

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

CITY OF MILWAUKEE

LICENSES COMMITTEE

\*\*\*\*\*  
\*\*\*\*\*

CONTINUATION

In the Matter of: A-LIST SUPPER CLUB  
Class "B" Tavern and Tavern Dance

MARK BROWN,  
"A-LIST SUPPER CLUB"  
2116 North Farwell

\*\*\*\*\*

Proceedings had and testimony given

in the above-entitled matter before the LICENSES

COMMITTEE CITY OF MILWAUKEE on the 15th day of

February, 2010.

20

21

22

23

24

25

1           CHAIRMAN BOHL: This is the resumption of  
2           the Common Council Licenses Committee. Alderwoman  
3           Coggs, I don't know if you still wanted to have the  
4           floor here at this time.

5           ALDERWOMAN COGGS: Yeah, sure. I just  
6           wanted to also -- so I was just putting that out  
7           there for dialogue, something for you to think  
8           about after hearing all of today's discussions.  
9           But I also just want to say that I've had the  
10          opportunity to participate in, to watch and see,  
11          and to actually be a part of the open mic and the  
12          open floor-type stuff, and so I do think that it's  
13          a great --

14          MR. BROWN: Thank you.

15          ALDERWOMAN COGGS: -- that is a great  
16          activity that I would love to see on this side of  
17          town as well. That's all.

18          CHAIRMAN BOHL: I don't know if there was  
19          anything very briefly that you wanted to add. No?

20 MR. MITZ: No.

21 CHAIRMAN BOHL: All right. With that

22 then, we're in committee.

23 ALDERMAN KOVAC: Mr. Chair.

24 CHAIRMAN BOHL: Alderman Kovac.

25 ALDERMAN KOVAC: I have had conversations

1 with this applicant in the beginning about how  
2 fundamental the Tavern Dance was to the operation,  
3 and from the beginning, they said it's fundamental.  
4 It's not the focus, but it's -- what's the words?  
5 "Necessary, but not sufficient," for them to run  
6 this business. And we had actual testimony here  
7 from the North Avenue Business Improvement  
8 District, Brady Street Association, the East Bank  
9 Neighborhood Association, which speaking to your  
10 point about a block club forming, they are actually  
11 relatively new. They existed ten years ago; it  
12 didn't exist for a while. They got involved about  
13 traffic lights and safety on North Avenue, and  
14 they've gotten involved in the various liquor  
15 licenses in the past year. So I certainly want to  
16 encourage what they're doing. The Greenwich  
17 Village Association also sent me a letter; they  
18 didn't testify here. But they are kind of all  
19 speaking in one voice, which is, we live in a

20 diverse side of town, diverse in a lot of ways  
21 including the kinds of business we have, but that  
22 we're trying to seek the right mix, and we're  
23 trying to look to not increase the amount. You can  
24 see how many there are within the area, which  
25 doesn't mean you can never get a new liquor

1 license, but it means that the standards are pretty  
2 high because there is already so many. So you've  
3 got to be offering something that -- well, it  
4 depends on the case, I suppose. But generally, the  
5 attitude is, if you're offering a really nice meal,  
6 you know, that's great. If you want to have people  
7 drinking and dancing, not so much. And that's  
8 consistent throughout the area.

9           And I hesitate to make this motion  
10 because I wonder, given what you've said, this  
11 might be just the same as a flat-out denial, and I  
12 guess we'll find out. Because you speak -- if it's  
13 really necessary to your business plan to have a  
14 dance, well then maybe this motion is essentially  
15 denying what you're doing. If you're really  
16 serious about the restaurant though, I think you  
17 would find that there are some people wary of that  
18 idea, primarily because of the other parts of your  
19 business plan, and which then might happen, but I

20 think people would be willing to give it a chance.  
21 World of Wings did open amidst opposition but ended  
22 up not causing these problems in the neighborhood.  
23 On the other hand, it went out of business within a  
24 year. I have heard different stories as to why  
25 that happened, who knows. But to me, and it's been

1 pointed out by Alderwoman Coggs, that nobody right  
2 next door or across the street is here in favor, I  
3 mean, is here in opposition, but also no one is  
4 here in favor. And there is not that many folks,  
5 and they are less organized, they don't have a  
6 formal group in that area. I mean, there is a huge  
7 300-vacant unit a block away, that's a whole,  
8 another conversation. But everyone who is  
9 organized, and the people who did come, and you  
10 follow the neighborhood closely, it's unanimous.

