

COMMON COUNCIL - 7/7/09 - BUCKHEAD SALOON

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 1
 2 CITY OF MILWAUKEE
 3 COMMON COUNCIL
 4
 5 * * * * *
 6 In the Matter of: LICENSE COMMITTEE RECOMMENDATION
 7 for:
 8 ANDREW P. ARENA
 9 "BUCKHEAD SALOON"
 10 1044 North Old World 3rd Street
 11
 12 * * * * *
 13 Proceedings had and testimony given in
 14 the above-entitled matter, before the COMMON
 15 COUNCIL OF THE CITY OF MILWAUKEE, on
 16 the 7th day of July, 2009.
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 1 PRESIDENT HINES: Have the members of
 2 the Common Council read the report and the
 3 recommendations of the Licenses Committee, and
 4 the exceptions filed in this matter? Will the
 5 City Clerk please call the roll?
 6 CITY CLERK: Alderman Hamilton?
 7 ALDERMAN HAMILTON: Aye.
 8 CITY CLERK: Davis?
 9 ALDERMAN DAVIS: Aye.
 10 CITY CLERK: Kovac?
 11 ALDERMAN KOVAC: Aye.
 12 CITY CLERK: Bauman?
 13 ALDERMAN BAUMAN: Aye.
 14 CITY CLERK: Bohl?
 15 ALDERMAN BOHL: Aye.
 16 CITY CLERK: Coggs?
 17 ALDERWOMAN COGGS: Aye.
 18 CITY CLERK: Wade? Alderman Wade?
 19 CITY CLERK: Donovan?
 20 ALDERMAN DONOVAN: Aye.
 21 CITY CLERK: Puente?
 22 ALDERMAN PUENTE: Aye.
 23 CITY CLERK: Murphy?
 24 ALDERMAN MURPHY: Aye.
 25 CITY CLERK: Dudzik?

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 1 P R O C E E D I N G S
 2 CITY CLERK: The Licenses Committee
 3 recommends approval of file number 090057.
 4 Motion to approve the recommendations of the
 5 Licenses Committee relative to various licenses.
 6 Included in the file are the following
 7 recommendations.
 8 (Whereupon the various licenses were
 9 listed by the City Clerk.)
 10 CITY CLERK: Renewal with a ten day
 11 suspension, based on the police report and
 12 neighborhood testimony of the Class "B" and
 13 Tavern/Amusement Licenses of Andrew P. Arena,
 14 Agent for Old World, LLC, for the premises at
 15 1044 North Old World Third Street in the 4th
 16 Aldermanic District. Written objections have
 17 been filed.
 18 Renewal with a 60 day suspension, based
 19 on the police report of the Class "B" Tavern
 20 License of Jerome E. Kosmoski for the premises at
 21 3402 South 16th Street known as Sandcastle in the
 22 13th Aldermanic District. Written objections
 23 have been filed.
 24 (Whereupon additional licenses were
 25 listed by the City Clerk.)

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 1 ALDERMAN DUDZIK: Aye.
 2 CITY CLERK: Witkowiak?
 3 ALDERMAN WITKOWIAK: Aye.
 4 CITY CLERK: Witkowski?
 5 ALDERMAN WITKOWSKI: Aye.
 6 CITY CLERK: Zielinski?
 7 ALDERMAN ZIELINSKI: Aye.
 8 CITY CLERK: Alderman Wade?
 9 ALDERMAN WADE: Aye.
 10 CITY CLERK: Mr. President?
 11 PRESIDENT HINES: Aye.
 12 CITY CLERK: 15 ayes.
 13 PRESIDENT HINES: 14 ayes, zero noes.
 14 Alderman - - Alderman Bohl moves that the Common
 15 Council resolve itself into Committee of the
 16 Whole for the purpose of hearing oral arguments
 17 on both sides of the item.
 18 CITY CLERK: Are either of the
 19 following or their counsels present, and if so,
 20 do they wish to address the Common Council?
 21 Jerome Kosmoski? No response. Andrew Arena is
 22 present.
 23 PRESIDENT HINES: Again, members of the
 24 Common Council will, on a motion by Alderman
 25 Bohl, move the body go into the Committee of the

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1 Whole for the purpose of hearing oral arguments
2 of the licenses opposition to the recommendations
3 and the report of the Licenses Committee and the
4 statement presented to us by the City Attorney.
5 Is there any objection? Hearing no objections,
6 we are now in the Committee of the Whole. Each
7 side shall be limited to five minutes. And the
8 arguments shall be limited to the subject matter
9 of the report and the recommendations of the
10 committee. With that being the case, please
11 identify yourself and proceed, sir.

