

CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

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In the Matter of:

TUCKER, Theresa A., Class "B" Tavern and Tavern Dance
Renewal application for "Leden's Villard Inn" at
4923 West Villard Avenue.

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COMMITTEE MEMBERS

ALD. JAMES BOHL - Chairman

Ald. Fredrick Gordon - Vice Chairman

Ald. Jeffrey Pawlinski

Ald. Joe Dudzik

LICENSING DIVISION by JAMES COPELAND

OFFICE OF THE CITY ATTORNEY by BRUCE SCHRIMPF

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE, on
the 13th day of May, 2003.

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P R O C E E D I N G S

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2 CHAIRMAN BOHL: The first item on the agenda
3 this morning will be in the 1st Aldermanic District,
4 Theresa A. Tucker, agent for L & T, Incorporated,
5 Class "B" tavern and tavern renewal application for
6 Leden's Villard Inn at 4923 West Villard Avenue.

7 For the committee's knowledge, this was the
8 item where there was one neighbor who showed up,
9 and -- oh, the neighbor is here. Okay.

10 We received a letter in our packet. The
11 applicant was asked to get building code permits and
12 to assure the neighbor that they have taken some
13 soundproofing measures, and Miss -- is it McDade?

14 MS. McDADE: Yes.

15 CHAIRMAN BOHL: Mrs. McDade is here.
16 Linda, could you swear her in?

17 (Whereupon Ms. McDade was Sworn Under Oath.)

18 CHAIRMAN BOHL: Okay. And Mrs. McDade, do
19 you have anything that you'd like to tell the
20 committee?

21 According to the letter that came from
22 Mrs. Tucker, she indicated that they did the sound-
23 proofing. I know that we received an order that said
24 that they had gone and had the building inspection
25 permit pulled. She indicated in her letter that she

1 and her husband have met with your husband on two
2 occasions due to soundproofing. I just want to see
3 what your testimony is here.

4 MS. McDADE: He met with my husband a few
5 days after the testimony two weeks ago. He said
6 that -- He showed my husband that they put the
7 speakers up in the ceiling. Then he came back
8 probably Sunday, and my husband did inform him that
9 there were still problems with the bass; that the
10 noise was down just a tiny bit, but there's still
11 problems with the bass. This past weekend I don't
12 see any difference as far as the noise is concerned.

13 Last week Tuesday we did go to court, and
14 they said -- pleaded guilty to the noise nuisance, and
15 they were issued a ticket. They had to pay a fine of
16 \$150.

17 CHAIRMAN BOHL: Are there any questions by
18 committee members of Mrs. McDade?

19 ALDERMAN GORDON: Mr. Chairman?

20 CHAIRMAN BOHL: Alderman Gordon.

21 ALDERMAN GORDON: Mrs. McDade, when you and
22 your husband talked with the applicant, did they show
23 you any written documentation that they had had this
24 work done?

25 MS. McDADE: Not to me, and I'm not sure

1 about my husband. I don't think that they did. My
2 husband physically went to the establishment, and they
3 had -- I guess they exchanged speakers, said that they
4 put the speakers in the ceiling. I do not know if the
5 speakers are in the same place, which doesn't solve
6 the problem because if that is the case, the speakers
7 are still up against the wall and facing my house.

8 ALDERMAN GORDON: Did your husband indicate
9 to you that the speakers, even though elevated, were
10 still in the same place that they were previously?

11 MS. McDADE: I'm not definite. They did
12 turn the music up. This was like 2:00 or 3:00 in the
13 afternoon on a weekday, and the noise level was --
14 Because I'm right two houses south from 49th and
15 Villard, so I'm right off of Villard. The noise --
16 the traffic noise is totally different than it is at
17 night, and I couldn't hear anything, until he came
18 home and told me that they had turned the music up
19 sky-high. I said, well, there's traffic going on, you
20 can't hear anything. It's totally different at night.
21 So I'm not sure if -- of what you said as far as the
22 speakers are concerned, I don't know if they're in the
23 exact place or they're up. I think that they are.
24 I'm not sure if they moved them to the west wall.

25 ALDERMAN GORDON: But your testimony is that

1 this past weekend when they had activities at the bar,
2 that the sound -- there was no change in your
3 estimation?

4 MS. McDADE: I was in my living room, and --
5 It's the bass. Turn down the bass. And this problem
6 has been in existence since December of 2001, and this
7 is my fourth appearance in between you guys and in
8 between court on this matter, and this is getting me a
9 little bit, you know, tired.