11 And, you know, when people speak that  
12 strongly, obviously, you're right, in the end, this  
13 committee, and ultimately, the council and the  
14 mayor make the decision. But I think we rely very  
15 heavily on the advice of the stakeholders in the  
16 community. I think that's a motto we all try to  
17 follow. And in this case, those people are  
18 speaking unanimously here. And, yeah, we need to  
19 ask why are they thinking that, what are their

20 reasonings. I think their reasonings are good. Do  
21 some of them emphasize the parking problem more  
22 than I do? Yes. Parking is not my number one  
23 issue here.

24           But based on the neighborhood objections  
25 -- and to the point about "it might be happening,"

1 every time this committee deals with a new license,  
2 we're dealing with that issue, "what might happen,"  
3 and we're making guesses, to some extent. And so  
4 if your entire argument was that, "Hey, that we're  
5 speculating as a committee on what might happen,"  
6 well, then this committee shouldn't even be issuing  
7 new licenses, we should only, we should just give  
8 everybody a license and worry about it when they  
9 cause trouble. The new licenses have to come  
10 before this committee.

11 When we consider the neighborhood  
12 contacts, we consider the neighborhood opinion and  
13 we consider our own good judgment about other  
14 establishments we've seen in a similar  
15 neighborhood. And for me, based on, based on the  
16 neighborhood objections, based on the concentration  
17 map, I will move denial of the Tavern Dance  
18 License, but granting of the Class B Tavern  
19 License.

20 ALDERWOMAN COGGS: Mr. Chair.

21 CHAIRMAN BOHL: Let me just repeat the  
22 motion. The motion by -- and that was based on the  
23 neighborhood testimony then?

24 ALDERMAN KOVAC: Yeah, and the map.

25 CHAIRMAN BOHL: And the concentration.

1 Okay. And now --

2 ALDERMAN KOVAC: Primary reason.

3 CHAIRMAN BOHL: If it's based on

4 concentration, does that not provide for three

5 years in which one would not be able to apply for

6 that?

7 MR. SCHRIMPF: That is correct.

8 CHAIRMAN BOHL: Okay. That would be a

9 three-year prohibition, of a denial. Let me just

10 repeat the motion. The motion by Alderman Kovac is

11 to recommend approval of the Class B Tavern and

12 denial of the Tavern Dance portion of the

13 application based on neighborhood testimony as well

14 as the overconcentration of outlets in the area for

15 the denial portion, is that correct?

16 MR. SCHRIMPF: Mr. Chairman, let me

17 explain that the map only shows Class Bs and Class

18 As, it doesn't necessarily show Tavern Dance

19 Licenses.

20                   CHAIRMAN BOHL: Well, he can make a  
21                   motion based on anything else. I mean, you're  
22                   raising a question about --

23                   ALDERMAN KOVAC: I'll make the motion  
24                   just on neighborhood objections.

25                   CHAIRMAN BOHL: Okay. So the motion, as

1 to clarify for denial, would be approval of the  
2 Class B Tavern and denial of the Class B Tavern  
3 Dance based on neighborhood testimony. On the  
4 motion, Alderwoman Coggs.

5 ALDERWOMAN COGGS: You know, when we took  
6 a break, I know it was for the court reporter, but  
7 something that was being discussed at that time,  
8 and I guess, we didn't ask you, or you didn't say,  
9 basically, if the dance portion is denied today,  
10 you can't even get special party permits for a  
11 year. The other option would be for you to  
12 withdraw that Tavern Dance to have the opportunity  
13 for, to get permits after the six months. The  
14 third option is for us to hold the Tavern Dance  
15 part altogether and only vote on the Tavern  
16 License. But the motion is on the table for a  
17 denial, and if that's the route, if you all don't  
18 want to withdraw, or whatever, at that time -- but  
19 I just -- since we did kind of talk about it

20 earlier, I just wanted to make sure that you all

21 were clear on what's going to be --

22 MR. BROWN: Thank you.

23 MR. MITZ: Can we --

24 CHAIRMAN BOHL: On the motion, let me

25 just -- I'll just provide some commentary on the

1 motion. I just had a quick sidebar in terms of  
2 even options with Alderwoman Coggs. And what I  
3 will just say is this, to me, is a difficult one.

