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- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

February 18, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 181405 contains the following recommendation:

Renewal, with a ten (10) day suspension, based upon applicant, aldermanic, and neighborhood testimony of the Class B Tavern and Public Entertainment Premises licenses for Aaron Ohlsson for the premises located at 231 E Buffalo St ("Site 1A") in the 4th aldermanic district.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac', written over a light blue background.

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 181405

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: February 15, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Aaron Ohlsson, Agent for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A").

**FINDINGS OF FACT**

1. Aaron Ohlsson (hereinafter "the Licensee") is the holder of Class "B" Tavern and Public Entertainment Premises (PEP) Licenses for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A"). Said licenses expire at midnight on March 19, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on December 27, 2018.
3. Pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation.
4. On February 1, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on February 12, 2019, commencing at approximately 1:30 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared with counsel, Attorney Michael Maistelman, at the hearing and admitted receipt of the notice of hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. The Licensee admitted that the club did not stop having \$1.00 "Bomb Shots" night on Tuesdays as per the amendment to the plan of operation during the last licensing period. The Licensee admitted fault and acknowledged that there was



no excuse to continue that promotion into the current license period. The Licensee confirmed that the event has now ceased, and stated they will no longer be offering “Bomb Shots” at any price point. He stated that there is security along Buffalo St, and the exit on Tuesday has been changed from the alley to Buffalo Street. He stated that he will have uniform security where people are parking on Broadway St. He stated that MPD has 2 squad cars patrolling on Tuesday nights. He stated he wants to meet with the neighbors more often, MPD and Alderman Bauman. He stated they will stop serving alcohol, turn off the music, and the lights on 30 minutes prior to closing. The location also added over 1000 feet of soundproofing to the space to lower the amount of noise being generated.

- B. Attorney Michael Maistelman stated that there is no police report, the premise has no occupancy issues, they have a good relationship with MPD, they have taken over 250 fake IDs, they have passed MPD checks with minors, all of their bartenders are licensed, and the parking is under control. Attorney Maistelman explained that the Licensee did reach out to the condo association, but the person they met with claimed that they spoke on behalf of the Condo Association, but failed to follow up with the bar. He added that they would be happy to continue to work with neighbors, they just need to know who the correct representatives are. He stated that on Earth Day they do a neighborhood cleanup in the Third Ward. He added that MPD Code Red can meet with the applicant to review their security plan.

Individuals appearing with applicant:

- C. Michael Fierstence 1680A North Franklin Place, part of the ownership group, stated that neighbors are contacting MPD and city officials instead of the premises directly, so they are not always aware of issues. However, he indicated that the bar has taken a number of positive steps to turn things around.
- D. Chris Vrakas, another member of the ownership group, 336 North Milwaukee Street, stated they want to be proactive and fix the issues that are happening. He stated that he did not think \$1.00 “Bomb Night” was the issue. He stated that they are willing to increase security from eight to ten guards. He added that they added more sound proofing, changed some security measures, and created a list of banned patrons. He added that people will enter and exit on Buffalo St. He stated that they are open to hiring off-duty MPD officers. They also had contact with the MPD Captain and there are almost always officers patrolling the location.

Individuals present in opposition:

- E. Mike Guertin, 234 N Broadway Street, #403 stated he moved in in March and has been consistently woken up between 11 p.m. and 2 a.m. on Tuesday nights into Wednesday mornings. He added that most of the noise is people coming and going from the premises. He stated that he's called the police about fights and traffic.

- F. David Jensen, 234 N Broadway St #203 stated he has called the police about the premises numerous times, but they just circle the block. He stated that he listed his apartment to move. He stated that Tuesday is the worst night for noise because of people leaving. He stated that he was shocked about the amount of noise after bar close.
- G. Robin Thompson, 234 N Broadway St #416 stated people hangout in their cars in the alley before they go in to the premises. She stated there are after parties going on after bar close in the neighborhood and it's completely unacceptable. She added that the residents are not the ones creating the problems, it's the patrons. She added that she can provide the management company information to the applicant. She stated that the applicant told her they would have eight security guards patrolling on Tuesday nights and she has not seen any.
- H. Sheldon Garrison, 234 N Broadway St #405 stated he has worked with the applicant in the past to try and address some of the issues. He stated the noise on Tuesday is awful and out of control. He stated there are fights and people partying in the streets until after 2 a.m. and that is unacceptable. He stated that calls to the police go unanswered. He added that people smoke outside in the front of the premises and should be moved to the alley. He stated the premise is operating different from the original business plan submitted. He stated that the noise and disorder on Tuesday has gotten worse over the 4 years that he's lived there. He stated he's seen people drinking, smoking, and having sex outside. He provided a video to the committee, that he recorded, of some of the activity going on at bar time.
- I. Fred Heller, 234 North Broadway Street #213 stated he has witnessed the same issues as the previous speakers. He stated that the security guards are not being proactive by asking patrons keep the noise down.

