

Jeff Pawlinski
Alderman, 13th District

CHAIR:
Utilities & Licenses Committee

COMMITTEES:
Zoning, Neighborhoods and Development
Steering & Rules
Anti Graffiti Policy
Administrative Review Appeals Board
Resolutions Committee - League
of Wisconsin Municipalities



September 13, 2002

To the Honorable, the Common Council

Dear Members:

Re: Common Council File 020411

Substitute motion to approve recommendations of the Utilities and Licenses Committee relative to the nonrenewal of the licensed dwelling facility license (rooming house) for the premises at 423 E. Garfield Ave in the 6th Aldermanic District based upon non-appearance of the licensee.

Re: Common Council File 020122

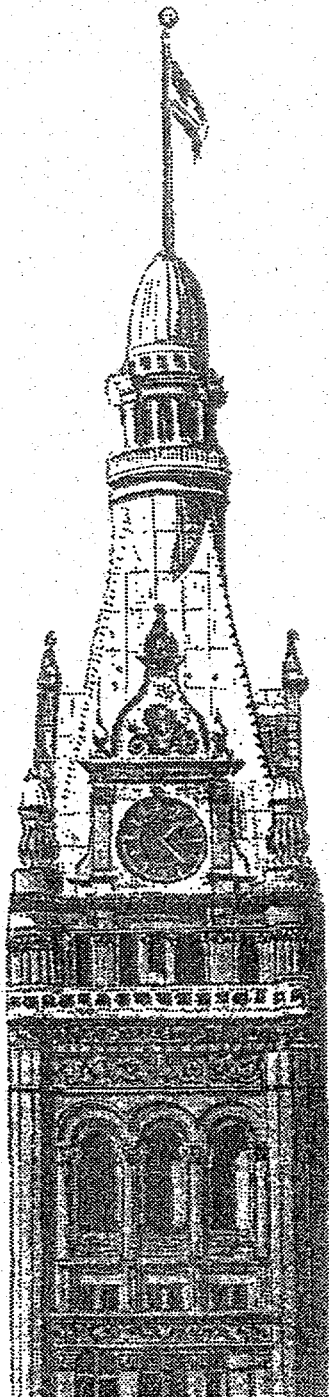
Recommendation of nonrenewal of a Class "D" Bartender License application of Musah R. Saleh based upon non-appearance.

Recommendation of nonrenewal of a Class "B" Tavern and Tavern Dance application of Michelle Townsend based upon police report and neighborhood objection for the premises at 3001 N. Richards St.. ("Mechelle's Club) in the 6th Aldermanic District.

With regard to the items listed above, the Utilities and Licenses Committee held an evidentiary hearing on September 10, 2002.

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

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



These matters have been scheduled for a hearing before the full Common Council at its meeting on Tuesday, September 24th, 2002 at 9:30 A.M. in the Common Council Chambers.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffrey A. Pawlinski". The signature is stylized and written over a faint, larger version of the same signature.

JEFFREY A. PAWLINSKI, Chair
Utilities & Licenses Committee

Attachment

cc: City Attorney's Office
Common Council/City Clerk - License Division
Milwaukee Police Department- License Administration
All Council Members
File No. 020411 and 020122



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

September 12, 2002

Musa Saleh
4261 South Clement Street
Milwaukee, WI 53207

Dear Mr. Saleh:

You are hereby notified that the Milwaukee Common Council will hold a hearing on September 24, 2002 commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "D" Bartender License Renewal Application.

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the Class "D" Bartender License. The recommendation is the result of a public hearing before the Committee held on September 10, 2002 and your failure to appear before the Committee.

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

Respectfully,


RONALD D. LEONHARDT
City Clerk

Enclosure
57557

Date: September 13, 2002
To: All members of the Milwaukee Common Council
From: Utilities and Licenses Committee
Re: Report on the Renewal Application of the Class "D" Bartender License of Musa R. Saleh

FINDINGS OF FACT

1. Musa R. Saleh (hereinafter the "Licensee") is the holder of a Class "D" Bartender License in the City and County of Milwaukee, Wisconsin. Said license expired at midnight, December 31, 2001.
2. An untimely application to renew said license was filed with the Office of the City Clerk on July 17, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On July 18, 2002, the Milwaukee Police Department responded with a police report that created a basis for non-renewal or suspension of said license.
4. On August 29, 2002, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of 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 September 10, 2002, commencing at 9:30 a.m. in Room 301B of City Hall. At said date, time and place, the Licensee failed to appear at the hearing.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. Notice of hearing was sent to Musa R. Saleh at 4261 South Clement Avenue, Milwaukee, WI 53207 on August 29, 2002 by the Office of the City Clerk. This was the address given by the licensee as her home address. It was sent in an envelope with the return address of the License Division. It was sent by United States prepaid mail. The envelope containing the notice was not returned to the License Division. The Licensee failed to appear at the hearing on September 10, 2002.

