in favor of what he's doing. The idea of
3 improvements that he plans to make on the
4 exterior, as well as the interior of the
5 building, are of great interest. But to say that
6 his bar is the only one contributing to this
7 congestion, belies a much bigger problem that we
8 have with public transportation and parking and
9 how the city is being planned in general.
10 There are a couple questions in terms
11 of Groppi's. It seemed almost a formality that
12 they would get their approval for a outdoor
13 liquor license today for their patio, and in the
14 last three months they've tripled in size for
15 their building itself, and now they got an
16 outdoor area. But the same questions that - -
17 that we are having posed to Eric and various
18 people here don't seem to have been asked in
19 terms of Groppi's. What are they doing to
20 mitigate the traffic issue? Groppi's did
21 nothing. They have no parking lot. But, yet,
22 they were allowed to expand into this space.
23 Palomino has increased their space by having the
24 patio outdoors. I realize that it closes at a
25 much earlier time than most of the establishments

00168

1 do. But, again, that adds to the number of
2 patrons out in the neighborhood. Can we say that
3 all the problems of the - - the other residents
4 have attributed to the Cactus Club are directly
5 related to Eric's patrons? I don't know. But
6 that is part and parcel of being in the area near
7 a bunch of bars in a desirable commercial area,
8 that if you are choosing to purchase a home there
9 or to live in that area, these are part of the
10 things that you have to assume you're going to
11 have to deal with.

12 A business that's successful is going
13 to want to improve and expand and do things, and
14 I see the expansion that Eric wants to do as
15 positive. Anything that addresses the ADA
16 compliance issues is positive for the city and
17 for our neighborhood specifically. I have never
18 seen anybody urinating in public in the
19 neighborhood. I have been at Palomino on a
20 number of occasions where I've seen the patrons
21 of Palomino leave and be disruptive to the
22 neighborhood and not nearly as much care taken as
23 other nights when I've been out on my way home
24 from Groppi's. And you - - You see a lot of
25 people starting to get a little bit worked up

00169

1 about the few parking spots that remain. So if
2 there's no way to address that for Groppi's, I
3 don't quite see how Eric's going to address the
4 same issue, because he's not the only one
5 contributing to it. I'm sorry if I'm rambling a
6 bit. But I just, as a resident of the
7 neighborhood and very appreciative - -
8 appreciative of business owners like Eric, like
9 the De Marinis, like the owners of the Palomino,
10 and everyone who wants to improve what they are
11 doing, because I think it really enhances the
12 community.

13 There was a comment made about the
14 lackluster police response times. I believe
15 that's a matter better addressed by the Public
16 Safety Commission. If it's taking hours for the
17 police to show up, that's another matter we need
18 to address. And I will end at that.

19 CHAIRMAN WITKOWIAK: Thank you.

20 Questions of this witness?

21 ALDERMAN PUENTE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Puente.

23 ALDERMAN PUENTE: Did you say you have
24 not gone to the Cactus Club?

25 THE WITNESS: I've never been in the

00170

1 Cactus Club.

2 ALDERMAN PUENTE: You've never been?

3 THE WITNESS: I've walked by it.

4 Generally, the sidewalks in the area around it
5 and by Groppi's are cleaner than the opposite end
6 of the intersection where Palomino and Garibaldi
7 are.

8 ALDERMAN PUENTE: So what compelled you
9 to come to this meeting tonight?

10 THE WITNESS: It started with a notice,
11 the informational meeting that was going to be
12 headed up, the Cactus Club and Eric's desire to
13 make improvements to the building, and I have
14 been reading a lot of the on-line postings in the
15 various - - We have different community groups on
16 line. And there's a substantial amount of
17 negative press that Eric was getting, word of
18 mouthwise, but it didn't seem like there was a
19 lot of factual basis. Whether there is or isn't,
20 I don't know.

21 ALDERMAN PUENTE: What do you base the
22 negative press on? There was something negative
23 somewhere?

24 THE WITNESS: Well, I've - - I've heard
25 a lot of people complaining about the ur - -

00171

1 urination, about defacement of property.

2 ALDERMAN PUENTE: Before today?

3 THE WITNESS: Today was really the
4 first time I had heard it outside of the on-line
5 venues, and it's only been in the last week.

6 ALDERMAN PUENTE: So you got notified
7 through e-mail about this from who?

8 THE WITNESS: Somebody in the
9 neighborhood told me - - I was actually at the
10 Bay View Neighborhood Association meeting when
11 somebody told me that there was going to be an
12 information meeting potentially.

13 ALDERMAN PUENTE: Just to clarify your
14 misconception about the parking about Groppi's,
15 it was mentioned by Alderman Dudzik for some
16 questions regarding the parking there.

17 THE WITNESS: Right.

18 ALDERMAN PUENTE: Obviously it was not
19 as often as because there weren't as many people
20 here. But that issue was addressed, sir.

21 THE WITNESS: Well, I - - I heard the
22 question, but the response that the - - the folks
23 from Groppi's gave was that they have no off-
24 street parking. So if they're expanding their
25 business, tripling the square footage of the

00172

1 physical building and then expanding onto a
2 patio, and they don't have a physical parking
3 lot, they're as much a contributor to the
4 congestion of the neighborhood as Cactus Club
5 would be.

6 CHAIRMAN WITKOWIAK: Well, just for
7 clarification. This hearing today wasn't about
8 increasing the size of - - of Groppi's business
9 and - - and what the - - As I recall what the
10 statement was, and - - and I know that for a
11 fact, that the patio is already being used.

12 THE WITNESS: Correct.

13 CHAIRMAN WITKOWIAK: So the simple fact
14 that they're allowing somebody to have wine there
15 now doesn't - - doesn't necessarily increase the
16 capacity. Because it's already being used. I've
17 been by there. I have - - I have never eaten
18 there, but I mean, I've been by there. And
19 there's been people sitting outside all the time
20 on the patio.

21 THE WITNESS: Correct. And that opened
22 last month - - or rather, in July. I'm sorry.

23 CHAIRMAN WITKOWIAK: Thank you for your
24 testimony. Next person, please.

25 MR. DERSHENSKI: Good evening.

00173

1 CHAIRMAN WITKOWIAK: Your name and
2 address for the record.
3 THE WITNESS: John Dershenski. 3059
4 South Kinnickinnic, Milwaukee.
5 CHAIRMAN WITKOWIAK: 3059 South what?
6 THE WITNESS: Kinnickinnic. KK.
7 CHAIRMAN WITKOWIAK: And your
8 testimony, John?
9 THE WITNESS: I'm just here to support
10 Eric and the expansion. I think anything he can
11 do to improve the club would be a great thing.
12 In terms of noise, I frequent the club. I
13 frequent the other bars in the neighborhood. I
14 go to - - I work in a bar. I don't notice noise
15 when I walk - - until I'm right on top of the
16 club, if there's a band playing. He's - - As it
17 sits now, it's a quiet situation, unless the door
18 opens, unless people are loading equipment out.
19 And those are issues that he's going to be
20 dealing with these renovations, I think. That's
21 a non-issue.
22 In terms of parking. I park in that
23 neighborhood at any time of the day from noon
24 until two in the morning, and I've never had to
25 park more than a block away from any place I want

00174

1 to go to. As a lot of people have said, I've had
2 more problems getting to Groppi's at five o'clock
3 than I have getting to the Cactus Club or any
4 other clubs. And that would include on New
5 Year's Eve, when there are 150 people at Club
6 Garibaldi, the Palomino is packed, and there's a
7 live music act at Cactus Club. So the issue of
8 traffic if he's increasing his capacity, I don't
9 think is an issue in terms of parking. I've
10 never had a problem.

