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Office of the City Clerk

Ronald D. Leonhardt
City Clerk

October 7, 2005

Carolyn Hill Robertson
Deputy City Clerk

Maria Renta
2727 South 13th Street
Milwaukee, WI 53215

Dear Ms. Renta:

You are hereby notified that the Milwaukee Common Council will hold a hearing on October 18, 2005 commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "B" Tavern license for the premises located at 1734 West Greenfield Avenue, Milwaukee, Wisconsin ("Domino Club").

Attached you will find a copy of the Report of the Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending renewal of the Class "B" Tavern license with a twenty-five (25) day suspension. The recommendation is the result of a public hearing before the Committee held on October 4, 2005 along with a police report that could form the basis of nonrenewal or suspension of this license.

You may file a written objection to the Report of the Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,

RONALD D. LEONHARDT
City Clerk

Enclosure
97486



Office of the City Clerk

Ronald D. Leonhardt
City Clerk

www.milwaukee.gov

October 7, 2005

Carolyn Hill Robertson
Deputy City Clerk

Eric J. Uecke
2494 South Wentworth Avenue
Milwaukee, WI 53207

Attorney Michael A.I. Whitcomb
633 West Wisconsin Avenue, Ste. 510
Milwaukee, WI 53203

Dear Mr. Uecke and Mr. Whitcomb:

You are hereby notified that the Milwaukee Common Council will hold a hearing on October 18, 2005, commencing at 9:00 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider the alteration of the Class "B" Tavern premises located at 2496 South Wentworth Avenue in the City and County of Milwaukee, Wisconsin ("Cactus Club").

Attached you will find a copy of the Report of the Licenses Committee which includes its Findings of Fact, Conclusions of Law and Recommendation, recommending denial of this alteration of the Class "B" Tavern premises. The recommendation is the result of a public hearing before the Committee held on October 4, 2005.

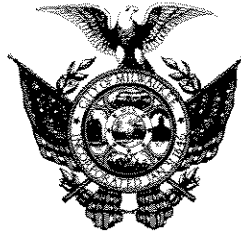
You may file a written objection to the Report of the Licenses Committee and shall have the opportunity to present arguments in writing supporting that objection to the Common Council. Any written objections to the Committee's Report must be filed with the City Clerk at least two (2) days prior to the above-mentioned date set for hearing by the Common Council. You or a legal representative may also appear at the Common Council meeting and request an opportunity to address the Common Council for approximately five (5) minutes to present an oral argument on your own behalf.

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure

c: License Division
CCF 050541



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

October 7, 2005

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 050541

Recommendation of renewal with a 25-day suspension, based on the police report, of the Class "B" Tavern license of Maria Renta for the premises at 1734 W. Greenfield Ave. ("Domino Club") in the 12th Aldermanic District. (Committee vote: Ayes: 4, Noes: 1)

Recommendation of denial of the request by Erick Uecke for a permanent extension of the Class "B" Tavern premises to include extension of premises 12' on the north side of the current premises, reconfiguring the bar, kitchen and restroom areas and providing handicapped access for the premises at 2496 S. Wentworth Ave. ("Cactus Club") in the 14th Aldermanic District. (Committee vote: Ayes: 4, Noes: 1)

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on October 4th, 2005.

Pursuant to section 90-11, Milwaukee Code of Ordinances, and section 125.12(12), Wis. Stats., the Committee is transmitting a copy of its Report and Recommendations, regarding the above matters to your Honorable Body.

Pursuant to City Ordinances, prior to the time the Common Council acts on the Committee's Report, **a roll call vote will be taken** to confirm that all members present and voting have read the Committee's Report and any objections that have been filed by the Licensee.

