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CITY OF MILWAUKEE
LICENSES COMMITTEE HEARING

In the Matter of:
MAGNOLIA RSVP
9135 West Silver Spring Drive

COMMITTEE MEMBERS

ALD. JAMES BOHL, JR. - Chairman
ALD. MILELE A. COGGS - Vice Chairman
ALD. ASHANTI HAMILTON
ALD. T. ANTHONY ZIELINSKI
ALD. NIK KOVAC

LICENSE DIVISION by REBECCA GRILL
POLICE DEPARTMENT by SERGEANT CHET ULICKEY
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

ALD. JOE DAVIS - 2nd District

Proceedings had and testimony given in the
above-entitled matter before the LICENSING COMMITTEE
OF THE CITY OF MILWAUKEE on June 17th, 2008, before
Terese M. Schiebened of Milwaukee Reporters
Associated, Inc.

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PROCEEDINGS

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(All City Personnel were previously duly affirmed.)

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CHAIRMAN BOHL: Tyrone Meridith, Agent for "Meridith Family, Inc," Magnolia, Class B Tavern Renewal Application for Magnolia RSVP at 9135 West Silver Spring Drive.

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(TYRONE MERIDITH duly affirmed.)

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CHAIRMAN BOHL: Mr. Meridith, I'll ask you if you acknowledge receiving notice of today's meeting with a possibility your application could be denied. There is an attached police report as well as an assortment of neighborhood objections that should be outlined in the notice that you received.

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MR. MERIDITH: Yes.

CHAIRMAN BOHL: Thank you. This is a renewal. Ms. Grill, no holds?

MS. GRILL: That's correct.

CHAIRMAN BOHL: Sergeant Ulickey, the police report, please.

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SGT. ULICKEY: On 12/10 of '07 at 2:13 a.m., Milwaukee police observed numerous subjects outside of Magnolia's at 9135 West Silver Spring Drive. Some of the subjects were disorderly, and officers called more squads to respond. Some subjects were observed

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1 fighting in the parking lot. Officers attempted to
2 break up the fight, when one subject began fighting
3 with the police. This subject was eventually arrested
4 and charged with battery/resisting an officer. Police
5 spoke with the manager, Dwayne Meridith, regarding
6 what occurred inside the tavern. Six squads were used
7 along with a police sergeant who responded.

8 On 4/4 of '08 at 1:43 a.m., Milwaukee police
9 were dispatched to a shooting at 9135 West Silver
10 Spring. Investigation revealed the victim was inside
11 the tavern and was seen arguing with another patron.
12 The victim left the tavern, and witnesses stated they
13 heard several shots being fired by a handgun shortly
14 after. The victim was found in the parking lot of a
15 business with a gunshot wound to the hip, and the
16 victim died from these injuries.

17 CHAIRMAN BOHL: Thank you. Mr. Meridith,
18 any questions or comments you have relating to the
19 items that were read into police report?

20 MR. MERIDITH: To the one on 4/4/08, we had
21 already put in implements that we were closing early
22 because of the problems in the neighborhood, and this
23 incident ended up happening about 1:00-something, but
24 we were closing early. And the gentleman who is
25 deceased was in our bar every day. I mean, he was a

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1 friend of ours, too, so we do feel the mourning for
2 the family and for us because he was in our bar every
3 day.

4 And we have security, we have surveillance,
5 and it was an unfortunate incident that I think is
6 still under investigation right now. We don't know
7 what really occurred outside, which we do have a role
8 that we play. If something happens in our bar, we
9 don't put everybody out. We put out the people who
10 start it, and then we hold the people in, one person
11 in, so we don't let everybody go out to where --
12 Basically, if it starts in the bar, it's going to go
13 outside. If we put everybody outside, it's the same
14 thing that's going to occur inside outside.

15 So we did hold this guy in for a while, and
16 when he left out, the incident occurred. So,
17 obviously, they waited on him to come out. And that's
18 basically all I have to say. He was a friend of mine,
19 too, also.

20 CHAIRMAN BOHL: Questions by committee
21 regarding the police report? Alderman Davis, I don't
22 know if you have any opening. Do you want to take
23 neighborhood testimony right away?

24 ALDERMAN DAVIS: That would be fine. I know
25 it's been a long day for you.

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1 CHAIRMAN BOHL: Are there any neighbors here
2 to testify on the matter regarding Magnolia at 9135
3 West Silver Spring Drive? I see four. Anyone who
4 intends to testify, please raise your right hand and
5 keep it up. What I would ask for is if you even want
6 to consider it that you do so now. I don't want
7 reconsideration here in the future.

8 (Whereupon, KYLE FRIER, SANDRA FRIER,
9 JOHNNIE JONES, and MARVA HEARNDON were duly affirmed.)

10 CHAIRMAN BOHL: Are there any of you who are
11 here to speak in favor of the club?

12 MS. HEARNDON: I'm here to speak from the
13 point of the neighborhood association.

14 CHAIRMAN BOHL: The reason I ask that is our
15 rules actually require objectors to go first. I want
16 to see if there were any in favor. So if you just
17 want to take the seats here.

18 MR. MERIDITH: Can I say one thing? We're
19 not a club. We have food there. We're more of a
20 restaurant than we are a club. I just want to get
21 that straight, we're not a club.

22 CHAIRMAN BOHL: Sir, we'll start with you.
23 We'll need your name and your address for the record.

24 MR. FRIER: My name is Kyle Frier, 3371
25 South 20th Street. I'm the brother of the person that

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1 was killed outside the club.

2 As to what he said of him holding one person
3 in and letting one person go, I've been to the club,
4 I've been inside Magnolias the bar, the food place,
5 whatever you want to call it, I've been inside there.
6 They have two people standing outside. They say they
7 have video cameras that work. They don't work. When
8 they kicked this guy out, they didn't make sure this
9 guy got into his car and left, they just kicked him
10 out. He could have been standing on the porch or in
11 the front of the bar, you know. My brother was killed
12 right outside the door of the bar. Nobody seen
13 anything. We haven't heard anything from the owner of
14 Magnolia, we haven't heard anything from anybody about
15 this situation, and I just don't think that this
16 situation should have to happen in somebody else's
17 family like how it happened to ours. It's just not
18 right of how what happened.

