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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
RHINO'S
7964 West Appleton Avenue

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COMMITTEE MEMBERS

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ALD. JEFFREY PAWLINSKI - Chairman
ALD. TERRANCE HERRON - Vice Chairman
ALD. FREDRICK G. GORDON
ALD. JAMES BOHL, JR.
ALD. ROSA CAMERON

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DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER
HEALTH DEPARTMENT by OSCAR BOND
POLICE DEPARTMENT by SERGEANT JOHN HOGAN
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

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Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
28th day of May, 2002, before Terese M. Schiebenes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(All City Personnel previously sworn.)

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CHAIRMAN PAWLINSKI: We are back in session after a short recess. I'm going to just skip ahead here and call one matter in the 5th District before we take the next two, which are going to go awhile, and I'll just save some people here some time.

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This is a matter for James Miller and Karen Miller, Class B Tavern and Tavern Dance Partnership Application for Rhino's, at 7964 West Appleton Avenue.

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(Whereupon, JAMES A. MILLER and KAREN A. MILLER were duly sworn.)

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CHAIRMAN PAWLINSKI: And I need to ask if you acknowledge receiving notice of the meeting today with the possibility that your application could be denied because of the police report as well as a neighborhood objection to the licensing of this premises, which would include noise, fights, gunshots, underage patrons, and speeding cars. Did you get that notice?

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MR. MILLER: Yes, I have.

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CHAIRMAN PAWLINSKI: Health Department?

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MR. BOND: No objection.

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CHAIRMAN PAWLINSKI: Neighborhood Services?

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MS. BENDER: Hold for occupancy.

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CHAIRMAN PAWLINSKI: Sergeant?

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SGT. HOGAN: Nothing on Karen Miller. James Miller has a couple of operating while intoxicated convictions in 2000.

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CHAIRMAN PAWLINSKI: Two in 2000?

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SGT. HOGAN: Yes.

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CHAIRMAN PAWLINSKI: Mr. Miller, anything you want to say about that issue?

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MR. MILLER: I have completed -- I was on probation, I went through treatment, I have completed community service, and it's under control.

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CHAIRMAN PAWLINSKI: I'll get to Alderman Bohl in one second. Let me ask for the record if there are any neighbors here. Are there any neighbors here? Are you here from the neighborhood?

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AUDIENCE MEMBER: Yes.

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CHAIRMAN PAWLINSKI: Do you wish to testify? You don't have to testify. I'm asking if you'd like to testify. I'm not going to ask you to testify just yet. Ma'am, you're not going to testify?

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AUDIENCE MEMBER: Yes, I am.

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CHAIRMAN PAWLINSKI: You're against this application? Are you against the application?

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AUDIENCE MEMBER: Yes, I am. Well, I --

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MR. SCHRIMPF: No, no. Ma'am, raise your

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1 right hand.

2 CHAIRMAN PAWLINSKI: We have to swear you in
3 first.

4 (Whereupon BARBARA KOGELMANN and JOSEPH
5 KOGELMANN were duly sworn.)

6 CHAIRMAN PAWLINSKI: Alderman Bohl, I want
7 to hear from you first. It's your district.

8 ALDERMAN BOHL: Thank you, Mr. Chairman.
9 First of all, before I begin, I just would like to add
10 a letter that was provided for me as sort of a plan of
11 operation by Mr. and Mrs. Miller. It does outline
12 some of the issues that they intend to follow in terms
13 if they are granted this license here today. So I may
14 do that, too.

15 CHAIRMAN PAWLINSKI: Alderman Gordon will
16 move to make that letter part of our record. Is there
17 any objection to that? Hearing none, so ordered.
18 Anything else you want to tell us?

19 ALDERMAN BOHL: Yes, Mr. Chair. Mr. and
20 Mrs. Miller are proposing to come in and operate the
21 establishment that was formerly Wayne's. As you on
22 the committee here know, Wayne's was shut down here a
23 few months back. It had their license revoked due to
24 a number of very concerning issues including incidents
25 relating to gunshots, a homicide that occurred there.

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1 Neighbors had a rightful number of concerns.

2 We did meet here on May 8th, I believe, with
3 neighbors regarding the proposal that Mr. and Mrs.
4 Miller want to present here. Mr. and Mrs. Miller have
5 been in the bar business before, both of them have
6 been bartenders in the past. Mr. Miller had a job
7 driving truck and wanted a situation where he was
8 going to be at home. He travels a great deal and
9 wanted to be at home.