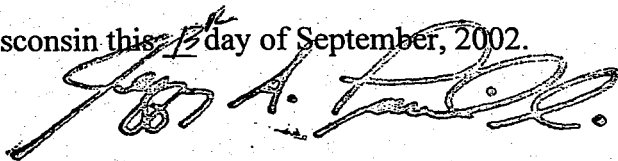
CONCLUSIONS OF LAW

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 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee recommends that the Class "D" Bartender license of Musa R. Saleh not be renewed because of non-appearance.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five (5) ayes to zero (0) naves, recommends that the Class "D" Bartender License of Musa R. Saleh not be renewed based on non-appearance.

Dated and signed at Milwaukee, Wisconsin this ¹² day of September, 2002.



JEFFREY PAWLINSKI
Chairman of the Utilities
and Licenses Committee



Office of the City Clerk
Council Services Division

Ronald D. Leonhardt
City Clerk

Anthony J. Zielinski
Manager

September 12, 2002

Michelle Townsend
4700 West Dean Road
Milwaukee, WI 53223

Dear Ms. Townsend:

You are hereby notified that the Milwaukee Common Council will hold a hearing on September 24, 2002, commencing at 9:30 a.m., or as soon thereafter as this matter may be heard, in the Common Council Chambers on the third floor of City Hall, 200 East Wells Street, Milwaukee, Wisconsin 53202 to consider your Class "B" Tavern and Tavern Dance License Renewal Application for for the premises located at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club Riveria").

Attached you will find a copy of the Report of the Utilities and Licenses Committee which includes their Findings of Fact, Conclusions of Law and Recommendation, recommending non-renewal of the Class "B" Tavern and Tavern Dance License. The recommendation is the result of a public hearing before the Committee held on September 10, 2002.

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

Respectfully,

RONALD D. LEONHARDT
City Clerk

BDS:57578
Enclosure

Date: September 12, 2002

To: All Members of the Milwaukee Common Council

From: Utilities and Licenses Committee

Re: Report on the Renewal Application of the Class "B" Tavern and Tavern Dance License of Michelle Townsend for the premises located at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club").

FINDINGS OF FACT

1. Michelle Townsend (hereinafter "the Licensee") is the holder of a Class "B" Tavern and Tavern Dance License for the premises located at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club"). Said license expires at midnight on October 13, 2002.
2. An application to renew said license was filed with the Office of the City Clerk on August 29, 2002.
3. Pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On August 30, 2002, the Milwaukee Police Department responded with a report that could form the basis for renewal of said license. There were also neighborhood objections to loitering, littering, loud noises, shootings, fights, and conduct detrimental to the health, safety and welfare of the neighborhood.
4. On September 4, 2002, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapter 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the Milwaukee Police Department and included therewith a copy of the Milwaukee Police Department report, and notice of the neighborhood objections. The matter was scheduled for a hearing on the police department report on September 10, 2002, commencing at 2:00 p.m. in Room 301A 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, together with a copy of the Milwaukee Police Department report. The licensee was not represented by counsel.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:

PRIOR RECORD OF THE LICENSEE

- A. Between December 1, 1977 and May 31, 1978, Michelle E. Townsend, while on public assistance, did intentionally fail to notify the Department of Social Services of income received from a place of employment resulting in an over-grant of \$1,088. The applicant was found guilty of failure to report receipt of income and was sentenced to three years of probation and restitution on June 6, 1979.

