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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
McDONALD'S CORPORATION
6409 West Blue Mound Road

COMMITTEE MEMBERS

ALD. JAMES BOHL, JR. - Chairman
ALD. JOE DAVIS, SR. - Vice Chairman
ALD. JOSEPH A. DUDZIK

HEALTH DEPARTMENT by PANDORA BENDER
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
March 29th, 2004, before Terese M. Schiebenes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS.

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(All City Personnel were previously duly

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sworn.)

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CHAIRMAN BOHL: Moving on to the 16th
Aldermanic District. Catherine Carew, agent for
McDonald's Corporation, 24-hour establishment
application for McDonald's, 6409 West Blue Mound Road.

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MS. CAREW: Good afternoon.

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CHAIRMAN BOHL: I'm going to surmise that
you are Ms. Carew.

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MS. CAREW: Yes.

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CHAIRMAN BOHL: We need to swear you in, and
for Mr. Przybyszewski, you've already been sworn in
earlier, and we'll have Alderman Murphy's aide,
Jessica Sewell, so we'll swear you in, as well.

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(Whereupon, CATHERINE CAREW, JESSICA SEWELL
were duly sworn.)

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CHAIRMAN BOHL: For Ms. Carew, do you
acknowledge receiving notice of today's meeting with
the possibility that your application could be denied?
It is cited for neighborhood objection that the
license -- the location of the license 24-hour
establishment will lead to excessive noise, late night
disturbances, litter, loitering, traffic generated by
the existence of a 24-hour license such that the

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1 health, safety, and welfare of the adjoining
2 residential neighborhood will be adversely impacted.
3 Thank you. Neighborhood Services?
4 MS. BENDER: No objection.
5 CHAIRMAN BOHL: There is no police report.
6 MS. SEWELL: Alderman Murphy would like to
7 object to it. The location is by a residential area
8 and also a school, and he has concerns for loitering
9 and possible cruising it may attract by extending the
10 operating hours.
11 CHAIRMAN BOHL: Question for you in regard
12 to this, Ms. Carew. What are the present hours of
13 this location?
14 MS. CAREW: Currently we are open from 5:00
15 a.m. to 11:00 p.m.
16 CHAIRMAN BOHL: Is that seven days a week?
17 MS. CAREW: Yes.
18 CHAIRMAN BOHL: 5:00 a.m. to 11:00 p.m.
19 Have you had any discussion with Alderman Murphy
20 regarding the desire to expand these hours?
21 MS. CAREW: Yes. Mr. Przybyszewski called
22 for me. Basically, I'm not looking for 24 hours, I'm
23 just looking for extended hours because of the impact
24 of road construction. We're looking at four months of
25 construction from mid May to mid September, which

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1 could impact us possibly 50 percent. Because one side
2 of the street is going to be open, I'll only have one
3 accessibility point to the restaurant. I'm only
4 looking to be open until 2:00 Friday and Saturday and
5 until midnight Sunday through Thursday.

6 CHAIRMAN BOHL: The midnight Sunday through
7 Thursday is nothing that we can consider because we
8 are only dealing with the hours between midnight and
9 5:00 a.m., and that would be an issue that would have
10 to go before the Board of Zoning Appeals. In terms of
11 the two other days, I mean, that's an issue that I
12 think it's important -- And you know you're dealing
13 with five applications here, as well, too, and you've
14 indicated in many of these circumstances you're not
15 looking for 24 hours. I'm letting you know to go to
16 an alderman and say I want 24 hours when you really
17 only want 1:00 or 2:00, you're going to cut your own
18 throat. That's just my editorial comment here.

19 MR. PRZYBYSZEWSKI: I took every manager and
20 myself down here, and we actually asked for feedback
21 from the young lady that was sitting here earlier, and
22 we told them we only wanted extended hours in some
23 cases. She was coaching us, and that's the direction
24 that she gave us. I apologize for that, and I
25 apologized earlier.