4 A couple of years ago, I supported the, giving the  
5 opportunity to WOW when there was opposition to a  
6 full-fledged Class B Tavern License there. I can't  
7 say that there were concerns or not. I don't know,  
8 because ultimately, they never came back. I don't  
9 know if they lasted more than a full year or not,  
10 or if there was a police report. There was nothing  
11 that came before us, because ultimately, it didn't  
12 go through a renewal cycle, at least to my  
13 knowledge.

14 The difficulty for me is that we do have  
15 some operates I think with a decent track record as  
16 far as everything that I know. My hesitation is,  
17 even in a new location, even with that track  
18 record, in a new location where there is new  
19 variables, new parking, other potential issues, I

20 do believe that having at least an opportunity to

21 at least provide that trial is beneficial.

22 Now, what I will say is, I would be

23 hard-pressed, given concerns that have been

24 expressed, even with your track record, saying this

25 new location and other variables that are in play,

1 I'm just saying, carte blanche, you have it, and,  
2 you know, A, if it's something that goes, that goes  
3 into an area where it's problematic, then it's hard  
4 to erase that.

5 I would be willing to support the holding  
6 of the Class B Tavern and Dance -- I'm sorry, the  
7 Tavern Dance portion of the application. I mean,  
8 this way, it's not a withdrawal, it's not a denial,  
9 it's just sitting out in no-man's land. You move  
10 with the Class B Tavern, and there is an  
11 opportunity to allow you to at least apply for and  
12 have the ability to have that in the track record,  
13 at least establish a track record for a period of  
14 time and see if it works.

15 ALDERMAN ZIELINSKI: Mr. Chairman.

16 CHAIRMAN BOHL: If it doesn't -- if I may  
17 finish, Alderman Zielinski, I'm almost done.

18 That has to be a motion, that's not a  
19 decision on your part. That's part of a motion

20 that could be made. Theoretically, a motion could  
21 be made here to not act on it. But, you know, I  
22 mean, those are the things where I just, I think  
23 that, ultimately, that is a balance, and it's a  
24 balance of at least providing the committee in a  
25 new neighborhood where there is potential to at

1 least provide some track record of what you're  
2 seeking to do.

3 On the motion that exists now before us,  
4 is for approval of the Class B Tavern and a denial  
5 of the Class B Tavern Dance. Alderman Zielinski.

6 ALDERMAN ZIELINSKI: Yeah, I was just  
7 going to add, Mr. Chairman, that, you know, we're  
8 in committee right now, and I think, you know, to  
9 be consistent and fair to all applications, once  
10 we're in committee, we shouldn't be going back and  
11 forth, and, you know, dialoguing, you know, if you  
12 want to do this, and respond back and forth. You  
13 know, we have a motion on the floor here.

14 CHAIRMAN BOHL: That's why I didn't ask  
15 them personally, yeah.

16 ALDERMAN ZIELINSKI: Okay. That's all I  
17 have.

18 ALDERMAN KOVAC: Mr. Chairman.

19 CHAIRMAN BOHL: Alderman Kovac.

20 ALDERMAN KOVAC: I'll make a motion to  
21 hold this contrary to the legislation you passed.  
22 I mean, that decision to make that, that decision  
23 was a month ago, even a day ago, six months ago,  
24 but once you have three hours of neighborhood  
25 testimony, once that compromises, that's been

1 presented over and over and over again. The whole  
2 reason we passed that law was so we couldn't do  
3 something like that, and if we did a motion to hold  
4 it, it would be contrary to our own legislative  
5 intent.

6 ALDERWOMAN COGGS: Mr. Chair.

7 CHAIRMAN BOHL: Alderwoman Coggs.

8 ALDERWOMAN COGGS: As cosponsor of that  
9 legislation, I'm the one that decided to cosponsor  
10 because actually what was happening is an abuse of  
11 that by applicants. The holding of it would be  
12 more of an administrative decision from us, so I do  
13 see that differently. I respect the differing view  
14 though, and I understand where that's coming from.