11 CHAIRMAN WITKOWIAK: Thank you, John.
12 questions of this witness?

13 ALDERMAN PUENTE: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Alderman Puente.

15 ALDERMAN PUENTE: How far away is where
16 you live from the Cactus?

17 THE WITNESS: I live almost on KK and
18 Oklahoma, in that neighborhood.

19 ALDERMAN PUENTE: How many blocks is
20 that from the Cactus Club?

21 THE WITNESS: Probably eight or nine.

22 ALDERMAN PUENTE: Eight or nine blocks.
23 How long - - How long have you lived there?

24 THE WITNESS: I've lived there for six
25 years. I've lived in Bay View my entire life.

00175

1 ALDERMAN PUENTE: Thank you.

2 THE WITNESS: Sure.

3 CHAIRMAN WITKOWIAK: Next witness,

4 please.

5 MR. KENARD: My name is Jason Kenard.

6 I live at 1806 East Kane Place. I don't live in

7 Bay View.

8 CHAIRMAN WITKOWIAK: Your testimony,

9 Jason.

10 THE WITNESS: I actually live about a
11 block east and a block south the Comet Cafe',
12 which was mentioned earlier. They recently added
13 to their capacity. They doubled it. Since that
14 time, I haven't seen any problems with parking
15 issues, which on the East side is commonly a
16 problem. I haven't seen any increased violence
17 or lewdness or anything of that nature in the
18 area. So make a comparison, you know, to a
19 business expanding, it doesn't necessarily mean
20 that it's going to be a detriment to the - - to
21 the community.

22 I've also been a patron and a performer
23 at the Cactus Club for about six years now. In
24 the time that I've gone to shows there and
25 performed there I haven't seen any of the actions

00176

1 that have been described around outside, in the
2 place, as far as drug - - drug use, public
3 urination, things of that nature. It doesn't
4 happen. There is a bouncer outside of the door
5 of the club. When you leave the club, he asks
6 you to be quiet and respect the neighbors when
7 you're going to your car. And that's the way
8 that the business has been run for many years.
9 That's all I have.

10 CHAIRMAN WITKOWIAK: Thank you.

11 Questions of this witness?

12 ALDERMAN DUDZIK: Mr. Chair.

13 CHAIRMAN WITKOWIAK: Alderman Dudzik.

14 ALDERMAN DUDZIK: How often do you play
15 there?

16 THE WITNESS: I would say at least once
17 a month.

18 ALDERMAN DUDZIK: Thank you.

19 CHAIRMAN WITKOWIAK: Okay. Thank you
20 for your testimony.

21 THE WITNESS: Thank you.

22 CHAIRMAN WITKOWIAK: Next witness,
23 please. Name and address for the record?

24 MR. ALTMAN: John Altman. 2929 South
25 Herman, about six blocks away.

00177

1 CHAIRMAN WITKOWIAK: And your
2 testimony, sir?

3 THE WITNESS: I know we all want to go
4 home. There's only a couple things that I felt
5 haven't been covered, and I think they're
6 pertinent. And they would be the, what I would
7 perceive as, eventual possible results of denying
8 Eric the ability to do this. And the first one
9 that comes to mind is if he's not allowed to
10 improve his building, the building's going to
11 stay the way it is, and it could use some help.
12 You know, the building could look a lot better.
13 And - - And I can see no reason why anybody in
14 the neighborhood wouldn't want that corner
15 cleaned up. The - - he mentioned also at the
16 information meeting changing the set-up of the
17 door in order to deflect the noise, and it hasn't
18 been brought up, but that's another thing.

19 So these - - These are just notes I
20 took as, you know, if - - if he were denied, what
21 - - what's to be gained? The club's not going to
22 go away. This is not - - As we said, it's not
23 about revocation. It's not, okay, now the club
24 is gone and - - and the people that don't like
25 it, it's done. It's just that it stays exactly

00178

1 the way it is. So you haven't solved anything
2 there. And I know if I were sitting in their
3 seat and went through all this effort only to be
4 denied, that would certainly not increase my
5 incentive to cooperate with the neighborhood.
6 Now, speaking for myself.

7 But I think the - - the likelihood of
8 him cooperating and with the people who are
9 hissing, would be increased by people working
10 together. And I was at the informational only
11 meeting, and there was a lot of animosity there,
12 and I felt like it could have gone a lot better,
13 and there could have been a lot more interaction.
14 And that's give and take. And part of it is Eric
15 addressing what the neighborhood would like to
16 see done, and the other part is that they don't
17 constrict him in his ability to operate a
18 business. And that's about it.

19 CHAIRMAN WITKOWIAK: Thank you.

20 Questions by members of the committee.

21 ALDERMAN DUDZIK: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Puente.

23 ALDERMAN PUENTE: How long have you

24 lived there?

25 THE WITNESS: Six years.

00179

1 ALDERMAN PUENTE: Thank you.

2 CHAIRMAN WITKOWIAK: One more time, I
3 just want to remind everyone. I don't want any
4 audience reactions to any of the testimony here.
5 That's the last time I'll - - I'll remind you of
6 that.

7 Next person to testify in support.

8 Okay, I'll ask one more time. Is there any more
9 people here to testify in support? Okay. Then
10 we'll close the testimony on this hearing.

11 MR. WHITCOMB: Mr. Chairman.

12 CHAIRMAN WITKOWIAK: Yes.

13 MR. WHITCOMB: The applicant would like
14 to briefly address the committee as - - as would
15 I, and I don't - - I'd like to present additional
16 information, most specifically regarding the
17 merits of this application and describe to the
18 committee exactly what is going to be done to the
19 building should approval be granted, and
20 therefore, you get - - obtains the permits for
21 doing so. It will only take two or three
22 minutes.

23 CHAIRMAN WITKOWIAK: That's fine. I
24 have a question. We're talking about going 12
25 feet, this would be to the north?

00180

1 THE APPLICANT: Yes, 12 feet.

2 CHAIRMAN WITKOWIAK: And - - And then
3 by - - And then by how wide?

4 THE APPLICANT: The length of the
5 building.

6 CHAIRMAN WITKOWIAK: Which is 25 feet
7 maybe?

8 MR. WHITCOMB: Yes, if - - If you look
9 at the application on - - on the proposed
10 footprint, it's an expansion of 12 feet to the
11 north. It's going to be from 22 feet wide to 34
12 feet wide, however, one-third of the expanded
13 area, one-third of that 12 foot corridor is going
14 to be attributable to restrooms and exits. Do
15 you see it on the chart there, I mean, on the
16 schematic?

17 So the actual stand and have a cocktail
18 area is going to be basically 12 feet by,
19 roughly, eight feet by four feet, probably
20 another 24 to 40 square feet of additional stand
21 and have a cocktail space as compared to the way
22 it is now.

23 MR. SCHRIMPF: Mr. Chairman.

24 MR. WHITCOMB: May I continue, Mr.
25 Schrimpf.

00181

1 CHAIRMAN WITKOWIAK: Go ahead.

2 MR. SCHRIMPF: No.

3 CHAIRMAN WITKOWIAK: All right. Just

4 go ahead.

5 MR. WHITCOMB: And the increased
6 capacity, which is going to be put on the
7 placard, is not attributable to having the space
8 itself, per se, contain more human beings than it
9 can now, but it's more attributable to the
10 upgrade of the facilities, the exits number one,
11 number two, the bathrooms, and number three, the
12 - - the soundproofing for the booth sprinkling.
13 So it's really not - -

14 THE APPLICANT: No sprinkling.

15 MR. WHITCOMB: No sprinkling. But it's
16 not attributable to having more area for people
17 to stand, but it's more attributable to the
18 building and zoning code in limiting or
19 establishing the capacity for facilities.

20 CHAIRMAN WITKOWIAK: Okay. Thank you
21 for clarifying that, Mr. Whitcomb. Mr. Schrimpf.

22 MR. SCHRIMPF: Thank you, Mr. Chairman.
23 And the point is that I think your client
24 indicated it, Mr. Whitcomb, by increasing the
25 number of bathrooms and perhaps increasing or

00182

1 altering certainly the - - the exits, you will,
2 in fact, increase the capacity from approximately
3 80 to something that's estimated to be around
4 200. Isn't that right?

