

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MEMBER

- Finance and Personnel Committee
- Library Board
- Neighborhood Improvement Development Corporation Board
- Special Joint Committee on the Redevelopment of Abandoned and Foreclosed Homes
- Steering and Rules Committee
- Wisconsin Center District Board

MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

March 12, 2021

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 201208 contains the following recommendations:

Nonrenewal, based on the second nonappearance of the Class D Operator's license for Julian T Wiley.

Renewal, with a sixty (60) day suspension, based on the police report, and applicant, aldermanic and neighborhood testimony of the Class B Tavern and Food Dealer licenses for Edward Calloway Jr for the premises located at 3300 W Lincoln Ave. ("Junior's Cocktail Lounge") in the 8th aldermanic district.

Respectfully,

A handwritten signature in black ink that reads "Milele A. Coggs".

Milele Coggs, Chair
Licenses Committee

cc: All Council Members
File 201208



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Date: March 12, 2021

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report on the Renewal Application of the Class "D" Operator's License of Julian T. Wiley

FINDINGS OF FACT

1. Julian T. Wiley (hereinafter the "Licensee") is the holder of a Class "D" Operator's License in the City and County of Milwaukee, Wisconsin. Said license expired on December 31, 2020.
2. An application to renew said license was thereafter filed with the Office of the City Clerk.
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. The Milwaukee Police Department responded with a police report that could form a basis for nonrenewal or suspension of said license.
4. On February 24, 2021 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 March 9, 2021 at 1:00 p.m. in Room 301B of City Hall. At said date, time and place, the Licensee did not appear.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. A notice of the hearing as well as a copy of the police report was sent to Julian T. Wiley, 4012 North Farwell Avenue, Shorewood, WI 53211 on February 24, 2021 by U.S. prepaid first-class mail in an envelope bearing the return address of the License Division. The address of 4012 North Farwell Avenue, Shorewood, WI 53211 is the address given by the Licensee on his



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application. The envelope was not returned to the License Division by the United States Postal Service. The Licensee failed to appear at the hearing on March 9, 2021 at 1:00 p.m.

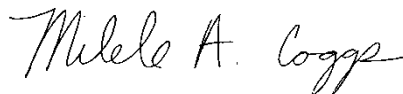
CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provide Findings of Fact, Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapter 90 of the Milwaukee Code of Ordinances.
2. Based on the above facts found, the Committee concludes that the Licensee, Julian T. Wiley has not met the criteria of Chapter 125 of the Wisconsin Statutes or Chapter 90 of the Milwaukee Code of Ordinances to allow renewal of the Class "D" Operator's license based upon his second nonappearance.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council should exercise its discretion to not renew the Class "D" Operator's license held by Julian T. Wiley based upon second nonappearance.

RECOMMENDATION

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

Dated and signed at Milwaukee, Wisconsin this 12th day of March, 2021.



MILELE A. COGGS
Chair, Licenses Committee



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- Licenses Committee

VICE CHAIR

- Zoning, Neighborhoods and Development



MEMBER

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MILELE A. COGGS
ALDERWOMAN, 6TH DISTRICT

Date: March 12, 2021

To: All Members of the Milwaukee Common Council

From: Licenses Committee

Re: Report of the Renewal Application of the Class "B" Tavern and Food Dealer License and Public Entertainment Premises (PEP) Licenses Requesting Disc Jockey, Karaoke, and Comedy Acts of Edward R. Calloway, Jr., Agent for 5050 Lounge LLC, for the premises located at 3300 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Cocktail Lounge").