10 ALDERMAN GORDON: Thank you.

11 CHAIRMAN BOHL: Alderman Gordon, are you
12 finished?

13 ALDERMAN GORDON: Yes.

14 CHAIRMAN BOHL: Alderman Pawlinski?

15 ALDERMAN PAWLINSKI: Well, Mrs. McDade, I
16 have a question. Do you think that there's any pull
17 for any kind of mediation between you and the bar
18 owner and with the alderman's office being involved?
19 Is there any chance for this situation to get
20 resolved? Because that's -- Now, you know we have
21 to make a decision today --

22 MS. McDADE: I understand that.

23 ALDERMAN PAWLINSKI: -- either to ratify the
24 10 days or to give them another opportunity. Either
25 way, I think there needs to be some communication

1 between the alderman's office. Are you at least
2 hopeful that that can take place and that something
3 can be resolved, or is it --

4 MRS. McDADE: It's funny, because my
5 frustration is the fact that all the letters that
6 I've sent to the alderman and to the city and to the
7 council here is -- I've invited anybody to come to my
8 house anytime between the hours of 10 and 2 on Fridays
9 and Sunday. No one has appeared. No one has come.

10 My house is 900 square feet. It's a small
11 house, so -- You know, I wouldn't be down here if it
12 wasn't an issue.

13 ALDERMAN PAWLINSKI: I know, I know.

14 MS. McDADE: And like the city attorney told
15 me last week, you have to live behind it, so you have
16 to, you know, --

17 ALDERMAN PAWLINSKI: Right.

18 MS. McDADE: -- do things to satisfy me.
19 And I think after they had pled guilty, -- because at
20 first they pled not guilty, -- then they pled guilty
21 and had a reduced fine, because --

22 ALDERMAN PAWLINSKI: But I mean if the
23 committee, for example, -- and it's kind of hard to do
24 this, -- but if we were to strongly encourage Alderman
25 Pratt to get personally involved and -- I mean the

1 committee would say, Alderman, we really want you to
2 do this in order to help the committee, --

3 MS. McDADE: No, that's fine.

4 ALDERMAN PAWLINSKI: Okay.

5 MS. McDADE: I don't have a problem working
6 with you.

7 ALDERMAN PAWLINSKI: Right, right.

8 MS. McDADE: Like I said before, I work
9 different shifts. I have a 14-month-old son.

10 CHAIRMAN BOHL: Right.

11 MS. McDADE: You know, I don't have a
12 problem with them doing -- attending to their
13 business, but I don't need to hear it in my house.

14 ALDERMAN PAWLINSKI: Right. I agree with
15 you.

16 MS. McDADE: I need you to be sympathetic
17 to my husband and me.

18 ALDERMAN PAWLINSKI: I know, I know.

19 MS. McDADE: So I'm willing to work with
20 Councilman Pratt.

21 CHAIRMAN BOHL: And I will personally talk
22 with him on this, and I know that Alderman Pratt will
23 address the problem.

24 MS. McDADE: If they can turn the bass down,
25 because that's the big problem is the bass.

1 CHAIRMAN BOHL: But the volume is not the
2 problem, it's the feeling of the vibration?

3 MS. McDADE: The volume has gone down a
4 little bit. It's the bass. The bass vibrates through
5 my house.

6 CHAIRMAN BOHL: Thank you for coming down
7 today. Any other questions of Mrs. McDade? Is there
8 a motion?

9 ALDERMAN GORDON: Mr. Chairman, I'm going to
10 move approval of the original motion that -- It
11 appears that there's been no substantive change, and
12 thirdly, if something could occur, then it should, and
13 I agree with your assertions that the alderperson
14 should be involved in this, but there's been no
15 substantive change, so my motion is to approve with a
16 10-day suspension.

17 CHAIRMAN BOHL: The motion before us is
18 approval of the license with the 10-day suspension
19 based on neighborhood objections, Alderman?

20 ALDERMAN GORDON: Correct.

21 CHAIRMAN BOHL: Are there any objections to
22 that motion?

23 ALDERMAN PAWLINSKI: I won't object,
24 Aldermen, but I would just add the caveat that if
25 we can, either through the chairman or just this

1 committee, somehow encourage Alderman Pratt to
2 personally get himself involved, because I'm afraid
3 that even after the 10-day suspension is completed,
4 she'll still have the bass problem, and they'll get
5 the message, but I'm not sure that they'll change
6 anything. But I mean I'll support the motion as long
7 as Alderman Pratt is informed that this matter has not
8 been resolved.

9 CHAIRMAN BOHL: Hearing no objections, so
10 ordered. Thank you for coming down. Hopefully we'll
11 continue to work -- Because I believe Alderman
12 Pawlinski is saying he's in support at this point, and
13 that they'll be shut down for 10 days. That doesn't
14 mean for the other 355 that you're not going to be
15 bothered with this problem. Thank you for coming
16 down.

17 MRS. McDADE: Thank you.

18 * * *

STATE OF WISCONSIN)
) ss:
MILWAUKEE COUNTY)

I, DONNA GULCZYNSKI, of Milwaukee Reporters
Associated, Inc., 5120 West Bluemound Road, Milwaukee,
Wisconsin, certify that the foregoing transcript,
consisting of pages 2 through 8 inclusive, is a
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recorded in this cause.

Donna Gulczynski - Court Reporter

Dated this _____ day of _____, 2003
Milwaukee, Wisconsin