5 MR. WHITCOMB: We don't know exactly
6 what it would be, but based upon architectural
7 plans, and if we're interpreting the
8 international building code correctly, yes, it
9 will be in that number, depending upon what is
10 eventually approved by the Department of
11 Neighborhood Services and the Department of City
12 Development for the permits that are eventually
13 issued.

14 MR. SCHRIMPF: And that's why I said
15 approximately 200. It might be less, might be a
16 little more, might be 200 exactly.

17 MR. WHITCOMB: It could be 120, could
18 be 140, could be 160.

19 MR. SCHRIMPF: Right.

20 MR. WHITCOMB: It's just relying on
21 what the architect's indicated capacity should be
22 under the three different formulas that DNS now
23 uses to establish capacity. It's a random guess.
24 But it could be as high as 200.

25 MR. SCHRIMPF: Right. Okay, that's my

00183

1 only point.

2 CHAIRMAN WITKOWIAK: Thank you. Mr.
3 Uecke, you have - -

4 MR. WHITCOMB: If I may just two or
5 three minutes. I - - I have these in notes.

6 CHAIRMAN WITKOWIAK: I thought you
7 wanted your client to speak first. No?

8 MR. WHITCOMB: After I give the
9 description of actually what is being done so the
10 audience and everyone knows what we're basically
11 talking about.

12 CHAIRMAN WITKOWIAK: Okay.

13 MR. WHITCOMB: Mr. Uecke has had this
14 establishment since 1996. He lives there. He
15 owns there. He's part of the neighborhood. He's
16 not - - not just moving into a neighborhood,
17 buying a property, opening a bar or club and
18 making money. It's been the licensed premise at
19 that location since the early 1900s, and it's
20 been the Cactus Bar since 1957. So it's - - It's
21 nothing that the people that live there today
22 didn't know was there when they moved in.

23 The - - The property is properly zoned.
24 His - - His establishment is properly zoned for
25 the activity in which he's engaged. He - - His

00184

1 plans, I'm sorry. It's been very very long.
2 I've almost been here as long as you have been
3 today, but I'll try to get through it.

4 The improvements are estimated to cost
5 150 to 175,000 dollars, and the Chairman made a
6 very good point that to invest such improvements
7 in physical property, you do expect return from
8 that investment. That is absolutely true. But I
9 respectfully submit it's not going to necessarily
10 be the return on the additional people attending
11 live acts. It's going to be an additional return
12 based upon increasing the amount of patrons
13 during the regular week. You've heard testimony
14 that during the week it's lucky if they have 15
15 people there. If he modernizes and upgrades and
16 makes the interior more presentable, he suspects
17 he'll be able to obtain the return on his
18 investments by increasing the patronage of the
19 establishment during the week, not just during
20 the - - the two nights a week where he has live
21 bands.

22 The - - The improvements will be
23 additional square footage for bathrooms and
24 additional seating, meaning bar seating. He
25 intends to tear out and replace all the existing

00185

1 floors. He intends to tear our and replace the
2 existing bar service area. Right now it's
3 perpendic - - Well, it's going from east to west
4 to north to south as the schematic show - -
5 shows. He's going to tear out and replace the
6 existing men's and women's bathrooms. He's going
7 to replace them with ADA approved stalls,
8 disability approved stalls, toilets and urinals,
9 will have new tiling, fixtures, floorings in all
10 the bathrooms. He's going to replace and augment
11 the existing air conditioning to provide for
12 purification ventilation systems so it doesn't
13 have, but at times it does begin to have a smoke-
14 filled room atmosphere. He's going to replace
15 and/or augment the existing lighting fixtures.
16 He's going to have the ADA approved wheelchair
17 ramp at the rear exit. He's going to replace the
18 entrances and exits so they comply with
19 contemporary modern building codes, which would
20 provide with additional capacity numbers.

21 For soundproofing, he's going to have
22 additional soundproofing, which includes the use
23 of cement block and insulation from the - - from
24 the interior, along with a facade replacement on
25 the exterior. The exterior of the building will

00186

1 be - - will be - - He will replace the existing
2 aluminum facade. Correct?

3 THE APPLICANT: Yes.

4 MR. WHITCOMB: With hardy board, a very
5 high quality material known for so - - for its
6 soundproofing qualities. The goal of being
7 blending in with the neighborhood aesthetics. So
8 we'll not have that aluminum siding effect, which
9 provides no sound insulation, whatsoever. He
10 intends to replace the existing external signage
11 with a neighborhood signage aesthetic to the
12 neighborhood, which, of course, will be screened
13 and approved and recommended by the Department of
14 City Development in his application process for
15 the permits he's seeking to obtain. And also,
16 the trash receptacles on the exterior of the
17 facility will be enclosed on the exterior.

18 The benefits he perceives that these
19 improvements will make to the community, one, the
20 exterior will be much more pleasant. The
21 interior of the club will be more upscale, with
22 replaced floors, lighting fixtures and bar
23 surfaces, hoping for daily patronage in the early
24 evening to mid evening hours, maybe 100 to 150
25 people as compared to - - This is, you know, in

00187

1 and out patronage. Come in for a cocktail or
2 two. Leave 45 minutes to an hour and a half
3 later, but to have that trend continue for a
4 period of four or five hours, that he hoped the
5 - - the design hopes to attract that kind of
6 patronage, which will substantially improve - -
7 improve the revenues he generates by the ten or
8 15 people he has there on a regular basis during
9 the week.

10 With more bathrooms it will be more
11 comfortable for customers and certainly would be
12 an asset for people just to go there to have a
13 cocktail, to socialize, rather than to go there
14 when it's near capacity. Now, 50, 75, 80 people
15 for the band nights. With the air conditioning
16 it will be able to - - and the improved air
17 ventilation, it will be able to keep the windows
18 open, minimizing the noise, and minimizing the
19 street loitering for comfort when people who
20 usually are former smokers, but at least tolerate
21 smoke, go outside to catch a breath when it's
22 very crowded.

23 The new exterior cinder block wall
24 construction will have a nearly soundproof
25 effect. The hardy board facade to cover the

00188

1 existing aluminum siding will improve
2 soundproofing, as well. Recon - -
3 Reconfiguration of the front entrance will
4 substantially reduce neighborhood noise, as well.
5 And to recoup his investment, along with having
6 people there steadily throughout the week, he's
7 going to increase his beverage prices. He's
8 going to have more of a top shelf liquor
9 inventory than he does now, than what a
10 traditional neighborhood bar would. Being able
11 to generate more alcohol sales revenue by selling
12 less per volume because of the quality of it, and
13 also, he would attract more refined and limited
14 patronage.

15 In lis - - In listening to the
16 testimony here today, and this meeting was
17 scheduled for three o'clock this afternoon, the
18 supporters have been here now for five and a half
19 hours. There are questions that are being asked
20 and addressed and concerns, which may affect the
21 credibility or which seem to tend to affect the
22 credibility or - - or the sincerity of the
23 testimony of the witnesses, and certainly they
24 are true at some hearings where people will come
25 in and say whatever the applicant or licensee

00189

1 would want them to say. But I've never had that
2 situation where people would stand around or stay
3 around for five and a half hours only to testify.
4 I think that - - that bodes well for the
5 sincerity of their comments and the truthfulness
6 of their comments, even though it may not be
7 borne by actually living within a - - living
8 within a building or two of the establishment.
9 And you must keep in mind that the
10 intent of the applicant is not to increase
11 capacity. His intent is to renovate. The cause
12 and effect of that renovation is to have a new
13 placard issued by the Department of Neighborhood
14 Services, which will give him a higher capacity
15 number. But that is not the intent of what he is
16 doing. It is to renovate. To renovate he has to
17 bring it up to code. If he brings it up to code,
18 he'll get more capacity. It's not to bring - -
19 He's not coming before you today just spending
20 the 150,000 dollars only to jack up his numbers
21 for Friday and Saturday night to have more than
22 - - or to have upwards of 200 people attend his
23 music events. You've heard testimony from people
24 that sounded very knowledgeable to me. I'm not
25 an aficionado of the music that he - - he has in