15 MR. MITZ: May I have just one moment,  
16 please? I know it might be unusual.

17 ALDERMAN ZIELINSKI: Objection, we're in  
18 committee, Mr. Chairman.

19 CHAIRMAN BOHL: Yeah.

20 ALDERWOMAN COGGS: In all fairness,  
21 Alderman, Mr. Chair, Alderman Zielinski, and I take  
22 full responsibility. Prior to the break, this was  
23 a conversation while it was open session that we  
24 were having. When we came back from the break, we  
25 did not continue that conversation. So in all

1 fairness, I don't have a problem with them taking a  
2 minute to decide, because we did not go back to  
3 that conversation. But that was a conversation  
4 prior to the break.

5 MR. MITZ: I'm sorry, we're deferring to  
6 you. We thought you were going to say if we could  
7 talk amongst ourselves for a second, or do we --

8 CHAIRMAN BOHL: I gave you a moment to  
9 talk amongst yourselves. I don't know --

10 MR. MITZ: May we address the request?

11 CHAIRMAN BOHL: I'm going to ask you to  
12 be ever so brief.

13 MR. MITZ: Okay. My clients would be  
14 willing to hold the Dance License in abeyance. Is  
15 that correct?

16 MR. BROWN: Yes.

17 MR. MITZ: But responding to Alderwoman  
18 Coggs, that they would be willing to hold the Dance  
19 License in abeyance, if the committee would be so

20 kind as to do that.

21 CHAIRMAN BOHL: Thank you. All right.

22 That is a decision of the committee, ultimately.

23 The motion to hold does take precedence, but that's

24 -- we do have a motion on the floor. The motion by

25 Alderman Kovac is to recommend approval of the

1 Class B Tavern and denial of the Tavern Dance  
2 application based on neighborhood testimony. Is  
3 there any other discussion on the motion? Were  
4 there any objections to the motion?

5 ALDERWOMAN COGGS: Objection.

6 CHAIRMAN BOHL: I will object as well  
7 too. Motion will fail on a 2-2 vote.

8 What I will just say, again, we don't  
9 have a motion before us, is, I won't support  
10 recommending approval of that portion of the  
11 license today. I just won't. Just so you're  
12 aware. But that motion fails on a 2-2 vote. So  
13 we're still in committee.

14 ALDERWOMAN COGGS: Mr. Chair.

15 CHAIRMAN BOHL: Alderwoman Coggs.

16 ALDERWOMAN COGGS: I guess, since we  
17 won't be here all day, so we won't be here all day,  
18 I would move approval of the Class B Tavern, but I  
19 will move to hold the Dance, Tavern Dance License.

20 CHAIRMAN BOHL: Motion by Alderwoman

21 Coggs is to recommend approval of the Class B

22 Tavern and to hold the Tavern Dance portion of the

23 application to the call of the chair. On the

24 motion --

25 ALDERMAN ZIELINSKI: Mr. Chairman.

1           CHAIRMAN BOHL: Alderman Zielinski.

2           ALDERMAN ZIELINSKI: I'm not going to  
3           support that motion. And, you know, I think that  
4           we had extensive neighborhood testimony. There was  
5           ample opportunity prior to us going into committee  
6           to request to hold the Tavern Dance License. So  
7           I'm not going to support this, and we'll come out  
8           2-2, and we won't even have a Tavern Dance License  
9           on the committee if you want to do that. So that's  
10          my position.

11          CHAIRMAN BOHL: All right. Any other  
12          discussion on the motion?

13          ALDERMAN KOVAC: Mr. Chair. I concur  
14          with Alderman Zielinski. I mean, the motion I made  
15          is probably the only one I can support. So 2-2, we  
16          will make the decision on the floor.

17          ALDERWOMAN COGGS: Can I --

18          CHAIRMAN BOHL: No, actually, what  
19          happens is in a new application, I don't know that

20 we can make a motion to refer to the council  
21 without a recommendation on a new application.  
22 MR. SCHRIMPF: Nor do I, Mr. Chairman.  
23 CHAIRMAN BOHL: The committee, a denial  
24 on committee is not a denial at committee for a new  
25 application, it is not appealable at council. I

1 mean, you could theoretically take legal action to  
2 reverse committee decision, but a committee  
3 decision based on denial is not appealable to the  
4 Common Council.

5 MR. SCHRIMPF: I think this is one that  
6 really has to be referred to the city clerk because  
7 he's the parliamentarian.

8 CHAIRMAN BOHL: Yeah. If there is an  
9 issue on a 2-2 tie. Whether or not you can make a  
10 referral without recommendation, I think that -- I  
11 don't know if that option exists.

