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CITY OF MILWAUKEE
COMMON COUNCIL

In the Matter of:
TERRY LEE'S
5516 West Center Street

Proceedings held in the above-entitled
matter, commencing at 9:30 a.m., February 1st, 2005,
in the Common Council Chambers, 200 East Wells Street,
Milwaukee, Wisconsin, before the Common Council,
reported by Terese M. Schiebenes of Milwaukee
Reporters Associated, Inc.

A-P-P-E-A-R-A-N-C-E-S
OFFICE OF THE CITY ATTORNEY, By BRUCE
SCHRIMPF, 200 East Wells Street Milwaukee,
Wisconsin, 53202, appeared on behalf of the Common
Council.

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CITY CLERK: Recommendation of nonrenewal of the Class B Tavern License of Terry Heinemeier, agent for Terry Lee's Corporation, for the premises located at 5516 West Center Street, known as Terry Lee's. On this item written exceptions have been filed.

PRESIDENT HINES: The has the Council read the recommendations of the Utilities & Licenses Committee and any written exceptions? Will the city clerk please call the roll.

THE CLERK: Are any of the following applicants or their counsel present and wish to address the Common Council, Terry Heinemeier?

MR. HEINEMEIER: Yes, sir.

THE CLERK: We do have acknowledgement of the presence of the applicant, is that correct, for Terry Lee's Corporation, premises at 5516 West Center Street. The recommendation of the committee was nonrenewal of a Class B Tavern License.

PRESIDENT HINES: Alderman Witkowiak now moves that we go into committee of the whole to hear oral arguments on behalf of the licensees in opposition to the report and recommendations and a statement presented by the City Attorney. Is there any objections? Hearing none, we are in the committee

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1 of the whole. Each side shall be limited to five
2 minutes, and the arguments shall be limited to the
3 subject matter of the report and recommendations and
4 the written exceptions.

5 The licensee and City Attorney will address
6 the Common Council. In turn, if the licensee appears
7 in person, he must be sworn in. Council members may
8 ask questions of either the licensee or the City
9 Attorney.

10 Would you please come forth and identify
11 yourself for the record. Once again, you have five
12 minutes to address the Council. Thank you.

13 MR. HEINEMEIER: Okay. My name that Terry
14 Heinemeier, I'm the owner and agent for Terry Lee's on
15 5516 West Center.

16 The first thing I should say, I wasn't at
17 the meeting because I didn't receive -- My mail was
18 forwarded, although I know it's my fault and my
19 responsibility, I didn't get it until after the
20 hearing. Otherwise, I, of course, would have showed
21 up. I know that's my responsibility.

22 I can answer the three things that are on
23 the police reports since my last renewal period. One
24 was there was a sting operation for underage serving
25 alcohol. It was early in the afternoon. It's Item G

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1 on Page 3, September 17th, 2004. All I can say is Al
2 Peters has been a bartender for 25 years. He left his
3 guard down, didn't ask for an I.D. card. We paid the
4 fine. He's got just about a perfect record. I think
5 he had one other one in 25 years for serving. That's
6 all he's ever done.

7 All these things are serious, but there's
8 two other items. H, on Page 3, two girls are shooting
9 a game of pool, and the bartender is talking to one
10 girl, the girl hits the girl over the head with a pool
11 stick. I don't know how you react to that until after
12 it happens. We called the police because there was a
13 lot of blood. He called me first. I was at home. I
14 said yeah, call the police in case there's a serious
15 injury. Of course, they both left before the police
16 came. And this is when we have a 300-pound doorman at
17 the door, so I mean, you know, I don't know what to
18 say. Who wants a fight like that? I don't know how
19 you do something until after it happens.

20 There's one more item, it's I, on Page 3,
21 and that was a shooting. The person didn't die, but
22 also we had a doorman. I don't know how they got a
23 gun in. Sometimes maybe a woman puts it in her purse
24 or in her pants or what they do, but nobody wants
25 shootings in their bar.

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1 Our bar is like two different bars. We have
2 a bar during the daytime, and we got a different crowd
3 at night. I don't know if I got to put 30, age 30 on
4 the door, which isn't legal anyhow, I guess, or change
5 the format at night. I've got a young crowd. Try to
6 play rock and roll or country or something. Since the
7 shooting, we close at 10:00 every night, and if you're
8 in the tavern business, that's when you make your
9 money.