12 MR. ARENA: Thank you, Mr. President,
13 honorable members of the Common Council. My name
14 is Andrew Arena, actually here representing, I
15 guess, myself, this morning, and I'm - - I'm here
16 because we consider, and the operators of this
17 business and myself consider this ten day
18 suspension to be a very serious matter. We take
19 it very seriously, and we are of the position
20 that we are operating the business in the most
21 responsible fashion that we can, and we don't
22 believe that this suspension is actually
23 warranted under this record.

24 I'm here actually pleading on behalf of
25 60 people that are employed at this location who

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1 day suspension. I'm here pleading on behalf of
2 the employees that are told if you have any type
3 of a problem, don't have - - don't be concerned
4 with involving the police. Fortunately, there -
5 - there is some police coverage on Third Street.
6 The police department, you know, given the
7 thousands of people that visit Third Street on a
8 weekend, have determined that there is police
9 coverage outside. Many times staff is told,
10 there's no problem, flag down an officer if you
11 have a problem. You have a kid standing there
12 with a fake ID arguing that it's not a fake ID
13 and he's not leaving until he gets his property
14 back, and there's a - - a bike patrol officer
15 riding by and you flag that guy down and say,
16 hey, look I got a kid here who claims this is a
17 legitimate ID. You know, let the police deal
18 with it. If a guy that's being asked to leave
19 when he - - he gets mad because he's being asked
20 to leave, he kicks the door and breaks it, there
21 happens to be a police officer there, the staff
22 says, hey, this guy just broke the door. He
23 should pay for it. Rather than have something
24 escalate, there's a police officer right here,
25 flag him down.

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1 rely on this income, and ten days for them is
2 substantial and significant, as well. I'm - -
3 I'm here pleading on their behalf. They have the
4 great privilege of working in one of the finest
5 areas of the City of Milwaukee, and in my
6 opinion, Old World Third Street has a lot of
7 activity on it. It is very vibrant, and I would
8 submit to everybody on this Council that in 1999
9 when this company came to Milwaukee to do
10 business, Old World Third Street really didn't
11 have a lot of the activity that it has now. It
12 really was in flux. There were several buildings
13 that were dilapidated, but as a result of hard
14 work and putting effort into that area, along, of
15 course, with the assistance of things going on at
16 places like the Bradley Center and other
17 entertainment venues, old buildings were bought,
18 revitalized, rehabbed. We have a location on
19 Third Street now in Bootleggers that they did a
20 phenomenal job in a building that actually
21 everybody had turned its back on.

22 I would submit to this honorable body
23 that if you look at this record as a whole and
24 look at each incident that's covered in this
25 record, none of it really fairly warrants a ten

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1 It was argued at the committee hearing
2 that that - - that type of thing is a drain on
3 police resources, and I'd submit to you that
4 that's an appropriate use of police resources.
5 Things are not allowed to escalate. If you look
6 at each incident, which I've covered in the
7 written objection, I mean, you have one incident
8 where a female strikes a female out of the blue.
9 You have one incident where a guy loses his coat
10 check and gets upset that he lost his coat. So
11 he decides to call the police. You have somebody
12 who stole a sweatshirt, they steal property, you
13 call the police and do a report on a stolen piece
14 of property, and that comes up on the police
15 report. Two of those incidents were these
16 incidents with fake identifications. I think
17 that's the appropriate stance to - - a Class "B"
18 establishment should be taken.