10 At the meeting, there were a number of
11 concerns that were raised, particularly a number of
12 the issues that took place; after-hour parties, a lot
13 of loud noise music, situations where there was
14 cruising and car speeding in the neighborhood, et
15 cetera, et cetera. Wayne's was a situation where it
16 was really a schizophrenic bar, it was a bar that had
17 a reasonable daytime crowd and seniors who came for
18 the late night dancing, and then on two occasions two
19 nights a week was a problem with underage patrons. We
20 had an owner there who had a situation where he
21 allowed underage patrons to come in. He had young
22 patrons that were in their early 20s, and they were
23 causing a great deal of problems.

24 I just wanted to outline the letter here
25 that Mr. and Mrs. Miller have indicated that they will

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1 actively card all individuals under the age of 30.
2 Their two sons intend to -- They're going to make
3 this a family business where the two sons will be
4 working as a bouncer/security. They have agreed to
5 make certain that they're going to do daily cleaning
6 of not only the immediate premises but also the area
7 around and that they will be vigilant in terms of
8 having security go out into the parking lot insuring
9 that patrons leave the premises on a timely basis --
10 that was a problem in the past -- that police, if
11 there are problems, will be called, and that I will be
12 properly notified in a timely manner if there are
13 problems to deal with the neighborhood, and that they
14 will not change music in terms of format of what
15 Wayne's had.

16 Wayne's had a situation where music was not
17 a problem with the establishment. In fact, he had a
18 polka band that catered to seniors in their 60s, 70s,
19 80s, and it is their hope to do that, as well. As
20 well, they're also well aware of my high expectations
21 and the neighborhood expectations and some of the
22 other concerns that were brought forward at Wayne's,
23 including things such as late night carry- out sales,
24 et cetera, et cetera. So outside of that--

25 One other point. Neighbors did request that

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1 the Millers look into the possibility of securing a
2 security camera. They've indicated that if it was in
3 their means or if it was necessary, that they will do
4 so, as well, too. There's nothing, I realize, that we
5 can tie into the license, but I think that if it was
6 within the realm of possibility, that they were going
7 to strongly consider that, and they were going to look
8 into that means.

9 Outside of that, I know that there are two
10 neighborhood individuals who have some issues or
11 concerns. Outside of that, I will move forward, and
12 I'll make the motion when we get to that point.

13 CHAIRMAN PAWLINSKI: You've heard the
14 comments of Alderman Bohl regarding the parameters set
15 forth with his office and these individuals. Are you
16 still objecting to the granting of the license?

17 MS. KOGELMANN: Barbara Kogelmann. I don't
18 object, per se, although I don't think we need two
19 bars next door to each other. It's just an idea of
20 what to do with it, and now he's disclosed that he has
21 a drinking problem, and are you going to drink while
22 the bar is open?

23 MR. MILLER: No, I'm not, ma'am.

24 CHAIRMAN PAWLINSKI: Why don't you address
25 the answers back to committee here. No, the answer is

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1 no?

2 MS. KOGELMANN: The loud noises, I mean, the
3 playing of radios and things in the parking lot, how
4 is he going to -- how many times is he going to go out
5 there when -- If he's in a noisy bar himself with the
6 doors closed, how is he going to hear what's going on
7 out there where the neighbors have to hear it all?
8 And how long will it take, you know, for these people
9 to move on and --

10 CHAIRMAN PAWLINSKI: That's a good question.

11 MR. MILLER: We have talked to a security
12 company already, and it's a situation where they can
13 have someone come and patrol the parking lot, so
14 someone would be out in the parking lot at all times
15 necessary evenings. This is not an armed guard, and
16 they suggested not having someone with -- an armed
17 guard, because if something did happen to that person,
18 they would be able to take his weapon away or
19 something like that. So we've already -- And I have
20 talked to Mr. Quinn, who owns the building, and he has
21 agreed to put security cameras up, which is another
22 thing we discussed. So those are the two things that
23 we've taken care of. The security cameras will be up,
24 and on problem nights or what were problem nights,
25 which we're definitely not going to -- we're going to

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1 try to not have any problem nights, but we're going to
2 have people patrolling the parking lot.

