

**CHAIR**

- Licenses Committee
- City Information Management Committee

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- Milwaukee Arts Board

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- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

December 10, 2018

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 181070 contains the following recommendations:

Renewal, with a fifteen (15) day suspension, based upon the police report, and applicant, aldermanic, and neighborhood testimony of the Class B Tavern, Public Entertainment Premises, Food Dealer, and Sidewalk Dining licenses for Joseph Mclean for the premises located at 725-729 N Milwaukee St ("The Garden/Lucid") in the 4th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the police report and neighborhood testimony of the Class B Tavern, Public Entertainment Premises, and Food Dealer licenses for Odean Taylor for the premises located at 5007-09 W Center St ("Jay's Uptown Cafe") in the 15th aldermanic district.

Respectfully,

A handwritten signature in black ink, appearing to read "Nik Kovac".

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 181070



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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 7, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, Public Entertainment Premises (PEP), and Sidewalk Dining Licenses of Joseph Mclean, for the premises located at 725-729 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("The Garden/Lucid").

**FINDINGS OF FACT**

1. Joseph Mclean (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, PEP and Sidewalk Dining Licenses for the premises located at 725-729 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("The Garden/Lucid"). Said licenses expire at midnight on December 28, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 22, 2018.
3. Pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On November 27, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On November 27, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on December 4, 2018, commencing at approximately 10:00 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, with counsel, Attorney Sean Finnigan, and admitted receipt of the notice of hearing.
5. **Based upon the sworn testimony heard and the evidence received at the November 14, 2018 hearing, the Committee finds the following:**
  - A. On March 17, 2018, the Licensee was cited in the City of Milwaukee at 218 North Water Street for:



Charge: Excessive Noise Prohibited  
Finding: Guilty  
Sentence: Fined \$240.00  
Date: 5/4/2018  
Case: 18037241

- B. The Licensee stated they put in noise proofing with insulation. He stated the door men help clean up the trash and there are closing procedures in place. He stated they have moved the speakers around to help with the noise. He stated they had a sound technician come in and turn the music down as much as possible.
- C. Atty. Sean Finnigan stated people use The Garden from time to time for overflow purposes. He stated that because a wall is shared that can contribute to the noise. He stated the complainants can call the manager regarding noise complaints. He stated they have been working with sound technicians to try and mitigate the volume. He stated that additional steps can be taken for sound engineering and they can meet with the neighbors regarding the noise. He stated they can meet with an architect regarding the historical nature of the building and volume. He stated he has heard from some neighbors that older windows can be an issue, and that he expected a neighbor testifying in support of the business to explain further. He stated one of the complainants did not contact the premises, so they cannot address issues they are unaware of. He stated they can look in to sound engineering and want to make sure people on Milwaukee St are happy. He stated they can work with the homeowners next door and does not think a suspension is appropriate.

Individual present in opposition:

- D. Jameson Snider, 715 N Milwaukee Street, Unit 215, testified that he moved in in April and the bass is loud and he can feel his walls vibrating from 10:00 p.m. - 2:00 a.m. every day that the premises is open. Mr. Snider stated there was no resolution after three months and communicating with the employees every other week. He stated he has called the police numerous times regarding noise issues in October and November. He stated the police showed up and he requested a citation be issued. There was no record of the citation in the police report beyond the citation listed above, Mr. Snider further explained that his unit is three store fronts away and more than 50 ft, but the police never entered his home to hear the music or feel the bass. He stated that he was told by the premises that sound proofing is expensive and he has trouble sleeping.
- E. Mr. Snider further testified that he believes there are Americans With Disabilities Act concerns because there was a canopy obstructing the entire sidewalk with only two feet to walk and sometimes there are theater ropes up. He stated the canopy has come down and it can be difficult walking around after

midnight with people thinking others are cutting the line. He added there is trash and vomit after Friday and Saturday nights.

