



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

May 4, 2007

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 061378

Attached are written objections for the following:

Nonrenewal, based on non-appearance, of the Class "D" Bartender licenses of Patrice Jordan

Renewal of the Class "B" Tavern, with a 10-day suspension, and renewal of the Tavern Amusement (Cabaret/Nite Club) license, with a 30-day suspension, based on neighborhood objection, of May Xiong, Agent for "Asian Moon, LLC", for the premises at 3419 W. Forest Home Ave. ("The Moon") in the 8th aldermanic district. (Committee vote: Ayes: 4, Noes: 1)

Renewal of the Class "B" Tavern license with a fifteen (15) day suspension, amending the premises to remove the beer garden from the premises, and amending the hours to be open until 10:00 p.m. Sunday through Thursday, and until midnight on Friday and Saturday nights, based upon neighborhood objection and the police report, of the Class "B" Tavern license of Martin Beaudoin, Agent for "CMR Foods, LLC" for the premises at 2498 N. Bartlett Ave. ("The Red Dot") in the 3rd aldermanic district. The written objections were filed by the licensee and by the complainant, Terri Kinis.

This matter will be heard by the full Council at its May 8, 2007 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,



JAMES N. WITKOWIAK

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
City Attorney's Office
Common Council/City Clerk – License Division
CCF 061378

CITY OF MILWAUKEE

07 MAY -3 PM 12: 55

RONALD D. LEONHARDT
CITY CLERK

May 1, 2007

Mr. Ronald D. Leonhardt
City Hall, Room 205
200 East Wells Street
Milwaukee, Wis 53202-3570

Dear Mr. Leonhardt

I received your letter that was dated April 27, 2007. Unfortunately the letter was deliver to me after my court appearance, which had a court date for April 24, 2007. I live in a high rise apartment building with twenty-five floors and nine apartments on each level. There was a mix up with the mail carrier and my letter was not left in the correct mailbox. I regret that there was a mix up with the mail and I am working on getting it resolved.

I am writing this letter to ask the Milwaukee Common Council to reconsider the renewal of my Class "D" Bartender's license. My license are very important to me, because I have a family to support and they depend on me to provide for them as well as for myself. Working is something I like doing and it helps me to keep working towards my goals. Thank you for your time and consideration your decision to renew my Class "D" Bartender's license would greatly appreciated.

Sincerely yours,



Patrice Jordan



Writer's Direct E-mail
fgimbel@grgblaw.com

May 2, 2007

Office of City Clerk
Ronald D. Leonhardt
200 East Wells Street
Milwaukee, Wisconsin 53202-3567

CITY OF MILWAUKEE
07 MAY -3 PM 8:12
RONALD D. LEONHARDT
CITY CLERK

Re: 3419 West Forest Home Avenue

Dear Mr. Leonhardt:

By this letter, I object to the recommendation of the Utilities and License Committee as it pertains to seeking a 10-day suspension of the Class "B" Tavern license held by Asian Moon and a 30-day suspension of the Tavern Amusement Cabaret Nite Club license. I also seek an opportunity to make an oral statement before the Milwaukee Common Council on May 8, 2007.

OBJECTIONS

1. In its findings of fact, paragraph 3, the Licensing Committee said: "There were neighborhood objections to loitering, littering, parking and traffic problems, disorderly patrons, loud music and noise, and conduct which is detrimental to the health, safety and welfare of the neighborhood." A review of the transcribed record will not comport with any specific findings by a committee members to that regard.
2. Proper notice was not provided to Asian Moon LLC of alleged police complaints before the time of the hearing. As admitted in the committee's findings of fact paragraph 3, a police department report was not provided to Asian Moon as a basis for non-renewal. A subsequent investigation of the Police Department's CAD reports indicates that there were no violations against the above-referenced address nor were there any substantial complaints, which required any police action. As a result, I would strongly urge that the Common Council respect the property rights of the licensee and renew licensee's license with an issue of warning due to insufficient notice of complaints and insufficient facts to support the suspension of my client's license.

TWO PLAZA EAST
SUITE 1170
330 E. KILBOURN AVE.
MILWAUKEE, WI 53202
P: 414-271-1440
F: 414-271-7680
WWW.GRGBLAW.COM



3. The findings of facts conclusions of law in paragraph 5A, 5B, 5E, and 5F are not supported by the facts as indicated by the following:
- (5A.) The adjoining neighbors testified to loud music emanating from this establishment that can be heard as far as one and one-half block away. A Sound engineer who measured the normal operating music levels of Asian Moon refutes the testimony of the two neighbors at the committee hearing. (See attached Exhibit 1 Letter from Sound Engineer Letter on Noise Levels)
 - (5B.) One neighbor testified that he had personally called the police on eight occasions in the last eighteen months regarding the excessive noise. Milwaukee Police reports indicates that in the last year only four calls have been made to the police department complaining of noise. Two occurred in May and June of 2006, and two occurred in March and April of 2007. No citations were issued from the police department and this evidence does not support the testimony of the two neighbors at the committee hearing. (See attached Exhibit 2 Milwaukee Police Department CAD Reports)
 - (5E.) The objecting neighbors also testified to litter that appears in the bushes of the parking lot used by customers of Asian Moon and owned by Aurora Pharmacy. A petition by Asian Moon's neighbors and a Letter of Understanding by Aurora Health Care establish that Asian Moon is good corporate citizen and confirm the agreement between the two corporate neighbors. This information refutes the testimony of the two neighbors at the committee hearing. (See attached Exhibit 3, 4 and 5 (Petition of the neighborhood, letter from Milwaukee's FireHouse, LLC and letter from Aurora Health Care)
 - (5F.) The Committee found the testimony of the objecting neighbors to be very credible. The attached Exhibits 1 through 5 directly contradict the statements made by the two neighbors at the committee hearing and therefore, call into question the credibility of the two complaining witnesses.