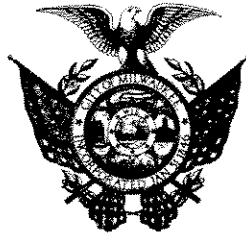
These matters have been scheduled for a hearing before the full Common Council at its meeting on **Tuesday, October 18, 2005** at 9:00 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink that reads "JAMES N. WITKOWIAK". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

James N. Witkowiak, Chair
Licenses Committee

cc: All Council Members
CCF 050541



JAMES N. WITKOWIAK
ALDERMAN, 12TH DISTRICT

Date: October 7, 2005

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of Maria Renta for a Class "B" Tavern and an application for a Tavern Dance license for the premises located at 1734 West Greenfield Avenue, in the City and County of Milwaukee, Wisconsin ("Domino Club").

FINDINGS OF FACT

1. Maria Renta (hereinafter the "Licensee") doing business at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club "). Said license expires at midnight, November 5, 2005.
2. An application to renew said license was filed with the Office of the City Clerk on September 1, 2005.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. There was a Milwaukee Police Department report dated September 2, 2005, which could form the basis for non-renewal or suspension of the license. There were also neighborhood objections to loitering, littering, loud music and noise, parking and traffic problems, drug and criminal activity, disorderly patrons, prostitution, presence of underage persons on a Class "B" premises, and conduct which is detrimental to the health, safety and welfare of the neighborhood.
4. On September 21, 2005, the City Clerk's Office provided timely notice to the Licensee, pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of police objections that could form the basis for suspension or non-renewal of the license of the Licensee along with the neighborhood objections. A copy of the police report was included. The matter was scheduled for a hearing on the police objections on October 4, 2005 at 8:45 a.m. in Room 301B of the third floor of City Hall. At said date, time and place, the licensee appeared and admitted receipt of the notice and police report.

5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
- A. On March 1, 2002, officers of the Milwaukee Police Department entered the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club"). Upon entering the premises officers observed a patron sitting at the bar. The patron appeared to be underage and when asked for identification she stated she was 18 years of age. Officers noted there was a DJ playing prerecorded music. The licensee, Maria Renta, who was behind the bar stated that she had a doorman but that he was not working on that day. She also stated that she had not been checking any IDs herself and that she had not checked the ID from the 18 year old patron. Maria Renta was issued citations and when she was given the citations she complained that the city was not letting her make a dime because of the citations she keeps receiving. Both citations issued on this occasion, for presence of underage and prerecorded music, were dismissed on November 18, 2002.
 - B. On April 7, 2002 at 3:10 a.m., officers of the Milwaukee Police Department observed the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club") open for business with patrons inside. Due to daylight saving time, clocks were set ahead one hour at 2:00 a.m. All taverns in the city were required to close for the evening at 2:00 a.m. The owner told the officers she was unaware that the clocks were to be changed. The licensee was cited for patrons after hours upon a Class "B" premises, and on May 30, 2002 was found guilty. A suspended sentence was imposed.
 - C. On December 27, 2002 at 1:11 a.m., officers of the Milwaukee Police Department observed a male in the 1700 block of West Greenfield Avenue with a baseball bat in his hand smashing all the windows in a 1993 Chevy Blazer 4-door. The officer activated his vehicle's lights and siren. The suspect jumped into a Nissan Sentra and fled the scene. After a brief chase, the vehicle was stopped and the suspect apprehended. After further investigation, it was found that the suspect had been in the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club"). A fight broke out inside of the license premises. The suspect was struck in the head with a beer bottle by an unknown person. The suspect thought the Chevy Blazer belonged to the person who struck him with the bottle so he proceeded to smash all the windows. The suspect, along with two

other persons involved in the fight, was conveyed to St. Luke's Hospital for treatment of head contusions, lacerations and some required stitches.

When officers returned to the licensed premises, the licensee was on the scene along with two security guards who were working in the tavern when the fight broke out. The security guard stated that the beer bottles and chairs were thrown by numerous people in the tavern. There were numerous persons hurt but they all left before the police arrived on the scene. The tavern had also been cleaned up before the police arrived. The police were never notified of the fight at the bar or the fact that there were injured people in the bar. The licensee was cited for disorderly premises; however, that citation was dismissed on February 20, 2003.