- F. Erin Donnegan, 715 North Milwaukee Street, Unit 304, stated the club noise has gotten worse over the past year and her quality of life has decreased drastically. She stated the noise through the wall is so loud and clear she can hear the words to songs and what the DJ is saying. She added that the bass vibrates her walls. She stated she is unable to get enough sleep because of the noise, and earplugs or headphones do not work. She stated she can feel the bass in her bed at night. She stated when she moved in The Garden was only used for special events, but now it is open every night for overflow. She stated she has called the police and they responded. She stated the noise is every Thursday through Saturday.

Individuals present in support:

- G. Jacqueline Bornek, 715 North Milwaukee Street, Unit 305, stated she had her windows replaced in September and she does not have any shared walls with the premises. She stated there was a lot of noise before her windows was replaced. She stated she can hear mild bass, but it has not affected her. She stated she has had issues with people parking in the alley, but the manager is responsive and offer her their parking space. She stated she does not want any more vacant storefronts on Milwaukee Street. She stated her bedroom is adjacent to the premises and she could hear bass and people yelling in the alley before she replaced her windows.
- H. Reynaldo Franklin, 826 N Cass Street stated he is the head security guard outside and his employees clean up prior to leaving on Thursday, Friday, and Saturday. He stated the canopy is for weather purposes only and leaves five feet of space to walk and wheelchairs can get through. He stated the canopy and ropes are not up all night. He stated complainants should contact the manager. He stated the premises are a safe and fun environment for everyone.
- I. Alderman Bauman stated there was testimony from two very credible witnesses about the noise who have no economic interest in the premises, who just want to live next door, live their lives, and sleep a normal amount of sleep. He stated there is nothing they can do to quietly enjoy their homes. He stated it is totally unacceptable that the noise is affecting their quality of life. He stated the sound proofing of the premises needs to be completely reengineered. He recommends a 30 day suspension.
- J. Alderwoman Coggs stated she hopes that the owner is responsive to resident complaints and is not blocking the sidewalk or impeding the ability for people to walk down the sidewalk. She asked if anyone has been brought in to address noise mitigation.



- K. Alderman Witkowski stated there have been two written warnings for the premises previously.
  - L. Alderman Witkowski moved approval with a 15 day suspension based on neighborhood testimony. (Prevailed 3-1-1)
6. **At the November 27, 2018, Common Council meeting, the Council voted to remand this matter to the Licenses Committee to take additional testimony. Based upon the sworn testimony heard and the evidence received at the December 4, 2018 Licenses Committee hearing, the Committee finds the following:**
- A. On November 18, 2018, at 1:52 a.m., Milwaukee Police Department officers were dispatched to a noise complaint at 715 North Milwaukee Street, #304. The caller stated that the music coming from Lucid, 729 North Milwaukee Street, was too loud and was keeping her awake. The officer could hear music coming from Lucid and voices on the street. The officer did not feel any vibrations from the music. The officer was not able to speak with the agent because Lucid was closed when the officer finished speaking with the caller.
  - B. Attorney Sean Finnegan stated the call on November 18th highlights neighbor complaints regarding when music and vibrations are heard, but cannot be confirmed by the police. He stated that there was a lightning strike earlier this year that caused damage to the AV equipment. He added that neighbors to the north were complaining about noise, and the system had to be recalibrated. He stated the applicant is working with a sound engineer to deal with the noise and reconfigured everything. He explained the windows in the back are old historic windows and that's where the sound is likely coming from, they plan to replace and sound proof the windows. In response to a question from Ald. Cogg, he explained that there are currently no plans for the wall because the sound engineer stated the windows are the issue because the sound bounces off the windows in to the alley and creates an echo chamber. He stated he will be hiring an architect and it will take several weeks. He stated the Licensee is willing to work with neighbors to solve the noise issues. He added that the applicant is trying their best to find a solution.
  - C. Denato Salvo 850 East Orchard Ct Oak Creek, stated there was a lightning strike in June that fried the sound system. He stated he called the sound specialist in August and sound limiters, sound processors, speaker management system, and amps were fried, and not regulating the output. He stated he went in to a south unit and August and could faintly hear music. He stated MPD responded to noise complaints but did not issue citations because the music wasn't that loud. He stated he met with residents and tried to move the speakers to accommodate the neighbors. He testified that he has received noise complaints before from the condos to the north, but he solved the issues with sound processors. He stated

