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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Class "B" Tavern and Tavern Dance applications for:

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MARIO V. KIMBROUGH
"MIDWEST ESTATES, LLC"
"NOSTALGIA II"
9316 West Appleton Avenue

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR., - Vice-Chairman
ALD. TERRY WITKOWSKI
ALD. ROBERT PUENTE
ALD. WILLIE WADE

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LICENSING DIVISION by REBECCA BARRON
NEIGHBORHOOD SERVICES by TOM WESSEL
HEALTH DEPARTMENT by PAUL ZEMKE
POLICE DEPARTMENT by SEARGENT CHET ULICKEY
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in the above-entitled matter, before the LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on the 11th day of September, 2007.

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P R O C E E D I N G S

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VICE-CHAIRMAN BOHL: Mario V.

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Kimbrough, Agent for "Midwest Estates, LLC",
Class "B" Tavern and Tavern Dance applications as
the agent for Midwest Estates, LLC for "Nostalgia
II" at 9316 West Appleton Avenue.

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THE APPLICANT: Good morning.

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VICE-CHAIRMAN BOHL: Good morning to
you. Good morning, Alderman Davis.

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ALDERMAN DAVIS: Good morning.

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VICE-CHAIRMAN BOHL: We will - - We'll
swear you both in. Will you both raise your
right hands, please?

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(Whereupon those present were sworn.)

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VICE-CHAIRMAN BOHL: And for the
applicant, your name and address for the record,
please.

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THE APPLICANT: My name is Mario
Kimbrough. It's M-A-R-I-O. And my address is
3724 West Kiley.

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VICE-CHAIRMAN BOHL: Thank you, Mr.
Kimbrough. And I'd ask if you acknowledge
receiving notice of today's meeting with the
possibility your application could be denied.
There is a attached police report, as well as a

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1 neighborhood objection to loitering, littering,
2 loud music and noise, parking and traffic
3 problems, gunshots and fights, unruly patrons,
4 trespassing, vandalism, drug and criminal
5 activity, cruising, conduct which is detrimental
6 to the health, safety and welfare of the
7 neighborhood?

8 THE APPLICANT: Yes, I do.

9 VICE-CHAIRMAN BOHL: Thank you. Health
10 Department?

11 HEALTH: Health Department needs an
12 inspection of the facility.

13 VICE-CHAIRMAN BOHL: Neighborhood
14 Services.

15 DNS: Hold for occupancy permit.

16 VICE-CHAIRMAN BOHL: Thank you.

17 Sergeant?

18 SERGEANT ULICKEY: The entry that you
19 see as labeled as number four pertains to the
20 applicant's previous, or I should say, his other
21 Class "B" location. That does not pertain to the
22 Appleton Avenue - - Appleton Avenue address,
23 however, it is a previous premise record for
24 Appleton Avenue.

25 VICE-CHAIRMAN BOHL: Are there any

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1 questions, any desire by committee members? Has
2 - - Sergeant, has the previous - - has the
3 previous location record been provided to Mr.
4 Kimbrough? Do we know if that was mailed?

5 THE APPLICANT: Yes, it has.

6 VICE-CHAIRMAN BOHL: So that was not
7 added to our agenda here, but he did - - he was
8 provided a copy of that. Is that correct?

9 SERGEANT ULICKEY: He may have obtained
10 one. I know the police department didn't provide
11 him a copy with - - The previous location is Side
12 Pockets.

13 VICE-CHAIRMAN BOHL: Was that - - Was
14 that mailed to you, or did you just - - did you
15 just obtain that on your own?

16 THE APPLICANT: You mean, the one that
17 I'm actually applying for?

18 VICE-CHAIRMAN BOHL: Correct.

19 THE APPLICANT: No, I haven't.

20 VICE-CHAIRMAN BOHL: Okay. You have
21 just the one with the four items that pertain to
22 your current operation on 43rd Street?

23 THE APPLICANT: Yes.

24 VICE-CHAIRMAN BOHL: Are there any
25 questions by committee relating to - - to those

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1 items on the police report? Mr. Kimbrough, are
2 you still operating that location?