19 Every day that I go past there, there's cop
20 cars out there, it's constant traffic in and out. I
21 was born and raised on that side of town. I'm only 24
22 years old, but I've been inside with my brother
23 numerous times, and I've been inside Steve-O's. Both
24 of them, they don't take the right precautions of
25 something like this to happen. When my brother was

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1 killed, not a single person came out from inside the
2 bar and called the cops. A lady called the cops that
3 was out there. It says on the side of the building
4 "We're police-friendly, we will call the cops." They
5 didn't call the cops. Nothing happened except for
6 that they just let my brother go out there to be shot
7 by this man that was waiting in their parking lot
8 where they have the security everywhere that they say.

9 CHAIRMAN BOHL: Certainly our condolences
10 for the loss of your family member. Questions by
11 committee of this witness? Mr. Meredith, any
12 questions as to the testimony?

13 MR. MERIDITH: No. He's a friend of mine's,
14 too. My condolences go out to the family. He was in
15 our bar every day, and he loved to come in with us.
16 He was there every day.

17 CHAIRMAN BOHL: Thank you, sir. Ma'am.

18 MS. FRIER: I am Sandra Frier, 1051 West
19 Hampton. I have been told by the police that your
20 security was not working, your cameras, we have no
21 film, and that is why the person who did it is not
22 being charged with a murder. You have a sign that was
23 up there that said we have camera surveillance. That
24 sign is down now, but you had a sign up there,
25 correct?

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1 MR. MERIDITH: Our sign is still there.

2 MS. FRIER: We were there yesterday
3 protesting. There was at least 40 of us there. We
4 had signs that say honk to close Magnolia's, honk to
5 stop the crime in this neighborhood, we want justice,
6 we want our kids to be in a safe neighborhood. We had
7 a lot of people honking, stopping, saying that they
8 want this stuff not in the neighborhoods anymore.

9 So people who say this is not a bar, you
10 serve drinks, you're serving drinks, and you're
11 serving food. Your biggest business is your drinks.
12 You let my son walk out that door knowing your cameras
13 weren't working. You didn't KNOW who was out in that
14 parking lot, did you? No. You let my son die. You
15 tell his children. You can't, can you? I know,
16 condolences, but I'm sorry, if they're going to run
17 their businesses, then they need to start running them
18 right. His cameras weren't working. We have no tape,
19 nothing. And it's not right. If these businesses are
20 going to be open like this, then they should be run
21 the way that they're saying that they're going to be
22 run.

23 He knew his cameras weren't working, then he
24 shouldn't have been open for business. If a fight
25 started inside the bar, like the detective told me, he

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1 should have been on the phone calling police and
2 saying we've had a little disturbance inside the bar,
3 could you please come and just patrol the parking lot.
4 They said that they would have been there in a minute
5 to do it because of all the trouble that has been
6 going on over there. He didn't do that.

7 CHAIRMAN BOHL: Questions by committee? Any
8 questions?

9 MR. MERIDITH: No, I don't have any
10 questions.

11 CHAIRMAN BOHL: Sir.

12 MR. JONES: Hello, committee. My name is
13 Johnnie Jones, I live in the 4000 block of North 14th
14 Street, Milwaukee, Wisconsin.

15 I'm just here to say that I was a good
16 friend of the victim. And he right, he did come in a
17 lot. I have attended Magnolia's with him. Only thing
18 I'm going to say, I don't know the right approach, I
19 don't know what need to be done, but something should
20 be put in place so this doesn't happen to anyone
21 again, some type of policies or procedures, some type
22 of security. Something has to be done so this doesn't
23 happen to another family. Something has to be done,
24 something has to be put in place from the owner's
25 standpoint. I don't know if closing is the answer, I

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1 don't know what the answer is. I just know we have a
2 serious problem, and it needs to be addressed, not
3 only with Magnolia's but in regards to a lot of
4 taverns, a lot of clubs, a lot of instances.

5 Something has to be done so we don't continue to lose
6 our children, our friends, whatever the case may be.

7 I don't know what the answer is. I'm not
8 going to sit here and say take his license, give his
9 license. I don't know. I just know there's a problem
10 and we have to get to the bottom of it.

11 ALDERMAN ZIELINSKI: Mr. Chairman, I've got
12 a question. Did you say he was your -- The person
13 that got killed, what relation was he to you?

14 MR. JONES: He was a friend, a childhood
15 friend of mine.

16 ALDERMAN ZIELINSKI: So he's been a long-
17 time friend of your?

18 MR. JONES: Yes, he's a long-time friend.
19 We grew up together. Came a point in time in our
20 life we went a different direction, but we always
21 remain friends all of our lives.

22 ALDERMAN ZIELINSKI: So you stayed in close
23 contact with him?

24 MR. JONES: Yes, I did.

25 ALDERMAN ZIELINSKI: Did he ever say that he

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1 felt unsafe in that bar?

2 MR. JONES: To be honest with you, I've
3 never heard him say he felt unsafe, but I have been in
4 there where incidents. Did he feel unsafe? I don't
5 believe he did feel truly unsafe because I know he did
6 have a relationship with the owner of the bar, I know
7 he did have that. Can I say that the environment was
8 always safe? No, it wasn't always safe. Did he feel
9 safe there? I believe he did at that time point, did
10 feel safe. I want to also say it was a false sense of
11 safeness, also.

12 ALDERMAN KOVAC: You mentioned you had been
13 in there and you had seen some incidents. Can you
14 tell us what those were.

15 MR. JONES: I remember one time it was an
16 incident in regards to -- In fact, Clifton had an
17 incident. It was in regards to a comedy show, and he
18 had a few words with the comedian up there. But being
19 honest, that's the only thing that I've seen. I've
20 never seen the gunshots outside, but I've heard about
21 it, never seen the fights, I've heard about it, but
22 the only thing that I know happened is I lost a real
23 close friend here and I know he had had an incident in
24 there prior when it come to the comedian. That's the
25 only thing that I can honestly say.