when he met with the sound engineer and there was a lot of sound leaking from the back of the building. He stated that the premises have been in operation for 4 years and he heard noise complaints before but they were able to solve the problems with sound processors. He stated the process with the architect will take 4-6 weeks. He stated that because of Thanksgiving the sound engineer has not been to Ms. Erin Donegan's home. He stated after the last hearing he disconnected 2 subs, removed 3 speakers, and turned everything down. He stated the changes will cost \$35,000, will put acoustic mats under the speakers, and will turn the music down until a solution is found. He added that he would close Thursdays until the issues are resolved.

Individuals present in opposition:

- D. Johnna Scorsa 715 North Milwaukee Street, Apartment 205, stated Mr. Salvo came to her apartment in June to hear the music. She stated the bass can be heard and felt on Friday and Saturday nights and she has called MPD four times, including on November 23, 2018. When the police officer responded, the officer declined to write a citation because his body camera would not be able to pick up the vibrations. She stated the noise has caused anxiety lack of sleep for her and her boyfriend, and her boyfriend wears headphones to try and drown out the noise. She added that she has tried to work Mr. Salvo numerous times, but nothing has changed. She stated that patrons use her private parking spots in the alley, drink in the alley, and are rowdy. She stated when she confronted the patrons they told her that they could park there because their cousin had. She added that a Journal Sentinel article stated the premises practices discrimination. She stated that she installed sound proofing on her bedroom wall and she can still feel the vibrations on the wall. She stated she moved in in May and her landlord stated that noise previously hadn't been an issue. She stated she put plastic on her windows for the winter.
- E. Erin Donegan, 715 N Milwaukee Street, Apartment 304, stated she called MPD on November 18<sup>th</sup> regarding the noise and the officers were able to hear the noise. She stated she received a call from Mr. Salvo who stated the audio engineer would be contacting her, but no one has contacted her since. She added that she has a video of the noise on her cell phone. She stated the noise has not changed since the November hearing and it is continuing to affect her sleep and home life. She added that she can hear noise throughout her condo, not just in the rear bedroom facing the alley. She added that she bought her condo in October 2016 and the noise has gotten much worse in the last 11-12 months. She stated that she would be happy to have anyone come in to her unit to find a long term solution to the noise issue.
- F. Alderwoman Lewis asked how long the premises have been in operation, and if this is the first time the Licensee has heard of noise issues. She stated that the architect should take a look at the wall as well. She stated that she has not seen a



good faith effort and complaints are still happening. She added that there needs to be a long term solution so the residents don't have to be dealing with the noise.

- G. Alderman Bauman stated the simplest solution is to turn the music down, and the music does not need to be as loud as it can possibly be. Ald. Bauman asked Ms. Donegan how long there have been noise issues. He stated neighbors have returned with strong testimony and the application was returned to committee because the Licensee stated there was a plan. He added that he has not heard a sufficient plan to address the noise issues. He added that the windows need to be replaced by December 18th and the neighbors should contact him regarding any noise differences.
- H. Alderwoman Coggs asked what the plans are for the shared wall. She asked what the time frame was for these changes.
- I. Alderman Kovac stated he was expecting more from the Licensee than the steps they have currently taken. He added the real solution is to turn the music down so the neighbors can sleep at night. He asked if the music can be lowered massively until the architect is hired and the work is done.
- J. Alderwoman Lewis moved approval with a 15 day suspension based on the police report and aldermanic, applicant, and neighborhood testimony. (Prevailed 3-0-1)