- D. On February 1, 2004 at 1:59 a.m., officers of the Milwaukee Police Department were dispatched to a fight at the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club"). Police observed approximately 25 people in front of the tavern and multiple vehicles leaving the scene. An investigation revealed that a large fight broke out inside of the licensed premises where beer bottles were being thrown. Three persons were injured and one with a severe laceration to his arm resulting in his being transported by Flight for Life. No arrests were made.
- E. On July 18, 2004 at 1:43 a.m., officers of the Milwaukee Police Department observed a large group of people (approximately 20-30) gathering outside of the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club"). An argument took place between a male and three females. The male struck one of the females in the mouth and also struck a police officer. The male was arrested for battery to a police officer, disorderly conduct and obstructing an officer.
- F. On September 26, 2004 at 1:42 a.m. officers of the Milwaukee Police Department were sent to a fight at the El Domino Club at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin. A security officer from the tavern stated that they had sprayed several people with pepper spray for fighting. Police issued disorderly conduct citations to three patrons. During the investigation, another fight broke out on the sidewalk outside of the premises. Another person was arrested for substantial battery and assault and battery and resisting/obstructing an officer. When officers went back into the tavern, they observed the licensee, Maria Renta, serve two beers to two of the fighters who were already intoxicated. The licensee, Maria Renta,

was issued a citation for disorderly premises which was dismissed without prejudice on March 7, 2005.

- G. On October 10, 2005 at 2:10 a.m. officers of the Milwaukee Police Department conducted a tavern check at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("El Domino Club"). One patron, who was still drinking, refused to leave the tavern. When escorted out of the tavern, he stood on the roadway yelling loudly, causing a disturbance. He was issued citations for disorderly conduct and resisting/obstructing an officer.
- H. On November 20, 2005 at 12:18 a.m. officers of the Milwaukee Police Department were sent to a complaint of trouble with a subject at the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("El Domino Club"). A tavern security person observed a patron with a white powdery substance in his wallet and called police. The patron was arrested for possession of a controlled substance-cocaine.
- I. On January 20, 2005 officers of the Milwaukee Police Department conducted a license premises check at the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("El Domino Club"). The officers found a 19-year old patron sitting at the bar. The officer also noticed that the back door was locked. The licensee, Maria Renta, was issued citations for presence of underage, which was dismissed without prejudice on May 9, 2005 and safe egress from all entrance doors, which resulted in a suspended sentence being imposed on May 9, 2005.
- J. On January 29, 2005 officers of the Milwaukee Police Department conducted a licensed premises check at the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("El Domino Club"). The officers found one underage patron at the back of the bar. The licensee, Maria Renta, was issued a citation for presence of underage, which resulted in a guilty adjudication on May 9, 2005 and she was fined \$354.00.
- K. On February 26, 2005, officers of the Milwaukee Police Department conducted a licensed premises check at the licensed premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("El Domino Club"). The officers found one underage patron on the premises. The licensee, Maria Renta, who was also present, was issued a citation for presence of underage. On May 9, 2005 the citation was dismissed without prejudice.

L. No neighbors appeared to testify in objection to this premises.

CONCLUSIONS OF LAW

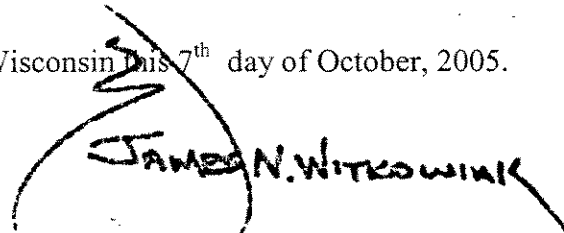
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the licensee, Maria Renta, for the licensed premises at 1734 West Greenfield Avenue ("Domino Club") has not met the criteria of Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to allow renewal of her Class "B" Tavern license without undergoing a twenty-five (25) day suspension. The Committee finds the police report to be true. The Committee makes no findings as to neighborhood objections.
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 discretion to renew the Class "B" Tavern license of Maria Renta for the premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club") with a twenty-five (25) day suspension.