19 Now there's one incident that involves
20 a County board supervisor, Theo Lipscomb, who
21 came the committee and testified that somebody 35
22 feet away from him got splashed with something.
23 Well, I'm going to submit to you that nobody
24 knows where that came from. The Edelweiss
25 doesn't know where it came from. They have

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1 people waiting to get on the boat. We do have a
 2 back patio on the Riverwalk, which is an
 3 appropriate use of the Riverwalk. And, you know,
 4 the area of the patio is barricaded off. You've
 5 got 12 feet to a rail, then it drops down ten
 6 feet, and then another ten feet to the boats, and
 7 something comes from somewhere that nobody really
 8 saw. It was addressed to the best of the
 9 manager's ability, and he tried to appease the
 10 situation. But at that point what really is - -
 11 is irresponsible of the action. It's unfortunate
 12 it happened. We don't deny that it happened. We
 13 don't condone the actions of the person who did
 14 it. We certainly would - - would deal with that
 15 person if it was known who did it. But the fact
 16 of the matter is Mr. Lipscomb, himself, says he
 17 goes up there to find out where this came from,
 18 and there's only five people on the patio.
 19 There's a door person, a staff member, out there
 20 watching these people on the patio who didn't see
 21 it.

22 PRESIDENT HINES: One minute.

23 MR. ARENA: What - - What can you do
 24 with that situation? It's unfortunate, and we
 25 don't condone it. And we have made changes.

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1 There's a higher barricade there. There is
 2 staff. That area is monitored. And we are
 3 working closely with the Edelweiss cruise boats
 4 to monitor that. But the situation down there is
 5 we have all sorts of establishments with patios,
 6 and many of these patios aren't monitored at all.
 7 The old establishment at 1110 Old World Third
 8 Street, which was Kinkades, never had anybody
 9 monitoring their patio. People leave freely with
 10 whatever they want. People come down on buses
 11 and limos, a bachelor party or a group. They're
 12 getting on that boat. They're walking off of
 13 that bus or that car, whatever, with the can or
 14 bottle of whatever they're drinking in their
 15 hand.

16 PRESIDENT HINES: 30 seconds.

17 MR. ARENA: We try to do the
 18 responsible thing and - - and maintain a
 19 semblance of organization and appropriate
 20 business. With that, I'll ask - - answer any
 21 questions.

22 PRESIDENT HINES: Thank you, Attorney
 23 Arena. Any questions of the member of the Common
 24 Council - - of the attorney? Chair recognizes
 25 Alderman Dudzik.

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1 ALDERMAN DUDZIK: Two questions, if I
 2 may. Are - - Do you believe that this location
 3 is known to be frequented by underage patrons? I
 4 mean - - I mean, it's known that - - that it's an
 5 easy location to get into?

6 MR. ARENA: I - - I don't believe that
 7 that would be true. I - - I can produce for you
 8 stacks of fake IDs that are confiscated on a
 9 nightly basis. The policy is when a fake ID is
 10 confiscated, that we keep the ID. The person
 11 usually complains, and they're told, if you go
 12 get a police officer and come back here with a
 13 police officer and prove that it's your property
 14 and that it's legitimate, no problem. Your ID
 15 will be returned. The reason that we have stacks
 16 of them is that those people do not return,
 17 because, in fact, their ID is not legitimate. We
 18 have 750 person capacity. We are doing 160,000
 19 patrons a year, roughly. We have a thousand
 20 people coming in on a - - on a Thursday, Friday,
 21 Saturday night. We have a line a mile long. We
 22 do not have to let minors in, to be successful,
 23 and it's our policy not to do that, and we don't.

24 ALDERMAN DUDZIK: And - - And how long
 25 have you been involved with this particular

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1 location?

2 MR. ARENA: I believe since 2000, when
 3 it was actually bought in agreement with Banana
 4 Joe's, which was the first business there. They
 5 were operating very poorly, in our estimation,
 6 and we - - we made a deal to take it over from
 7 them. Then it was Bar Milwaukee. That was just
 8 a transition until we could get to a point where
 9 we could remodel into what it is now.

10 ALDERMAN DUDZIK: You can tell me, and
 11 if you can't, I'm sure that the City Attorney's
 12 office can tell me, how many other times has this
 13 location had violations that were severe enough
 14 to warrant suspension?

15 MR. ARENA: This - - This location has
 16 never been suspended. There was an issuance with
 17 a warning letter that actually the main thing in
 18 that particular year, it was two years ago - - We
 19 fly in bands from all over the country, and we
 20 provide live - - We're a live music venue, and we
 21 provide good entertainment. We had a band that
 22 was waiting to be paid and sitting in the
 23 location, and we were issued citations for
 24 presence of people after closing hours.