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Joseph Mclean who holds Class B Tavern, Food Dealer, Public Entertainment Premise (PEP) and Sidewalk Dining licenses for the premise located at 725-729 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("The Garden/Lucid") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Class B Tavern, Food Dealer, Public Entertainment Premises and Sidewalk Dining licenses without undergoing a fifteen (15) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report and applicant, aldermanic, and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class B Tavern, Food Dealer, Public Entertainment Premise (PEP) and Sidewalk Dining licenses without undergoing a fifteen (15) day suspension for the premises located at 725-729 North Milwaukee Street in the City and County of Milwaukee, Wisconsin ("The

Garden/Lucid"). The Committee based its recommendation on the police report and applicant, neighborhood, and aldermanic testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, zero (0) noes, one (1) excused, and one (1) abstain**, recommends that the Class "B" Tavern, Food Dealer, PEP and Sidewalk Dining Licenses of Joseph Mclean for the premises located at 725-729 North Milwaukee Street ("The Garden/Lucid") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a fifteen (15) day suspension based upon neighborhood testimony.

The suspension is in effect between 12:01 a.m. on December 29, 2018 until 11:59 p.m. on January 12, 2019.

Dated and signed at Milwaukee, Wisconsin this 7th day of December, 2018.



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NIC KOVAC  
Chairman, Licenses Committee

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- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

- Steering and Rules Committee
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- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 7, 2018

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Odean H. Taylor, for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe").

**FINDINGS OF FACT**

1. Odean H. Taylor (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe"). Said licenses expire at midnight on December 30, 2018.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 17, 2018.
3. Pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On October 17, 2018, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On November 21, 2018, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on December 4, 2018, commencing at approximately 10:05 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. On January 10, 2017, a meeting was held at Milwaukee Police Department District 3 with the Licensee. The Licensee stated he was has 5-6 security



personnel and eight cameras. He has an ID scanner but does not use it for every patron. He stated all patrons are wanded at the door. The Licensee was advised to use the ID scanner for all patrons, improve his camera system and to call the police before incidents become larger problems.

- B. On January 22, 2017, at 2:10 a.m., security from Jay's Uptown Café called to report two males with guns and females fighting in the alley. The subjects had left prior to the officers' arrival.
- C. On February 4, 2017, at 1:08 a.m., security from Jay's Uptown Café called 911 and reported that there was a fight and there were now three subjects with guns outside the premise. The officers spoke with security who stated they were at capacity and people became upset when they could not enter the tavern. Security used pepper spray then observed three people with guns. The subjects were gone when the police arrived.
- D. On February 19, 2017, at 1:47 a.m., officers responded to a ShotSpotter call at 4933 West Center Street. The officers located two victims with graze wounds at 50<sup>th</sup> Street and West Center Street. The witness stated all parties in the shooting were drinking at Jay's Uptown Café just prior to the shooting.
- E. On March 25, 2017, at 1:18 a.m., officers were dispatched to Jay's Uptown Café, 5007 West Center Street for a subject with gun complaint. The officer observed a group of females being kicked out of the tavern. One female was requesting her property from inside. The Licensee stated they could not locate the property. When the officers came back out the females were gone. No one approached the officers about a subject with gun.
- F. On April 22, 2017, at 1:59 a.m., officers responded to Jay's Uptown Café, 5007 West Center Street, for a subject with gun complaint. The officer spoke with the Licensee who stated there was no problem and the call was for his armed security guard escorting someone to their vehicle.
- G. On May 14, 2017, at 10:58 p.m., an officer observed a group of 100-150 people standing near the entrance to Jay's Uptown Café, 5007 West Center Street and cars cruising the area. The officer observed the entrance to the bar was blocked and the bar was not letting any more patrons in the bar. The Licensee was advised to have his security clear the crowd. The crowd refused and more officers responded. The large police response resulted in a back log of calls for service.
- H. On May 21, 2017, at 11:25 p.m., officers responded to a noise nuisance complaint at Jay's Uptown Café, 5007 West Center Street. The officer advised the premise to keep the music down and the caller was satisfied with that resolution.