00190

1 his establishment. But they indicated they would
2 be very surprised that if his capacity number
3 were at 200, he would ever achieve that goal.
4 All it would do is make the facility more
5 comfortable to the people who already attend
6 there, and those numbers usually reach the
7 capacity he has today of 80.
8 If you'd just bear with me. He, nor
9 this honorable committee really can control
10 parking. And one - - From one view what's
11 happening to - - on that - - at that intersection
12 or on Russell Street might be exploitation. In
13 another view it's considered progress and
14 gentrification. You had the same growing pains
15 with Brewer's Hill. We are anticipating and
16 hoping to have the same growing - - growing pains
17 for the, you know, the Brown Town project. We
18 have the same growing pains over 20 years with
19 Brady Street. The - - And all of those areas
20 have been successful. They all have difficult
21 parking problems, but there's something unique
22 about urban living that where you maintain
23 neighborhoods as they were constructed 50, 100,
24 150 years ago, which is part of their ambiance,
25 that is part of the ambiance. There's no way to

00191

1 correct the - - the parking. But that's - -
2 That's part of the neighborhood. And as the
3 people testified, the parking problems in the
4 neighborhood would not be attributable or did not
5 seem to be attributable to the increased numbers
6 that may attend his musical events on Friday and
7 Saturday night after ten o'clock.

8 I guess in conclusion, Mr. Chairman,
9 members of the committee, this is not anything
10 that this committee does not have control of.
11 He's before you on an annual basis for renewal.
12 Certainly be a difficult time difficult decision,
13 indeed, should this be a renewal hearing. But
14 the scales, I think, are equally balanced. But
15 what you're approving is his ability to improve
16 the properties. If you approve the expansion,
17 that's the language of the ordinance, all you're
18 allowing him to do is to bring his building up to
19 contemporary code, reconfigured on the inside,
20 soundproofed on the outside. To make the
21 investment he intends to make, 100 - - 150,000
22 dollars to do that, and knowingly to be at risk
23 on an annual basis that he could lose that
24 investment by losing his license, by basically
25 losing the property, I think there is a extremely

00192

1 strong incentive for him to not - - to comply and
2 to address the neighborhood concerns that he's
3 heard here today to best - - to the best that he
4 is able for those concerns that were sincerely
5 expressed.

6 Thank you, Mr. Chairman. I just would
7 like Mr. Uecke to address you for a few moments.
8 There is - - issues he - - he would like to speak
9 to that perhaps have not been addressed by
10 others, and then he'd be available for a few
11 questions.

12 THE APPLICANT: I'll try to make this
13 quick. It's probably the best thing to do at
14 this point in the evening.

15 There's a few other things that we want
16 to do, considerations for the neighborhood. One
17 is any shows that we deem to be popular, or we
18 think - - It's always a crap shoot when you book
19 a show. But if we think it's going to draw well,
20 we're going to hire an extra guy to patrol the
21 neighborhood. We never promised to do that
22 before. We promised to have a doorman outside.
23 We'll have two doormen, the second one will walk
24 up and down Wentworth especially, hopefully,
25 making our neighbors feel a little more at ease

00193

1 for whatever - - for whatever reason that might
2 be, watching for any abhorrent behavior. And
3 we're basically taking responsibility for the
4 entire neighborhood by doing that, even though
5 there's six other bars. We can't - - We can't
6 look at everyone and say this - - this car is
7 from this bar. This person is from this bar.
8 But we will take responsibility for our area.
9 And if someone from a different bar does
10 something, our guy will still be there.

11 We also - - I'm going to start trying
12 to pass out some information about bus schedules,
13 along with phone - - phone numbers for taxicabs,
14 just, you know, maybe we can get a few more
15 people to come on down to Bay View on - - on the
16 bus schedule or a taxi. But we'll have
17 literature for them, and maybe they might want to
18 do that. Maybe it will have a few less people
19 come into the neighborhood via car. It couldn't
20 hurt.

21 We also want to have - - install some
22 of our own trash receptacles out there. I know -
23 - I don't know if it's a city concern or not. I
24 don't know if we - - we need to get approval to
25 do that. Paint them up real nice. Make them

00194

1 look unique. Have them out there, just for
2 another place to throw garbage, because there
3 aren't any public trash receptacles in the - - in
4 the neighborhood, that I know of. There's one in
5 front of Groppi's. I think they own it. I'm
6 really not sure.

7 But everything we want to do is an
8 upscaling of the bar. We're tearing out
9 everything. This is not just a, you know, knock
10 her down and slap her up proposition to get a
11 higher number on our wall. This is going to be
12 at least 150,000 dollars, and the way things go,
13 it will probably end up being more than that. So
14 you're talking about, you know, all new floors,
15 all new fixtures, the - - the bar, you know,
16 hardwood, concrete combination of something very
17 nice. Cleaner air, cooler air, more bathrooms.
18 When you have happy customers, they're happier
19 when they leave. I really believe that. When
20 you have nicer liquor and higher prices, maybe
21 one guy could only afford to have two drinks
22 instead of three.

23 And one thing that everyone has
24 forgotten is that most people come to the Cactus
25 Club for the music, not to get drunk. They pay a

00195

1 good cover to see these bands. And I do a lot of
2 research to find good bands to play there, a lot
3 of bands that now are playing in front of three
4 or four thousand people started at the club
5 playing for 100 dollars. 30 - 40 people show up,
6 maybe 20, maybe none. It's all a crap shoot. I
7 would love - - I was talking to Bobby Tanzello,
8 who works at OnMilwaukee.com. He's a musician.
9 He's interviewing me for a - - an article on
10 their website. You've seen it probably. At
11 least the website. And I - - I posed a
12 rhetorical question to him. I said, "Bobby, what
13 do you say we get a 200 cap - - a 200 cap - - "
14 This is a couple days ago. "What are your
15 reasonable expectations as a musician and someone
16 who knows the Milwaukee Indie Rock Scene, Indie
17 Music Scene, I should say, how many times a month
18 do you think we'll be able to fill that place up
19 to 200, or what's the percentage of every show?
20 I'm thinking five percent of the shows might hit
21 it. And he told me, "God, I was thinking more
22 like two."
23 This is not about a capacity number. I
24 would love to hit it, but it's not going to
25 happen very often. I just want to upscale the

00196

1 bar. Get a more consistent business. I don't
2 want - - I don't want some women to walk in and
3 see those crappy bathrooms and turn tail and go
4 out somewhere else. I want them to see a
5 beautiful floor, beautiful bar, beautiful
6 lighting, clean, cool air, to be comfortable.
7 Better liquor. It's not just about this number.
8 It's not about this number that is going to get
9 slapped on the wall by someone else. It's about
10 me making the place nicer, inside and out. And
11 that's really all I have to say. Thanks.

12 ALDERMAN BOHL: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Alderman Bohl.

14 ALDERMAN BOHL: Mr. Uecke, the comment
15 that's been made here now by yourself and Mr.
16 Whitcomb is that it - - the proposed expansion is
17 more about an upgrade and consistency of the
18 number of patrons, particularly during some of
19 the off nights rather than - -

20 THE APPLICANT: Sure. People like to
21 - - People like to spend time in a place that's
22 very nice in every way.

23 ALDERMAN BOHL: Question for you.

24 Given - - Given your proposal.

25 THE APPLICANT: Uh-hnh.

00197

1 ALDERMAN BOHL: I see that you have,
2 what I assume, you have a - - a men's room and a
3 - - a ladies' room, and I'm - - I'm surmising by
4 the current plan that your men - - your men's
5 room has one urinal, one - - one stall. And the
6 ladies' room has one stall.
7 THE APPLICANT: Yeah, so basically if a
8 woman goes into our bathroom, she locks the door.
9 That door stays locked until she's done, you
10 know, using not only the facilities, but the
11 mirror, the sink.
12 ALDERMAN BOHL: Right.
13 THE APPLICANT: I mean, it can take
14 quite a long time.
15 ALDERMAN BOHL: Especially if they're
16 primping.
17 THE APPLICANT: Yeah.
18 ALDERMAN BOHL: So the - -
19 THE APPLICANT: I mean, you know, you
20 have, say, you know, 40 women who are having a
21 few drinks - -
22 ALDERMAN BOHL: Yeah.
23 THE APPLICANT: - - and you take the
24 time spent in there, you're talking about a
25 ridiculous - -

00198

1 ALDERMAN BOHL: I've got - - I've got a
2 wife and three young daughters, and I hope they
3 all stay young, as well, too. But the - - there
4 was a - - There were some comments made earlier
5 by a gentleman who described himself as a - - as
6 a sound expert.