25 ALDERMAN DUDZIK: Thank you.

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1 PRESIDENT HINES: Any additional
2 questions? If not, thank you, Attorney Arena.
3 We will now hear from City Attorney's office,
4 Assistant City Attorney Bruce Schrimpf.
5 MR. SCHRIMPF: Thank you, Mr.
6 President. Members, Bruce Schrimpf from the City
7 Attorney's office. Briefly, this record
8 demonstrates that in June of 2008, there was a
9 fight. December of 2008, there was a disorderly
10 patron regarding a coat, and apparently a lost
11 coat check claim at the door. December of '08,
12 trouble with a subject. That was the episode
13 where the glass door was broken. February of
14 '09, there was a trouble with a subject
15 complaint. That was over a sweatshirt that has
16 unique bar logo - - logos on it that are used
17 only by the personnel of the bar, and apparently
18 a patron got a hold of one. February of 2009,
19 there was a patron being disorderly. He was put
20 out of the tavern. He was detained until police
21 arrived. March of '09, a fake ID was confiscated
22 and turned over to the police department by
23 tavern personnel. March of '09, similar
24 incident, fake ID was discovered and turned over
25 to the police department by bar personnel. And

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1 surveillance over the entire area, not just
2 because of this bar, but because of what the
3 location is. Apparently, it's easy for the bar
4 personnel to ask the police to come.
5 ALDERMAN PUENTE: Which is great. So
6 you're saying just about all the incidents, if
7 not all the incidents, they contacted the police.
8 MR. SCHRIMPF: From - - From what I can
9 figure out, yes, it was close to that.
10 ALDERMAN PUENTE: And then, the
11 Edelweiss incident, was it determined that that
12 beer was poured from that location?
13 MR. SCHRIMPF: No. There was a strong
14 belief on the part of Mr. Lipscomb that it was.
15 And that was circumstantial, because of where the
16 lady was standing, where he was standing, and
17 where the patio was located. But there were no
18 direct witnesses to any beer actually being
19 poured from that patio, either from the bar
20 personnel or from the people that testified,
21 while he was the only one that testified, but
22 from the people involved with the Edelweiss.
23 ALDERMAN PUENTE: He did not see
24 anybody pour it from that - -
25 MR. SCHRIMPF: No, he - - he was asked

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1 then in August of '08, there was the episode with
2 the beer that got onto the patron coming off of
3 the inner cruise ship Edelweiss. Whether or not
4 you suspend this license is reposed to your sound
5 discretion. And whether or not you impose the
6 suspension and the length of such a suspension
7 is, again, reposed to your sound discretion. If
8 there any questions, I'd be happy to try to
9 answer them.
10 PRESIDENT HINES: Chair recognizes
11 Alderman Puente.
12 ALDERMAN PUENTE: Thank you, Mr.
13 President. In the incidents that you just
14 mentioned, how many of those did the
15 establishment actually contact the police?
16 MR. SCHRIMPF: I believe the police
17 were contacted in the June, '08 incident by the
18 bar personnel. I believe in December of the - -
19 the December 6th of '08. I believe the December
20 28th, '08. I believe the February 21st, '09, the
21 February 26th, '09, certainly, the March 6th and
22 the March 13th, '09. I believe those episodes,
23 either the bar personnel contacted the police or
24 they flagged them down. Apparently, the
25 Milwaukee Police Department maintains some heavy

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1 that question, and he said, no.
2 ALDERMAN PUENTE: Thank you.
3 PRESIDENT HINES: Thank you, Alderman.
4 Are there any additional questions of the
5 Assistant City Attorney? If not, thank you.
6 MR. SCHRIMPF: Thank you.
7 PRESIDENT HINES: Alderman Bohl moves
8 that the committee now rises. Hearing no
9 objections, so ordered. Are there any motions
10 relative to this matter?
11 Chair recognizes Alderman Bohl.
12 ALDERMAN BOHL: Thank you, Mr.
13 President. Mr. President, I was the one low - -
14 lone no vote on the committee on this item here
15 relating to 1044 North Old World Third Street. I
16 believed, given the record, that a warning letter
17 would suffice. I thought it was a excessive,
18 given the majority of contacts that were made by
19 the bar. Many times we, on the Council, indicate
20 to taverns that we wish for them to contact
21 police in certain circumstances. That being - -
22 It being said that we - - we don't want excessive
23 amount of contact, but we all know that there are
24 many establishments who, during occasions where
25 they ought to, because there is violence or - -