3 THE APPLICANT: Yes, I am. I've been
4 there for three years now, and we actually - - On
5 the first level we run, I guess you would call
6 it, a sports bar type restaurant. And I've been
7 there for three years. I own the property. And
8 I also run the business. I manage it. And we
9 have had very good success there. And the reason
10 why I'm looking at this establishment, which I
11 have already been trying to purchase it. I was
12 held up on financing for the last four months,
13 and I contacted the Alderman office, and we were
14 going back and forth trying to figure out a way
15 to ensure that the neighbors were comfortable
16 with me. And I was held up on financing, which
17 took a while. And finally, I was able to obtain
18 financing. Within that time there was some
19 events that occurred at the property, that I wish
20 would not have happened, but they did. And so
21 I've been working with the Alderman, and I've
22 also spoke with Teen Challenge. That's the
23 neighborhood agency that's right near the
24 facility. And efforts to try to come up with a
25 solution and a plan that we could all be

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1 comfortable with, if I was to come in and
2 purchase the building and, also, run the
3 business.

4 VICE-CHAIRMAN BOHL: In terms of your
5 application, what are you hoping to - - to do
6 there?

7 THE APPLICANT: What I want to do is I
8 want to actually mirror the concept that we're
9 using at Nostalgia I, and name it Nostalgia II.
10 Currently they have a three bedroom apartment on
11 the second level. My short term goal is, first,
12 I would have to get the permits and get the
13 licensing from the City, to turn that into a
14 reception hall area, and use that for - - Well, a
15 banquet hall, and use it for receptions, birthday
16 parties, anniversaries, retirement parties, and
17 things of that nature. And the reason why I
18 wanted to do that was because at the current
19 residence that I'm - - at the current business
20 that I'm in now, we get so many calls for a date
21 that's already booked. We might get two or three
22 calls for a date that we've already booked. So
23 what I want to do is I want to expand the
24 location that we currently have to a second
25 location and be able to book parties,

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1 anniversaries, and receptions of that nature on
2 the second level. And then on the first level, I
3 just want to mirror the concept that we're doing
4 now at Nostalgia and keep it a sports atmosphere.
5 And long term goal is to add a kitchen, and
6 basically be able to mirror everything from the
7 first location to the second location.

8 VICE-CHAIRMAN BOHL: Do you, if I may
9 ask, do you have a tavern dance license at your
10 current location?

11 THE APPLICANT: Yes.

12 VICE-CHAIRMAN BOHL: Do you operate as
13 a nightclub then, as well, too? Do you have a
14 dance floor?

15 THE APPLICANT: Yes, we do. And my
16 current location is actually twice as big as the
17 location that I'm trying to purchase now. It's
18 over - - Well, it's not quite. The location I
19 have now is over 7,000 square feet, and it has a
20 maximum capacity of 265. The location that I'm
21 trying to purchase is 4,000 square feet and has a
22 capacity of 150.

23 So I - - I've been there for three
24 years, and I think I've proven that I can run a
25 establishment responsibly. The area where I live

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1 in is actually - - well, where I live in - - The
2 area where my first business is is actually
3 surrounded by houses that are valued in between
4 150,000 and 300,000 dollars. There's - - It's -
5 - It's actually surrounded by single family
6 homes, and I've been able to sustain and be - -
7 be responsible and the neighbors - - When I first
8 got there, they were reluctant, because of the
9 history of the - - the place, but I was able to
10 come in and be responsible. And at this point,
11 they're very supportive of my business. And
12 actually, directly north of my business is
13 Tripoli Country Club, so, you know, we have
14 country clubs on the block. We have single
15 family homes. So the standards are really high,
16 you know, I'll - - To have been there for three
17 years and to - - The neighbors had gone through a
18 lot before I got there. So when I got there, the
19 expectations were very high. And I think I've
20 met them. And I think I'm responsible enough to
21 take the concept that we've applied to the first
22 location and move it to a new location and be
23 very successful at it. And working with the
24 Alderman and also, working with the neighborhood
25 to ensure that there is a win/win situation for everybody.

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1 VICE-CHAIRMAN BOHL: Thank you. Are
2 there questions by committee of Mr. Kimbrough at
3 this time? Alderman Davis.