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1 CHAIRMAN BOHL: Other questions?

2 ALDERMAN KOVAC: How many times have you
3 been to that bar?

4 MR. JONES: I been in Magnolia's several
5 times. I've been at Magnolia's when they were on
6 Silver Spring, and I also attended Magnolia's when
7 they were on Teutonia.

8 ALDERMAN KOVAC: Prior to this incident, did
9 you feel safe in the bar?

10 MR. JONES: Being honest, it was never a
11 crowd that I wanted to be around. Only time that I
12 really ever attended there is when they were on
13 Teutonia I went up there a couple of times for
14 karaoke, but whenever I would go to the place on
15 Silver Spring, I would go there to visit my friend
16 Cliff. That's the only time. Me going in there
17 personally? I know they got great food, but I never
18 really frequented the place except to go say hi to
19 Cliff, meet him up there, whatever the case may be.

20 CHAIRMAN BOHL: Other questions? Questions?

21 MR. MERIDITH: No, no questions.

22 CHAIRMAN BOHL: There was one other
23 individual. Is there anybody else?

24 MS. HEARNDON: I'm not in opposition.

25 CHAIRMAN BOHL: Marva, come on up.

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1 MS. HEARNDON: Hi. I don't have to identify
2 myself again, accept I am Marva Hearndon, president of
3 the neighborhood association there.

4 A number of years ago -- I don't remember
5 exactly -- four or five years, the Meridith family met
6 with us and presented us with their business plan and
7 plan of operation and asked us to go along with them
8 and trust them as business owners and that we would be
9 rewarded with a reasonably good business in the area.
10 The fact of the matter is that they tried their best
11 to live up to their bargain, and that was a surprise
12 to us because, as you know, we're very verbal when we
13 have businesses that don't operate in a fairly decent
14 manner and specially when they lie to us.

15 So I'm here to tell you that he did have
16 these incidents. I'm so sorry for the family. I
17 attended the prayer vigils and everything. Never
18 would want this to happen in the neighborhood or for
19 any other family. The fact is, though, we were also
20 surprised that something like this happened at
21 Magnolia's. Most of the people my age and I would say
22 30 and up consider it a place to go eat on the
23 Fridays. They have very good food there, and we go
24 there, and we eat. We don't hang out there at
25 midnight or 1:00 or anything like that. But it is a

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1 neighborhood eatery, it's a neighborhood eatery for
2 many of the businesses in the area. My husband and I
3 typically go for Friday fish fry almost every week if
4 we're in town, and we've never been there and had an
5 incident occur.

6 The police are parked on that corner quite a
7 bit, but the reason why you will see police there is
8 because the apartment in the area behind Magnolia's
9 was identified by our new police chief as a targeted
10 area by Police Chief Flynn and the District 4 Captain
11 Moore, and so that's why they use that as like a
12 staging station, and you will see lots of officers.
13 And we're glad that they're there, because there have
14 been a lot of incidents on that corner, and we've been
15 asking for cameras on that corner, not necessarily
16 because of Magnolia's. There's a lot of activity
17 coming out of the service station, and then we had the
18 issues going with Steve-O's, as well.

19 And people aren't what they used to be, and
20 you can expect these things to pop up anywhere, and
21 we're still asking for cameras on the corner. But I
22 wanted you to know that they did live up to their
23 bargain in terms of the business plan that was
24 presented to us when they first wanted to move into
25 the area, and, for the most part, they're supported by

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1 the neighborhood in terms of going in, patronizing,
2 having meals there. The local businesses such as the
3 Isaac Coggs, Pick 'n Save, even another bar that moved
4 in recently, I think it's Nastolgia, does not have
5 food, and they order food from this place.

6 We consider it an eatery more so than a bar,
7 but they do serve the liquor, and I cannot tell what
8 goes on at 12:00 or 1:00 at night, but other than
9 that, I have no complaints.

10 CHAIRMAN BOHL: Thank you. Questions by
11 committee? Alderwoman Coggs.

12 ALDERWOMAN COGGS: We heard testimony not
13 only this time but at the last meeting from residents
14 in the neighborhood and from you about the concern for
15 safety and security in the area, and we just heard a
16 license across the street from this establishment, all
17 of the concerns about safety and security. How does
18 the neighborhood or how do you rectify that deep
19 concern with an establishment that had a murder take
20 place right on its doorstep? And if testimony that's
21 been provided so far -- and at the appropriate time,
22 I'll ask the owner to make sure if that's true or not
23 -- didn't call the police when the incident occurred
24 and didn't have working cameras in the lot and didn't,
25 at least so far -- and to be fair to the owner, he

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1 hasn't had an opportunity to address those issues --
2 hasn't presented any changes or alterations since the
3 incident occurred that might help to prevent it in the
4 future, so how does the neighborhood rectify that?

5 MS. HEARNDON: That is a surprise to me,
6 because I always thought there were operational
7 cameras, because I can tell you that when I pull into
8 the lot and park or if I'm there before my husband
9 gets there on a Friday, I can see -- you can see it on
10 the screen. That doesn't mean it was working or not
11 working. That's all I can tell you is that I'm aware
12 that there had been some type of system there. If it
13 were functional, I don't know.

14 But in terms of answering your question
15 about the neighborhood, we're just as upset about
16 what's going on. We've got 30-plus years invested as
17 residents in that area. We're working, we're
18 fighting. We're working with the police department.
19 When you have properties, especially substandard
20 properties such as what is behind Magnolia's, that is
21 where a lot of the problem comes from. You have a
22 service station across the street that sells all types
23 of drug paraphernalia that draws these people to the
24 area.

25 What can we do about it? As Alderman Bohl

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1 will probably attest to, I would say let's get rid of
2 those apartment buildings behind Magnolia's, and that
3 would a eliminate a lot of the problem.