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1 or other arguments, don't contact the police
2 authorities. And we then see escalation. I
3 believe that - - that a - - a bar that is
4 diligent, tries to make the right occasions and
5 the proper occasions to prevent incidents from
6 escalating, and I think that that was certainly
7 the case with - - with the vast majority of
8 circumstances here. I do believe that - - that
9 the committee vote was excessive, and I just at
10 this point, I can't in good conscience support
11 that. And I don't know if there is support or
12 not, but I would at this point move to renew the
13 - - the license for - - for the Class "B" Tavern,
14 Tavern/Amusement for the premises at 1044 North
15 Old World Third Street with the issuance of a
16 warning letter, despite item - - despite the
17 committee recommendation.

18 PRESIDENT HINES: Thank you, Alderman.
19 The motion is by Alderman Bohl. Any comments on
20 the motion? Chair recognizes Alderman Bauman.

21 ALDERMAN BAUMAN: Thank you, Mr.
22 President. I certainly couldn't ask my
23 colleagues to support the recommendation of the
24 committee. I had requested a 30 day suspension
25 of this license. This is not just the first year

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1 Old World Third Street in the last five years has
2 - - is open all day long, serves lunch, serves
3 dinner, has a food component, as well as, of
4 course, the sale of alcohol.

5 It is interesting that everybody is
6 basically making excuses for the incident that
7 occurred to Mr. Lipscomb and his family members,
8 many of whom were elderly. Elderly women, who
9 were, in fact, showered with beer as if no - - It
10 must have come from the sky. It must have been
11 dropped by birds flying over the Riverwalk and
12 depositing beer upon these patrons' heads, as
13 they were standing directly below the balcony,
14 that only this establishment has access to.
15 While Mr. Lipscomb testified quite honestly that
16 he didn't directly see beer pouring out of a cup
17 in hand of someone standing on that balcony
18 splashing upon his family members below, those
19 family members sure made that exclamation. And
20 that is of course an exception to the hear - -
21 hearsay rule, known as an excited utterance. And
22 as - - And they were highly excited. Excited to
23 the point of a potential physical confrontation
24 between male family members of this party, who
25 Mr. Lipscomb had to physically restrain from

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1 in which there has been trouble at this
2 establishment. Frankly, every year there is a
3 police record emanating from this establishment.
4 I think the prior year, as indicated in the
5 findings of fact, there were six incidents
6 listed. Two years previously a warning letter
7 was issued, based on the items in the police
8 report at that time. This particular
9 establishment, given its size, given its status
10 as a straight nightclub, it does not open during
11 the day. It opens in the evening. Does not
12 serve food of any consequence. It is not an
13 asset to Old World Third Street. Were it
14 applying for a license today, it would not be
15 supported by the merchants and the stakeholders
16 on Old World Third Street, because they have
17 established a basic set of principles that
18 require lunch, dinner, basically food service
19 throughout the day, so that the street is
20 animated with pedestrians and activity throughout
21 the day, and not just a nightclub activity in the
22 late evening. That is why Old World Third Street
23 has seen a resurgence in the last several years,
24 because of that policy. Every single estab - -
25 Every single new establishment that has gone into

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1 going up into the balcony and having a
2 confrontation. It was Mr. Lipscomb's concern
3 that this establishment did not recognize the
4 gravity of the situation, nor did they recognize
5 that a situation was highly offensive to a group
6 of older citizens not patronizing any nightclubs
7 in the area, just enjoying a family reunion event
8 with out of town people, taking an evening cruise
9 on the Edelweiss, as it was a charter cruise.

10 It's interesting that we all just want
11 to wish it away, well, nobody saw anything, it
12 really didn't happen, we don't know where it came
13 from. It must have come out of the air, must
14 have been dropped by a bird. Mister - - The mere
15 fact that County Supervisor Mr. Lipscomb was
16 willing to come down to a license committee
17 hearing, spend a morning to testify about this
18 matter almost a year later, indicates the gravity
19 of the matter to him. And it was partially based
20 on that consideration, plus the lengthy police
21 record, that I would recommend - - the historical
22 record of this establishment, that I recommend
23 the 30 days.

