

**CHAIR**

- Licenses Committee
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- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

December 10, 2019

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 191067 contains the following recommendations:

Nonrenewal, based upon the applicant, aldermanic, neighborhood, and Department of Neighborhood Services testimony and noncompliance with landscaping plans of the Parling Lot or Place and Weights & Measures licenses for Brian Doherty for the premises located at 1124 N Old World Third St (“SP Plus Corp”) in the 4th aldermanic district.

Nonrenewal, based upon the police report, police, applicant, aldermanic, and neighborhood testimony of the Extended Hours Establishments, Food Dealer, Filling Station, and Weights & Measures licenses for Gurdev Singh for the premises located at 1254 N 35<sup>th</sup> St (“V K Quick Mart”) in the 4th aldermanic district.

Renewal, with a ten (10) day suspension, based upon the police report, and aldermanic and neighborhood testimony of the Class B Tavern, Food Dealer, and Public Entertainment Premises licenses for Odean Taylor for the premises located at 5007-09 W Center St (“Jay’s Uptown Cafe”) in the 15th aldermanic district.

Nonrenewal, based on the police report and applicant testimony of the Class D Operator’s License of Brian Ackley.

Nonrenewal, based on the second nonappearance of the Class D Operator’s License of Sandra Koman.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nik Kovac'.

Nik Kovac, Chair  
Licenses Committee

cc: All Council Members  
File 191067

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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 6, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Brian M. Doherty, Agent for SP Plus Corporation, for Parking Lot or Place and Weights & Measures licenses for the premises located at 1124 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("SP Plus Corp").

**FINDINGS OF FACT**

1. Brian M. Doherty (hereinafter the "Licensee") is the holder of licenses for Parking Lot or Place and Weights & Measures for the premises located at 1124 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("SP Plus Corp"). Said licenses expire at midnight, January 21, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 3, 2019.
3. Pursuant to Chapters 84 and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On November 22, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 84 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on December 3, 2019 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared 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 stated he was not aware that the reports on the condition of the lot until May; he only became aware when he got the DNS order in June. He had a maintenance person go out in June to cut down the overgrowth. He added that he talked to KEI landscaping company to increase the landscaping to quarterly. He



provided photos of how the lot looks now. He stated that he needs to be more on top of the maintenance of the lot. He added that there were two landscaping plans one from RACM and one from KEI. He stated that KEI came out in August to clean and install mulch in September. He added that KEI told him they installed everything on the landscaping plan. He stated that he would like time to meet with KEI, RACM, Alderman Bauman, and Ms. Kuehneman to come up with an action plan to improve the condition of the lot.

- B. Alderman Spiker moved to enter in to the record as exhibit #1 the photos. (Prevailed 4-0)

*Individuals also present:*

- C. Alderman Bauman stated this lot was approved by the RACM as part of the Park East redevelopment plan, and part of the approval a landscaping plan was required. He stated the plan was approved in 2015 and the landscaping was minimally completed. He noted that generally the City is understanding with regard to homeowners, but finds it unacceptable that a for-profit parking lot would be non-compliant with DNS orders. He added that this is a clear case for nonrenewal.
- D. Peter Laritson - DNS stated they received a complaint on May 31st about the deficient landscaping, verified the complaint on June 3rd, and issued an order due mid-summer. He added that they unsuccessfully attempted to gain voluntary compliance, so the order was sent to Municipal Court, and a default judgement was issued November 14th. He stated they have pictures from yesterday of the deficient minimum required landscaping at the property. He added the main issue is the lack of canopy trees and dense shrubbery.

*Individual present in opposition:*

- E. Kimberly Kuehneman, 1131 North Old World Third Street, stated in August 2018 she complained about the weeds, dirt, and lack of shrubbery. She added that in May 2019 she contact Alderman Bauman about the debris and garbage in the area. She stated that on June 4th a landscaping order was issued to be completed by July 30th, but nothing was done. She added that since May of 2018 the landscaping has not been maintained and they do not clear the snow on the sidewalks either. She stated the property looks like a dump, and the only thing that was done this year was mulch.
- F. Alderwoman Coggs stated that based on the evidence and the photographs, it does not seem like KEI installed the correct items in accordance with the landscaping plan. She asked who was checking KEI's work to make sure it was being done. She added that she has no confidence that the Licensee can rectify the issues because he does not understand what they are.