7 THE APPLICANT: Um-hnh.

8 ALDERMAN BOHL: Who indicated that, you
9 know, he's been out, and he hasn't registered
10 anything beyond 50 - - 50 decibels per 50 feet or
11 what not. I know that you've made comments about
12 improving the - - the - - the efforts to - - to
13 mute the sound.

14 THE APPLICANT: Well, there's - - Sound
15 is a very interesting thing. DB doesn't mean you
16 can't hear it. There's one issue that I've
17 talked about with a few neighbors. It's mostly
18 neighbors to the - - directly north of the
19 building, including myself. The low end, which
20 doesn't register at 50 DB, but you can feel it.
21 That entire wall is now going to be, rather than
22 wood which is a - - wood is a great thing, the
23 carry sound. I mean, wood carries sound
24 especially low end. You know, you're a low
25 vibrating. You're a - - One of your appliances

00199

1 will - - You're downstairs and you can hear boom,
2 boom, boom.

3 ALDERMAN BOHL: Car windows do that,
4 too.

5 THE APPLICANT: Well, that entire wall
6 is going to be cinder block, one - - Low end does
7 not go through cinder block. Cinder block is a
8 great, great insulator. That will eliminate that
9 completely. And that was - - That was one of our
10 major goals, and why we decided to do it in
11 cinder block, because the low end will be gone.

12 ALDERMAN BOHL: One of the - - One of
13 the questions that I wanted to pose to you,
14 because I - - Some of the comments even from your
15 - - your - - your big supporters here were
16 literally blatant, "Your bathrooms stink."

17 THE APPLICANT: They're just small.
18 They're tiny.

19 ALDERMAN BOHL: Well, what I was
20 getting at is currently you have bathrooms that
21 are adjacent to each other and you have an
22 existing cooler. You know, are there - - are
23 there other options? For example, as taking - -
24 moving a cooler, spanning out and expanding the
25 bathroom beyond the four stalls that you, I see

00200

1 in your proposal for the ladies' room and two
2 urinals, two stalls, are there - - Is there the
3 ability to span out, add additional stalls, and
4 do so in a different footprint without adding
5 that much additional space? I mean, are there
6 other alternatives.

7 THE APPLICANT: No, there is no option.
8 Because once you alter a bathroom, it must be ADA
9 approved, and once you do that, they're huge. We
10 are grandfathered in. You start altering a
11 bathroom, and then you have to go by a whole new
12 set of rules. And then, you know, someone has to
13 go - - be able to go in there with a wheelchair,
14 and be able to turn around a certain radius. So
15 it's really not an option.

16 ALDERMAN BOHL: The - - What, in terms
17 of the comparison of - - of the existing restroom
18 facilities, I know that - - that for the length
19 of your - - your property you want to expand 12
20 feet out.

21 THE APPLICANT: Yeah.

22 ALDERMAN BOHL: And then the length of,
23 what am I garnering about 68 or 69 feet?

24 THE APPLICANT: Somewhere around there,
25 yeah.

00201

1 ALDERMAN BOHL: What would - - What are
2 we looking at in terms of the - - from - - from
3 the current restroom say, for example, to what is
4 being proposed as - -
5 THE APPLICANT: As far as what numbers
6 are you - -
7 ALDERMAN BOHL: I'm looking at in terms
8 of - -
9 MR. WHITCOMB: Square footage?
10 Occupied space?
11 ALDERMAN BOHL: Square footage.
12 THE APPLICANT: All right.
13 ALDERMAN BOHL: I mean, well, just even
14 - - even a rough estimation. Are we looking at
15 about tripling the size of the overall restroom
16 base?
17 THE APPLICANT: Yes. Sure, at least.
18 And way more for the women than the men, because
19 men - - Women require stalls while men require,
20 you know, urinals and stalls.
21 ALDERMAN BOHL: The final question I -
22 - I have for you is in - - in terms of your
23 proposal here, what one area do you anticipate to
24 be the greatest cost? Is it the restroom
25 facilities? Is - -

00202

1 THE APPLICANT: Yes. It's the
2 restroom, plumbing in restrooms will be the
3 greatest cost. Well, they go hand in hand.
4 Plumbing and restrooms. I mean, it's pretty much
5 all plumbing. And making them nice, actually,
6 but the restrooms, for sure. That's where the
7 real money is going.

8 ALDERMAN BOHL: Thank you.
9 ALDERMAN DUDZIK: Mr. Chairman, I have
10 just have one or two real quick questions.

11 CHAIRMAN WITKOWIAK: Alderman Dudzik.
12 ALDERMAN DUDZIK: Because I'm starting
13 to lose it here. My - - My understanding is,
14 from what you've just said, is that there are no
15 options.

16 THE APPLICANT: Well, he - - No, I
17 didn't say that. That's a pretty wide statement.
18 As far as the option, when it comes to a
19 bathroom, he had mentioned trying to expand a
20 bathroom without - - without actually expanding
21 the size of the building.

22 ALDERMAN BOHL: No, no, actually, I - -
23 I was proposing an alternative where you would
24 build out just the bathroom area without building
25 the entirety out 12 feet. Building out whatever

00203

1 direction that would be possibly north of the
2 cooler and moving the cooler - -

3 THE APPLICANT: Well - -

4 ALDERMAN BOHL: - - and - - and
5 utilizing additional space for a bathroom, which
6 summarily would increase, I would imagine, at
7 least some limited extent some of your capacity,
8 but it wouldn't span out with a ton of additional
9 space.

10 THE APPLICANT: Well, it's a lot
11 cheaper to, you know, once - - once you got guys
12 there to take out a whole wall. Plus, then we
13 would basically lose all the soundproofing
14 qualities, because we're going to replace the
15 wall with cinder block. If we just did part of
16 it, then you'd have wood, cinder block, and it
17 wouldn't - - wouldn't have consistency in the
18 building that we were looking for on that north
19 wall.

20 ALDERMAN BOHL: Thank you.

21 CHAIRMAN WITKOWIAK: Go ahead.

22 ALDERMAN DUDZIK: I'll go back. My
23 question was that there is no options to this
24 proposal, as far as you're concerned.

25 THE APPLICANT: As far as I'm

00204

1 concerned, this is the - - what I want to go
2 with. Yeah, this is - -

3 ALDERMAN DUDZIK: Okay. So there - -
4 there really - - there really is in your
5 estimation and there is no way of improving your
6 property without increasing the capacity.

7 THE APPLICANT: No. No.

8 ALDERMAN DUDZIK: Okay.

9 THE APPLICANT: Unless, you know,
10 unless people didn't have to urinate.

11 MR. WHITCOMB: To improve it is to
12 increase the capacity because to improve it you
13 have to comply with contemporary code.
14 Contemporary code would require the additional
15 bathrooms. With the additional bathrooms you get
16 the increased numbers.

17 ALDERMAN DUDZIK: I - - I just want to
18 go back to the proposal or the schematic that you
19 have. You own the property to the immediate
20 north, do you not?

21 THE APPLICANT: It's one property.

22 ALDERMAN DUDZIK: It is - - It is.
23 That was going to be my question.

24 THE APPLICANT: There's two buildings
25 on it.

00205

1 ALDERMAN DUDZIK: It's one tax key?

2 THE APPLICANT: The entire - - The
3 entire property is one tax key, and the entire
4 property is zoned mixed use commercial.