4 ALDERMAN DAVIS: Thank you, Mr.
5 Chairman. I'll make my statements brief. I
6 would formally request that the committee
7 actually hold this item, because this was the
8 location of a past establishment that we went
9 through a revocation hearing with. I have not
10 had the opportunity to sit down with Mr.
11 Kimbrough and the community to really discuss his
12 occupancy of this particular business. I would
13 be willing to move forward with that, but my
14 concern is to at least give the respect to the
15 neighborhood, specifically those who came and
16 testified during this revocation hearing, of the
17 operation of the past establishment, so that we
18 can come to some type of resolution.

19 VICE-CHAIRMAN BOHL: Alderman, I - - I
20 believe that there may be a couple of individuals
21 who are here from the neighborhood. Is it - - At
22 this point would you have objection to having
23 them come forward and testify on the record, so
24 that they may not have to return or is there a
25 desire - -

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1 ALDERMAN DAVIS: I have no objection.
2 Whatever the committee desires.

3 VICE-CHAIRMAN BOHL: Is that - - This
4 matter is cited for neighborhood objections. Is
5 there anyone here to testify on the matter
6 regarding a Class "B" Tavern and Tavern Dance
7 application at 9316 West Appleton Avenue? I see
8 one person. You want to just come forward,
9 please.

10 Could you take a seat, raise your right
11 hand, we'll swear you in.

12 (Whereupon the witness was sworn.)

13 THE WITNESS: Yeah. I do.

14 VICE-CHAIRMAN BOHL: And your name and
15 address for the record.

16 THE WITNESS: My name is Judy Dooley,
17 and I reside at 5321 North 91st Street.

18 VICE-CHAIRMAN BOHL: Okay, and - -

19 THE WITNESS: I'm also here
20 representing Teen Challenge, which is a neighbor,
21 or an adjoining property to the property we're
22 speaking of right now. And I live in the
23 apartment building that adjoins, too. So I
24 represent probably 60 individuals.

25 VICE-CHAIRMAN BOHL: Judy, what's - -

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1 what is your official title or capacity with Teen
2 Challenge?

3 THE WITNESS: I'm the Associate
4 Director. I'm just here to testify that we are
5 really - - We're very concerned about the opening
6 of a - - another tavern and dance at this
7 location because of our past experience with the
8 Side Pocket. I've listened to the gentleman's
9 presentation, and it sounds, you know, like it
10 might be something totally different than what
11 we've experienced. The neighbors, not only - - I
12 - - I manage the - - an eight unit apartment
13 building, but the - - the property is surrounded
14 by densely populated apartment buildings on one
15 side, and then a - - a nursing home on the one
16 side, and a - - a church on the other. And I
17 just - - I feel like it's an inappropriate
18 location for a business of this sort. I guess I
19 recognize it's probably zoned as such, and - -
20 But - -

21 VICE-CHAIRMAN BOHL: Well, it wouldn't
22 be zoned for a tavern. It would be zoned for
23 local business, but the - - Whether or not to
24 license such - - such a business is a
25 determination of this Council.

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THE WITNESS: Umm.

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VICE-CHAIRMAN BOHL: Anything else you
want to add at this time?

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THE WITNESS: Well, we have been - -

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We've experienced, under the other ownership, you
know, repeated disruption of the peace and

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enjoyment of the community every single weekend

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that he's been in operation. The - - There has

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been numerous calls to the police station, and

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police responses to calls to the tavern for dis -

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- You know, disruptions, shootings, the last of

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which was the most alarming, because it seemed

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like it went beyond we - - anything we had

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experienced before, and that was a person fired a

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gun out of a car window at a crowd in front of

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the tavern, or the place, you know, The Side

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Pocket. And that was really alarming to us,

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because a stray bullet could easily injure some

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of our residents in our - - our home, and also,

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people living in our apartment building. And

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it's - - It's just a, you know, there were

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efforts made to control the crowd and the - - the

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bouncer was more disruptable - - I mean, he was

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just - - It was just like screaming for half an

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hour until everybody left, after the tavern

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1 closed, and we are - - we are opposed to this
2 granting of this license. That's - - I'm
3 representing Teen Challenge and those neighbors
4 in that building.