- G. Alderman Kovac stated the Licensee ignored DNS orders and ignored approved plans from Park East, which is egregious.
- H. Alderwoman Lewis stated she recalled all of the times the Committee has gone back and forth with the Licensee over lighting and landscaping at various parking lots. She added that it always seems like a small plan to appease the Council, but never a full plan to mitigate the issues.
- I. Alderwoman Lewis moved denial based on applicant, neighborhood, aldermanic, and Department of Neighborhood Services' testimony, and noncompliance with approved landscaping plans. (Prevailed 5-0)

### 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 84 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Brian M. Doherty who holds Parking Lot or Place and Weights & Measures licenses for the premise located at 1124 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("SP Plus Corp") has not met the criteria of Chapters 84 and 85, of the Milwaukee Code of Ordinances to not renew the Parking Lot or Place and Weights & Measures licenses. The Committee finds the Licensee, Aldermanic, Neighborhood and DNS testimony as stated above to be true. The Committee based its recommendation on the applicant, aldermanic, neighborhood, and Department of Neighborhood Services' testimony, and noncompliance with approved landscaping plans.
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 Parking Lot or Place and Weights & Measures licenses for the premises located at 1124 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("SP Plus Corp"). The Committee based its recommendation on the applicant, aldermanic, neighborhood, and Department of Neighborhood Services' testimony, and noncompliance with approved landscaping plans.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes** recommends that the Parking Lot or Place and Weights & Measures licenses held by Brian M. Doherty for the premises located at 1124 North Old World Third Street in the City and County of Milwaukee, Wisconsin ("SP Plus Corp") not be renewed based on the applicant, aldermanic, neighborhood, and Department of Neighborhood Services' testimony, and noncompliance with approved landscaping plans.

Said nonrenewal is effective 12:01 a.m. on January 22, 2020.

Dated and signed at Milwaukee, Wisconsin this 6th day of December, 2019.



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NIK KOVAC  
Chairman Licenses Committee

/265154



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- Licenses Committee
- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

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- Public Works Committee
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- Employee's Retirement System Annuity & Pension Board

**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 6, 2019

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Gurdev Singh, Agent for V K Citgo LLC, for Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("V K Quick Mart").

**FINDINGS OF FACT**

1. Gurdev Singh (hereinafter the "Licensee") is the holder of Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("V K Quick Mart"). Said licenses expire at midnight, January 3, 2020.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 7, 2019.
3. Pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On November 22, 2019, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances of the police report and neighborhood objections and included a copy of the police report and neighborhood objections. The matter was scheduled for a hearing on the police report and neighborhood objections on December 3, 2019 at 2:00 p.m. in Room 301B of the third floor of City Hall. At said date, time and place, the Licensee appeared and was represented by Attorney Vincent Bobot, 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. On January 12, 2018, at 12:21 am, Milwaukee Police were flagged down by a citizen in the 3500 block of W. Highland Blvd stating that there was a subject with a gun at 1254 N. 35th Street. Officers responded to the location and were



unable to locate a subject with a gun and the clerk/employee was unaware of any such person.

- B. On February 28, 2018, at 9:54pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a trouble with subject complaint. Upon arrival, the employee stated that the subject left and officers could not locate the subject in the surrounding area.
- C. On March 2, 2018, at 9:34 pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a trouble with subject complaint. Upon arrival, Officers located the subject and advised him to leave the location and not to panhandle anymore.
- D. On June 6, 2018, at 9:00 pm, Milwaukee Police observed a narcotics transaction in progress outside of 1254 N. 35th Street. Both subjects were arrested and the business was very cooperative as they always are with Milwaukee Police. The business provided very high quality video surveillance that greatly assisted in the investigation.
- E. On October 7, 2018, at 11:00 am, two masked actors attempted an armed robbery at the location of 1254 N. 35th Street. One actor produced a handgun but they were unsuccessful and fled the scene. An incident report was filed.
- F. On November 1, 2018, at 9:11 pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a trouble with subject complaint. Upon arrival, officers interviewed the caller/employee who stated a subject entered the establishment, accused the caller of stealing money, and created a disturbance. The subject left.
- G. On December 18, 2018, at 5:45pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a shots fired complaint. Investigation revealed two vehicles were parked at the petrol pumps, an argument ensued between the occupants of those vehicles, and they exchanged gunfire with each other. Both vehicles left the scene before police arrival. The employees of the establishment did not call police but they were cooperative with the investigation.
- H. On March 23, 2019 at 11:01 pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a shooting complaint. Investigation revealed that a vehicle was parked at the filling station when it was approached by two subjects, who began beating one of the occupants inside the vehicle. The other occupant produced a BB gun and the subjects produced a handgun and shot both victims in the legs.
- I. On June 1, 2019 the Licensee was cited in the City of Milwaukee at 2908 W. Villard Avenue for Sale of Cigarette to Minor/Underage.