FINDINGS OF FACT

1. Edward R. Calloway, Jr. (hereinafter "the Licensee") is the holder of Class "B" Tavern and Food Dealer License and Public Entertainment Premises (PEP) Licenses Requesting Disc Jockey, Karaoke, and Comedy Acts for the premises located at 3300 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Cocktail Lounge"). Said licenses expired at midnight on January 9, 2021.
2. An application to renew said licenses was filed with the Office of the City Clerk on February 3, 2021.
3. Pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation. On February 4, 2021, the Milwaukee Police Department responded with a report that could form the basis for nonrenewal of said licenses.
4. On March 2, 2021, the City Clerk's Office provided timely notice to the Licensee pursuant to Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the neighborhood objections. The matter was scheduled for a hearing on the objections on March 9, 2021, commencing at approximately 10:00 a.m. in Room 301-B of the third floor of City Hall. At said date, time and place, the Licensee appeared, and admitted receipt of the notice of hearing, together with a copy of the Milwaukee Police report.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:



- A. On April 18, 2020 at 10:49 p.m. officers were dispatched to investigate a possible COVID-19 violation at Juniors Cocktail Lounge, 3300 West Lincoln Avenue. The caller stated there were subjects sitting down and drinking alcoholic beverages. When the officer arrived the front door was locked but they looked through the window and observed people sitting at the bar with items in front of them. The officer knocked on the window and the people started putting the items away. The Licensee opened the door for the officers and stated the people were waiting for food. The officers advised the Licensee no one could wait inside and no one could wait inside and no liquor could be served. The Licensee stated he was unaware of the safer at home orders. The officers explained the order to him and he stated he had no questions. The patrons left without incident.
- B. On August 27, 2020 officers, along with agents from Wisconsin Department of Revenue, conducted a licensed premise check at Junior's cocktail Lounge, 3300 West Lincoln Avenue. Officers observed a security guard at the door checking ID's and monitoring capacity. There were 20 patrons inside, who were wearing masks when not eating, drinking or smoking Hookahs. The agent found the Licensee was selling hookah and allowing the smoking of hookah inside without a license. The Department of Revenue agent seized the hookah and the Licensee was issued citations.

Charge 1: Cigarette and Tobacco License Required
 2: Smoking Prohibited
 Finding 1: pending Arraignment on 02/22/2021
 2: pending Arraignment on 02/22/2021
 Sentence 1:
 2:
 Date:
 Case 1: 21001071
 2: 21001072

- C. On September 20, 2020 at 11:23 p.m. officers were dispatched to a Noise Nuisance complaint at Junior's Cocktail Lounge, 3300 West Lincoln Avenue. The officer did not hear excessive noise coming from the business. The patrons outside stated there was a DJ performing inside and it would end at midnight. The officer did not enter the business because he did not hear any loud music.
- D. On December 17, 2020 an officer spoke with the manager of the apartment building at 3227 West Lincoln about complaints he has received from his tenants about Junior's Cocktail Lounge at 3300 West Lincoln Avenue. The manager stated his tenants complain about the noise level of the patrons as they enter and leave, the use of their parking lot by patrons and the amount of trash left behind. The officers located 15 calls for service in the past 90 days. The officer advised the manager for the tenant to call with concerns and to possibly testify at a license committee meeting.
- E. The Licensee stated the DJ was hosting a part and he was giving patrons a sample of his drinks. He added that his patrons sometimes park at the bus stop and he tells



them no to. He stated that parking is rough in the area, even more so with the snow. He added that he used to have someone clean up outside, but now he and his employees cleanup 4 times a week. He stated that his outside security camera does work. He added that he can do better because there is always room for improvement. He stated that this year has been rough, he is still learning, and he is trying hard.

Individuals also present:

- F. Alderwoman Zamarripa stated she conducted a post card survey and received responses with 20 residents in opposition and 7 in support. She added that she has contacted the Licensee multiple times to tell him about neighborhood concerns and offer him advice. She stated that she does not support the Public Entertainment Premises license application. She added that there is a total lack of regard for parking regulations by patrons.
- G. Carly Hagerty – Health Department stated on February 13th they saw patrons walking around without face masks and not social distancing, and on February 20th there were the same issues. On both instances the MHD wrote three citations for the various violations. She added that they do not currently have a COVID safety plan so they must operate at 25% capacity. She stated that the original plan was never approved and the last contact was in December asking for revisions to the plan. She noted that the employees of the location have been uncooperative with MHD, and that they still do not have an approved COVID operating plan as of the date of the hearing.
- H. Captain Salazar – MPD stated in the past year there were 22 calls for service, the vast majority of those calls were calls relative to noise violations. There was also one tavern violation, and one subject with a gun complaint. He added that there have been several shots fired in the area, but they have not been conclusively linked to the premises. He stated that there were issues with overcapacity, wearing masks, and social distancing. He added that this location has an unusually high number of calls for service.