4 CHAIRMAN BOHL: Just to expound on that.
5 What I can tell you is that that corner, I remember
6 getting calls even five years ago when I represented
7 the area from Tinley's, which is the service station
8 next door, quite regularly saying that they had bullet
9 holes in their place. It's an area where it's not
10 infrequent to have gunshots. I'm not saying that it's
11 happening on a daily or nightly basis, but if
12 somebody has to pick up the phone as a business owner
13 and call me three, four times a year and tell me we
14 got more gunshot bullet holes in the business, it was
15 happening with some semi-regularity.

16 As Alderman Davis, and I know that he's
17 gotten that area organized in terms of the what I term
18 the triangle area, which is behind this -- it's a
19 large multiple, multiple block area of all
20 eight-families, eight-family apartments, and it runs
21 for blocks and blocks and blocks and blocks, and there
22 were some real challenges. I'm certain there probably
23 still is real challenges with those apartments. It
24 certainly is an area that has its challenges. I can't
25 tell you in terms of I don't recall what, if any,

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1 issues are on his plan of operation.

2 What I can say is there is not a requirement
3 that businesses have operational cameras. It's
4 something that may be a good idea, so on and so forth,
5 but there's no requirement that you have them. And
6 you know what; I think they that help, they're not the
7 end all be all. It doesn't stop or prevent violence
8 from occurring. We've seen too many instances where
9 things have occurred even where cameras are in place.
10 How many times do we see a bank that gets robbed, and
11 ever individual knows when you go to a bank, there's
12 got to be cameras. So people do that. I wish I had
13 an answer. As long as there's hatred in people's
14 hearts and there's sin in the world, unfortunately, I
15 think you're going to see unfortunate circumstances
16 that should not occur.

17 I don't know. Perhaps there's something
18 that could have been done better here. I wish I had
19 the answer, and I don't know that any of us do, so I
20 don't want to expound on that any farther. Any other
21 questions for Ms. Hearndon in terms of her testimony?

22 Mr. Kimbrough, with all due respect, I
23 called this once, twice, three times, and I said I
24 don't want more people coming out of the woodwork and
25 swore everyone in. I want to abide by that. I'm

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1 trying to keep a tight ship on that. Does the
2 committee object to me taking one other witness,
3 swearing one in? I'm going to ask that your testimony
4 be very brief, though.

5 (MARIO KIMBROUGH was duly affirmed
6 affirmed.)

7 MR. KIMBROUGH: My address is 9316 West
8 Appleton, Mario Kimbrough. I know Tony, and I know
9 that since this incident occurred, they have been in
10 mourning, also. The first week or so the place was
11 just not the same. The guy that actually was killed
12 was a friend of all of theirs. And I know that they
13 do run a very good business. They're very supportive
14 of us. We also own -- well, I own Nostalgia II up on
15 Appleton, and so we talk on a frequent basis about
16 process and just to make sure that the patrons are
17 safe, and they do practically everything that they can
18 to be alert when things may occur.

19 And I can just honestly say that he runs a
20 really good business. The people that work for him
21 are very nice, very decent, good people. And he's a
22 young man, he's just trying to make a living, and he
23 does all that he can to build a relationship with the
24 neighborhood. As you've just heard, the
25 representative of the neighborhood spoke highly of

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1 him. And basically, that's all I have to say. He's a
2 very good person. He's been there for nine-plus
3 years, and his history speaks for itself, and I just
4 think everything should be taken into context as far
5 as what occurred. I do feel sorry for the family, but
6 I do think Tony is running a great business. That's
7 all I have to say.

8 CHAIRMAN BOHL: Questions by committee?
9 Alderman Davis.

10 ALDERMAN DAVIS: Mr. Chairman, members of
11 the committee. This is where you become conflicted,
12 because I don't want to interject what some may say
13 aldermanic privilege, so I will keep my opinions to
14 myself, I will keep what my wants and desires would
15 be. I represent the neighborhood. I've always
16 testified before this committee that I represent the
17 constituents in which I represent, and when I have the
18 neighborhood association captain come here and
19 represent the neighborhood, it's very tough for me not
20 to take a personal position. I do not live in this
21 neighborhood, spend a lot of time in this
22 neighborhood.

23 There was an old saying, an old African
24 proverb, and that is, how do you eat an elephant? You
25 eat it one bite at a time. In this neighborhood, we

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1 got some problems. We got some serious problem.
2 Liquor establishments are the problems, but there
3 also are neighborhood problems, too. And this is not
4 about the neighborhood that surrounds this
5 establishment, it is about this establishment, the
6 licensed premises. So whatever happens in that
7 triangle, we going to try to solve that one bite at a
8 time because it is a big elephant.

9 But as far as this particular location is
10 concerned, it's some consistencies with the last
11 application that you had before you, and I will abide
12 by what the committee's recommendation would be.

13 CHAIRMAN BOHL: Thank you. Mr. Meridith,
14 anything you want to say in closing at this time?

15 MR. MERIDITH: No.

16 ALDERMAN KOVAC: I think Alderwoman Coggs
17 had two questions to ask Mr. Meridith, specifically on
18 the issue of cameras. Were they working that night?

19 MR. MERIDITH: Yes, they were. I had an
20 older system, which I'm a small business, I couldn't
21 afford the newer system. In the area where this
22 incident happened, we were mostly onto the parking
23 lot. I did purchase a new system I already have. I
24 got some money together, purchased a new system that
25 we were putting in. But it was just that I had an

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1 older system.

2 ALDERMAN KOVAC: So you had an older
3 system. Was it working?

4 MR. MERIDITH: Yes, it was.

5 ALDERMAN KOVAC: Was there tape from that
6 night?

7 MR. MERIDITH: Like I say, where the cameras
8 are angled, the incident did not happen in the area
9 where the cameras were angled. The detectives came
10 in, took the system, took everything, and it wasn't on
11 camera. We only have two cameras, which one face
12 toward the back and one face out towards the parking
13 lot so we can watch the cars.

14 ALDERMAN KOVAC: Since the incident, you've
15 changed that camera system?

16 MR. MERIDITH: Yes. We have a new digital
17 camera system.

18 ALDERMAN KOVAC: There's more cameras?

19 MR. MERIDITH: Yes. There's more cameras,
20 and it's digital. We had the VHS, and now everything
21 is going to digital.