Charge: Sale of Cigarette to Minor/Underage  
Finding: Court date on 03/17/20  
Sentence:



Date:  
Case: 19025981

- J. On July 22, 2019 at 1:09 am, Milwaukee Police were dispatched to 1254 N. 35th Street for a shooting complaint. Investigation revealed that a vehicle was parked at the petrol pumps when it was approached by a subject who shot both occupants of the vehicle. The employees were cooperative with the investigation and the business provided high quality video surveillance. The victims or suspect appeared to be patrons of the establishment at the time of the incident.
- K. On July 28, 2019 at 9:14 pm, Milwaukee Police, while on bicycle patrol observed an armed robbery in-progress at 1254 N. 35th Street. The armed robber was apprehended by police and the employees were able to provide the surveillance footage of the incident which happened outside by the petrol pumps.
- L. On August 4, 2018, the Licensee was cited in the City of Milwaukee at 2426 N. Farwell Street for Sale of Cigarette to Minor/Underage.

Charge: Sale of Cigarette to Minor/Underage  
Finding: Court on 10/14/19 at 8:30am  
Sentence:  
Date:  
Case: 19026327

- M. On March 4, 2019 at 12:58 pm, Milwaukee Police were dispatched to 1254 N. 35th Street for a Property Damage Complaint. Investigation revealed that there was no intentional property damage and the employee was advised of the same.
- N. The Licensee stated he needs a new building and new pumps. He added that he has owned the station 16 years and he has done building and pump maintenance 2-3 times. He stated that is why he wants to do a renovation. He added that he is there daily for 3-5 hours. He stated that he never sees panhandling or people selling things. He stated the security guard is there from 7 PM-2 AM. He added that he has 16 security cameras and when there is trouble he calls the police. He stated all the shootings started in different places and he cooperates with the police.

Appearing with the applicant:

- O. Attorney Vincent Bobot stated the premise is a gas station and the surrounding area is challenged. He added that the premise has numerous cameras inside and outside and paid security guards. He added that #24 and #27 in the police report did not occur at the premises. He stated that the Licensee is willing to do a \$1 million renovation, but he will still have to deal with the problems in the neighborhood. He provided a copy of the construction plan. He added that the items on the police report are happening infrequently at the gas pumps. He stated





that one of the incidents on the police report was a spillover from McDonald's. He added that the Licensee met with Captain Norman and provided a plan to address the issues. He stated that he recommended the Licensee get restraining orders against the panhandlers. He added that the location is where people buy gas and food stuffs. He stated that the Licensee needs to hire a professional security company to deal with the issues. He added that progressive discipline should be used, not nonrenewal. He added that a liquor store was closed at 35th St and Wells St and that affected the loitering at the premises.

- P. Alderwoman Coggs moved to enter in to the record as exhibit #1 the construction plan. (Prevailed 5-0)

Individuals also present:

- Q. Alderman Bauman stated there is a long history of the same problems at this location, and all the incidents in the police report were under the Licensee. He thanked the police for putting this property into the nuisance program. He stated that the premise has had 4 shootings in the last year, while his entire district from 2018, to present has had 41 shootings. He added that 10% of the shootings in the district have occurred at the premises and it is unacceptable. He stated that the premise is the danger, not the neighborhood, and he recommends nonrenewal. He added that the liquor store remained open until September of this year.