Finally, at the conclusion of the committee hearing, Alderman Wade requested that Timothy L. Baldwin address the change of entertainment request in Asian Moon's application. Please note that it was never the intention of Asian Moon to change its existing operations. In fact, Asian Moon has decreased the amount of entertainment options available to customers and therefore, submits the enclosed amended Amusement cabaret/nite club renewal application, to reflect its current operation.

For these reasons, I urge the Common Council to approve re-issuance of the Class B license with a warning letter rather than a 10-day suspension to the Class "B" Tavern license and re-issue the Tavern Amusement cabaret/nite club license with a warning letter rather than a renewal with a 30-day suspension.

Very truly yours,



FRANKLYN M. GIMBEL

Civil/Asian Moon/Objection ltr

cc: Alderman Robert Donovan
Alderman Willie Wade
Common Council

ALM FUSION, L.L.C.

9411R W. Greenfield Ave.

West Allis, WI 53214

Voice (414) 771-9202

Fax (414) 771-9212

Email amp@almfusion.comURL www.almfusion.com

May and Lee
 The Moon Nightclub
 3419 W. Forest Home Ave.
 Milwaukee, WI 53215

April 30, 2007

RE: Sound Level Analysis

The following is a list of decibel (db) measurements that I took Saturday night April 28, 2007 at The Moon Nightclub. I was assured that normal operating levels had been achieved before the measurements were taken. Please note db levels may vary more or less depending on the program music.

Measurement Location **Range**
Inside Club

1 meter from PA = 112 - 114 db
 DJ Booth (approx. 45' from PA) = 102 - 108.7 db
 NE Corner of Main Bar = 96.2 - 100.7 db
 NE Corner of Back Bar = 88.1 - 91 db
 By Main Entrance on 34th Street = 89 - 93 db

Outside Club

1 Meter from Main Entrance on 34th Street (Door Closed) = 80 - 85 db
 1 Meter from Main Entrance on 34th Street (Door Open) = 85.2 - 90 db
 East Side of 34th Street Directly across from entrance (Door Closed) = 59 - 65 db
 East Side of 34th Street Directly across from entrance (Door Open) = 70 - 78 db
 East Side of 34th & Forest Home across from entrance (Door Closed) = 59 - 63 db
 NW Corner of Building = 55 - 60 db
 Alley on South of Building = 61.9 - 65.7 db
 34th Street South of Building (@ Light pole #2743) = 57 - 61 db
 34th & Montana South of Building (approx. 3/4 block) = 55 - 60 db
 Passing car @ 34th & Montana = 68 - 71 db
 2815 34th Street (South of Building) = 42 - 47 db
 2812 34th Street (South of Building) = 44.2 - 46.3 db

Summary

In my experience the measurements taken appear to be normal nightclub conditions. I did not see any excessive levels around the outside of the building. As you can see a passing car was louder than the extremely faint music I heard from the club. In most cases, outdoor events are allowed to reach 105db @ the sound mixing position. That being the case you are well below that level.

If you have any questions what so ever, please do not hesitate to call!

Thank you.

Sincerely,


 Angelo Morgan
 ALM Fusion, L.L.C.



Detailed History for Police Call #061331849 As of 4/26/2007 13:42:36

Priority:4 Type:1625 - NOISE NUISANCE
 Location:3419 W FOREST HOME AV,MKE
 LocCross:btwn S 34TH ST and S 35TH ST

Created:	05/13/2006 23:46:49	PT18	010945
Entered:	05/13/2006 23:47:32	PT18	010945
Dispatch:	05/14/2006 00:44:11	PD02	006070
Enroute:	05/14/2006 00:44:11	PD02	006070
Closed:	05/14/2006 00:49:12	PD02	006070

PrimeUnit:62L Dispo:C9 Type:1625 - NOISE NUISANCE

Name: /ANON Phone: RPaddr:

Agency:MWPD DAREA:D6 Squad Area:6C RptDist:6195 Detail

23:46:49 CREATE Location:3419 W FOREST HOME AV,MKE Type:1625 Name: /ANON Phone:(414)
 /ANON DAREA:D6 RptDist:6195 TypeDesc:NOISE NUISANCE LocCross:btwn S
 34TH ST and S 35TH ST Priority:4 Response:IPO Agency:MWPD LocType:S

23:47:32 ENTRY Comment:CLR STS LOUD MSUIC COMING FROM BAR CALLED THE MOON AT
 LOC,,NFI

23:47:31 -PREMIS Comment:PPR

23:47:32 NOMORE

23:47:39 SELECT

23:47:47 HOLD

[05/14/2006]

00:43:54 SELECT

00:44:11 DISPER 62L Operator:014205 016264 OperNames:KAPITZ, LISA M MORRISON, ROBERT A

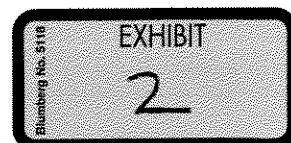
00:44:11 -PRIU 62L

00:44:11 -HOLD

00:49:12 CLEAR 62L Dispo:C9 Comment:BAR IS CLOSED

00:49:12 -CLEAR

00:49:12 CLOSE



Detailed History for Police Call #061611896 As of 4/26/2007 13:43:08

Priority:4 Type:1625 - NOISE NUISANCE
 Location:3419 W FOREST HOME AV,MKE
 LocCross:btwn S 34TH ST and S 35TH ST

Created:	06/10/2006 23:46:04	PT12	011691
Entered:	06/10/2006 23:48:36	PT12	011691
Dispatch:	06/11/2006 00:21:42	PD02	012612
Enroute:	06/11/2006 00:21:42	PD02	012612
Onscene:	06/11/2006 00:26:15	M228	010736
Closed:	06/11/2006 00:36:48	M228	010736

PrimeUnit:63L Dispo:C10 Type:1625 - NOISE NUISANCE
 Name:PETER JOHNSON Phone:(414) 647-1843 RPaddr:

Agency:MWPD DAREA:D6 Squad Area:6C RptDist:6195 Detail

23:46:04 CREATE Location:3419 W FOREST HOME AV,MKE Type:1625 Name:PETER JOHNSON Phone:(414) 647-1843 DAREA:D6 RptDist:6195 TypeDesc:NOISE NUISANCE LocCross:btwn S 34TH ST and S 35TH ST Priority:4 Response:IPO Agency:MWPD LocType:S