RECOMMENDATION

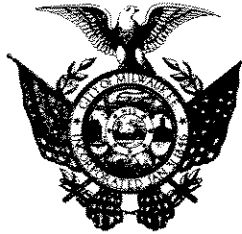
Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of four (4) ayes and one (1) noe recommends that the Class "B" Tavern license held by Maria Renta for the premises at 1734 West Greenfield Avenue in the City and County of Milwaukee, Wisconsin ("Domino Club") be renewed with a twenty-five (25) day suspension.

Said suspension is to be in effect from 12:01 a.m., November 6, 2005 through midnight, November 30, 2005.

Dated and signed at Milwaukee, Wisconsin this 7th day of October, 2005.



JAMES N. WITKOWIAK
Chairman of the Licenses Committee



JAMES N. WITKOWIAK

ALDERMAN, 12TH DISTRICT

Date: October 7, 2005

To: All Members of the Milwaukee Common Council

From: Licenses Committee ("Committee")

Re: Report of the request of Eric J. Uecke for a permanent extension of the Class "B" Tavern premises located at 2496 South Wentworth Avenue in the City and County of Milwaukee, Wisconsin ("Cactus Club")

FINDINGS OF FACT

1. Eric J. Uecke (hereinafter the "Licensee") is the holder of a Class "B" Tavern License for the premises located at 2494 South Wentworth Avenue in the City and County of Milwaukee, Wisconsin ("Cactus Club").
2. Said premises currently is contained in an area described as a premises 22'0" wide on the west side, a length of 69'2½" along the south side, 27'4" on the east side, and with the dimension of 27'4" extending 17'4" to the west where it decreases to a width of 22'0" to the extreme west end of the building.
3. On August 7, 2005, Eric J. Uecke submitted a permanent extension application for altering the current premises to 34'3" on the extreme west end, 69'2½" on the extreme south end to the east end, 42'4" on the extreme east end, and on the extreme end going to the west, 10'1½" to the point where it narrows 34'3" to the extreme west end of the premises. The proposed alteration changes the bar area from an east-west to a north-south direction, and increases the proposed bar area from 613 square feet to 687 square feet. The bar area is in the extreme west end of the building. The proposed alteration increases the number of available bathrooms and entrances and exits, and increases the standing room in front of a stage area from 751 square feet to 1,137 square feet according to the proposed floor plans. The proposed plan increases the width of the licensed premises by 12' for most of its 69'2½".
4. As a result of the proposed alterations to the premises, not only does the interior square footage increase, but because of the proposed improvements to bathrooms and availability of exits, it is anticipated that the capacity of the location will increase from a present capacity of 80 to a capacity of as much as 200 persons.

5. The adjoining neighbors have objected to granting the proposed alterations to extension of this premises because of: loitering, littering, loud music and noise, parking and traffic problems, disorderly and unruly patrons, public intoxication and urination, late night disturbances, and conduct which is detrimental to the health, safety, and welfare of the neighborhood.
6. This matter was originally noticed for a hearing by notice to the licensee and the objecting neighbors dated August 31, 2005 and to the objecting neighbors on Thursday, September 1, 2005. The Committee denied the requested expansion under § 90-13, Milwaukee Code of Ordinances (MCO). This matter was returned to the Licenses Committee by the Milwaukee Common Council on September 27, 2005. The concern of some members of the Common Council that some expansions in capacity have not been brought to the Licenses Committee for review. The matter was again noticed to the licensee by notice dated September 28, 2005 setting a hearing on an issue as to the application of § 90-13, Milwaukee Code of Ordinances, for Tuesday, October 4, 2005 at 1:00 p.m. The licensee appeared in person and by Attorney Michael A.I. Whitcomb at both hearings.
7. Neighborhood objectors have testified to the following facts regarding the proposed alteration:
 - A. Currently, they suffer from loud music from patrons at closing time, public urination from patrons exiting the premises and urination generally outside of the premises.
 - B. Currently neighbors are awoken by loud noises from the patrons of the tavern exiting at closing time and leaving the area on a regular basis.
 - C. Currently neighbors have observed patrons of this establishment drinking beer in cars, patrons swearing at the neighbors, and litter from patrons exiting the premises. Neighbors have experienced current patrons of the Cactus Club parking in front of their driveways, consuming alcoholic beverages outside of the premises and from motor vehicles parked in the adjacent area, and being subjected to abusive and profane language from patrons at closing time.
 - D. The problems with parking in the neighborhood are exacerbated in the winter time when parking is restricted to one side of the street. This results in patrons being required to park as many as three and four blocks away from the location. This has caused litter to be spread from the location of this premises to adjoining neighbors' homes on a larger area.
 - E. At least one neighbor testified that she has moved away from the location because of the noise and litter at the Cactus Club. She observed that what was once a quiet tavern expanded during the period of time between the time she bought her home in the area and the time she moved away. This caused an increase of noise,