Individuals present in opposition:

- R. Captain Norman stated there are a lot of incidents and in September the premises became a nuisance property. He added that he is concerned about the continued issues at nighttime. He stated he met with the Licensee and the mitigation plan was rejected because it is not specific and did not have any actionable items to be able to hold the applicant accountable. He added that while the Licensee is cooperative with MPD investigations, he would prefer that the incidents not occur at all. He stated he would like the extended hour's license to be denied to help alleviate some of the problems. He stated that he hears complaints from Alderman Bauman and residents, and this behavior will not be tolerated in the district. He added that they provide guidance, but do not tell people what to do because the Licensee needs to own his behavior. He stated that he provided the Licensee with successful nuisance abatement plans from other locations. In response to a question from Ald. Bauman, he indicated that the property is in chronic nuisance status and subject to billing for police services.
- S. Dwayne Stokes - Near West Side Partners stated there are issues at the gas station during the morning, including panhandling, and when he told the employees about the issues they did not call the police or come out to assist. He added there is a man who stays there the entire day and he sleeps on the gas pumps, but no employees respond. He stated that other gas stations in the area do not have the same problems.

- T. Bobby McQuay - Near West Side Partners stated that the behavior during the day fosters the behavior at night. He added that there is always someone panhandling or trying to sell things outside the premises. He added that it is an unsafe environment, and employees are not doing anything about the behavior.
- U. Lindsay St. Arnold-Bell - Near West Side Partners stated she agrees with the previous speakers and the aesthetics of the gas station aren't supportive of a good, healthy neighborhood. She added that the premise has a general lack of investment and upkeep.
- V. Alderman Kovac stated the attitude of the applicant is concerning. He added that cooperating with the police is not enough, but operating a business where that activity is allowed is part of the problem. He stated that the Licensee was put on notice by MPD and he is surprised at the complete lack of accountability.
- W. Alderman. Kovac moved denial based on the police report, applicant, aldermanic, neighborhood, and police testimony. (Prevailed 2-1-1).

### 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 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Gurdev Singh who holds Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premise located at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("V K Quick Mart") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to not renew the Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses. The Committee finds the police report, applicant, police, aldermanic, and neighborhood objections as stated above to be true. The Committee based its recommendation on the police report, police, applicant, aldermanic, and neighborhood 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 Extended Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses for the premises located at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("V K Quick Mart"). The Committee based its recommendation on the police report, applicant, police, aldermanic, and 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, (1) excused, and one (1) abstain** recommends that the Extended

Hours Establishments, Food Dealer, Filing Station and Weights & Measures licenses held by Gurdev Singh for the premises located at 1254 North 35th Street in the City and County of Milwaukee, Wisconsin ("V K Quick Mart") not be renewed based on the police report, aldermanic, neighborhood, police, and applicant testimony.

Said nonrenewal is effective at 12:01 a.m. on January 4, 2020.

Dated and signed at Milwaukee, Wisconsin this 6th day of December, 2019.



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NIK KOVAC  
Chairman Licenses Committee

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**CHAIR**

- Licenses Committee
- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

- Steering and Rules Committee
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- Milwaukee Public Library Board
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**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 6, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses of Odean H. Taylor, Agent for K & O Investments, LLC for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe").

**FINDINGS OF FACT**

1. Odean H. Taylor (hereinafter "the Licensee") is the holder of Class "B" Tavern, Food Dealer, and Public Entertainment Premises (PEP) Licenses for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe"). Said licenses expire at midnight on December 30, 2019.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 18, 2019.
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. October 23, 2019, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On November 22, 2019, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections. The matter was scheduled for a hearing on the objections on December 3, 2019, commencing at approximately 2:30 p.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared at the hearing, with counsel, Attorney Michael Maistelman 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. On February 4, 2018, at 2:08 a.m. officers were dispatched to shots fired at 5007 W. Center Street. The officers interviewed the caller by phone who stated one



of the security guards pulled out a gun and discharged it several times. The caller was advised to return to the scene but she never returned. The officers interviewed security who stated there were two groups of females who were arguing and told to leave. None of the guards pulled a gun or discharge any rounds. There were no reports from "shotspotter" and the officers determined the call to be baseless.