10 Also, I purchased the building next door
11 about eight months ago, it's A to Z Door. I'm in this
12 for the long haul, I'm not here just to make some
13 money and get out. I will agree to close early every
14 night, at least for a couple months. I don't know if
15 I'll ever open it up again after 10:00, but if I'm
16 closed down, I don't know where my day business will
17 go or how I'll get it back. But that's about it.

18 PRESIDENT HINES: Thank you, Mr. Heinemeier.
19 Are there any questions that Council may have of Mr.
20 Heinemeier? Okay. Hearing none, thank you. We will
21 now hear from the City Attorney's Office.

22 MR. SCHRIMPF: Thank you, Mr. President,
23 members. My name is Bruce Schrimpf, I'm an Assistant
24 City Attorney.

25 With respect to the findings, the Council is

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1 certainly entitled to take the words of the applicant
2 in explanation of some of those things that do appear
3 in the Findings of Fact. I would like to remind the
4 Council that the idea of preventing anyone from
5 entering his bar who is not at least 30 years of age
6 is illegal as age discrimination under another
7 provision of the Ordinances, 84-5 of the Milwaukee
8 Code of Ordinances.

9 I stand ready to answer any questions
10 regarding any of the matters that are set forth in the
11 police report. The Council certainly can amend this
12 from a nonrenewal to a renewal with a suspension, the
13 Council within its discretion, the Council, also, if
14 you wish, could remand this matter to the Utilities &
15 Licenses Committee for a full hearing. The applicant
16 indicated he did not get his forwarded mail. However,
17 you can proceed to decide the matter this morning in
18 an appropriate fashion.

19 The recommendation of the committee is
20 nonrenewal. It is certainly supported by the evidence
21 as set forth in the Findings of Fact. So any
22 questions you have, I'll be happy to answer them.

23 PRESIDENT HINES: Thank you, Attorney
24 Schrimpf. Are there any questions of the Council of
25 Attorney Schrimpf? Hearing none, thank you.

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1 MR. SCHRIMPF: Thank you.

2 PRESIDENT HINES: Alderman Witkowiak moves
3 that the committee now rises. Is there any further
4 discussion on this license? Are there any motions
5 relative to the license? I see someone with their
6 light on has a question. Alderman Donovan.

7 ALDERMAN DONOVAN: Thank you, Mr. President.
8 I just think it's fair that this gentleman be given a
9 hearing if he wasn't -- I understand he didn't get his
10 mail. That's not unusual. I can tell you a lot of
11 things that I don't get at my house, too. The mail I
12 don't have a great deal of faith in, quite frankly.
13 But having said that, I would make a motion to refer
14 back to the committee to allow this man the
15 opportunity to present his case.

16 PRESIDENT HINES: I think that that is an
17 appropriate motion. Are there any comments on that
18 motion? The Chair does recognize Alderman Michael
19 Murphy.

20 ALDERMAN MURPHY: Thank you, Mr. President,
21 members of the Council. This location is in my
22 aldermanic district. There was testimony provided at
23 the Utilities & Licensing Committee hearing by two
24 young women, a mother and daughter, in regards to the
25 shooting and loss of life of their son, and that case

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1 -- it was very serious, and as you've read in the
2 police report very damaging towards the licensee.
3 The licensee was not present. Is there some
4 obligation on the licensee to know when his license is
5 up for renewal? If you're running a business and your
6 livelihood depends on that license, do you not have
7 any obligation to know when our license has to expire?
8 Notwithstanding, I think the city did forward the
9 request of the notice of the hearing, and whether he
10 is truthful or not, we don't know for sure whether or
11 not the licensee just simply misplaced it or not. I
12 think there's some obligation and responsibility on
13 the owner to know when his business is up for renewal.
14 So I would request that this not be sent
15 back before committee. I think that the evidence that
16 was provided in the report by the Milwaukee Police
17 Department demonstrates clearly that the committee
18 made the right decision. This is an establishment
19 where there's been extremely serious incidents,
20 incidents with lack of cooperation with the police
21 department and loss of life.
22 AUDIENCE MEMBER: There's been no loss of
23 life.
24 ALDERMAN MURPHY: This location does not
25 call for renewal. Excuse me. A gentleman yelled

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1 and said not a loss of life. You're right. The
2 individual was seriously injured, and he did recover.