Individuals present in support:

- J. Rutger Alexander Krueger, 104 East Mason Street stated he works Tuesdays as a DJ at the premises and he sees the security guards and the sound proofing, and the premises is trying to fit the needs of the neighbors.
- K. John Keller, 4035 South Austin Street stated he works as a DJ at the premises at the exit is on Buffalo Street on Tuesdays.
- L. Tina Keller, 4035 South Austin Street stated she agrees with the previous speaker and likes that Tuesday brings the community together.
- M. Courtney Ward, 104 East Mason Street stated she works at the premises and they have made changes to get people out earlier. She added that Tuesday is service industry night. She stated that there are signs saying "please respect our

neighbors". She added that they no longer offer \$100 bottles in VIP in an effort to reduce the intoxication level at the premise.

- N. Travis Lynch, 5635 West Capitol Drive stated he is a DJ at the premises, is in support, and he has witnessed patrons being told to exit out the front.
- O. Jessica Fetter, 3208 North Holton Street stated she works at the premises on Friday nights and the security team is responsive.
- P. Sergio Peralta, 1660 North Prospect Avenue stated the security is responsive and respectful.
- Q. Anise Vaughn, 222 South 3rd Street stated she is an employee of the premises and has noticed the changes that have been implemented.
- R. Kelly Schmitz, 1525 East Royal Place stated is the general manager and has done the staff training and hired security.
- S. Alderman Bauman stated there should not be this level of disorder on a Tuesday night. He stated there has been compelling testimony and Tuesday nights are outrageous. He recommends nonrenewal unless Tuesday night ends at 11 p.m. or 12 a.m.. He stated that that level of noise is on school night is unacceptable. He stated that, while he is sensitive to resident concerns about the police response, it is not MPD's job to police the premises and their patrons. He added that a 30 day suspension is in order based on the compelling testimony and having the same discussion last year with the same assurances. In his opinion, the problems are getting worse, not better. He stated this is an escalating problem.
- T. Alderman Kovac stated that noisy patrons on Tuesday can put the licenses at risk because the premises is responsible for their patrons.
- U. Alderwoman Dodd stated the testimony and the video is very compelling and raises some huge concerns. She stated that neighbors need their sleep and what was on the video was unacceptable. She stated that the premises needs to adjust their plan or they will face discipline.
- V. Alderman Witkowski stated it is not a police responsibility to control the patrons leaving the premises. He stated the premises needs to control their patrons as they exit the premises. He stated that residents should be able to have peaceful enjoyment of their homes.
- W. He added that there are no police reports and no communications from the neighbors since April. He stated that a 30 day suspension is harsh given the circumstances and he would like a warning letter. He stated that he will provide a copy of the updated plan of operation to the Committee, the neighbors, Alderman Bauman, and MPD.

- X. Alderwoman Dodd moved approval with a 30 day suspension based on neighborhood, applicant, and aldermanic testimony. The motion failed on a 2-1 vote, with two excused.
  
- Y. Alderman Witkowski indicated that he believed some discipline was in order, but was not in support of a 30 day suspension. He moved approval with a 10 day suspension based on neighborhood, applicant, and aldermanic testimony. The motion prevailed on a 2-1 vote, with two excused.

### **CONCLUSIONS OF LAW**

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances.
  
2. Based upon the above facts found, the Committee concludes that the Licensee, Aaron Ohlsson who holds Class "B" Tavern and Public Entertainment Premises (PEP) licenses for the premise located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A") has not met the criteria of Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on the applicant, neighborhood and aldermanic testimony.
  
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension for the premises located at 231 East Buffalo Street in the City and County of Milwaukee, Wisconsin ("Site 1A"). The Committee based its recommendation on the applicant, neighborhood testimony.

### **RECOMMENDATION**

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **two (2) ayes, one (1) noes, and two (2) excused**, recommends that the Class "B" Tavern and Public Entertainment Premises (PEP) Licenses of Aaron Ohlsson for the premises located at 231 East Buffalo Street ("Site 1A") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon the applicant, neighborhood and aldermanic testimony.

The suspension is in effect between 12:01 a.m. on March 20, 2019 until 11:59 p.m. on March 29, 2019.

Dated and signed at Milwaukee, Wisconsin this 15th day of February, 2019.

A handwritten signature in black ink, appearing to read "Nick", written in a cursive style.

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NIC KOVAC  
Chairman, Licenses Committee

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