22 ALDERMAN KOVAC: What about this issue of
23 you not calling the police right away?

24 MR. MERIDITH: We did call the police, we
25 did call the police. I don't want to go against the

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1 family or anything. I feel the same way they feel
2 about what happened. So we did. Everybody have their
3 own saying about what really happened that night, plus
4 it's still under investigation.

5 ALDERMAN KOVAC: We're in a situation where
6 the bar right next to you down the block just came up
7 with a detailed plan, didn't have an incident of this
8 magnitude, and still got a 90-day suspension. What
9 are the changes -- Do you have a detailed plan? Put
10 yourself in that context.

11 MR. MERIDITH: I have. Before this
12 incident, we had already went into effect we were
13 closing at 1:00. When this incident happened, we were
14 closing at 1:00. We were closing at 12:30, to the
15 point we're if we're not busy, we don't want to stay
16 open until 2:00 because at the last minute, we're
17 going to get patrons who probably got kicked out of
18 another bar. We had already went into closing down
19 early because of the neighborhood. I mean, we already
20 were closing 12:30 sometimes, sometimes we were
21 closing at 1:00, so we were already at red alert
22 because of what was going on in the neighborhood.

23 Like I say, I can't tell you what's going on
24 here right now today. There's nothing I can figure
25 out. If I could, I would be able to do it and tell

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1 the police, hey, this is what we need to do. We all
2 try and figure this out together.

3 ALDERMAN KOVAC: Have you been in touch with
4 Steve?

5 MR. MERIDITH: I talk to Steve-O every day.

6 ALDERMAN KOVAC: Give us some perspective on
7 that then.

8 MR. MERIDITH: We just talk about like if
9 I'm closing early, he'll close early. If he sees me
10 turn my lights off, he'll turn his lights off.
11 because if he's not busy, I'm not busy, we're going to
12 bring anything to the neighborhood. Like I say, we
13 have a gas station across the street. If you just sit
14 there watch it, they sell drug paraphernalia to kids
15 all day long, all day, and they run right across
16 Magnolia's to get to the gas station. So it's just
17 something we talk about.

18 And with Nastolgia, I stay in contact with
19 Mario, find out if anything is going on there. If
20 they put anybody out over there, we try to watch out
21 and make sure that person doesn't come to our steps.
22 I stay in close contact with the bar owners in that
23 area.

24 ALDERMAN KOVAC: When you first came in, you
25 had a detailed business plan that you gave to the

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1 neighborhood association. So you're one step ahead of
2 Steve there. Since this incident, have you
3 memorialized your changes on paper like he did, or are
4 you planning on doing that?

5 MR. MERIDITH: I plan on doing that, but we
6 already bought new camera systems. I'm going more to
7 restaurant-style anyway to get away from the night
8 life. We were closing early. It's nothing I can
9 really do. If I'm going to close at 8:00, I still
10 have people come in and want food. Liquor is not my
11 main subject of income. Our income is basically food.
12 We do more food than we do liquor. That's all I have
13 to say.

14 CHAIRMAN BOHL: Alderwoman Coggs.

15 ALDERWOMAN COGGS: I know you said you
16 didn't want to get into the incident, but quite
17 honest, to be fair to you, it will aid me in making my
18 decision. You said you did call the police. At what
19 point did you call the police, while the disturbance
20 began inside your facilities or after?

21 MR. MERIDITH: I talked to the detectives.
22 We try to call the police a lot. He said they're not
23 proactive, they're reactive. So we try to call. When
24 we have kids in the lot that's up there with their
25 trunks open, we call the police, they never show.

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1 ALDERWOMAN COGGS: The particular incident
2 that's on the report where the young man passed away,
3 that particular night, you said you called the police.
4 Did you call --

5 MR. MERIDITH: After we heard gunshots.

6 ALDERWOMAN COGGS: So when you fight broke
7 out inside, you didn't call the police?

8 MR. MERIDITH: No.

9 ALDERWOMAN COGGS: Other than cameras, what
10 other adjustments have you made since that incident to
11 make it safer or more secure?

12 MR. MERIDITH: Closing early, because we
13 figure if we do more food than liquor, the people
14 really come out who want to eat dinner. Those are the
15 ones that will be there maybe like Marva and them come
16 in 6:00, they might leave at 9:00, so we close at like
17 12:00, 12:30, maybe 1:00, because we're focusing more
18 on our food than anything. It's just an incident that
19 we feel bad about.

20 ALDERWOMAN COGGS: Are those the only two
21 adjustments that you made since the incident?

22 MR. MERIDITH: Yes. I mean, what more can
23 we really do? We're trying to do the best we can.

24 ALDERWOMAN COGGS: You can begin by calling
25 the police when something happens within your

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1 establishment.

2 MR. MERIDITH: Like I said, when I talked to
3 the detective, they said they're reactive. I can't
4 call them every day somebody gets into an argument in
5 the bar.

6 ALDERWOMAN COGGS: My suggestion is not
7 just to you, it's to license holders everywhere, so
8 it's not personal.

9 MR. MERIDITH: I understand.

10 ALDERWOMAN COGGS: My thing is just to cover
11 yourself. If they didn't show up, you still called,
12 you still were proactive, you still made that
13 difference, and you don't know if that could have made
14 a difference this time. So I'm saying this to you not
15 because police, whether they do their job or not, you
16 are the license holder, and you have to do your job.
17 My suggestion to you and for the safety of people is
18 at least to attempt to be proactive, and we encourage
19 license holders to do that, to be proactive in those
20 calls, to be proactive in their interaction with the
21 police. I recognize that there may be times they
22 don't do their end, but you can't control them, but
23 you can control you and your establishment. I'm
24 saying that not just to you but to all license
25 holders. That proactivity is something that could

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1 prevent a lot of stuff that we have to see at these
2 meetings every single month.