23:48:36 ENTRY

23:48:36 -PREMIS Comment:PPR

23:48:37 -SELECT

23:48:39 HOLD

23:48:57 INFO Type:1625 Response:IPO TypeDesc:NOISE NUISANCE Priority:4 Comment:CHK BAR CALLED THE MOON FOR LOUD MUSIC, **CLR WOULD LIKE OFFICER TO CONTACT HIM**, NFI

23:48:58 NOMORE

23:49:02 SELECT

[06/11/2006]

00:21:16 SELECT

00:21:42 DISPER 63L Operator:11111 11111 010736 015282 OperNames:DUMMY ID FOR COMMUNICATI DUMMY ID FOR COMMUNICATI HAASE, MARK J CANNESRA, SHANNON A

00:21:42 -PRIU 63L

00:21:42 -HOLD

00:26:15 *ONSCN 63L

00:36:48 *CLEAR 63L Dispo:C10

00:36:48 -CLEAR

00:36:48 *CLOSE

Detailed History for Police Call #070770005 As of 4/26/2007 13:48:31

Priority:4 Type:1625 - NOISE NUISANCE
 Location:3419 W FOREST HOME AV,MKE,MKE
 LocCross:btwn S 34TH ST and S 35TH ST

Created:	03/18/2007 00:03:13	PT18	015407
Entered:	03/18/2007 00:04:24	PT18	015407
Dispatch:	03/18/2007 05:31:21	PD02	016306
Enroute:	03/18/2007 05:31:21	PD02	016306
Onscene:	03/18/2007 05:40:00	M1029	015481
Closed:	03/18/2007 05:41:25	PD02	016306

PrimeUnit:61L Dispo:C15 Type:1625 - NOISE NUISANCE
 Name:MALE CLLR Phone:RPaddr:

Agency:MWPD DAREA:D6 Squad Area:6C RptDist:6195 Detail

00:03:13 CREATE Location:3419 W FOREST HOME AV,MKE,MKE Type:1625 Name:MALE CLLR
 DAREA:D6 RptDist:6195 TypeDesc:NOISE NUISANCE LocCross:btwn S 34TH ST and S
 35TH ST Priority:4 Response:IPO Agency:MWPD LocType:S

00:04:24 ENTRY Comment:RQST SQD TO ABOV LOC FOR EXCESSIVE NOISE COMMING FROM ASIAN
 MOON BAR AT ABOV LOC,CLLR STS THAT HE CAN HEAR NOISE 1 1/2 BLOCKS
 AWAY , NFI

00:04:24 -PREMIS Comment:(none)

00:04:26 NOMORE

00:04:33 SELECT

00:04:35 HOLD

00:40:51 SELECT

00:44:42 SELECT

05:31:02 SELECT

05:31:21 DISPER 61L Operator:015481 017797 OperNames:HEWITT, RAYMOND M KROHN, MICHAEL C

05:31:21 -PRIU 61L

05:31:21 -HOLD

05:40:00 *ONSCN 61L

05:41:25 CLEAR 61L Dispo:C15

05:41:25 -CLEAR

05:41:25 CLOSE

Detailed History for Police Call #070971537 As of 4/26/2007 13:48:36

Priority:4 Type:1625 - NOISE NUISANCE
 Location:3419 W FOREST HOME AV,MKE,MKE
 LocCross:btwn S 34TH ST and S 35TH ST

Created:	04/07/2007 23:38:56	PT03	015408
Entered:	04/07/2007 23:39:11	PT03	015408
Dispatch:	04/08/2007 01:36:49	PD02	006070
Enroute:	04/08/2007 01:36:49	PD02	006070
Onscene:	04/08/2007 01:37:54	M023	009237
Closed:	04/08/2007 01:46:22	PD02	006070

PrimeUnit:65L Dispo:C9 Type:1625 - NOISE NUISANCE
 Name:ANON MALE Phone:RPaddr:

Agency:MWPD DAREA:D6 Squad Area:6C RptDist:6195 Detail

23:38:56 CREATE Location:3419 W FOREST HOME AV,MKE,MKE Type:1625 Name:MOON.. DAREA:D6
 RptDist:6195 TypeDesc:NOISE NUISANCE LocCross:btwn S 34TH ST and S 35TH ST
 Priority:4 Response:IPO Agency:MWPD LocType:S

23:39:11 ENTRY

23:39:11 -PREMIS Comment:PPR

23:39:37 CLARFY Name:MOON..-->ANON MALE Comment:CLLR STS THAT AT ABOV LOC BAR
 PLAYING LOUD MUSIC..BAR IS CALLED THE MOON...NFI

23:39:38 NOMORE

23:39:55 SELECT

23:39:57 HOLD

23:44:50 SELECT

[04/08/2007]

00:08:43 SELECT

01:23:13 SELECT

01:25:08 SELECT

01:25:12 HOLD 65L

01:36:35 SELECT

01:36:49 DISPER 65L Operator:009237 OperNames:WILLIAMS, WILLIE M

01:36:49 -PRIU 65L

01:36:49 -HOLD

01:37:54 *ONSCN 65L

01:46:22 CLEAR 65L Dispo:C9 Comment:C10

01:46:22 -CLEAR

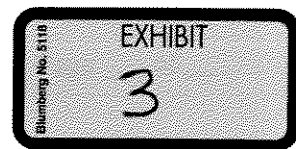
01:46:22 CLOSE

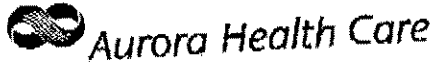
PETITION

We, the neighbors on the south side of Milwaukee between 34th Street and W. Montana to 35th and W. Forest Home Avenue, and 34th and W. Cleveland Avenue are concerned about the quality of life in our community and believe that Asian Moon is a responsible corporate partner of the neighborhood who maintains their property and does not constitute a public nuisance.