litter, disturbances and parking problems. These problems have increased according to this neighbor, at the point in time that the current licensee took over the location.

- F. The neighbors generally complain that the traffic density in the area is already too high, and that increasing the capacity of this location will only increase traffic problems in the area to include parking problems.
- G. The neighbors complain that any expansion of the capacity of the licensed outlet will exacerbate the problems testified to because these problems exist with a capacity of 80, and an increase in that capacity will only increase the number of these problems.
- H. The licensee and the supporters of the remodeling and resultant expansion of this location argue that the intention is not to increase the capacity of this location, but to improve the physical plant; and as a result of improving the physical plant, the capacity will increase.
- I. The licensee and the licensee's supporters argue that, in fact, the actual number of patrons that will attend the location will remain relatively constant because the bands that draw patrons to this location have only a certain number of people who are interested in attending them, and that despite the resultant increase in capacity, in fact a relatively small increase in patronage will actually occur.
- J. The licensee and the licensee's supporters argue that the purpose of this plan is to allow increased usage of the facility during what are normally "off days" during the week and that they do not anticipate an actual increase in the amount of patronage, particularly on the weekends.
- K. The licensee and his supporters argue that other licensed locations in the area are attributable for much of the noise and that those other locations include "Mama DeMarini's", "At Random", "The Club Palomino", which is immediately to the west of the Cactus Club, "Club Garibaldi", and "Groppi's", which are immediately to the southwest of the Cactus Club, or in the immediate area. Indeed, the neighbors note that a grocery store known as "Groppi's" was approved for a Class "B" license for the service of wine and beer at an outdoor seating area. The Committee notes Groppi's closes at 7:00 p.m. and does not cater to or attract large crowds of persons that will roam the streets late at night. The Committee notes that the remaining clubs have not sought an alteration to the premises in question.
- L. The licensee and his supporters argue that the noise and traffic congestion is at least attributable to the other locations as to the Cactus Club, as well as traffic off the Hoan Bridge.

- M. Most of the objections to the proposed alterations are close neighbors while the supporters of the premises are younger professionals not close to the premises. Many of the supporters of the alteration are customers, employees, or entertain at the premises.
- N. On September 27, 2005 the Milwaukee Common Council returned this matter to the Licenses Committee.
- O. The purpose of remanding this matter to the Licenses Committee was to determine if § 90-13, Milwaukee Code of Ordinances, is administered fairly and equally as between licensees that expand their premises, and obtain an increase in capacity of the premises.
- P. Representatives of the City of Milwaukee testified that § 90-13, Milwaukee Code of Ordinances, has been consistently interpreted by the Plans Division of the Department of City Development (DCD) to require a hearing before the Licenses Committee when the square footage of the licensed premises area expands from what previously was licensed. In those cases where alterations to the premises have not resulted in an expansion of licensed premises, but merely an expansion in capacity, the Plans Division of DCD has not required the matter to come to the Licenses Committee for approval.
- Q. The proposed plan expands the licensed premises by twelve feet three inches for most of 69'2½" length.

CONCLUSIONS OF LAW

1. The Committee is empowered by § 90-13 of the Milwaukee Code of Ordinances as follows:

Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the utilities and licenses committee prior to issuance of a permit pursuant to s. 200-24 by the department of city development. An applicant whose permit application has been denied by the committee may appeal the decision to the common council.