PRIOR RECORD OF THIS LOCATION

- B. On Friday, April 21, 2000, at 12:03 a.m., Milwaukee Police Department officers were dispatched to a shooting at the licensed premises at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club Riveria"). The investigation revealed that a shooting did not take place, but rather that a patron was beaten by five to ten males while that patron was inside the tavern. The victim was admitted to St. Mary's Hospital. A criminal complaint for substantial battery was filed.
- C. On April 28, 2001, at 1:53 a.m., Milwaukee Police Department officers were dispatched to 2971 North Buffum Street, Milwaukee, Wisconsin, on a complaint of a battery. The victim, one Leno Jenkins, stated that he was at the licensed premise at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club Riveria") having some drinks with friends. He went into the bar and an unknown male punched him in the face. Mr. Jenkins turned around and punched the man in the chest. Numerous males then ganged-up on the victim, punching and kicking him in the face, chest and back causing pain, redness and swelling to the chest and right eye.
- D. On April 28, 2001, at 1:17 a.m., Milwaukee Police Department officers were dispatched to a complaint of shots fired at the licensed premise at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club Riveria"). A large crowd gathered in the street in front of the tavern. People were screaming and running to get to their cars. The licensee, Michelle Townsend-Craig, stated that she was inside the tavern and two unknown males started fighting in the front part of the bar. Most of the patrons started running out of the tavern during this incident. When most of the patrons were gone, she heard an undetermined amount of gun shots. She locked the door and waited for police. She stated the victim of the battery was in the bathroom. When police arrived, the victim became very uncooperative and ran out of the bar and stated, "I ain't talking to you, you're not going to do anything anyway." The victim refused medical treatment and gave no information as to who hit him or even what his name was. No shell casings were found in the area.

CONTINUATION OF VIOLENCE AT THIS LOCATION

- E. On February 7, 2002, at 12:25 a.m., Milwaukee Police Department officers were dispatched to a complaint of shots fired at the licensed premise at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club Riveria").

The officers were advised that seven shots had been fired in the direction of another officer while doing a traffic stop at 430 East Chambers Street. These shots came from the general direction of a crowd of individuals that had exited the Mechelle's Club Riveria. The officers conducted a tavern check. A .380 Jennings pistol was recovered from behind the bar. Officers were unable to determine the ownership of the pistol.

- F. Numerous neighbors testified to the effect that they are regularly disturbed by loud noises, shootings and fights from patrons at this premise, particularly at closing time.
- G. Certain of those neighbors, because of fear of gunshots from patrons of this location have relocated their sleeping quarters in their homes. Some neighbors have bullet holes on the exterior and interior of their homes because of patrons discharging firearms.
- H. The supporters of this premises are not neighbors, but are employees or friends of this licensee and members of the Great Lakes Beverage Association. These individuals and the licensee claim the problem is not the licensee or her customers, but dangerous inmates of drug houses in the area. If true, that argument is actually a further basis to close this establishment. The licensee claims she cannot be held responsible for events outside of her tavern. The fact is that if this is a violent neighborhood, then a tavern attracting violence should not be operating in this location.
- I. The neighbors complain that the police have been called, but by the time the department responds the actors causing the disturbances are gone.
- J. The committee finds that the continued operation of this premise is detrimental to the health, safety and welfare of the citizens of the City of Milwaukee.

CONCLUSIONS OF LAW

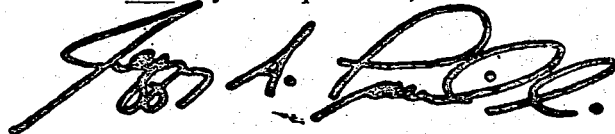
1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Michelle Townsend, has not met the criteria to allow renewal of her Class "B" Tavern and Tavern Dance license. This conclusion is based upon the record of a violence at this location.

3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Utilities and Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Tavern license of Michelle Townsend for the premises located at 3001 North Richards Street in the City and County of Milwaukee, Wisconsin ("Mechelle's Club") based upon her past activities as a licensee and for the danger that the continued operation of the premises poses to the health, safety and welfare of the citizens of the City of Milwaukee.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of three (3) ayes and one (1) no, recommends that the Class "B" Tavern and Tavern Dance License of Michelle Townsend for the premises located at 3001 North Richards Street ("Mechelle's Club") in the City and County of Milwaukee, Wisconsin not be renewed.

Dated and signed at Milwaukee, Wisconsin this 13th day of September, 2002.



JEFFREY A. PAWLINSKI
Chairman, Utilities and Licenses Committee

57577