THEY'RE
NO PROBLEM
with the
MUSIC
OK NOTE
7575. HONEY
CREEK PK

Name	Address	Phone Number
Julianna Robles	3429 W Forest Home Ave	643-0411
Joe Kable	3429 W Forest Home Ave	643-0411
Joe Robles	3429 W Forest Home Ave	643-0411
CORLIFF KUHARSKI	3429 W Forest Home Ave	(414) 383-5300
Maria Michalos	2758 S. 35th St	383-5300
Frank Modak	1812 SOLES	647-0826
Leah Walsing	5050 N 74th	617-5556
Juan Swan	205 W Ad. City	764-0568
Robert Uteck	8905 W. Metcalfe Pt	414-875-8042
Alan Deak	3601 S. 43rd	414 541-5742
Benny Wath	5646 S 43rd	414 5301697
ROSA ALBES	1427 S. 33rd	414 545 1901
LORI HEINBOLLEN	1620 W. Palumbo	414 640 5112
Xavier	1620 W Palumbo	414 640-5111
JOSE TORRES	1225 W. 5 th	
Maria	2534 W. Grant	
Mike	2773 S 50	
Kelly	218 th toward	
Alicia Lopez	1603 S. Moskey Ave	241-7613
Kyle	3909 W. Manitoba	628-3575
	3850 S. M. Ave S	
Myra	8603 W. APPETON AVE	463-0388
Cheryl	2812 S. 35th St	672-8526
Arthur	2828 S. 35th St	383-5547
Bonnie	2863 S. 34 th	645-4898
	3840 S 34th	414 645 2556
	2910 S 34 th	(414) 791-4458





3000 West Montana Street
P.O. Box 343910
Milwaukee, WI 53234-3910

T (414) 647-3000
www.AuroraHealthCare.org

May 1, 2007

Ms. May Xiong
Asian Moon
3419A West Forest Home Ave.
Milwaukee, WI 53215

Dear Ms. Xiong:

Thank you for reaching out today to confirm our understanding that our agreement which allows our employees to park in your lot during the day and for your customers to park on our lot in the evening is still mutually acceptable. From time to time there have been times when debris has been left behind by customers and our maintenance staff have had to clean it up before the arrival of our staff, but I am not aware of any current issues in this regard. Likewise it is my expectation that our employees will continue to respect your property. If there are any issues in this regard please let me know.

For any matters that are of mutual concern please do not hesitate to call me at 647-6433.

Sincerely,

A handwritten signature in black ink that reads "Michael Cummings".

Michael Cummings
Director Loss Prevention Services



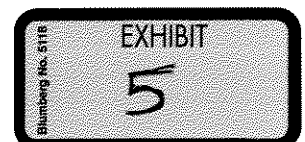
The Milwaukee's FireHouse LLC
May 1, 2007

To Whom It May Concern:

Colleen Rueda and Frank Rueda, owner of the Milwaukee's FireHouse LLC

We have been in business only for 6 months and can not give any information prior to this date but as of November 23, 2006 we have not had any problems with the Asian Moon club, with noise or customers hanging out in our place or the alley behind us.

We are on 35th and Forest Home and they are on 34th street, which is behind us, so I can only give you information on what happens on 35th street where I am located.
To date we personally have not had any conflict with Asian Moon.





RENEWAL ALCOHOL BEVERAGE RELATED SUPPLEMENT

BUSINESS NAME: Asian Moon LLC

BUSINESS ADDRESS: 3419 W Forest Home Avenue

Chapter 90-35 of the Milwaukee Code of Ordinances requires that you describe the type and general nature of entertainment that you will have under the following licenses:

CHECK THE LICENSE BEING APPLIED FOR:
[X] Amusement/Cabaret - COMPLETE SECTIONS A & B
[] Dance - COMPLETE SECTION A ONLY
[] Instrumental Music - COMPLETE SECTION A ONLY

SECTION A: CHECK THE TYPE(S) OF MUSIC THAT APPLY:
[] Blues [X] Dance - R&B [] Jazz [X] Reggae [] Polka
[X] Classic R&B [X] Easy Listening [X] Latin Pop [X] Techno [] Irish
[X] Classic Rock [] Folk [] Mexican [X] Top 40
[X] Contemporary R&B [X] Hard Rock [] Modern Rock [] Tropical
[X] Country [] Heavy Metal [X] New Age [X] Hmong, Thai, Laos
[X] Dance - Pop [X] Hip - Hop [X] Rap []

SECTION B: AMUSEMENT/CABARET LICENSE APPLICANTS ONLY - CHECK ALL THAT APPLY:
[X] Battle of the Bands [] Dancing by performer(s) - Description required
[] Comedy Acts [] Fashion Shows - Description required
[X] Disc Jockey [] Exotic Dancers/Strippers/Adult Entertainment - Description required
[X] Live Musicians
[] Magic Shows [] Wrestling - Description required
[] Poetry Readings [] Patron Contests - Description required
[] Rapping/Rap Contests
[X] Solo Singers/Groups

Attach additional pages if necessary.

If the type of entertainment is not listed above, please describe the type of entertainment you will have:

IF, AFTER THE LICENSE HAS BEEN GRANTED OR ISSUED, YOU WISH TO DEVIATE FROM THE TYPE(S) OF ENTERTAINMENT LISTED ON YOUR CERTIFICATE OF AUTHORIZED ENTERTAINMENT, YOU MUST SUBMIT A "REQUEST TO CHANGE THE PLAN OF OPERATION FOR AN AMUSEMENT LICENSE". NO CHANGES IN ENTERTAINMENT SHALL TAKE PLACE UNTIL THE REQUEST HAS BEEN APPROVED BY THE COMMON COUNCIL AND A NEW CERTIFICATE OF AUTHORIZED ENTERTAINMENT HAS BEEN ISSUED.