5 ALDERMAN DUDZIK: So you theoretically
6 could - -

7 THE APPLICANT: I could move out. I
8 could knock my house down and move out 60 feet,
9 and make a pagoda over there. I'm only going out
10 12.

11 ALDERMAN DUDZIK: You could also knock
12 your house down and increase parking, could you
13 not?

14 THE APPLICANT: No.

15 ALDERMAN DUDZIK: You couldn't do that?

16 THE APPLICANT: No. What's - - What's
17 four extra cars going to do. I mean, it wouldn't
18 be worth it. You know. It would be - -
19 Actually, it would be a terrible waste of good
20 real estate to - - to have maybe parking for four
21 cars, you know.

22 ALDERMAN DUDZIK: That will be
23 something we have to see, I guess. All right.
24 Thank you.

25 CHAIRMAN WITKOWIAK: Any further

00206

1 questions.

2 ALDERMAN ZIELINSKI: Mr. Chair.

3 CHAIRMAN WITKOWIAK: All right.

4 Alderman Zielinski, you have the floor.

5 ALDERMAN ZIELINSKI: Thank you, Mr.
6 Chairman. I would like to take this opportunity
7 to thank all the people that took time out of
8 their busy schedules to attend this hearing on
9 both sides. We have to come up with a formula to
10 make - - to base our decisions in something like
11 this, and based on that, just about all the
12 people that came down to testify in opposition to
13 this expansion are homeowners in the area. Just
14 about all those people that came by, are
15 homeowners in the area. Maybe one person
16 testified in support of this proposal who is a
17 homeowner in the area. Out of all these people
18 that came up, how many people came up saying not
19 in the immediate area. Nine blocks, ten blocks,
20 and so forth, you know. The - - And there's a
21 big dispute as to how serious is the noise
22 problem, how serious is the parking problem, how
23 serious are these other problems. My question
24 is, if - - if there really isn't any problems or
25 - - or the people that support this proposal,

00207

1 some of them are employees or quasi employees and
2 - - and so forth. But why doesn't he have any
3 more homeowners in the immediate area that are
4 coming by supporting this expansion, saying that
5 there is no problem with noise, there is no
6 problems with this, that or the other thing.
7 When you have one person out of all of these
8 people that came and that live all over the
9 immediate area, again, you know, some are
10 employees, some are quasi employees and so forth,
11 I would - - I just have to say it just stands to
12 reason that if there weren't significant issues,
13 there would be a lot more people in the immediate
14 area that are homeowners that would say, hey,
15 this is fine.

16 And I think we've heard a lot of
17 information, but it boils down to that. It boils
18 down to which side has - - has more of a stake in
19 what's going on in this neighborhood. And those
20 are my comments. I also want to add one final
21 point. There was a representative from Cafe'
22 Lulu that came in here earlier, and she's
23 probably still here. She's gotten a live music
24 permit that - - that I supported. Her license, I
25 supported. I started off with permits to see if

00208

1 there's any problems by the adjacent neighbors.
2 We tried that on a periodic basis. I never
3 received any sort of complaints. So I supported
4 that live music venue, you know, the live music
5 at Cafe' Lulu. The other, you know, liquor
6 license we supported. High Berry, Exo Ha, Qs.
7 There's a number of them I supported. I exercise
8 my due diligence to contact the people in the
9 impacted immediate neighborhood. If the people
10 in the immediate impacted neighborhood do not
11 have a problem with it, I don't have a problem
12 supporting liquor licenses, and there's a number
13 of them that have come before this committee, and
14 every one of the ones that I've supported you
15 haven't seen anybody come up in opposition. And
16 that's because I've done my homework. I - - I
17 exercise my due diligence. I spend whatever
18 amount of time is necessary. So I make sure that
19 whatever goes in in a particular part of my
20 district is a right fit. I believe that live
21 music venues certainly have their place and time,
22 and I've offered to - - to Mr. Uecke on a number
23 of occasions to work with him to find a location
24 that is not so concentrated in a residential area
25 where we don't have to worry about these

00209

1 problems. Bay View is growing and it's exciting,
2 but we want to make sure that this growth
3 continues in the right fashion, and that we don't
4 disrupt the residential quality of life of the
5 people who live there, and the homeowners who
6 have a stake in that community who don't want to
7 have to move. You heard testimony of a couple of
8 people who have already moved. There's other
9 people that are thinking about it. We shouldn't
10 have to do that. And I would hope that this
11 committee would listen to the people who have a
12 stake in that neighborhood. Thank you.

13 MR. WHITCOMB: One comment. My comment
14 - - My client asked. There's a weapon in this
15 committee's arsenal that hasn't been discussed
16 yet, and that's the nonrenewal of the
17 tavern\dance which has limited his ability to
18 have live music. Just allow him to make the
19 improvements on the building. After those
20 improvements, if there's this mass disaster
21 because of all the capacity attributable to the
22 live music, they'll come back before the
23 committee probably in six or eight months, and at
24 that time you could nonrenew the tavern/dance and
25 allow him to just operate as - - as a tavern, but

00210

1 please allow him the opportunity to make the
2 improvements he needs for his property, which
3 would be to the benefit of the patrons that exist
4 now. If he becomes too popular because of the
5 bands, yank his ticket for the tavern dance.
6 Thank you.

7 ALDERMAN ZIELINSKI: Mr. Chairman, I
8 just have one closing comment in response to
9 that.

10 CHAIRMAN WITKOWIAK: Alderman
11 Zielinski.

12 ALDERMAN ZIELINSKI: I think the fair
13 way to approach this is to tell Mr. Uecke to work
14 with the neighborhood and address the problems
15 they have, and when he addresses those problems,
16 then he can work on his expansion and you won't
17 have the whole, you know, you won't have a number
18 of homeowners coming down here in opposition. I
19 respect what he's saying, but I disagree with it.
20 He's got it backwards. In order to make the next
21 step forward you have to make sure that you
22 address the existing problems. Don't say, "Let
23 us move forward," and then we'll address the
24 existing problems.

25 MR. WHITCOMB: The problems are

00211

1 parking. He doesn't have the capacity to address
2 that issue. I'm getting tired of this
3 disrespect.

4 ALDERMAN ZIELINSKI: I understand. I
5 understand. We're all getting tired.

6 CHAIRMAN WITKOWIAK: This matter is in
7 committee.

8 THE APPLICANT: I should have brought a
9 sleeping bag, huh.

10 CHAIRMAN WITKOWIAK: This matter is in
11 committee.

12 ALDERMAN DUDZIK: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Alderman Dudzik.

14 ALDERMAN DUDZIK: Based on neighborhood
15 objections, I would move denial on this.

16 CHAIRMAN WITKOWIAK: The motion by
17 Alderman Dudzik is to recommend denial based on
18 neighborhood objections. Discussion on the
19 motion? No one else wants to weigh in on this?
20 I think I will.

21 Once again, you all have succeeded in
22 bringing us the tale of two cities. I can tell
23 you listen - - you listen to one side, and the
24 testimony was - - was very credible for the
25 opponents. I understand many of the opponents

00212

1 live, on the average, closer to the
2 establishment, than the proponents. But the
3 testimony from the proponents was very credible,
4 also.