- I. On February 4, 2018, at 2:00 a.m., officers were dispatched to shots fired at 5007 West Center Street. The officers interviewed the caller by phone who stated one of the security guards pulled out a gun and discharged it several times. The caller was advised to return to the scene but she never returned. The officers interviewed security who stated there were two groups of females who were arguing and told to leave. None of the guards pulled a gun or discharge any rounds. There were no reports form "ShotSpotter" and the officers determined the call to be baseless.
- J. On February 8, 2018, officers were conducting a tavern check at Jay's Uptown Café, 5007 West Center Street when security flagged them down. The security guard stated a subject became upset at being denied entry because of capacity. The subject reached towards his waist band and threatened the security guard. The subject ran when police attempted to stop him and he was taken into custody a few blocks away.
- K. On March 3, 2018 at 1:45 a.m., officers were dispatched to Jay's Uptown Café, 5007 West Center Street, to investigate the tavern possibly being over capacity and illegally parked cars. When the officers arrived the patrons were leaving because the tavern was closing. There were cars stopped on West Center Street, picking up patron, blocking traffic. The officers provided traffic control until the crowd left.
- L. On March 25, 2018 at 11:10 p.m., officers observed a large group of people and vehicles in front of Jay's Uptown Café, 5007 West Center Street. The people were blocking the front door preventing the door from opening. The officers and tavern security made announcements to clear away from the door, but the people continued to block the door. At one point security did kick out two groups of females who then started to fight outside the tavern. Additional squads were called and the business was closed for the night because security could not control the crown.
- M. On May 25, 2018, at 1:26 a.m., officers were dispatched to three ShotSpotter calls in the area of North 50<sup>th</sup> and West Center Street. There were also numerous calls for shots fired with the callers referencing Jay's Uptown Café. When officers arrived they observed people running and casings in front of the business and more at the rear of the business. They also located a vehicle parked directly in front struck by a bullet. No one was able to provide a description due to the number of people in the area. The business's security cameras were not functioning during the incident.
- N. On July 25, 2018, at 1:24 a.m., officers observed a fight outside of Jay's Uptown Café, 5007 West Center Street. The officers called for additional squads to clear the crowd. The Licensee closed early because of the fight and advised his security to clear the patron from the area. An additional fight occurred as people



were walking to their cars. Officers had to use O.C. Spray to stop the fight and several people were arrested.

- O. The Licensee stated the February 4th incident was because a patron could not come in, and the February 8th incident was a result of him flagging down the police. He added that the incident in early March occurred as his business was closing, and the incident on March 25th was his birthday and they were at capacity. He stated the May incident was shots fired and they have had issues with patrons who are not let in to the premises. He stated that the incident in July was a fight and he closed early because of the fight. He asked Ms. Burk how many accidents occur at the intersection. He stated that he has an ID scanner and people park in the laundry mat parking lot and on the street. He stated that he has security guards in the street directing traffic, and worked with Ald. Rainey to prevent people from parking in the field. He added that security can make an announcement if people are parked illegally. He added that he has 5 security guards and 1 is armed. He stated he is getting better, and they are weeding out bad customers. He added that he plans to keep a list of banned patrons. He stated that he is in a unique part of the City because he borders 3 aldermanic districts. He added that whenever he was called by a resident he has responded. He stated that he is concerned with stabilizing the neighborhood and purchased a foreclosed property next to his building.
- P. Attorney Michael Maistelman stated the police record speaks for itself and the video system was down because it was being updated. He stated the Licensee will be meeting with District 3 on December 12th to discuss what can be done to address the concerns of the neighbors. He added that the Licensee is active in the neighborhood, and would like to involve the neighbors. He stated progress has been made and an ID scanner was purchased and security guards were hired.
- Q. Dameon Ellzey, 15th District Legislative Assistant stated the Licensee has gotten better, is on the BID board, and attends community meetings. He stated that the Licensee should start going to meetings in Alderman Khalif Rainey's district, because the business does border that aldermanic district as well. He stated that the Licensee picks up litter and contacts Ald. Stamper monthly. He added that he is an asset to the area and works well with Alderman Russell Stamper.