I, the undersigned have knowledge of the City Ordinances currently regulating these licenses and being duly sworn under oath, depose and say that I am the person and that all statements made in the foregoing application are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd day of May, 2007

Notary Public, State of Wisconsin
My Commission expires
Notary Seal must be affixed

May Xiong
Print Name of Individual, Partner, or Officer/Member
Signature of Individual, Partner, or Officer/Member

LAW OFFICES OF
KOPP & ARENA, S.C.
1110 NORTH OLD WORLD THIRD STREET
RIVERFRONT PLAZA, SUITE 515
MILWAUKEE, WISCONSIN 53203

MICHAEL H. KOPP
ANDREW P. ARENA

(414) 645-6100
FAX (414) 645-3500

May 3, 2007

The Honorable Common Council
of the City of Milwaukee
City Hall
200 East Wells St.
Milwaukee, WI 53202

Ronald D. Leonhardt, City Clerk
Room 205
City Hall
200 East Wells St.
Milwaukee, WI 53202

Re: Renewal of Class "B" License
CMR Foods, LLC d/b/a The Red Dot
2498 N. Bartlett
Milwaukee, WI.
Martin Beaudoin, Registered Agent

Honorable Members of the Common Council:

This Office has been retained to represent CMR Foods, LLC, and Martin Beaudoin, agent regarding the renewal of class "B" License for "The Red Dot". Pursuant to Section 90-12-5-c-2 of the Milwaukee Code of Ordinances, Martin Beaudoin as the Registered Agent does respectfully file these written objections to the April 27, 2007 Findings of Fact and Conclusions of Law that were filed as a result of the renewal hearing on April 24, 2007. The Agent and his representative will be present at the meeting of the Common Council on May 8, 2007 at 9:00 a.m. to present oral argument.

BACKGROUND

The Red Dot was opened on August 15, 2005 after the interior of the building underwent a major renovation by Martin Beaudoin and his family. The plan was to open a family friendly Restaurant that had reasonable prices. The fare was to be sandwiches, pizza, and a Friday fish fry. Due to extensive problems with sewer mains that had to be fixed and unforeseen problems with the Kitchen it took 6 months more to get the kitchen open, on March 1, 2006. Since that time the business has been slowly in a transition to mainly a Restaurant.

The renovations at the Red Dot cost \$150,000.00. The dining room was gutted and the ceiling was restored. A new tile floor was installed. Four large picture windows were added, and the wood bar and bar back was restored to look as it did in the 1930's. New handi-cap bathrooms were installed, new walls, drywall, and a new kitchen were added. All of the electricity was brought

CITY OF MILWAUKEE
07 MAY -3 PM 3:42
RONALD D. LEONHARDT
CITY CLERK

to code and the street was dug up to correct sewer issues. (there is more detail on this in Red Dot History, which is attached as exhibit 1 hereto and was an exhibit presented to the committee).

There is also an outdoor patio that was going to be renovated in the spring of 2007. Those plans include extensive sound proofing. The purpose of this renovation is to increase seating capacity for serving food and not alcohol. This area will be used as a non-smoking section for patrons that want to eat in a smoke free atmosphere. Patrons will not be allowed in the area for the purpose drinking as in a beer garden, and the area will be closed 30 minutes before the kitchen closes.

The Red Dot has 5 full time and 7 part time employees. This number will be increased in the near future. The Red Dot has a plan to market to the neighborhood by delivery of coupons to the homes in the area. There are new bike parking racks on the side walk and it is the desire that families and patrons from the area walk or ride a bike to the Red Dot. There is no marketing to UWM Students directly, and a large tavern atmosphere is not promoted with beer neons in the windows or loud music playing.

ISSUES

The agent denies that the Red Dot is operated in a way that creates a public nuisance. There were two instances on the police report that resulted in citations being issued. The first incident was the result of noise on the patio that was created by a group having a fund raiser. This was in the beginning of the operation and the Red Dot was not prepared to deal with such an event. The Red Dot through Martin Beaudoin learned that the location is not appropriate for such an event and as a result does not intend to allow this to occur again. Martin Beaudoin did take responsibility for the citation and paid a fine.

The second citation was disputed in a trial before the Municipal Court. The Bar Manager was given the citation on November 29, 2006 for a noise complaint on November 28, 2006. The neighbor to the Red Dot complained that she could hear loud music. On the second night she requested that the Officer issue a citation. She testified to the Committee and Trial Court that she is able to hear the music in her home clearly enough to hear the lyrics of the song. However she testified that when the Officer was there he did not enter the home to hear the sound that she could hear. The Officer testified that he could not hear the music or sound coming from the inside of the Red Dot when he was there. The Trial Court did find the manager guilty because the neighbor testified that she could hear the music and it bothered her.

It should be noted that the Red Dot is from five feet to two feet away from this neighbors building. It is not uncommon in the City of Milwaukee to have buildings very close together. Sometimes the buildings were a long time Tavern, Restaurant, or Store very close to an apartment building or home. The distance between the Red Dot and the Neighbor was presumably known when the permit for the outdoor patio was granted, as well as the Class B license that has been renewed for decades. This is not stated in a way to down play the neighbors complaints, but to point out that these problems can be solved as they have at other locations in the City of Milwaukee.

As to specific incidents of patron behavior in the findings of fact, Martin Beaudoin states unequivocally that this behavior is not in any way condoned or allowed if it is known about. The fact that someone would engage in public urination is a disgrace and will be prevented in the future. If patrons were loud and loitering in the past, it will not be tolerated in the future and will be addressed by a written plan of action that is attached hereto as exhibit #2.

In paragraph F there was a video tape that showed a couple making out in a car. This tape alone does not establish or prove that these people were patrons of the Red Dot. In regards to people talking on the Cell Phone pursuant to the plan all outside cell phone calls will no longer be allowed. The music has been reduced to a low enough level to allow for normal conversation to take place, which will help prevent cell phone users from going outside.

In paragraph H the neighbors complained that their children did not use their backyard. There was also a statement that they were even afraid in the day time. The Red Dot is not even open during the day. If any incident occurred it was extremely isolated. There already was a plan for the patio to be a non-smoking dining area. The plans have been amended to include extensive sound proofing. All of this will be done at a great expense to the Red Dot.