- B. On February 8, 2018, officers were conducting a tavern check at Jay's Uptown Café, 5007 W. Center Street, when security flagged them down. The security guard stated a subject became upset at being denied entry because of capacity. The subject reached towards his waist band and threatened the security guard. The subject ran when police attempted to stop him and he was taken into custody a few blocks away.
- C. On March 3, 2018, at 1:42 a.m. officers were dispatched to Jay's Uptown Café, 5007 W. Center Street to investigate the tavern possibly being over capacity and illegally parked cars. When the officers arrived the patrons were leaving because the tavern was closing. There were cars stopped on W. Center St, picking up patron, block traffic. The officers provided traffic control until the crowd left.
- D. On March 25, 2018, at 11:10 p.m. officers observed a large group of people and vehicles in front of Jay's Uptown Café, 5007 W. Center Street. The people were blocking the front door preventing the door from opening. The officers and tavern security made announcements to clear away from the door, but the people continued to block the door. At one point security did kick out two groups of females who then started to fight outside the tavern. Additional squads were called and the business was closed for the night because security could not control the crowd.
- E. On May 20, 2018, at 1:26 a.m. officers were dispatched to three shotspotter calls in the area North 50<sup>th</sup> and W. Center Street. There were also numerous calls for shots fired with the callers referencing Jay's Uptown Café. When officers arrived they observed people running and casings in front of the business and more at the rear of the business. They also located a vehicle parked directly in front struck by a bullet. No one able to provide a description due to the number of people in the area. The business's security cameras were not functioning during the incident.
- F. On July 15, 2018, at 1:24 a.m. officers observed a fight outside of Jay's Uptown Café, 5007 W. Center Street. The officers called for additional squads to clear the crowd. The Licensee closed early because of the fight and advised his security to clear the patron from the area. An additional fight occurred as people were walking to their cars. Officers had to use O.C. Spray to stop the fight and several people were arrested.

- G. On November 1, 2018, at 1:36 a.m. officers were dispatched to Jay's Uptown Café, 5007 W. Center Street for a Noise Nuisance and the bar being over capacity. When the officer arrived he saw a large group exiting the tavern and a fight break out. More squads arrived to restore order and the subjects fighting fled the scene.
- H. On November 29, 2018, at 2:46 a.m. officers were dispatched to a shooting at 2670 North 47<sup>th</sup> Street. The officers located the victims in a car parked on the street. The victim stated she was in Jay's Uptown Café and got into an argument in the bathroom with the suspect. Security removed them from the bathroom. The fight continued in the bar with the suspect throwing a drink at the victim. The suspect was removed from the bar by security. When the victim was in her car leaving for the night the suspect pulled up next to her and fired 5 shots at the victim's auto, striking the victim and her friend.
- I. On December 6, 2018, officers investigated a shooting at 5030 W. Center Street. The victim stated he was in Jay's Uptown Café that night. As he was leaving for the night he heard 10 gunshots outside. He ran to his car at 5030 W. Center Street and heard 30 more gunshots. He then felt a burning sensation on his foot and realized he was shot. The officer went to Jay's Uptown Café and spoke with the Licensee, who stated there were no problems in the bar that night and did not know there was a problem outside until patrons came back inside stating there was someone shooting outside. The applicant stated the cameras at the tavern were not operating.
- J. On December 12, 2018, an officer conducted a CPTED survey at the request of the Licensee. The officer pointed out the need for additional outdoor lighting, No Loitering signs, adjusting the cameras and opening the window blinds to allow full view of the interior. The Licensee was open to the suggestions stating he is in the process of getting new cameras to allow the police full access.
- K. On June 26, 2019, at 1:14 a.m. officers were dispatched to Jay's Uptown Café for a Noise Nuisance. The call was placed at 11:40 pm, with the caller stating the door was left open and patrons were in front of the bar causing a scene. When the officers arrived at 1:20 am the bar was closing and the patrons were completely blocking the street with their cars. Additional squads were called to disperse the crowd and provide traffic control. The officers spoke with the Licensee at 1:55 am and the music was still being played inside.
- L. On August 29, 2019, at 12:20 a.m. officers were dispatched to Jay's Uptown Café for the bar blocking the street parking with cones in front for VIP parking. When the officers arrived they did not observe any blocked areas but did see cones on the sidewalk. They did observe numerous cars illegally parked blocking driveways and crosswalks and on private property. The officer was on scene issuing parking citations when security pushed out patrons who were



arguing inside. The bar then shut down and pushed a large crowd outside. Additional squads were called to shut down traffic around the bar to allow for the safe egress of the patrons. A fight broke out down the street which was broken up by officers and security. The Licensee was advised of the parking issues and he could not save street parking for anyone.