12 Alderwoman Coggs, did you have additional  
13 commentary?

14 ALDERWOMAN COGGS: No. I'll be honest  
15 though, I made that motion knowing that it wasn't  
16 going to pass. That's why I didn't make it in the  
17 first place. Because that motion would have took  
18 precedent over the motion by Alderman Kovac, the  
19 alderman of the area. So I knew it wasn't going to

20 pass. I had hoped though that we wouldn't be going  
21 through all this, that maybe you all would  
22 withdraw, but -- this is a new circumstance.

23 MR. SCHRIMPF: Mr. Chairman, the only  
24 other thing I could recommend, since it's a new  
25 license, is to hold it, and when Alderman Hamilton

1 returns, have him read the transcript and the  
2 committee meet again.

3 CHAIRMAN BOHL: That would be the other  
4 option if there is a tie as well. That's  
5 traditionally what the committee has done where  
6 there's a deadlock at this committee on a new  
7 license.

8 ALDERMAN ZIELINSKI: Mr. Chairman.

9 CHAIRMAN BOHL: Alderman Zielinski.

10 ALDERMAN ZIELINSKI: Okay, I have a  
11 couple parliamentary questions, okay. Can the city  
12 attorney reiterate the position on what options, if  
13 any, are available with respect to a 2-2 tie?

14 MR. SCHRIMPF: Well, I don't know about  
15 how it comes to the council if there is a 2-2 tie.  
16 That really is a question that has to be an  
17 interpretation of council rules, and that's really  
18 got to be an interpretation by the parliamentarian,  
19 who's the city clerk. However, avoiding that

20 argument, and avoiding that issue altogether, one  
21 way is to simply hold the entire matter in  
22 committee and have Alderman Hamilton, when he  
23 returns and can rejoin the committee, you read the  
24 transcripts and/or look at the videotapes of the  
25 meeting, the committee meets in open session once

1 again, we call the applicants back in, and the  
2 committee makes a decision.

3 ALDERMAN ZIELINSKI: But my question is  
4 this: My understanding, as far as past practices  
5 are concerned, is that if there is a 2-2 tie, it  
6 fails. Just like Alderman Kovac's motion failed on  
7 a 2-2 tie, so --

8 MR. SCHRIMPF: Yeah, the motion fails.

9 CHAIRMAN BOHL: Right.

10 MR. SCHRIMPF: Not the application.

11 ALDERMAN ZIELINSKI: So the motion fails.

12 So if the motion for approval fails --

13 CHAIRMAN BOHL: By default, Alderman, the  
14 application is still before us.

15 ALDERMAN ZIELINSKI: So we cannot --

16 CHAIRMAN BOHL: We haven't disposed of  
17 it.

18 ALDERMAN ZIELINSKI: So the committee  
19 cannot under any circumstances refer something --

20 hold on, I got the floor. My turn to be Mr. Bohl.

21 I've got the floor. Okay. Now I lost my train of

22 thought here. Okay, now, if -- I just want to make

23 absolutely sure, there is no way we can refer

24 something to the council with respect to a 2-2 tie?

25 MR. SCHRIMPF: On that issue, you have to

1 talk to the city clerk. I do not know. And if you  
2 would do that, I do not know what the procedure  
3 would be.

4 ALDERMAN ZIELINSKI: So I would like to  
5 know --

6 CHAIRMAN BOHL: He's on his way up.  
7 We've already made a request to contact him, and he  
8 is on his way up.

9 ALDERMAN ZIELINSKI: So I would request  
10 that we hold until he arrives, so we can get an  
11 answer.

12 CHAIRMAN BOHL: He will be here  
13 momentarily.

14 ALDERWOMAN COGGS: Mr. Chair.

15 ALDERMAN ZIELINSKI: I'm done, thank you.

16 CHAIRMAN BOHL: Alderwoman Coggs.

17 ALDERWOMAN COGGS: Mr. Schrimpf, could we  
18 sever the issue? Because it seems like we agree on  
19 one aspect. We're voting on two different --

20 MR. SCHRIMPF: Yes, you can certainly  
21 sever the issue. You can do that. There is two  
22 licenses at stake here. The committee all the time  
23 deals with them separately.

24 CHAIRMAN BOHL: Bifurcate the issue, deal  
25 with them separately. But, you know, we have a, we

1 do have a motion that essentially ties the two  
2 together.