There were also no less than 25 people that testified favorably on behalf of the Red Dot. All of these people lived within one block of the Red Dot and stated that they don't hear the noise to the level as complained about by the adjacent neighbor. Their testimony was clear that the noise did not bother them. Some of these neighbors were long time residents and home owners that recalled how several other places in the neighborhood and the Red Dot were operated.

Overwhelmingly, these witnesses testified that some of the noise of people in the neighborhood and poor behavior were not caused only by the Red Dot. There was testimony from several people that a house on the corner to the north has tenants that regularly drink alcohol outside and have several large parties of underage drinkers a month. Many of the witnesses described a neighborhood that has many students and younger tenants living in it. There were plenty of examples of non Red Dot customers walking through the neighborhood on their way home from bars on North Avenue engaging in poor behavior. This behavior involved urination, litter, loud talking, and vomiting in public as described by the witnesses. These witnesses did not like the behavior, but clearly stated that it is unfair to single out the Red Dot as the sole cause of it. They also testified that these behaviors existed before the Red Dot was open for business. These people also enjoyed the alternative to expensive fine dining to the affordable fine food that the Red Dot has, and the fact that it was a place that they could walk to in the neighborhood and feel safe from the recent epidemic of armed burglaries in the area.

OBJECTION TO THE RECOMMENDATION

Since there were no less than 25 supporters in favor of the Red Dot that did not feel the business was a nuisance that affected their health or welfare, the agent denies that the Red Dot is a nuisance and that it is necessary to limit hours to protect the neighborhood.

The Registered Agent does recognize that certain behaviors of patrons cannot be tolerated and that actions must be taken to stop these behaviors. In this regard the Agent acknowledges that he has to take some responsibility and that progressive discipline is required. As such a 10 to 15 day suspension is understandable. As the honorable Common Council is aware the court in Village of Menomonee Falls v. Michelson, 104 Wis2d 137 requires discipline to be progressive and fair or it is a violation of the equal protection clause of the Fourteenth Amendment.

The recommendation of the Committee is to renew the license with a 15 day suspension and limit the hours of the business to a closing time of 10:00 p.m. Monday through Thursday and Mid night on Fridays and Saturdays, as well as a non-renewal of the beer garden part of the premises. The Registered Agent submits that this is not progressive discipline but a death sentence for his business. The limiting hours are key times for revenue to be earned. The hours taken as a whole would equal 24 hours per week, or the equivalent of two business days. On an annual basis this would equal a 219 day suspension. This is well above the 90 day maximum allowed by the State Statutes and Milwaukee Ordinances.

Furthermore, the limiting of these hours would not be legal pursuant to State Statute 125.10 which states that a municipality can not regulate the sale of alcohol in conflict with chapter 125 of the Statutes. 125.68 prescribes the uniform legal times for class B establishments to be open. This is enacted to prevent border hopping by people seeking one more drink. Logically, closing the Red Dot will not stop people from bad behavior. This behavior may be worse as those patrons travel to the other bar one block away, or the multitude of bars two blocks away on North Avenue.

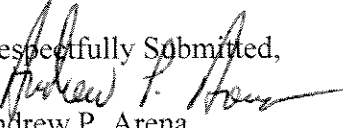
Concerning the beer garden, the Registered Agent does not see this area as a beer garden. He understands that this area can only exist to serve food only, as a crowd drinking at night is too loud. It is the desire of the Red Dot to increase food sales. There is a plan to sound proof the area and part of that plan is to completely close the area thirty minutes prior to the kitchen closing.

In general these limitations in the recommendation are discriminatory in nature and treat the Red Dot differently than other similarly situated locations. During this Renaissance of new urbanism in the City of Milwaukee there are beer gardens, patios, and sidewalk cafes from one end of the City to the other. Many of these locations have had similar issues and were allowed an opportunity to correct the problems. The Red Dot has a very extensive plan that was reviewed by the neighborhood and the Alderman of the District. This plan involves sound proofing, additional people to patrol the sidewalk, educational signs, a prohibition of cell phones outside on the side walk, and a strict limitation on the volume of the music.

It is only fair that the Red Dot and Martin Beaudoin be given a chance to implement these plans and abate the nuisance. It is understood that the Committee is recommending limitations on hours and premises to resolve the complaints, but these recommendations are truly punitive and have no rationale basis to stop the behaviors when there are dozens of Class B licensed establishments in the area. The plans as expressed in exhibit 2 have worked at other locations and can work at the Red Dot. If the recommendation stands the Red Dot will be gone forever, after it has been in business

for two years and the subject of over a \$200,000.00 investment by a family man trying to make it in a world of multi-million dollar companies investing in franchises. This type of regulation only leads to the loss of the identity of the City of Milwaukee and its fine tradition of family owned neighborhood places like the Red Dot.

Respectfully Submitted,


Andrew P. Arena,
Attorney for the Licensee

Red Dot History

Introduction

This brief narrative will discuss the Red Dot and will try to answer the following: Who we are, what we have done, what we want to do and what we want in the future.

Who we are

The Red Dot is owned by CMR Foods LLC. This family owned business has three partners: Martin Beaudoin, Claudia Beaudoin (Martin's wife) and Rachel Beaudoin (Martin's mother). Martin runs the day to day operations; Claudia does the book work and helps out in summer when she isn't teaching. Rachel is primary investor and serves as consultant; she has been in restaurant business for over 30 years. The Red Dot also has 5 full-time and 7 part-time employees.

Getting Started

Martin and company purchased the building at 2498 n. Bartlett on June 1, 2005. The restaurant was formerly called the Al Calderone Club. The previous owners had been at this location for 27 years but in the past 5 or 6 years had concentrated on their other restaurant locations and let this property fall by the wayside. When the Beaudoins' purchased the property it was obvious it needed to be updated.