2. At the time of the adoption of § 90-13, MCO, the drafters of § 90-13, MCO stated:

Ald. Nardelli: This ordinance is something that I prepared. Members will remember, will recall, concerns that were voiced during hearings on licenses in the 3rd aldermanic district. There were concerns about once a licensed premises had received a permit from the City of Milwaukee to sell alcoholic beverages that the City ostensibly controlled the ability of a location to expand beyond its intended use when they first came to us. In looking into the regulations, we found

out that there were no provisions for the City of Milwaukee to approve the expansion of a licensed facility. That meant that if somebody had a dance hall that could seat 100 patrons, someone could ostensibly go before the Building Inspection department and get a license and expand that to allow for 800 people and we wouldn't have nickel one to say about it. This ordinance is intended to require any applicant who intends to remodel, to expand, a licensed premises that they must, before the Building Inspection Department grants it, that person must come before this committee and seek approval for that expansion. That's ostensibly what this does.

Any questions by committee?

Ald. Henningsen moves to recommend for approval. Are there any objections? Hearing none, so ordered.

This follows the language of Wis. Stat. § 125.03(h), which provides:

(h) *Subsequent changes.* Within 10 days of any change in any fact set out in an application for a license or permit to sell alcohol beverages, the licensee or permittee shall file with the issuing authority a written description of the changed fact.

3. The Committee was advised of the existence of the matter of *Alberti v. City of Whitewater*, 109 Wis. 2d 592, 327 N.W.2d 150 (1982). The question in that case was whether or not Wis. Stat. § 176.14 (now Wis. Stat. § 125.04(3)(h)) requires approval of a governing body to proposed alterations in a licensed premises, or, if it merely requires notice of such to the City Clerk. The Wisconsin Supreme Court in relevant portion stated:

We conclude that the expansion of the premises on which a licensee is legally entitled to sell liquor is analogous to the entire relocation of his licensed premises. The chief difference between a licensee who proposes to expand his premises and one who proposes to relocate is that the one who opts for expansion wants to have his original licensed premises and a new premises as well. (*Alberti v. City of Whitewater*, 109 Wis. 2d 592, 601, 327 N.W.2d 150, 154 (1982)).

4. The Wisconsin Supreme Court further stated:

To alter the express terms on which a beer and liquor license was granted, the licensee must return to the issuing authority for its approval. In the instant case, the Council [referring to the Common Council] was entitled to consider the effect that an expansion of the Woodshed premises would have on the quality of

the neighborhood where it was located, and it was within the Council's discretion to deny Alberti's expansion request.

Alberti v. City of Whitewater, 109 Wis. 2d 592, 601, 327 N.W.2d 150, 154 (1982). The Committee finds that the interpretation of § 90-13, MCO, is consistent with state law.

5. The Committee understands and recognizes that the testimony regarding the appropriateness of allowing the resultant expansion in the capacity of this location is mixed. However, on whole, the Committee finds that the supporters of the license expansion tend not to be neighbors located close by and include a large number of individuals who are employees or individuals who are in bands that are employed by the licensed premises and the licensee.
6. The Committee also recognizes and gives credence to the fact that the objectors tend to be neighbors that live close in to the licensed premises and have credibly testified to complaints regarding operations of the licensed premises resulting in neighborhood objections to loitering, littering, loud music, noise, parking and traffic problems, disorderly and unruly patrons, public intoxication and urination, late night disturbances and conduct detrimental to the health, safety and welfare of the neighborhood.
7. The committee finds the neighborhood objections to the proposed alteration as stated above, to be true.

DECISION

The Committee pursuant to the provisions of § 90-13, Milwaukee Code of Ordinances, by a vote of four (4) ayes to one (1) noe finds that the proposed expansion of the licensed premises as set forth in findings of facts and application set forth above would exacerbate the neighborhood problems generated by this premises and accordingly denies the proposed expansion.

Dated and signed at Milwaukee, Wisconsin, this 7th day of October, 2005.


Alderman James N. Witkowiak
Chairman, Licenses Committee