24 I guess it's - - it's somewhat
25 problematic for me to constantly hear these

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 1 claims that they are the savior of Old World
 2 Third Street, that their - - that they have
 3 thousand of patrons a night on the weekends,
 4 somehow is going to revitalize this street.
 5 Frankly, it's quite the opposite. Old World
 6 Third Street could do without this establishment.
 7 They're there. They have a legal right to exist.
 8 But like many establishments in the City of
 9 Milwaukee, need to be held accountable when their
 10 patrons get out of control and engage in unruly
 11 or disruptive behavior that one, requires
 12 significant commitment of the Milwaukee Police
 13 Officers to handle their security issues, and
 14 two, when there are incidents involving the
 15 general public who are victimized, who through no
 16 fault of their own, by just patronizing the
 17 Edelweiss cruise boat, end up with beer splashed
 18 on their Sunday clothing, church clothing, even.
 19
 20 So based on that, I urge my colleagues
 21 to support the ten day suspension, which is the
 22 minimum punishment that can be issued by this
 23 body.
 24 PRESIDENT HINES: Thank you, Alderman.
 25 Chair recognizes Alderman Puente.

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 1 basically wholesale and industrial activities
 2 going on at other times, they don't receive any
 3 benefit, whatsoever, for Buckhead's. It doesn't
 4 open up until eight or nine at night. I think
 5 her letter indicates that what she's saying is
 6 the previous establishments were worse. And that
 7 the current management has performed at a higher
 8 level than the previous establishments. I don't
 9 think anything in that letter suggests that she
 10 is applauding Buckhead's as this great catalyst
 11 for redevelopment and vibrancy in this
 12 neighborhood. Quite the opposite. And I know
 13 her sentiments, because she has expressed them to
 14 me many times, and has expressed them to the
 15 committee regarding new licenses that have
 16 applied seeking just a liquor license and not
 17 offering food during the noon hour or during the
 18 evening hour.
 19 PRESIDENT HINES: Thank you. Alderman
 20 Puente?
 21 ALDERMAN PUENTE: So the answer to my
 22 question is yes or no, that these establishments
 23 are part of the group you mentioned earlier, that
 24 don't want this place in there. Because
 25 according to the letters I'm reading here, and

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 1 ALDERMAN PUENTE: Thank you, Mr.
 2 President. I have to ask the Alderman, when he
 3 mentions the stakeholders of that area would not
 4 support it now. If Usinger's, Edelweiss, and
 5 Lucille's are part of those stakeholders that he
 6 just mentioned?
 7 PRESIDENT HINES: Alderman Bauman.
 8 ALDERMAN BAUMAN: The letters speak for
 9 themselves. His - - It is the general principle
 10 of the Old World Third Street Association,
 11 Deborah Usinger being one of the principal - -
 12 And I spoke to her personally, and the comments
 13 she made to me personally were not the comments
 14 reflected in this letter, I'll let her speak for
 15 herself as to why she penned a letter making the
 16 comments that she makes. But it is her - - It is
 17 she, among all others, above all others, who has
 18 been stressing to me the need to have
 19 establishments which are not nightclubs on Old
 20 World Third Street. They have establishments
 21 that serve food, as well as alcohol, throughout
 22 the day on Old World Third Street, because it is
 23 those kinds of establishments that benefit her
 24 business. Her business, which is essentially a
 25 retail establishment open from nine to five, with

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 1 I'll quote, that the establishment is being a
 2 good neighbor, is a value that, "He embraces our
 3 area. Attracts lots of visitors and tourists.
 4 Mr. Wichler does work very hard to see that this
 5 - - his employees understand the importance of
 6 responsible hospitality." And the other letters,
 7 from what I read, are in support of Buckhead.
 8 And you're telling me something different, and I
 9 just want to make sure we clear the air here,
 10 that you have the stakeholders that you said
 11 would not support it, but yet, I have letters
 12 here saying that they will.
 13 ALDERMAN BAUMAN: Well, if you dissect
 14 what these letters say, we'll stand here all
 15 afternoon. That's - -
 16 PRESIDENT HINES: Alderman - -
 17 Alderman, but we're not. That's the point. And
 18 so I think we've all read the findings of the
 19 facts, and we can determine what weight it means
 20 to us individually. So I do understand he's
 21 asked you a question. You've responded. And
 22 then that's enough.
 23 ALDERMAN BAUMAN: If could just follow
 24 up briefly on the Usinger letter. She is not
 25 saying that any of these incidents take place, or