3 MR. SCHRIMPF: Right, and I'm aware of  
4 that as well. You be can also move  
5 reconsideration, I suppose. That's in there, too.

6 ALDERMAN ZIELINSKI: I would -- Mr.  
7 Chairman.

8 CHAIRMAN BOHL: Alderman Zielinski.

9 ALDERMAN ZIELINSKI: I would suggest  
10 reconsideration because after a year, there may be  
11 a difference of -- there may be a change of  
12 circumstances and the neighborhood may feel more  
13 comfortable with the operation, and they may be  
14 supportive of the Dance Tavern License at that  
15 time. You know, for the opponents of the approval  
16 of the motion, to support the Class B Tavern Dance  
17 and deny the -- I mean, approval of the Class B and  
18 denial of the Tavern Dance, I think would achieve  
19 all our goals. You have a year. It's going to

20 take some time for the neighborhood to feel  
21 comfortable with the establishment if there are no  
22 problems.

23 CHAIRMAN BOHL: Alderman, you would move  
24 the reconsideration --

25 ALDERMAN ZIELINSKI: No, I can't move

1 reconsideration, because --

2 CHAIRMAN BOHL: Yeah.

3 ALDERMAN ZIELINSKI: But that's my  
4 position.

5 CHAIRMAN BOHL: Correct.

6 ALDERMAN ZIELINSKI: I'm not supporting  
7 any hold for committee. I'm suggesting that for  
8 the two people that were opposed to the motion by  
9 Alderman Kovac.

10 (Alderwoman Coggs left the panel.)

11 Well, now we've got 2 to 1. I'll move  
12 denial, lock the door.

13 MR. SCHRIMPF: No, you can't do that,  
14 you're in open session.

15 ALDERMAN ZIELINSKI: It was just a joke  
16 while we're trying to kill time.

17 CHAIRMAN BOHL: Why don't we just go in  
18 recess here momentarily? Please don't leave the  
19 room. As soon as our city parliamentarian does

20 come in, we'll resume then. We'll be in recess.

21 (Recess taken.)

22 CHAIRMAN BOHL: This is the resumption of  
23 the Common Council Licenses Committee. We do have  
24 our city clerk, Ron Leonhardt, present.

25 Mr. Leonhardt, the question has been

1 posed, I think that you've probably heard about the  
2 options of the committee on whether the committee  
3 can make a recommendation to council without -- or  
4 if we could refer a matter, the license matter to  
5 council without recommendation. What other options  
6 may be plausible before for us today?

7 MR. LEONHARDT: Ron Leonhardt, city  
8 clerk. Good afternoon.

9 After a discussion with the city attorney  
10 regarding the statutory and ordinance provisions  
11 that govern, the city attorney does not believe  
12 that there is any legal requirement that the  
13 committee has, must make a recommendation to the  
14 council. Given that fact, parliamentarily there is  
15 an option to advance an item to the council without  
16 recommendation. That requires a motion and the  
17 majority vote by the committee to move, to send it  
18 to the council without recommendation. That is an  
19 option.

20           Otherwise, you currently have had a  
21           motion to hold both items, I believe, or do not --  
22           did you deny both items, which failed on a 2-2  
23           vote?

24           CHAIRMAN BOHL: No, there was a  
25           recommendation for approval of one license and

1 denial of the other, and it failed on 2-2.

2 MR. LEONHARDT: So the matter is still  
3 before you, and you do need some motion to dispose  
4 of it, either to hold it in committee at a later  
5 date, or you do have the option to send it to the  
6 council without a recommendation. In which case,  
7 all the members of the Common Council would need to  
8 read the transcript or watch the video of this  
9 hearing, so that they are basing their decision on  
10 the evidence, on the testimony presented today,  
11 since they don't have the benefit of a committee  
12 report, which would be provided in other  
13 circumstances.

14 CHAIRMAN BOHL: Okay. And those members  
15 would also, as our typical council meetings wind up  
16 following the pattern of asking them if they have  
17 read the findings of facts and conclusions of law,  
18 questions would be posed to council members at the  
19 council, and their response or lack thereof if they

20 have not done so would either allow them or  
21 prohibit them from making a vote on the matter.

22 Would that be correct?

23 MR. LEONHARDT: Correct, only those who  
24 answered that they have read the transcript or  
25 viewed the video in its entirety would be allowed

1 to vote on the matter.