Dining Room Renovations

The dining room renovation included gutting out almost every wall, all the flooring and the old drop ceiling. The first thing that was added was 4 large picture windows on north wall, and then the original ceiling was restored. All the wood from the bar and barback was restored and refinished to look just as it did in the 1930's. Next came installing all new electric for lighting, complete insulation and new walls. Also installed was a new handicapped approved bathroom. Finally entire new floor was installed and dining areas were completely painted. On August 15, 2005 the bar was open but without a kitchen. TOTAL COST OF DINING ROOM RENOVATION APPROX. \$85,000

Kitchen Renovation

Renovating the kitchen would be a larger task then originally anticipated and created an eight month delay in kitchen opening. Complete renovation of kitchen was necessary which required everything to be new including: hood system, all plumbing, all sinks, grease trap, gas lines, electric, ansul system, walls, ceiling, floor and equipment. The only thing left from the Calderone Club was the pizza ovens. Also creating delay in kitchen was the need for a larger water feed into property at a cost of \$10,000. Kitchen finally opened officially on March 1, 2006. TOTAL COST OF KITCHEN RENOVATION APPROX. \$65,000.

Once all the renovations were complete we had a complete operating kitchen to serve a full dinner menu. We have two capacity certificates, one for indoor dining which is 99 persons and one for patio area which is 61 persons.

Exhibit 1
to 5/3/07 objection

What We Want To Do

Business Model

The main idea behind the Red Dot is to be a neighborhood friendly place. We understand that parking for the eastside is an issue and we want to concentrate on foot and bike traffic. We want to cater to the entire neighborhood. We want it to be accessible and affordable to all our neighbors. Our menu is designed to be fun and unpretentious. It is basically a local pizza and sandwich place. There are only a few things on the menu that are more than \$10. We pride ourselves on having a great Fish Fry and Sunday brunch. What we want is a place where people can come and have a decent meal, watch the ball game if it's on, pick up a pizza or just relax and enjoy a beverage. What we don't do is market (although we are very close to campus) to the UWM crowd. We don't have a single beer sign on the property. The only marketing we do, aside from a few ads in the Onion and the Shepherd, is to pass out flyers in the neighborhood that include neighborhood discount coupons. We also, like every other restaurant in town, have a happy hour and daily food and drink specials.

How Are Things Going?

The restaurant, as noted above, first opened August 15, 2005 but without food. While this was not the perfect way to start, it was necessary to start generating some income. Banks are funny about loaning you money and then wanting it back as soon as possible. The first eight months were tough but it did allow us to get a feel for the neighbors and who actually lives in the neighborhood. This in fact did help us when it came time to finalize the menu. What we realized was, the neighborhood already had a fine dining restaurant, Tess directly across the street, and a local pub, which is Champions Pub just down the street. Champion's celebrated their 50th year in business last summer has a very loyal local crowd. That's when we decided we were going to be a local pizza and sandwich place. We decided that would fit in with the neighborhood. Finally, after suffering through all the delays the kitchen opened March 1, 2006. As expected with any new business the first few months food sales were slow. After eight months of not having food we had to get the word out and get people to re-think their idea of the Red Dot. We are a full service restaurant and not just a bar. We knew that if we served good freshly prepared food the word would spread and things would continue to improve. In fact, food sales continued to grow and are still growing every month. Food sales have surpassed alcohol sales for the past six months. During this past lent our Friday Fish Frys, we topped 100 dinners served, which was a huge milestone for us. Also, our Sunday Brunch continues to grow and we are averaging between 60-90 persons served.

Who Comes to the Red Dot?

The Red Dot, just like the neighborhood, has a very diverse clientele that include long time residents, young professionals, neighborhood families and of course some UWM students. One of our favorite customers is Paul "The Mayor of Bartlett" who has lived on the block for over 50 years. He comes in for a steak sandwich or a fish fry with his wife or sometimes he just gets something to go. When he comes in he'll always tell you of the "deal" he got at a rummage sale. We also get former Calderone Club patrons

that come and tell stories about "mama Calderone". At any given dinner service the customers can range from ages 21 to 60. After dinner it tends to skew younger mostly the ages of 24 to 35. We also have a good relationship with the Riverside High School teachers who come in for Happy Hour and we have hosted their past 2 Christmas parties.

Not All Roses

Change

When a new neighbor moves in it is a change, especially if it is a business. As I mentioned earlier the former owners the Fazzari's, who had a raging business here in the 80's and 90's, had let the property fall by the wayside. For some people, a new owner that was going to fix the place up and completely renovate a building that had fallen into disrepair, it was seen as great for the neighborhood. There were also others that were a little bit skeptical. They had become used to a sleepy, stodgy Calderone Club that was doing next to no business. Our challenge was to move in, make the necessary changes and try to fit in. I think that the overwhelming majority of the neighbors like what we have done and like how we operate, but as in most cases you can't seem to please everyone.

There is no doubt that our business has created more pedestrian traffic than the previous owners. There is no doubt that our increase in customers has made the property livelier and creates more noise. Our challenge has been to control the noise and increase in customers so that we are not a nuisance to our neighbors.

Problems and solutions

On Sun. Sept 3, 2006 we received our first noise citation. It was 11:00 pm the day before Labor Day. It was 70 degrees out and the patio had about 35 people outside enjoying the nice weather. Police arrived and patrons were ushered into the restaurant.

Problem: Patio is too loud

Solution: I consulted with a local recording studio owner and we designed sound reduction panels to hang from the roof in patio area. My carpenter and I built and installed 8 huge panels. Each panel is 3ft. wide by 8ft. long. We also enclosed the entire North wall with a heavy gage plastic that is used in many patios around such as the Trocodeo.

On Tues. Nov. 29th a citation was issued. The next door neighbors claim the stereo has been too loud for past three nights. My bar manager John Sekutowski denies this and accepts ticket.

Problem: Stereo too loud according to neighbors.

Solution: Sun. Dec. 3rd. I send a detailed email to Kinis family apologizing for problems and request more information about their concerns and also request exact details of the problems. No response from Kinis family. I do inform staff to keep stereo level at just below conversation level.

Dec. 20 - Still without a response from next door I re-send Dec.3 email, this time I send a copy to a few neighbors, the district police liaison and to Alderman D'Amato. This is an honest effort to get specific details on the problems.