5 VICE-CHAIRMAN BOHL: Thank you for your
6 testimony.

7 ALDERMAN DAVIS? Mr. Chairman.

8 VICE-CHAIRMAN BOHL: Alderman Davis.

9 ALDERMAN DAVIS: Let me take some
10 responsibility on my office taking some
11 responsibility why this is before the committee.
12 There was a miscommunication between myself and -
13 - and my legislative aide, with the Licensing
14 Division and the reason why it was scheduled.
15 Had I known about it being scheduled, I would not
16 have requested it to be before the committee, but
17 it is, you know, it's before you. That's the
18 reason why I wanted to come and request that this
19 item be held, so that I can hash out all of those
20 differences and not take the committee's time,
21 but actually hold those public meetings in which
22 I know there's going to be some concerns out of
23 the neighborhood.

24 VICE-CHAIRMAN BOHL: Thank you,
25 Alderman. Are there - - Are there any questions

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1 for Ms. Dooley while she's here at this point?
2 ALDERMAN PUENTE: Mr. Chair.
3 VICE-CHAIRMAN BOHL: Alderman Puente.
4 ALDERMAN PUENTE: How's it been since
5 the tavern's closed down over there?
6 THE WITNESS: It's been really nice.
7 ALDERMAN PUENTE: Yeah. No problems?
8 THE WITNESS: No problems.
9 ALDERMAN PUENTE: Okay.
10 THE WITNESS: It's been quiet.
11 ALDERMAN PUENTE: Now, I believe the
12 applicant said that he talked with Teen
13 Challenge?
14 THE APPLICANT: Yes, I spoke with - -
15 ALDERMAN PUENTE: And - - Okay. Who
16 did you talk with? This lady?
17 THE APPLICANT: No. I spoke with Mark,
18 is his name. I have his card here.
19 ALDERMAN PUENTE: Mark?
20 THE WITNESS: Mark Raney. He's a
21 Program Staff.
22 ALDERMAN PUENTE: Are you aware of this
23 meeting, ma'am?
24 THE WITNESS: No, I was not aware of
25 that.

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1 ALDERMAN PUENTE: Okay. So you - -
2 Okay. Thank you.
3 THE WITNESS: You're welcome. Am I
4 dismissed?
5 VICE-CHAIRMAN BOHL: Are there other
6 questions by committee?
7 ALDERMAN WITKOWSKI: Mr. Chairman.
8 VICE-CHAIRMAN BOHL: Alderman
9 Witkowski.
10 ALDERMAN WITKOWSKI: Is the - - Is your
11 other location within the 2nd Aldermanic
12 District?
13 THE WITNESS: No, it's in - - It's in
14 the 1st District.
15 ALDERMAN WITKOWSKI: Thank you.
16 VICE-CHAIRMAN BOHL: Other questions
17 for this witness? Thank you, Ms. Dooley.
18 THE WITNESS: You're welcome.
19 VICE-CHAIRMAN BOHL: Unless there is
20 any other reason for - - for not doing this here,
21 I'm going to entertain a motion to hold this
22 matter at the Call of the Chair.
23 ALDERMAN WITKOWSKI: Mr. Chairman.
24 VICE-CHAIRMAN BOHL: Alderman
25 Witkowski:

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ALDERMAN WITKOWSKI: I would so move.

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I think, based on the public input at the
3 revocation hearing, I would encourage the
4 Alderman to have a neighborhood meeting with the
5 owner present to be able to state what his
6 business is and what he intends to make this one.
7 So I move to hold.

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VICE-CHAIRMAN BOHL: Okay. Thank you.

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Motion by Alderman Witkowski is to hold this
10 matter at the Call of the Chair. Are there any
11 objections to that motion? Hearing none, so
12 ordered. So Alderman Davis will - - will
13 certainly be entertaining that meeting there with
14 you, Mr. Kimbrough, and he'll notify the License
15 Division at some time in the future.

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THE APPLICANT: All right.

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VICE-CHAIRMAN BOHL: And we'll schedule
18 you at the next available meeting after that has
19 taken place then here.

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THE APPLICANT: Thank you very much.

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VICE-CHAIRMAN BOHL: Thank you.

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3 STATE OF WISCONSIN)

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5 MILWAUKEE COUNTY)

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7 I, JEAN M. BARINA, of Milwaukee Reporters
8 Associated, Inc., 5124 West Blue Mound Road,
9 Milwaukee, Wisconsin 53208, certify that the foregoing
10 proceedings is a full and complete transcript of the
11 Nostalgia II portion of the Licenses Hearing.

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JEAN M. BARINA
Court Reporter

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21 Dated this day of October, 2007.

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