3 PRESIDENT HINES: Thank you. The motion is
4 before us as proposed by Alderman Donovan. Any
5 additional comments? With that, Mr. City Clerk will
6 you --

7 Are there any objections to referring it
8 back to committee? I think Alderman Murphy was one
9 of them.

10 PRESIDENT HINES: Two objections.

11 ALDERMAN WITKOWIAK: I'll object.

12 PRESIDENT HINES: A third objection. With
13 that, we're going to take a roll call on that item.
14 Mr. City Clerk, will you please call the roll.

15 THE CLERK: On the motion to refer it back
16 to committee:

17 Alderman Hamilton.

18 ALDERMAN HAMILTON: No.

19 THE CLERK: Alderman Davis.

20 ALDERMAN DAVIS: No.

21 THE CLERK: Alderman D'Amato.

22 ALDERMAN D'AMATO: No.

23 THE CLERK: Alderman Bauman.

24 ALDERMAN BAUMAN: No.

25 THE CLERK: Alderman Bohl.

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1 ALDERMAN BOHL: No.
2 THE CLERK: Alderman McGee.
3 ALDERMAN MCGEE: No.
4 THE CLERK: Alderman Wade.
5 ALDERMAN WADE: No.
6 THE CLERK: Alderman Donovan.
7 ALDERMAN DONOVAN: Aye.
8 THE CLERK: Alderman Puente.
9 ALDERMAN PUENTE: No.
10 THE CLERK: Alderman Murphy.
11 ALDERMAN MURPHY: No.
12 THE CLERK: Alderman Dudzik.
13 ALDERMAN DUDZIK: No.
14 THE CLERK: Alderman Witkowiak.
15 ALDERMAN WITKOWIAK: No.
16 THE CLERK: Alderman Witkowski.
17 ALDERMAN WITKOWSKI: No.
18 THE CLERK: Alderman Zielinski.
19 ALDERMAN ZIELINSKI: No.
20 THE CLERK: Mr. President.
21 PRESIDENT HINES: No.
22 THE CLERK: 1 aye, 14 nos.
23 PRESIDENT HINES: One aye, 14 nos. The
24 motion fails. Are there any motions relative to this
25 particular license? I would say I guess hearing none,

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1 we had one motion sent back. The motion as put forth
2 by the committee is before us. Are there any other
3 motions? Seeing and hearing none, we'll continue.
4 Any additional discussion?
5 I would request a vote of those Council
6 members present to approve the recommendations of the
7 Utilities & Licenses Committee as contained in File
8 No. 041108. Will the City Clerk please call the roll.
9 THE CLERK: This is on all the
10 recommendations of the committee:
11 Alderman Hamilton.
12 ALDERMAN HAMILTON: Aye.
13 THE CLERK: Alderman Davis.
14 ALDERMAN DAVIS: Aye.
15 THE CLERK: Alderman D'Amato.
16 ALDERMAN D'AMATO: Aye.
17 THE CLERK: Alderman Bauman.
18 ALDERMAN BAUMAN: Aye.
19 THE CLERK: Alderman Bohl.
20 ALDERMAN BOHL: Aye.
21 THE CLERK: Alderman McGee.
22 ALDERMAN MCGEE: Aye.
23 THE CLERK: Alderman Wade.
24 ALDERMAN WADE: Aye.
25 THE CLERK: Alderman Donovan.

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1 ALDERMAN DONOVAN: Aye.
2 THE CLERK: Alderman Puente.
3 ALDERMAN PUENTE: Aye.
4 THE CLERK: Alderman Murphy.
5 ALDERMAN MURPHY: Aye.
6 THE CLERK: Alderman Dudzik.
7 ALDERMAN DUDZIK: Aye.
8 THE CLERK: Alderman Witkowiak.
9 ALDERMAN WITKOWIAK: Aye.
10 THE CLERK: Alderman Witkowski.
11 ALDERMAN WITKOWSKI: Aye.
12 THE CLERK: Alderman Zielinski.
13 ALDERMAN ZIELINSKI: Aye.
14 THE CLERK: Mr. President.
15 PRESIDENT HINES: Aye.
16 THE CLERK: 15 ayes, 0 nos.
17 PRESIDENT HINES: 15 ayes zero nos. The
18 file is adopted.
19 (Proceedings concluded at 9:45 a.m.)
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