Individuals present in opposition:

- R. Louretta Turnbull, 2728 North 50th Street, stated the patrons do not respect the neighborhood and they drink and party on their way in and out of the premises, and they park on the residential streets and are loud. She added there are booze bottles lying around. She added that when the door to the premises is open she can hear the music in her house. She stated the night before Thanksgiving was horrible and cars were racing on the street. She added that she doesn't always call the police. She added that her sleep is interrupted every Wednesday, Friday, and Saturday night because of the noise. She stated that something needs to be done.

In response to a question from Atty. Maistelman, she added that she is 6 houses north of Center Street on 50th. She further testified that the premise has been loud since 2013. She stated that she never complained to her alderman before and now the neighborhood is coming together to do something about the premises.

- S. Alma Burks, 2719 North 50th Street, stated she has talked to the applicant about the noise, parking, littering, parking, shooting, and fighting by his patrons. She stated that patrons party in her alley and there was a security guard posted outside, but he no longer appears to be stationed there. She added that the street used to be blocked off so people could not park on her street, but it stopped. She stated two patrons were so drunk they hit 5 parked cars and other patrons were stealing out of vehicles. She added that a security guard saw it happen, but then went back inside the premises. She added that there is constant noise from traffic and she hears motorcycles and people making U-turns on Center Street. She stated the traffic is blocked and buses cannot get through and patrons are just watching it. She added that Wednesday night is Hennessey night and the location is extra busy. She stated patrons have taken decorative bricks from around her tree and used them to break car windows. She added that one night there were 26 cars in the corner store parking lot which can only hold 6 cars. She stated cars park in front of fire hydrants and all over the place. She stated that one of the security guards got in to a fight with a lady and people were running around with guns, then they ran in to the premises. She added that she has tried to call the Licensee about the problems, but he did not answer, so she left a message, and called the police. She stated she has seen 10 accidents on the street. She added that the incidents occur year round. She stated, based on the name of the business, she believed it was going to be much different type of establishment, but it is a full blown bar and does not fit the definition of a cafe.
- T. Alderwoman Lewis asked Ms. Burk if the incidents have decreased with the cold weather or if the problems are year round. She asked Ms. Burks what were her original thoughts of the premises. She stated she had not heard a plan to remediate the issues and concerns. She stated she would like to see a remediation plan regarding loitering, patrons partying, and what the security guards will do to guard the quality of life of the neighbors. She added that after the meeting with MPD the Licensee should meet with residents and provide the plan to Ald. Stamper.
- U. Alderwoman Coggs asked the Licensee if he has an ID scanner and the parking capacity and how it is controlled. She asked if staff is monitoring patrons parking. The Licensee testified that he has a verbal agreement with the owner of the laundromat to allow tavern patrons to park in the laundromat lot. He further explained that he was advised by the police that he could not block the street in an attempt to control traffic because emergency vehicle could not be impeded.
- V. Alderwoman Lewis moved approval with a 10 day suspension based on the police report and neighborhood testimony.



## CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Odean H. Taylor who holds Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses for the premise located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe"). The Committee based its recommendation on the police report, and neighborhood testimony.

## RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **two (2) ayes, one (1) noes, one (1) abstain, and one (1) excused**, recommends that the Extended Hours Establishments, Class "B" Tavern, Public Entertainment Premises (PEP) and Food Dealer Licenses of Odean H. Taylor for the premises located at 5007-09 West Center Street ("Jay's Uptown Cafe") in the City and County of Milwaukee, Wisconsin not be renewed based upon the police reports and Licensee testimony.

The suspension is in effect between 12:01 a.m. on December 31, 2018 until 11:59 p.m. on January 9, 2019.

Dated and signed at Milwaukee, Wisconsin this 7th day of December, 2018.



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NIC KOVAC  
Chairman, Licenses Committee