3 CHAIRMAN PAWLINSKI: I want to hear from
4 this individual. I remember you from last year on a
5 licensing matter.

6 MR. KOGELMANN: Joseph Kogelmann. I'm
7 really -- I talked to James A. Miller on May 8th and
8 went over some of my thinking on it. It's a lousy way
9 to make a living in a tavern, you know, trying to prey
10 on people's weakness, but James assured me that he was
11 going to run a legitimate place and that there was a
12 small concern about it. As we came into the meeting,
13 there was a beer bottle right on the front steps,
14 empty beer bottle laying, and I told him about it, and
15 he went out very quickly and took it back in. And
16 then after the meeting was over on May 8th, I did a
17 little investigation myself, and between the two
18 buildings just north, there's a gangway, like a small
19 space between the two buildings, the tavern and
20 another building, and I discovered some empty liquor
21 containers, a box of beer cans, and different bottles
22 in the window well of the tavern, and I went back in
23 and told James A. Miller, you know, what was -- that
24 it was garbage outside, and he said oh -- he assured
25 me he would take care of it.

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1 Well, I went by yesterday, and it's still
2 there in the window well, and now James is telling me
3 that he's going to be concerned and take care of
4 things and keep things clean and nice in our
5 neighborhood, and he broke his word. He didn't take
6 care of it. I don't know how I can trust him.

7 CHAIRMAN PAWLINSKI: I understand. I want
8 to have Mr. Miller respond, and then we're going to
9 take your application up one way or the other,
10 we're going to make a decision in the next minute
11 here. So go ahead.

12 MR. MILLER: I haven't controlled the area.
13 I don't have access to -- Obviously, I have access to
14 outside the property, but I am not running the
15 property at this point. I haven't been licensed.
16 When we're there every day, we will take care of those
17 things every day, and that's what we put down in our
18 parameters of the letter that we wrote.

19 MRS. MILLER: I would just like to answer,
20 and this isn't an excuse -- I was not aware that you
21 and Jim had spoken of that -- but because we only went
22 there that one evening for the meeting with Alderman
23 Bohl and the neighbors, we haven't been back there
24 since. I mean, had I known that there had been a
25 discussion, I would have made sure that, in accordance

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1 with their agreement, that it had been done. But
2 technically, it's not our place yet, and we will
3 definitely be patrolling the site when we're there,
4 and before we would open, we would make sure that
5 was --

6 MR. MILLER: I honestly do remember him
7 telling me that, and I did tell him that I would take
8 care of it. And some of the neighbors stayed for a
9 while. We were there for probably --

10 MRS. MILLER: He also got very sick that
11 night. He had that horrible flu that was going
12 around.

13 MR. MILLER: It honestly did slip my mind.
14 And I did tell him I would take care of it, and yes,
15 it did slip my mind. I remember that.

16 CHAIRMAN PAWLINSKI: We expect and we
17 believe you will fulfill your commitments to the
18 committee and to the neighbors and to the
19 alderman. So Alderman Bohl, you have a motion?

20 ALDERMAN BOHL: I would move for approval at
21 this time.

22 ALDERMAN HERRON: We aren't going to have
23 any rowdie polka music listening fans riding around
24 shooting up the neighborhood, cruising up and down
25 Appleton, are we?

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1 MR. MILLER: I sure hope not.

2 ALDERMAN HERRON: Playing that polka music?

3 MR. SCHRIMPF: Perhaps, Mr. Chairman, if
4 they switched to Strauss waltzes.

5 CHAIRMAN PAWLINSKI: Alderwoman
6 Cameron, on the motion to approve?

7 ALDERWOMAN CAMERON: I'm going to vote in
8 favor of the motion for approval, but I do want to
9 state one concern that I have, because there's a young
10 lady come in here, and I think she's about 91 years
11 old, and that was her dancing place. I don't know
12 what days it was for her to dance, but I would like to
13 know that you all will be able and be willing to allow
14 her to come in and dance on those days.

15 MR. MILLER: Oh, definitely.

16 MRS. MILLER: I think I know -- I think she
17 was the one at the meeting, and we helped her up on
18 the chair and got her some --

19 ALDERWOMAN CAMERON: She didn't need no
20 assistance.

21 ALDERMAN BOHL: No, she wasn't at the
22 meeting. Her name is Elsie Weisenbourn, but that's
23 another story.

24 CHAIRMAN PAWLINSKI: The motion is for
25 approval. Is there any objections that motion?

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1 Hearing none, so ordered. Mr. and Mrs. Miller, good
2 luck to you.

3 MRS. MILLER: Where do we get the license?

4 CHAIRMAN PAWLINSKI: June 4th is -- The
5 committee recommendation goes to the Council on June
6 4th. The afternoon of June 4th.

7 MRS. MILLER: That's the soonest?

8 CHAIRMAN PAWLINSKI: Yes.

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