5 The problem I see with this is if - -
6 if Mr. Uecke is not allowed to do this, what's
7 termed, expansion, you're effectively killing
8 that place. Because if he's operating with his
9 bathrooms in as bad a condition as has been
10 described, there's basically no future. I
11 understand exactly what - - what he's trying to
12 do and - - and why he's doing it. This thing
13 about well, let's just improve the bathrooms.
14 That's, you know, that's a Band-Aid where you
15 need a tourniquet. The square footage that he's
16 requesting to increase this is, you know, by my
17 calculations maybe 800 square feet, something
18 like that. It's not large, and I think the
19 soundproofing and everything, I think it's an
20 excellent idea. So the decision, in my mind, the
21 decision is do we effectively close this place
22 because I can't - - I can't see him trying to do
23 a small fix in there. I can't see him putting
24 new floors in or investing any money in when he
25 can't - - What he wants to do, he's proposing to

00213

1 do the job right here, and - - and inadvertently
2 when he does this, the - - the capacity will
3 increase because of the bathrooms, the ingress,
4 the egress, fire codes and everything. You know,
5 the place is already existing. It's been there
6 for a long time. How do you pluck - - How do you
7 pluck this one place out? You have - - You have
8 this - - I think whoever drew this simple map and
9 brought it down here, I appreciate this, because
10 this is a lot easier than understanding the stuff
11 we got of our LRV sometimes. How do you - - How
12 do you pluck one place out of here and say we're
13 going to close this and thin it out, without, you
14 know, without having a real cause to do that.
15 Why not take one of the other places out to
16 lessen the load in the neighborhood? This is - -
17 This is - - For me, this is just an extremely,
18 extremely difficult decision.
19 You know, and as far as, and I'm - -
20 I'm quite familiar with the neighborhood. I do
21 not frequent the places down there, but I - - I
22 go through that part of the city very, very
23 often. You talk about motorcycles. I see rows
24 of motorcycles in front of one of these other
25 places that we all consider to be no threat to

00214

1 the neighborhood. I see the - - I understand - -
2 I was so happy that - - that - - that Groppi's
3 opened up there and they're flourishing and
4 everything. But they really draw a lot of
5 traffic in there, because I do shop there once in
6 a while, and I'll tell you, it's - - There's a
7 lot of traffic generated by Groppi's, especially
8 after work. You go there at like 4:30 - five
9 o'clock after work because I want to do some
10 shopping, pick up some fresh stuff from there,
11 their deli department there. And it's - - It's
12 very difficult and it's a little bit frustrating.
13 If I - - If I lived in the neighborhood and
14 didn't have off-street parking, I'd probably be a
15 little upset with them. I'd say, by God, they
16 got so popular. I don't have anyplace to park my
17 car. I got to go park three blocks away. And
18 I'm - - You know, I'm - - I'm able bodied, but
19 perhaps if I were older or less able bodied, that
20 would bother me even more.

21 So I think when you tell this - - If
22 we're telling this gentleman that he cannot do
23 his, what's termed this expansion, we're
24 effectively plucking this place out. But because
25 I think I see no reason then - - He's - - He's

00215

1 kind of stuck. The - - The alderman would desire
2 that Mr. Uecke would find a new location,
3 perhaps, like on Kinnickinnic or something, and
4 that all sounds like a great, great solution. I
5 mean, the problem is if you put yourself in his
6 shoes though, if this - - if you have bought that
7 building and you had - - had invested a good
8 portion of your life in running that business and
9 somebody's coming along and saying to you I think
10 you should move - - pick up and move your
11 operation to Kinnickinnic or something, that's
12 - - that's a little hard to take. You got to put
13 yourself in his shoes. I don't see him as
14 wanting to do this expansion because he wants to
15 increase his capacity. I see him because he
16 wants to improve his building. So, again, the
17 question comes to my mind is - - is - - And even
18 if somebody else came in there, a different
19 operator with a different venue, they're - -
20 they're going to - - obviously the - - the
21 bathrooms and the services inside there are
22 - - are - - are beyond what's acceptable anymore.
23 Whoever came in there would want to do probably
24 exactly what he's doing, or might have to, you
25 know, because he can operate like this because

00216

1 he's grandfathered there. I'm sure if this went
2 through change of ownership now, there would
3 probably be some problems, and the new person
4 would come in there and say - - probably present
5 a plan real similar to this, and say this is what
6 I have to do to buy this place and operate it.
7 And - - And you'd be in the same situation.

8 So the choice is - - The choice is
9 plucking this place out of the neighborhood
10 completely. That's what - - That's what the
11 question is to me. It's not leave him alone as
12 he is or allow him to do this expansion. It's
13 basically and eventually it's going to shut - -
14 Eventually the place is going to shut down. And
15 if - - if Mr. Uecke decides to move to a
16 different location if he does decide to do that,
17 I mean, which he may, against his will, and
18 somebody else might come in there, the alderman
19 might come in and say, you know, this is a
20 concentrated area. But we've got a place that
21 has the - - It's been a business for, how many
22 years have they sold alcohol there?

23 MR. WHITCOMB: Nearly 100.

24 THE WITNESS: Nearly 100 years, and
25 there's no real police record, and there's no - -

00217

1 nothing rises to the level that I would consider
2 unfit location. How do you call that shot? So
3 this is a - - It's a problem. This neighborhood
4 has - - has become so popular. There's a lot of
5 inherent problems here. We go back to this - -
6 You go back to the issue about parking. I also
7 live in a neighborhood that is over 100 years
8 old, and that was all built before the advent of
9 the automobile. There was no consideration put
10 in there for it, for the automobile. We don't
11 have parking lots. And as the - - as we start to
12 revive our neighborhoods and rehab them and small
13 businesses move in and start to flourish, they
14 bring more cars and the problem - - problem is
15 exacerbated. And there is - - There - - There is
16 just - - There's no easy answer for that. It's
17 just - - It's going to happen because your
18 neighborhood's become popular.

19 I think that Mr. Uecke in some - - I
20 mean, I've heard - - Listening to this testimony
21 and everything, I - - I don't think he's run
22 roughshod across the neighborhood. Although I
23 don't think he's paid perfect attention either.
24 But neither have some of these other places that
25 I see in the neighborhood. I don't see them as

00218

1 being - - being the best and most pleasant
2 neighbors either. I think there's a - - I think
3 there's just a - - These bar owners - - These - -
4 These owners of these small venues just have
5 their hands full just running their businesses,
6 much less having time to walk up and down the
7 block and visit with all the neighbors. Kind of
8 similar to like us alderpersons here. When every
9 time I go out in the neighborhood, the people say
10 to me, boy, we wish we saw more of you out in the
11 neighborhood. I hear that - - I hear that
12 constantly.

13 But when they don't see me in the
14 neighborhood, I'm not sitting across the street
15 at Starbucks eating a scone and drinking a soy
16 latte'. I'm - - I'm working. I'm doing
17 something. And when the - - When the situation
18 rises to the occasion where I have to walk down
19 the block and get a consensus and talk to people,
20 then I'll be down the block doing it. But if
21 not, I'm - - I'm putting out fires some place.
22 I'm not sitting on my rear end. So the same
23 thing, if you don't see the bar owner walking
24 down the block all the time and getting your
25 opinion as to how things are going, it doesn't

00219

1 necessarily mean that he doesn't care.

2 So I'm really stuck on this, but I will

3 - - I will not support the motion, because I

4 don't feel that this - - I don't feel that this

5 improvement that he's planning to do is for the

6 - - the sole purpose of increasing his capacity.

7 And I don't want to be - -I don't want to be the

8 one that makes the decision that says we're going

9 to pluck this place out at this point in time.

10 So now I'm interested in hearing what the other

11 two committee members have to say.

12 All right. Let's take a roll call on

13 the motion.

14 MADAME CLERK ELMER: Alderman Bohl?

15 ALDERMAN BOHL: No.

16 MADAME CLERK ELMER: Alderman Puente?

17 ALDERMAN PUENTE: Aye.

18 MADAME CLERK ELMER: Alderman Dudzik?

19 ALDERMAN DUDZIK: Aye.

20 MADAME CLERK ELMER: Mr. Chair?

21 CHAIRMAN WITKOWIAK: No.

22 MADAME CLERK ELMER: Motion fails.

23 CHAIRMAN WITKOWIAK: Motion fails on a

24 vote of two to two. This matter is still in

25 committee.

00220

1 ALDERMAN ZIELINSKI: Point of order,
2 Mr. Chairman. Is - - Is it as far as
3 parliamentary procedure is concerned, cannot this
4 motion go to the full Common Council with a tie
5 vote? I would defer to Mr. Schrimpf on this
6 issue.