Individuals present in opposition:

- I. Joan Gulczynski 3314 West Lincoln Avenue stated there are litter and liquor bottles on her front lawn from the patrons. She added that there are way too many people at the premises and people stand outside smoking and drinking. She stated that at bar close people loiter in front of her house talking and playing loud music in their cars. She added that she has contacted the Licensee about her concerns, but nothing significantly changes. She explained to the Committee that she is opposed to the renewal of the liquor license and opposes the issuance of any new licenses at the location because of the level of traffic and disturbance at the location.
- J. Ana Perez stated she lives a few houses away and there are fights and loud noises at bar close. She added that there was shooting but she's afraid to contact the police for retaliation. She stated that her kids are scared to go outside. She added that one

night a man beat a woman bloody directly in front of her residence after they left the establishment. She stated that there is garbage everywhere. She stated that because of the issues at the location, her children are afraid to do play in their yard. She told the Committee that her children ask her if they can move, but they just purchased their home. She added that she is opposed to the liquor license, but okay with the food license.

- K. Alderman Kovac stated the management is not responsive to the current COVID 19 pandemic and the employees are disrespectful to city staff. He added that there have been consistent and routine violations of the rules. Ald. Kovac noted that his initial reaction was to recommend non-renewal based on the agent's inability to properly manage the establishment, but he recognized the difficulties posed by the pandemic. He also noted that the manner that the bar operates presents a significant threat to the public health of the entire community because of non-compliance with the pandemic regulations.
- L. Alderman Kovac moved approval of the Class B Tavern and Food Dealer license renewal applications with a 60-day suspension based on the police report, MHD testimony, aldermanic testimony, neighborhood, and Licensee testimony. (Prevailed 5-0)
- M. Alderman Kovac moved denial of the Public Entertainment Premises license application. (Prevailed 5-0)

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 85, 90, and 108 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Edward R. Calloway, Jr. who holds Class "B" Tavern and Food Dealer License for the premise located at 3300 West Lincoln Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Cocktail Lounge") has not met the criteria of Chapters 68, 82, 85, 90, and 108 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes to not renew the Class "B" Tavern and Food Dealer License without undergoing a sixty-day (60) suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, Licensee, neighborhood, and aldermanic testimony. The Committee concludes the request for Public Entertainment Premises (PEP) Licenses Requesting Disc Jockey, Karaoke, and Comedy Acts is denied and based its recommendation on the police report, Milwaukee Health Department testimony, Licensee testimony, neighborhood, and aldermanic testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment to not renew the Class "B" Tavern and Food Dealer License for the premises located at 3300 West Lincoln



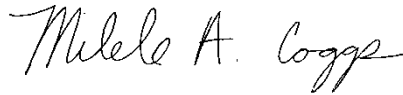
Avenue in the City and County of Milwaukee, Wisconsin ("Junior's Cocktail Lounge") without undergoing a sixty-day (60) suspension. The Committee based its recommendation on the police report, Licensee, neighborhood, and aldermanic testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of five **(5) ayes and zero (0) noes**, recommends that the Class "B" Tavern and Food Dealer License without undergoing a sixty-day (60) suspension. The Committee finds the police report and aldermanic objections as stated above to be true. The Committee based its recommendation on the police report, Licensee, neighborhood, and aldermanic testimony. The Committee concludes the request for Public Entertainment Premises (PEP) Licenses Requesting Disc Jockey, Karaoke, and Comedy Acts is denied and based its recommendation on the police report, Licensee, neighborhood, and aldermanic testimony.

The suspension is in effect between March 23, 2021 until 11:59 p.m. on May 21, 2021.

Dated and signed at Milwaukee, Wisconsin this 12th day of March, 2021.



MILELE A. COGGS
Chair, Licenses Committee