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 1 even that the - - All she said, these guys try
 2 hard and they've been better than the previous
 3 establishments. I'll stipulate to that.
 4 PRESIDENT HINES: Okay. And - -
 5 ALDERMAN BAUMAN: But that's no
 6 endorsement that this ten day suspension
 7 shouldn't go forward.
 8 PRESIDENT HINES: Okay.
 9 ALDERMAN BAUMAN: She didn't even
 10 comment on the suspension here. She does not
 11 urge this committee to support or not support a
 12 ten day suspension.
 13 PRESIDENT HINES: Okay. That sounds
 14 fine. Again, we've read the facts. I think
 15 questions can be asked, whether you like the
 16 responses or not, I think we can take the facts
 17 on how we like to interpret them, and they're
 18 part of the file.
 19 ALDERMAN PUENTE: If I may continue?
 20 PRESIDENT HINES: Yes, sir. You have
 21 the floor, Alderman.
 22 ALDERMAN PUENTE: On the facts.
 23 PRESIDENT HINES: Yes, sir.
 24 ALDERMAN PUENTE: And the facts are
 25 that when we look at things, and the comments are

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 1 ALDERMAN BAUMAN: No.
 2 CITY CLERK: Bohl?
 3 ALDERMAN BOHL: Aye.
 4 CITY CLERK: Coggs?
 5 ALDERWOMAN COGGS: No.
 6 CITY CLERK: Wade?
 7 ALDERMAN WADE: No.
 8 CITY CLERK: Donovan?
 9 ALDERMAN DONOVAN: No.
 10 CITY CLERK: Puente?
 11 ALDERMAN PUENTE: Aye.
 12 CITY CLERK: Murphy?
 13 ALDERMAN MURPHY: Aye.
 14 CITY CLERK: Dudzik?
 15 ALDERMAN DUDZIK: Abstain.
 16 CITY CLERK: Witkowiak?
 17 ALDERMAN WITKOWIAK: Aye.
 18 CITY CLERK: Witkowski?
 19 ALDERMAN WITKOWSKI: No.
 20 CITY CLERK: Zielinski?
 21 ALDERMAN ZIELINSKI: No.
 22 CITY CLERK: Mr. President?
 23 PRESIDENT HINES: Aye.
 24 CITY CLERK: Five ayes, nine noes,
 25 one abstention.

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 1 that they just fell out of the sky, we have to
 2 look at the facts, not circumstantial. Not that,
 3 yeah, it could have come from here. Nobody saw
 4 nothing. The City Attorney can address this if
 5 we like, but we do have to base it on the facts.
 6 Not circumstantial. Thank you.
 7 PRESIDENT HINES: Thank you. And that
 8 is correct. The Chair recognizes Alderwoman
 9 Coggs.
 10 ALDERWOMAN COGGS: I just Call the
 11 Question.
 12 PRESIDENT HINES: Well, thank you. Is
 13 there no other discussion? With that being the
 14 case, the motion before us is to issue a warning
 15 letter rather than to take the recommendations of
 16 the committee. On the motion, please call the
 17 roll.
 18 CITY CLERK: On the amendment to renew
 19 with a warning letter, Alderman Hamilton?
 20 ALDERMAN HAMILTON: No.
 21 CITY CLERK: Davis?
 22 ALDERMAN DAVIS: No.
 23 CITY CLERK: Kovac?
 24 ALDERMAN KOVAC: No.
 25 CITY CLERK: Bauman?

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 1 PRESIDENT HINES: Five ayes, nine noes,
 2 one abstention. On the measure, motion fails.
 3 Chair recognizes Alderman Dudzik.
 4 ALDERMAN DUDZIK: Mr. Chairman, if I
 5 may explain my abstention?
 6 PRESIDENT HINES: You can, if you wish.
 7 go right ahead, sir.
 8 ALDERMAN DUDZIK: I do so only because
 9 I have one or more relatives that have or have -
 10 - are currently working for Buckhead.
 11 PRESIDENT HINES: I think that's
 12 appropriate. Thank you. Are there any motions
 13 relative to the recommendations by the committee?
 14 Any additional motions? Chair recognizes
 15 Alderman Zielinski.
 16 (Whereupon Alderman Zielinski presents
 17 a motion, and then withdraws the motion.)
 18 PRESIDENT HINES: Any additional
 19 motions relative to the files? If not, I request
 20 a vote of those Council members present to
 21 approve the recommendations of the Licenses
 22 Committee as contained in file number 090057.
 23 Will the City Clerk please call the roll?
 24 CITY CLERK: Alderman Hamilton?
 25 ALDERMAN HAMILTON: Aye.