3 CHAIRMAN BOHL: Alderman Zielinski.

4 ALDERMAN ZIELINSKI: On the night in
5 question, according to the police report, it said
6 investigation revealed the victim was inside the
7 tavern and was seen arguing with another patron. So
8 the argument was verbal in nature and it was not
9 physical?

10 MR. MERIDITH: Yeah, it was verbal.

11 ALDERMAN ZIELINSKI: I would just like to
12 know from our sergeant if he can answer this question.
13 Should people be calling the police if somebody gets
14 into a verbal argument inside of a bar?

15 SGT. ULICKEY: I understand, and I
16 understand the trouble that you go through trying to
17 decide something like this. You could get into an
18 argument that would require police assistance, you
19 could get into an argument that requires intervention
20 by a bartender or an owner or another patron, or maybe
21 they can just take care of it themselves, so for me to
22 answer that question for this incident would just be
23 speculation on my part, and it wouldn't be fair to
24 anybody. I will tell you that there are some times
25 that you should call the police right away. Usually

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1 you can tell when something is going to get heated, if
2 you know the people, if you don't know the people. A
3 lot of things come into play. There are some
4 incidents, you know as well as I do, that if you are a
5 bartender, a bar owner, or another patron that you can
6 interject and you can solve the problem right then and
7 there. Sometimes people listen to words of advice,
8 sometimes people listen to cool heads, sometimes they
9 don't, and every call is different.

10 ALDERMAN ZIELINSKI: I'm not going to be
11 making a motion on this one, but given the fact that
12 you're trying to be more of a restaurant and you've
13 closed earlier, have you given thought to closing at
14 midnight?

15 MR. MERIDITH: Yes we have. And that's what
16 we're going to do mostly this summer, because it's bad
17 out here, it really is. Like I said, we've been
18 trying to focusing on the food. Before this incident
19 happened, we were closing early.

20 ALDERMAN ZIELINSKI: Right now, you're in a
21 very tenuous situation. You stand a very good chance
22 of losing your license, so you might want to just say
23 midnight all year round.

24 MR. MERIDITH: I appreciate it.

25 CHAIRMAN BOHL: Questions by committee only

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1 here at this point. When we're all done, I'll say no
2 more questions, I'll take it into committee.

3 ALDERMAN KOVAC: Following up on some of
4 those further questions Alderwoman Coggs asked about
5 what other steps can be taken. I'm looking at the
6 written plan that Steve-O gave us an hour ago that
7 includes what you mentioned, the cameras, the closing
8 earlier. It also includes the extra items, a metal
9 detector, halogen lights, an ID verification system
10 where they record all the IDs that come in, and a
11 25-year age of entry. Are any of those things you're
12 considering or doing?

13 MR. MERIDITH: Yes /I've talked to Steve-O,
14 because there's another bar called the Hideaway, which
15 is -- he's been doing a lot of that already, so that's
16 what I've been talking to Steve-O about. I walked
17 over a couple days ago and talked to him, and he's
18 giving me all the information for those other
19 equipment, which that I'm trying to do. So like I
20 said, all the bar owners talk in that area, and I've
21 been talking, like I said, before this incident, we
22 just been trying to work with each other around here,
23 so I am working towards that.

24 ALDERMAN KOVAC: You're going to do all
25 those things or you're looking into it?

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1 MR. MERIDITH: Right now, I'm looking into
2 it. I'm trying to get the equipment, first to see if
3 I can afford it. I'm a small business. I'm trying to
4 work towards that.

5 ALDERMAN KOVAC: It sounds like, given that
6 there are some disagreements in the neighborhood, that
7 given that you seem to have a better relationship with
8 the neighborhood association than Steve does, you
9 could potentially be a facilitator on all of these
10 issues to come up with a consistent plan for the whole
11 neighborhood.

12 MR. MERIDITH: If I was asked to do that, I
13 will.

14 ALDERMAN KOVAC: It's not my position to ask
15 you to do that. I'm throwing it out there.

16 MR. MERIDITH: I talked to Nostalgia, I
17 talked to The Hideaway, I called almost every day.
18 Steve-O, if he's busy and I'm not, I still close at
19 12:00 because if he's busy or not, those are his
20 customers, those are not my customers, so if you put
21 anybody out, they're going to walk right across the
22 street to me. So I still close early. Those are one
23 of the main things I'm trying to do.

24 CHAIRMAN BOHL: Other questions by
25 committee? Questions by committee going once,

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1 questions by committee going twice. I don't want to
2 pull out again. Think of them now. I'm serious. At
3 some point, we could reconvene next week and think of
4 something in the interim time. At some point you know
5 your gut feeling, your knowledge, everything else.
6 Alderwoman Coggs.

7 ALDERWOMAN COGGS: The closing early that
8 you spoke of, are those changes in time indicated on
9 your license application?

10 MR. MERIDITH: No.

11 ALDERWOMAN COGGS: I would suggest that it
12 would then need to be amended to include those changes
13 that he stated.

14 CHAIRMAN BOHL: That's a motion that this
15 committee can make within its motion, we have it
16 within our jurisdiction to do. We can change, even if
17 somebody doesn't want to, we can through a motion
18 change a plan of operation, we have that in our
19 ability. It may get messy, but we have it in our
20 ability. Questions by committee? Mr. Meredith,
21 anything up to add now?

22 MR. MERIDITH: No, sir.

23 MR. FRIER: One quick thing. I know my
24 brother. He did love Magnolia's, and he did say that
25 he was friends with him and everything like that, but

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1 I know when I went there there was two people standing
2 at the door checking IDs. If this was a friend of my
3 brother's and he know he just got into a
4 confrontation, why wouldn't those two people just
5 watch this guy that got into a fight with my brother,
6 watch him leave? He was waiting in the parking lot
7 not 10 feet from the door, not 10 feet from the door.
8 Why is this just then just slide by and him just being
9 able just to walk out by himself knowing that this
10 confrontation happened? I just don't understand that.