7 CHAIRMAN WITKOWIAK: Some - - Somebody
8 on this committee would have to make that motion.

9 MR. SCHRIMPF: Yeah. And I'm not the
10 parliamentarian of the Council. Typically what
11 happens when - - when there is a deadlock, there
12 is a motion made to approve, find out if there is
13 a deadlock there, and if there is, then there's
14 usually a motion made to hold until the other
15 members of the committee can get here and break
16 the tie.

17 CHAIRMAN WITKOWIAK: I would be - - I
18 would be reluctant to send this to Council
19 without recommendation, because I'll tell you
20 what. We're going to - - We're going to tie up
21 the time of 15 alderpersons and a lot of other
22 associated people who don't have a - - Let's see.
23 12 of them, who don't even have a clue where Bay
24 View is, and then we got - - and then we got to
25 try and explain this all to them, what - - what

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1 the problem is, why the committee couldn't make a
2 decision. I would be very reluctant to send it
3 to - - to send it to Council that way. It would
4 be - - It would not be a good idea.

5 MR. SCHRIMPF: Mr. Chairman, just to
6 advise the committee, and I suppose in the event
7 that the committee were to deny this, I'd - - I'd
8 have to explain to the license applicant anyway.
9 But under the provisions of 90-13, there has to
10 be a recommendation of this committee, and if the
11 recommendation is adverse, he has the right to
12 appeal it to the full Common Council. In English
13 that means that we're going to have to prepare
14 Findings of Fact to Conclusions of Law, and
15 there's going to have to be a transcript made in
16 any event.

17 ALDERMAN BOHL: Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Alderman Bohl.

19 ALDERMAN BOHL: Mr. Schrimpf, are - -
20 So literally what you're saying, and - - and
21 normally what happens if there is a new
22 application, there is no appeal right to the
23 Common Council.

24 MR. SCHRIMPF: That is correct. But
25 this is an alteration to a premises. And the - -

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1 And the ordinance clearly gives a right to the
2 Common Council, if there's an adverse
3 recommendation.

4 ALDERMAN BOHL: I would move
5 reconsideration of the motion as previously made.

6 CHAIRMAN WITKOWIAK: Motion by Alderman
7 Bohl is to move for reconsideration. Are there
8 any objections of that motion? Hearing none, so
9 ordered.

10 The motion is to recommend denial based
11 on - -

12 MR. SCHRIMPF: Neighborhood objections.

13 CHAIRMAN WITKOWIAK: Neighborhood
14 objections.

15 ALDERMAN BOHL: Mr. Chairman, my - -

16 CHAIRMAN WITKOWIAK: Alderman Bohl.

17 ALDERMAN BOHL: Let me just provide a
18 rational. I - - I will tell you that I am as
19 true as you indicated, this is truly a tale of
20 two cities, and compelling arguments on both
21 sides. I - - You know, I could truly fall either
22 way. And - - And I will tell you the one stark
23 thing is how much of a generational issue, and I
24 understand that - - that there's home ownership,
25 but this is a generational issue between parents

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1 and children, and you see that right now in the
2 room that I'm looking at, very much so.
3 Notwithstanding what recommendation if the
4 recommendation fails, either way, he is going to
5 wind up going before the entire Council and
6 Alderman Zielinski will be making a case to
7 council members one way or another provided - -
8 If this goes to Council with a positive
9 recommendation, Alderman Zielinski's doing his
10 due diligence if he doesn't back the position
11 that he's backed with area neighbors to try to
12 garner opponents before the entire Council and
13 the same is true whether it's a negative
14 recommendation, and Mr. Whitcomb has the ability
15 to do otherwise.

16 I just would prefer to move it forward
17 here at this point, and I understand that we - -
18 This is going to be an issue not unlike many
19 others where the Council members do not have the
20 fortunate benefit to have five or whatever hours
21 we've put into our 13 and a half hour day or
22 whatever it's been at this point. I would just
23 prefer us to move forward with the motion and
24 whether - - whether the Council has the - - the
25 knowledge or understanding that - - that we have

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1 from taking the testimony, quite candidly, I
2 don't know if it's going to make a difference,
3 because I think that for many of us, is it half
4 full or is it half empty. And that's where I am
5 after five hours, so.

6 CHAIRMAN WITKOWIAK: The motion has - -
7 The motion by Alderman Dudzik is to recommend
8 denial based on neighborhood objections. We have
9 a - - a roll call on that motion.

10 MADAME CLERK ELMER: Alderman Bohl?

11 ALDERMAN BOHL: Aye.

12 MADAME CLERK ELMER: Alderman Puente?

13 ALDERMAN PUENTE: Aye.

14 MADAME CLERK ELMER: Alderman Dudzik?

15 ALDERMAN DUDZIK: Aye.

16 MADAME CLERK ELMER: Mr. Chair?

17 CHAIRMAN WITKOWIAK: No.

18 The motion passes on a vote of three to
19 one.

20 And I want to thank everyone for coming
21 down here and providing testimony for us. You
22 can see how - - You can see how difficult at
23 times some of these decisions are that we have to
24 make. I'm sure that - - I'm sure that we have
25 not heard the last of this at this point. But I

00225

1 just want to say I just really appreciate
2 everyone coming down here, and providing their
3 testimony to us today.

4 MR. WHITCOMB: Mr. Chairman, I don't
5 mean to put the city attorney's office on the
6 spot, but, of course, I'll be counseling my
7 client legally hereafter. What will the appeal
8 process entail? Certainly not going to be
9 similar to the process as pointed out on
10 revocation or suspension. An appeal is basically
11 on the merits, and I want to know how we, as
12 attorneys, are going to present and prepare to
13 the Council written findings as well as an
14 argument. Because my client's alternative is
15 going to the Circuit Court to seek a writ of
16 mandamus to the Department of Neighborhood
17 Services to issue him his building permit, which
18 I believe he's entitled to.

19 MR. SCHRIMPF: Well, Mr. Whitcomb, I'm
20 going to be doing Findings of Fact and
21 Conclusions of Law, and submitting them to the
22 committee for approval and signature, and it will
23 be scheduled before the meeting - - a meeting of
24 the Common Council. I don't think it has to be
25 scheduled with the next meeting, but certainly a

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1 meeting, and that's up for other people to
2 decide. And that's what I have to do, and you do
3 what you have to do. We're all lawyers. We're
4 big kids.

5 MR. WHITCOMB: It is the Code of the
6 City of Milwaukee that says we are entitled to an
7 appeal. The language distinct from anything else
8 in Chapter 90. I would request that your office,
9 as a legal counsel to the city, explain to me as
10 well as the Common Council, what the appeal
11 process is. Because if necessary, I will bring
12 all of these people to the Common Council to
13 testify once again. There's nothing in the
14 appellate process that says I cannot do that. Is
15 it an appeal on the record? Is it an appeal de
16 novo. All I'm asking is for an interpretation,
17 so I can adequately counsel my client.

18 MR. SCHRIMPF: Mr. Whitcomb, I have
19 read you the ordinance. You can read the
20 ordinance just as well as I can read the
21 ordinance. I've also told you what I'm going to
22 do. And you told me what you were thinking of
23 doing. You do what you got to do. I'll do what
24 I know I have to do.

25 MR. WHITCOMB: That's the finest

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1 description of the due process I've ever met in
2 my entire life.

3 CHAIRMAN WITKOWIAK: Thank you. Thank
4 you, every one, for appearing here this evening.

5 MR. WHITCOMB: To whatever process
6 which we're entitled to we make it up as we go
7 along.

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2 STATE OF WISCONSIN)
MILWAUKEE COUNTY)

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5 I, SANDRA BLUM, of Milwaukee Reporters
6 Associated, Inc., do certify that the foregoing
7 transcript was reduced to writing under my direction
8 and that it is a true and accurate transcription of
9 the Utilities and Licenses Committee Hearing held on
September 13, 2005.

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SANDRA BLUM - COURT REPORTER

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Dated this day of September, 2005

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