2 CHAIRMAN BOHL: Okay. Very good. Thank  
3 you.

4 MR. SCHRIMPF: Mr. Chairman.

5 CHAIRMAN BOHL: Any questions by  
6 committee? Mr. Schrimpf.

7 MR. SCHRIMPF: Yeah, just one addition to  
8 that because this may come up in other contexts  
9 that I may have to deal with. A committee report  
10 is sometimes thought of and frequently thought of  
11 as findings of fact and conclusions of law prepared  
12 by myself, then signed by you and then issued to  
13 the Common Council. However, a committee report  
14 can also be putting it on the grant list or putting  
15 it on the deny list, particularly in the case of  
16 new licenses. That is also a form of a committee  
17 report albeit very summary. Nonetheless, it must  
18 always be based upon the evidence that was  
19 presented before the committee. So I just wanted

20 to make that little addendum.

21 CHAIRMAN BOHL: Thank you. Were there  
22 any questions that committee members have of Mr.  
23 Leonhardt? We are still -- thank you, we are still  
24 in committee then.

25 ALDERMAN ZIELINSKI: Mr. Chairman.

1 CHAIRMAN BOHL: Alderman Zielinski.

2 ALDERMAN ZIELINSKI: I'd make the motion  
3 that we refer this to the full council without any  
4 recommendation.

5 CHAIRMAN BOHL: The motion by Alderman  
6 Zielinski is to refer the application to the entire  
7 council without recommendation. Is there any  
8 discussion on the motion? Are there objections to  
9 the motion?

10 ALDERWOMAN COGGS: Objection.

11 CHAIRMAN BOHL: Hearing one objection,  
12 the matter will prevail on a 3 to 1 vote then.  
13 Thank you.

14 Mr. Schrimpf, while they are still  
15 present here, if I just may also inquire, do you  
16 know -- and Mr. Leonhardt, typically, a denial of a  
17 new application, and this is a new application  
18 before us, typically, a denial would not be  
19 appealable before the council? The committee's

20 decision on a denial is not appealable before the  
21 council. Given the application being referred to  
22 the Common Council, do you know if there may be an  
23 opportunity for the applicants to be present for  
24 questions or to make a five-minute statement? I  
25 don't know how that may work. This is sort of

1 uncharted waters for all of us, I guess.

2 MR. LEONHARDT: There are no provisions  
3 in the ordinances or statutes to provide for a  
4 right to appear before the council, especially  
5 where there is no recommendation coming forth from  
6 the committee to appeal from. So an appeal, no.  
7 The only opportunity that could be provided would  
8 be if the Common Council has chose to go into the  
9 Committee of the Whole to hear from the licensee.

10 CHAIRMAN BOHL: That would just require,  
11 that would require a motion that would have a  
12 majority at --

13 MR. LEONHARDT: At the council.

14 CHAIRMAN BOHL: -- at council, okay.

15 MR. SCHRIMPF: Mr. Chairman, I think it's  
16 also conceivable, and I think, Mr. Leonhardt, if  
17 you could comment on this, that the council upon  
18 reading the transcript may have further questions,  
19 or whatever, direct the committee to inquire into

20 new areas not discussed today and remand it back to  
21 the committee for further consideration, also a  
22 possible outcome.

23 CHAIRMAN BOHL: That is part of many  
24 outcomes that's possible. Thank you.

25 MR. MITZ: Thank you very much.

1 STATE OF WISCONSIN )  
 ) SS:  
2 COUNTY OF MILWAUKEE)

3

4 I, KAREN RENEE, Court Reporter and Notary  
5 Public in and for the State of Wisconsin, do hereby  
6 certify that the above proceeding of the City of  
7 Milwaukee Licenses Committee was recorded by me on  
8 February 15, 2010, and reduced to writing under my  
9 personal direction.

10 I further certify that I am not a  
11 relative or employee or attorney or counsel of any  
12 of the parties, or a relative or employee of such  
13 attorney or counsel, or financially interested  
14 directly or indirectly in this action.

15 In witness whereof I have hereunder set  
16 my hand and affixed my seal of office at Milwaukee,  
17 Wisconsin, this 22nd day of February, 2010.

18

19

---

20

Notary Public

21

In and for the State of Wisconsin

22

23

My Commission Expires: March 11, 2012.

24

25