11 I understand Steve-O's is a small business
12 just as him, but he's making changes. I'm not saying
13 Steve-O's is better than Magnolia's, I'm not saying
14 Magnolia's is better than Steve-O's, but I just want
15 to know -- This just has to stop, it has to change,
16 it just can't be I don't have enough money from it.
17 If you don't have enough money from it, then you need
18 to get out of the business. You have to be
19 responsible for every single person that walks inside
20 of your bar and when they leave. If they're on your
21 property, you're responsible for them. They didn't
22 take no responsibility for him. They practically
23 pushed him out the door and let it happen.

24 CHAIRMAN BOHL: Thank you. With that, we're
25 in committee. Alderman Hamilton.

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1 ALDERMAN HAMILTON: This one was very
2 similar to the last one, when you just take into
3 consideration some of the incidents that Alderwoman
4 Coggs brought up, how do you differentiate between
5 this facility and the last one, and I think what you
6 do is you take into consideration the neighborhood,
7 that testimony, you take into consideration the
8 testimony of the alderman, and you take a look at the
9 type of situations that the operator has been dealing
10 with and how he's been operating.

11 I have some very sentimental feelings about
12 what happened, and I know that it's extremely hard
13 losing a loved one, especially when you feel like
14 things weren't done properly and that something could
15 have been done to save that life. That's the
16 situation that we face across the city, it really is.

17 As far as this operator goes, though, I
18 think that he recognizes some things that he could
19 have done better and he's doing it. As far as the
20 cameras are concerned, I'm happy to hear that there
21 are new cameras digital upgraded. The situation with
22 calling the police, don't have all the details about
23 what type of confrontation it was inside of the
24 facility, but we always encourage operators to call
25 the police if they feel like an incident is occurring

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1 and want them to feel comfortable doing so, knowing
2 that if they came before this committee that that
3 would be looked on favorably by cooperating and
4 calling and doing those types of things.
5 Closing early. Recognizing that there's an
6 element that may come to your establishment that
7 you're not asking to come, and so you close early to
8 try to deal with that because you don't want to bring
9 that to the neighborhood, you don't want to bring it
10 to the establishment myou don't want to bring it to
11 your patrons. You lost a friend doing that, so I feel
12 like you've taken that into consideration and done
13 that and willing to amend your application in order to
14 do so. So were I feel like when you take a look at
15 the totality of the circumstances around these
16 applications, you take a look at this one, we spent
17 most of our time -- all of our time pretty much
18 talking about one incident as opposed to the last
19 application where we were talking about eight or nine.
20 Completely different. And so I think in making this
21 motion, we have to take a look at the totality of the
22 circumstance, we have to take a look at some of those
23 incidents that occurred, not just the fact that there
24 was a shooting. I think this committee has been doing
25 that and they do that.

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1 any changes to the proposed plan of operation for
2 Friday, Saturday, and Sunday.

3 ALDERMAN HAMILTON: Right.

4 CHAIRMAN BOHL: Did everyone get that
5 motion? That was based on the police report and
6 neighborhood objections, I'm assuming here, Alderman?

7 ALDERMAN HAMILTON: Yes.

8 MR. SCHRIMPF: Mr. Chairman. I understand
9 you're in committee but April 4th, 2008 was a Friday
10 night, and the incident occurred at 1:43 a.m., and the
11 motion allows this place to stay open until 2:00 a.m
12 on a Friday and a Saturday.

13 CHAIRMAN BOHL: That may be understood, Mr.
14 Schrimpf, but it is what it is, it is what it is. We
15 have a motion.

16 ALDERWOMAN COGGS: It haven't been voted on
17 yet.

18 CHAIRMAN BOHL: On the motion, discussion?

19 ALDERMAN KOVAC: This is complicated,
20 there's a lot of issues here, but the way I look at
21 it, there's ways in which this establishment is ahead
22 of the game. Like their relationship with the
23 neighborhood association is already there, they have a
24 food service element, and I can understand why it
25 seems to be the neighbors seem to be more concerned

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1 about Steve-O's than this place in general. On the
2 other hand, there were more incidents at Steve-O's
3 than there were here. On the other hand, the incident
4 that happened here was tragic. There were more
5 gunshots at the other place, but it's not clear where
6 they're all coming from necessarily. I don't see,
7 given that Steve-O actually has a comprehensive plan
8 that goes above and beyond where he's at now, so
9 Steve-O was behind a month ago but now Steve-O's, is
10 ahead, I don't see how we can not be consisted, I
11 don't see how I can support anything other than a 90-
12 day suspension. The other thing also would be we need
13 to be changing these hours. We need to do both would
14 be my position.

15 ALDERMAN HAMILTON: If I can just respond.

16 CHAIRMAN BOHL: On the motion, Alderman
17 Hamilton.

18 ALDERMAN HAMILTON: Any shooting could be a
19 fatality, any single incident of a shooting could
20 possibly end up being a fatality, and I think that's
21 why we should take the fact that this placed such a
22 major incident into consideration and definitely do a
23 suspension. I don't think that the incident happened
24 at this place because of the way that the operator
25 operated his business. There are a lot of businesses

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1 that come before us and these incidents occurred there
2 because of the way that they operate the business and
3 their lack of responsiveness to problems when they
4 occur, the relationship that they have with the police
5 department, and the type of clientele that they
6 attract to the place. If we can't attribute that to
7 the operator, I just feel like that part is unfair.

8 If the person is trying to attract the
9 proper clientele, they're trying to cooperate with the
10 neighborhood, they're trying to do everything
11 necessary when it comes to dealing with incidents when
12 they occur, the fact that something does occur
13 shouldn't be looked at the same way as an operator who
14 fails to do those things. I think we can't put an
15 equal symbol between those two.

16 CHAIRMAN BOHL: Other discussion on the
17 motion? With that, again, the motion is for approval
18 of renewal of the license with the issuance of a
19 15-day suspension and modification of the hours of
20 operation to reflect a 12:30 closing time from Monday
21 through Thursday into the early hours of Friday
22 morning, each of those respective days to reflect a
23 12:30 a.m. closing.

24 ALDERMAN HAMILTON: If I can just amend
25 that, just for Friday and Saturday, to change that to

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1 1:00 so that it's not the same time as when other bars
2 close and when other establishments close, that this
3 place will already be closed. But the only reason I
4 said 2:30 was because of the expectation that they
5 would probably close early anyway.