Sun. Dec. 24th I get a detailed response from Kinis family and promptly reply saying thank you for providing the details I have requested.

Problem: The issues Mrs. Kinis brings up are that the kitchen stereo on Sat. and Sun. mornings is too loud. She also states that dining room stereo at nights is too loud.

Solution: Dec. 26th – In direct response to her concerns I remove the stereo from the kitchen. I reduced the number of speakers in dining room from 4 to 2. I removed all speakers from our back room. Since it is winter and patio is not in use, my carpenter and I move 6 of our sound reduction panels from the patio and re-install them into the dining room. This I believe makes a huge difference.

Dec. 27th – I talked to Alderman D'Amato about what we can do to resolve our issues. I inform him of the steps I have taken to reduce noise. We discuss the possibility of a sound barrier wall between the property's and I said I would be in agreement to going inside the Kinis home to help determine appropriate stereo levels. We agree these are good ideas and he relays information to Kinis family. I have not had a response from them. I believe that I have acted in good faith and made a sincere effort to be a responsible neighbor

Red Dot Future

While it is true that sales have been increasing, we have received many good reviews and clientele is increasing. All is not done. There are things we can do better. Our plan for 2007 is renovate the entire patio area. This includes a complete makeover with new insulated walls, garage doors to seal North wall and other alterations that will allow that space to be used more efficiently, be more comfortable and be more quiet. When complete we will be able to use that area hopefully 10 months out of the year. This will serve as our non-smoking section. When complete there will be seating for about 50 people. This area will also serve as our room for private parties.

RED DOT PLAN OF ACTION

The purpose of this plan is to express specific plans that will be instituted by the Red Dot in order to ensure a peaceful and quiet neighborhood, and allow the Red Dot to co-exist in the neighborhood as an asset. This proposal is being made to allow the neighbors an opportunity to give their input and to have minimum criteria that the Red Dot can be held to. These proposals and promises are being made, as we request the Common Counsel of the City of Milwaukee to re-issue the Class B License without restrictions.

1. Educating customers to be quiet and respectful of the neighborhood when they leave.
 - A. Signs - The Red Dot will place signs on the exit and in the Restaurant that request the patrons to be quiet, and to respect the neighbors by leaving the area immediately and quietly. The signs will ask drivers to drive off slowly and to turn their radios off until they are out of residential areas. These signs will also be placed outside at the borders of the property. There will also be signs informing customers that cell phone calls on the side walk will not be allowed. Signs will also inform customers that if they misbehave they will be barred from the Red Dot and that any illegal activity will be reported to the Police, and that the Red Dot will participate as witnesses in the event that there is a prosecution.
 - B. Prohibit the use of cell phones outside of the Red Dot.
 - C. Add additional Red Dot ambassadors. After 10:00 p.m. two additional trained individuals will calmly patrol the sidewalks and remind all people that they are in a residential neighborhood and their cooperation in being quiet will ensure that the Red Dot will be there in the future. The Ambassadors will also ensure that no alcohol leaves the premises, and that no outside people, or patrons will be loitering in the back alley and on the side walks. These individuals will be vigilant in maintaining a quiet orderly side walk. This presence will also help to deter poor behavior from patrons walking from bars on North Avenue or other locations, as they pass through the area. Additionally, these individuals will prevent litter from being thrown and will be able to pick up any litter that they come upon on the sidewalk
2. Noise Reduction.
 - A. The Red Dot will only allow quiet background music to be played while customers are present. There will be no live music or Disc Jockey's bringing in outside systems.
 - B. The wall adjacent to the South Side of the building (wall that bar back is on) will be soundproofed by adding an additional wall.

Exhibit "2"
5/3/07 objection

C. Outdoor patio will have doors added and additional sound proof walls will be installed. Additional sound proofing will be added to the ceiling, as well as closing up the soffits. This will result in great financial expense to the Red Dot.

D. To ensure a quiet neighborhood the Outdoor Patio will mainly be used as a non smoking dining room. The last food order in the area will be taken at 9:30 p.m. and the area will be closed entirely by 10:00 p.m. Only very low background music will be played.

3. These changes will be instituted during a minimal 10 to 15 day period of suspension.

4. The changes will result in the inside of the Red Dot maintaining the use of regular legal hours for a Class B Licensed establishment. Any complaints to the owner of the Red Dot will be immediately addressed and taken seriously. Any unreasonable noise will be abated immediately.

May 2, 2007

Members of the Common Council,

The neighbors that make up the Riverside Park Neighborhood respectfully request that this petition be considered as an indication of the strong opposition to the business known as the Red Dot, located at 2498 N. Bartlett Ave.

The decent citizens of this neighborhood truly fear for their safety, and are denied peace, quiet, and respect in their homes as a result of this business' practices and attitude, regarding their place and responsibility in our neighborhood. The findings of fact in this case clearly validate our concerns.

The behavior of this establishment and its patrons is not in keeping with the rights of the long term residents. This behavior has been horrendous and no attempts were made by this establishment to contain it or control it despite direct communications and police involvement.

The open air disregard for our rights has encouraged the erroneous belief that 'anything goes on the East side, who cares?'

This petition and communication serve to publicly declare: "WE CARE."

This business is not an asset and simply does not belong in our small, congested, family neighborhood. There is already an over saturation of such establishments in our area.

Please take into account the rights of the homeowners and residents that are the backbone of the Riverside Park Neighborhood, by revoking their Class B Tavern license and supporting the sound, moral, and reasonable recommendations of the Licensing Committee.

We also request that one representative from our neighborhood be allowed time to speak during the proceedings on Tuesday, May 8th, 2007.

Respectfully, on behalf of the Riverside Park neighbors,

Terri Kinis



Chair, Riverside Park Neighborhood Association
2494 N Bartlett Ave
Milwaukee, WI 53211

Enclosure: Petition (4 pages)

RONALD L. LEONHARDT
CITY CLERK

2007 MAY -2 PM 4:06

CITY OF MILWAUKEE