- M. On September 25, 2019, at 11:03 p.m. an officer drove past 5007 W. Center Street and observed cones blocking the parking in front of Jay's Uptown Café and directly across the street. The officer advised the Licensee and security they could not block the street parking and the cones needed to be removed. On September 26, at 1:19am officers observed a large number of cars parked outside of Jay's Uptown Café. The officers spoke with security at the door and asked him what the capacity was and he stated 150. The security guard also stated there was a \$10 cover charge. The officer checked LIRA and found the capacity listed was 99. The officers then called additional squads and conducted a count of patrons. The officers counted a total of 232 patrons exiting from all doors. During the investigation the officer did not observe any signs advising patrons of the cover charge. The Licensee was issued a citation for overcapacity and Tavern Charges to be posted.
- N. On September 27, 2019, at 4:48 p.m. officers were dispatched to Jay's Uptown Café, 5007 W. Center Street for a Sick/Injured call. The officers were advised by MFD there was a highly intoxicated female in the bathroom that they conveyed to St. Joseph's Hospital for medical treatment. The officers spoke with the bartender who stated the subject had been in the bar about 1 hour and she served her one drink. She did not serve her any additional drinks because of her level of intoxication. The bartender was cooperative with the officers.
- O. On October 8, 2019, a meeting was held at District 3 regarding Jay's Uptown Café. Addressed at the meeting were the recent overcapacity and parking issues. The Licensee was advised the capacity of the patio is included in the capacity for the building, and that security at the door should know the capacity and use a counter. The Licensee stated he was concerned about the conduct of the patrons that are upset they were denied entry when the bar was at capacity. He was advised to have his security monitor the outside of the business for unruly patrons and for patrons parking on the sidewalks.
- P. The Licensee stated he's there every day and explained the police report and stated #33 occurred four blocks away while they were closed; #34 was someone who was not a patron; #35 was a meeting he requested with MPD; #36 occurred during bar close; #37 he stopped putting out the cones; #38 he terminated the employee who let in people over capacity, and he was unaware that he had to post signs regarding the cover charge; #39 he refused to serve an intoxicated patron and called MFD regarding the patron; #40 was a meeting with the MPD captain to go over the current operations such as lighting and not putting cones

out. He added that he added new lighting and no loitering signs outside the building. He also has a standing complaint with MPD.

Appearing with the applicant

- Q. Attorney Michael Maistelman stated he will provide a mitigation plan, including hiring off-duty MPD. He added that the Licensee is a good business owner in the district.
- R. Ricky Potts, Center Street BID stated he is in support and provided a letter of support and information about drug trafficking.
- S. Alderwoman Coggs moved to enter the letter and information in to the record as exhibit #1. (Prevailed 5-0)

Individual also present:

- T. Dameon Ellzey 15th District Legislative Assistant stated the Licensee works with Alderman Stamper and is one of the best business owners on the street. He added that the Licensee is active in the BID. He stated there is a list of issues that are taking place, and a shooting cannot be overlooked. He added that he understands the area is tough and the Licensee is working on alleviating the issues, and they do not want to close the business. He recommends a 10 day suspension.

Individual present in opposition:

- U. Laretta Turnball 2728 N 50th Street stated there are issues with noise, parking, crowds, and the cones were out in the street again on Saturday, and traffic was blocked. She added that on Wednesday, Friday, and Saturday she tells her family not to come over because it is nuts after 10 PM. She stated that she does not feel safe.
- V. Alderwoman Lewis moved approval with a 10 day suspension based on the police report, aldermanic, and neighborhood testimony. (Prevailed 5-0)

### **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, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes.
2. Based upon the above facts found, the Committee concludes that the Licensee, Odean H. Taylor who holds Class "B" Tavern, Food Dealer and Public Entertainment Premises (PEP) licenses for the premise located at 5007-09 West Center Street in the City and County of



Milwaukee, Wisconsin ("Jay's Uptown Cafe") has not met the criteria of Chapters 85, 90, 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin State Statutes, to not renew the Class "B" Tavern, Food Dealer and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension. The Committee finds the police report, aldermanic, and neighborhood objections as stated above to be true.

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, Food Dealer and Public Entertainment Premises (PEP) licenses without undergoing a ten (10) day suspension for the premises located at 5007-09 West Center Street in the City and County of Milwaukee, Wisconsin ("Jay's Uptown Cafe"). The Committee based its recommendation the police report, aldermanic, and neighborhood testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **five (5) ayes, and zero (0) noes**, recommends that the Class "B" Tavern, Food Dealer and Public Entertainment Premises (PEP) Licenses of Odean H. Taylor for the premises located at 5007-09 West Center Street ("Jay's Uptown Cafe") in the City and County of Milwaukee, Wisconsin not be renewed without undergoing a ten (10) day suspension based upon on the police report, aldermanic, and neighborhood testimony.