6 CHAIRMAN BOHL: So the amendment is to
7 reflect the hours of 12:30 on the four nights a week,
8 and then on the other nights the Friday, Saturday,
9 Sunday a 1:00 closing, 1:00 a.m.

10 ALDERMAN HAMILTON: That's correct.

11 CHAIRMAN BOHL: Continue with a 15-day
12 suspension?

13 ALDERMAN HAMILTON: Yes.

14 CHAIRMAN BOHL: Based on the police report
15 and neighborhood objections?

16 ALDERMAN HAMILTON: Yes.

17 CHAIRMAN BOHL: Any other discussion on the
18 motion? Any objections to the motion?.

19 ALDERMAN ZIELINSKI: Objection.

20 ALDERWOMAN COGGS: Objection.

21 ALDERMAN KOVAC: Object.

22 CHAIRMAN BOHL: That would be four
23 objections. We are still in committee. Is there a
24 motion?

25 ALDERMAN ZIELINSKI: Mr. Chairman. First

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1 off, I have a question of Attorney Schrimpf. If we
2 issue a suspension, is the restaurant portion still
3 open without the liquor license?

4 MR. SCHRIMPF: Yeah. The way this has
5 worked in the past is that the restaurant is permitted
6 to operate but they have to close up the liquor.

7 ALDERMAN ZIELINSKI: This does not have the
8 length of problems that have occurred at Steve-O's,
9 however, someone was killed here. And the case law
10 has substantiated time after time again that the
11 proprietors of these licensed establishments are
12 responsible for the behavior of their patrons, and I
13 really don't hear enough in terms of what's being done
14 to improve the safety of this place, so I'm feeling
15 really uncomfortable with that.

16 There's two things I'm going to do with one
17 motion. First is, given the severity of what happened
18 here, I really can't see how we can go less than the
19 90 days. So the first part of my motion is that this
20 be given a 90-day suspension. And the second part
21 deals with the hours. Given the fact that I'm really
22 uncomfortable with the lack of proper plans in terms
23 of preventing future problems at this establishment
24 during the night time hours, I would also move to
25 amend the hours of operation be closed at 10:00 at

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1 night.

2 In this way, the neighborhood will still
3 retain their restaurant. There's been plenty of
4 testimony about what a great restaurant this is and
5 what great food they have and how they like to go in
6 their own neighborhood to take advantage of that, but
7 at the same time, the problems that's been occurring
8 at Steve-O's I think could be exasperated and drawn to
9 this location in the evening hours. So that would be
10 my motion, and that would be the reason for my motion.

11 CHAIRMAN BOHL: Motion by Alderman Zielinski
12 is for approval of the renewal of the license with the
13 issuance of a 90-day suspension and modification of
14 the hours of operation to close seven days a week at
15 10:00 p.m.?

16 ALDERMAN ZIELINSKI: Yes.

17 CHAIRMAN BOHL: Discussion on the motion?
18 Alderman Hamilton.

19 ALDERMAN HAMILTON: I think that's the
20 height of inconsistency. We have an operator working
21 with neighbors doing everything they possibly can to
22 address the issue in a troubled neighborhood, you have
23 an operator who pretty much ignored all of those
24 things for an entire year, and they get the same
25 treatment. I understand the severity of the one

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1 incident, but they are not equal.

2 CHAIRMAN BOHL: Any other discussion on the
3 motion? On the motion, Alderwoman Coggs.

4 ALDERWOMAN COGGS: I don't mean to drag this
5 out, but I would like to know the impact on the
6 business with those change in hours.

7 CHAIRMAN BOHL: You know what, it's not for
8 us to ask, and we're in committee. I won't allow it
9 for that reason. If that's the case, you got to
10 consider that when you make your decision for or
11 against it. You either know it's right or you don't
12 know it's right at this point. It's not for us to ask
13 him whether or not he thinks a 90-day suspension is
14 okay.

15 ALDERWOMAN COGGS: No, I'm noto asking
16 if it's okay. I'm going to vote the way I'm going to
17 vote, but I just wanted to know that information for
18 myself.

19 CHAIRMAN BOHL: I'm going to guess it is not
20 going to be good for business.

21 MR. MERIDITH: It is what it is.

22 CHAIRMAN BOHL: It is what it is, but you
23 would not find it ideal for business if you were
24 given the choice.

25 MR. MERIDITH: No. Stay in business is

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1 better than not being in business.

2 CHAIRMAN BOHL: Any other discussion on the
3 motion? Any objections to that motion?

4 ALDERMAN HAMILTON: I object.

5 CHAIRMAN BOHL: I will also object.

6 Motion carries on a three-two vote.

7 MR. SCHRIMPF: The committee is going
8 to be doing findings of fact and conclusions of law
9 recommending renewal of your license with a 90-day
10 suspension and amendment of the plan of operation to
11 close at 10:00 p.m. You will receive a copy of that.
12 You will have an opportunity to file a written
13 objections that, and if you do so, they must be filed
14 by the close of business, which is 4:45 p.m. June
15 26th, 2008 in the City Clerk's Office of this
16 building, Room 205.

17 If you filed written objections, then you
18 will also have the opportunity to appear before the
19 Milwaukee Common Council when it meets on it matter on
20 July 1st, 2008, at approximately 9:00 a.m. in the
21 Common Council Chambers of this building, the same
22 floor that you're on but the north end instead of the
23 south end. Do you understand all that?

24 MR. MERIDITH: Yes.

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1 STATE OF WISCONSIN)
2)
3 MILWAUKEE COUNTY)
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5 I, TERESE M. SCHIEBENES, of Milwaukee
6 Reporters Associated, Inc., 5120 West Blue Mound Road,
7 Milwaukee, Wisconsin 53208, certify that the
8 foregoing proceedings is a full and complete
9 transcript of my stenographic notes taken in the
10 foregoing proceedings.

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TERESE M. SCHIEBENES
Certified Shorthand Reporter

Dated this day of , 2008.