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1 CITY CLERK: Davis?
 2 ALDERMAN DAVIS: Aye.
 3 CITY CLERK: Kovac?
 4 ALDERMAN KOVAC: Aye.
 5 CITY CLERK: Bauman?
 6 ALDERMAN BAUMAN: Aye.
 7 CITY CLERK: Bohl?
 8 ALDERMAN BOHL: Aye.
 9 CITY CLERK: Coggs?
 10 ALDERWOMAN COGGS: Aye.
 11 CITY CLERK: Wade?
 12 ALDERMAN WADE: Aye.
 13 CITY CLERK: Donovan?
 14 ALDERMAN DONOVAN: Aye.
 15 CITY CLERK: Puente?
 16 ALDERMAN PUENTE: Aye.
 17 CITY CLERK: Murphy?
 18 ALDERMAN MURPHY: Aye.
 19 CITY CLERK: Dudzik?
 20 ALDERMAN DUDZIK: Aye.
 21 CITY CLERK: Witkowiak?
 22 ALDERMAN WITKOWIAK: Aye.
 23 CITY CLERK: Witkowski?
 24 ALDERMAN WITKOWSKI: Aye.
 25 CITY CLERK: Zielinski?

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1 ALDERMAN DONOVAN: Aye.
 2 CITY CLERK: Puente?
 3 ALDERMAN PUENTE: Aye.
 4 CITY CLERK: Murphy?
 5 ALDERMAN MURPHY: Aye.
 6 CITY CLERK: Dudzik?
 7 ALDERMAN DUDZIK: Aye.
 8 CITY CLERK: Witkowiak?
 9 ALDERMAN WITKOWIAK: Aye.
 10 CITY CLERK: Witkowski?
 11 ALDERMAN WITKOWSKI: Aye.
 12 CITY CLERK: Zielinski?
 13 ALDERMAN ZIELINSKI: Aye.
 14 CITY CLERK: Mr. President?
 15 PRESIDENT HINES: Aye.
 16 CITY CLERK: 15 ayes.
 17 PRESIDENT HINES: 15 ayes, zero noes.
 18 The committee report is adopted. The Court
 19 Reporter is dismissed.
 20 * * * * *

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00030

1 ALDERMAN ZIELINSKI: Aye.
 2 CITY CLERK: Mr. President?
 3 PRESIDENT HINES: Aye.
 4 CITY CLERK: 15 ayes.
 5 PRESIDENT HINES: 15 ayes, zero noes.
 6 The file is adopted. Is there any discussions of
 7 any other items on this report? Being none,
 8 Alderman Bohl moves for the approval of the
 9 recommendations of the Licenses Committee. Will
 10 the City Clerk please call the roll?
 11 CITY CLERK: Alderman Hamilton?
 12 ALDERMAN HAMILTON: Aye.
 13 CITY CLERK: Davis?
 14 ALDERMAN DAVIS: Aye.
 15 CITY CLERK: Kovac?
 16 ALDERMAN KOVAC: Aye.
 17 CITY CLERK: Bauman?
 18 ALDERMAN BAUMAN: Aye.
 19 CITY CLERK: Bohl?
 20 ALDERMAN BOHL: Aye.
 21 CITY CLERK: Coggs?
 22 ALDERWOMAN COGGS: Aye.
 23 CITY CLERK: Wade?
 24 ALDERMAN WADE: Aye.
 25 CITY CLERK: Donovan?

00032

1
 2
 3 STATE OF WISCONSIN)
 4)
 5 MILWAUKEE COUNTY)
 6
 7 I, JEAN M. BARINA, of Milwaukee Reporters
 8 Associated, Inc., 5124 West Blue Mound Road,
 9 Milwaukee, Wisconsin 53208, certify that the foregoing
 10 proceedings is a full and complete transcript of the
 11 "BUCKHEAD SALOON" taken at the Common Council meeting
 12 for the City of Milwaukee.
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22 Dated this day of July, 2008.
 23
 24
 25

JEAN M. BARINA
 Court Reporter

O

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