The suspension is in effect between 12:01 a.m. on December 31, 2019 until 11:59 p.m. on January 9, 2020.

Dated and signed at Milwaukee, Wisconsin this 6th day of December, 2019.



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NIC KOVAC  
Chairman, Licenses Committee

/265164

**CHAIR**

- Licenses Committee
- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 6, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Brian K. Ackley

**FINDINGS OF FACT**

1. Brian K. Ackley (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expires at midnight on December 31, 2019.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapters 85 and 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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 20, 2019 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 3, 2019 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee appeared 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. A notice of the hearing as well as a copy of the police report was sent to Brian K. Ackley, 9220 West Waterford Avenue, Greenfield, WI 53228 on November 20, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 9220 West Waterford Avenue, Greenfield, WI 53228 is the address given by the Licensee on his application. The envelope



was not returned to the License Division by the United States Postal Service. The Licensee appeared at the hearing on December 3, 2019 at 1:00 p.m.

- B. On September 12, 2019, the Licensee was charged in Milwaukee County for OWI (1<sup>st</sup>) and Possession of Cocaine.

Charge 1: OWI  
2: Possession of Cocaine  
Finding: Status Conference 12/9/19 8:30 A  
Sentence:  
Date:  
Case: 2019CM1648/2019TR016191

- C. The Licensee stated he had surgery in June and in September he stopped to have a couple beers and shots and the alcohol just hit him. He added he has no idea how the cocaine got in his vehicle, that maybe someone put it in there as a joke. He stated that he worked in corrections for over 30 years. He stated that he still drinks once in a while, but he does not take shots anymore. He stated that he wasn't using painkillers at the time.

- D. Alderman Dodd moved denial based on the police report and applicant testimony. (Prevailed 3-1-1.)

### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, Brian K. Ackley has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 85 and 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license.
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 should exercise its discretion to not renew the Class "D" Operator's license held by Brian K. Ackley based upon the police report and Licensee testimony.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **three (3) ayes, one (1) noes, and one (1) abstain** that the Class "D" Operator's License of Brian K. Ackley not be renewed based upon the police report and Licensee testimony.

Said nonrenewal is effective 12:01 a.m. on January 1, 2020.

Dated and signed at Milwaukee, Wisconsin this 6th day of December, 2019.



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NIK KOVAC  
Chairman Licenses Committee

/265134





**CHAIR**

- Licenses Committee
- City Information Management Committee

**VICE CHAIR**

- Milwaukee Arts Board

**MEMBER**

- Steering and Rules Committee
- Public Works Committee
- Milwaukee Public Library Board
- Employee's Retirement System Annuity & Pension Board



**NIK KOVAC**

ALDERMAN, 3RD DISTRICT

Date: December 6, 2019

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Sandra E. Koman

**FINDINGS OF FACT**

1. Sandra E. Koman (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2019.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
3. Pursuant to Chapters 85 and 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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On November 21, 2019 the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the report of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report. The matter was scheduled for a hearing on the police department report on December 3, 2019 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
  - A. A notice of the hearing as well as a copy of the police report was sent to Sandra E. Koman, 6121 West Arizona Court, Milwaukee, WI 53219 on November 21, 2019 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 6121 West Arizona Court, Milwaukee, WI 53219 is the address given by the Licensee on her application. The envelope was



- not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on December 3, 2019 at 1:00 p.m.
- B. Alderwoman Lewis moved denial based on her second non-appearance.

### CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, 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 on the above facts found, the Committee concludes that the Licensee, Sandra E. Koman has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapters 85 and 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon her second nonappearance.
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 should exercise its discretion to not renew the Class "D" Operator's license held by Sandra E. Koman based upon her second nonappearance.

### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above the Committee recommends by a vote of **five (5) ayes, and zero (0) noes** that the Class "D" Operator's License of Sandra E. Koman not be renewed based upon her second nonappearance.

Said nonrenewal is effective 12:01 a.m. on January 1, 2020.

Dated and signed at Milwaukee, Wisconsin this 6th day of December, 2019.



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NIK KOVAC  
Chairman Licenses Committee

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