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1 CHAIRMAN BOHL: We'll still take up the
2 application. Do you at this point wish to amend your
3 plan of operation for different hours, or do you want
4 to continue to try to go the route of 24 hours?
5 MR. PRZYBYSZEWSKI: We would like to amend
6 it to 2:00 a.m.
7 CHAIRMAN BOHL: Do you want to give me the
8 specifics here now on what days.
9 MS. CAREW: Just Fridays and Saturdays.
10 CHAIRMAN BOHL: Fridays and Saturdays you
11 would like to operate from I'm going to guess is it
12 6:00 a.m.?
13 MS. CAREW: We open at 5:00 a.m.
14 CHAIRMAN BOHL: You want to go 5:00 a.m. to
15 2:00 a.m., so it would be 05:00 to --
16 MR. SCHRIMPF: 02:00. And Mr. Chairman --
17 CHAIRMAN BOHL: And that would, what his
18 caveat is going to be then is really Saturday morning
19 you want hours from Friday night to Saturday morning,
20 from Saturday night until Sunday morning to 2:00 a.m.
21 Is that correct?
22 MS. CAREW: Um-hum.
23 CHAIRMAN BOHL: And other than that, what
24 you're requesting then functionally is your existing
25 hours per zoning then, which would be 11:00 a.m. on

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1 those other nights of the week.

2 ALDERMAN DAVIS: You know, the way the
3 ordinance is written right now is that if we deny
4 this, this particular location will actually get an
5 extended hour to operate into 12:00, and with the
6 alderman objecting to the 24-hour granting of it, I
7 think it can serve both purposes. I think the
8 establishment can operate to 12:00 but yet and still
9 not grant the 24 hours. And then I would assume that
10 you would work with Alderman Murphy to request
11 extended hours.

12 But right now, I'm not -- I couldn't support
13 24 hours or any amendment to the application because I
14 know that if, in fact, you're operating until 11:00
15 currently, the way that the ordinance is written is
16 that if we don't approve this, then the business can
17 operate all the way up until 12:00 midnight
18 legitimately.

19 CHAIRMAN BOHL: Alderman, that is not true.

20 MR. SCHRIMPF: They can do that now. They
21 don't need any permission of anybody.

22 CHAIRMAN BOHL: Yeah. And in fact, even if
23 we reject this, they're not allowed to operate
24 after 12:00 midnight, they would still have to abide
25 by whatever their special use permit would be with

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1 Zoning. I'm going to garner that based on what
2 they've indicated here that their zoning allows them
3 to go to 11:00 p.m., and that wouldn't change. So
4 even if we reject it, they don't get the free hour.
5 It would just throw them back to whatever zoning has
6 been approved from the Board of Zoning Appeals, which
7 would be the hours, I'm going to surmise, between 5:00
8 a.m. and 11:00 p.m. So yeah, they don't functionally
9 get a free hour.

10 MR. SCHRIMPF: Mr. Chairman, for what it's
11 worth to the committee, I have been to that restaurant
12 at 5:00 in the morning when I'm headed out to Madison
13 on the business of the National Guard.

14 CHAIRMAN BOHL: Alderman Davis.

15 ALDERMAN DAVIS: I mentioned before, I'm
16 interested in what the operating hours is granted by
17 BOZA because it may be a business decision reason why
18 they're operating until only 11:00, so BOZA may have
19 granted them to operate into the 12:00 but the
20 business decision may have been made to operate only
21 until 11:00. So until we get that information before
22 us, let's not assume that BOZA has granted them 11:00
23 operating hours. It could be granted until 12:00, but
24 it could be a business decision on not to operate
25 until 12:00 but until 11:00, so I just want to make

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1 sure that I put that on the table. Because I've been
2 in discussion with representatives from BOZA, and they
3 indicated to me some way that we can come to a
4 conclusion as far as getting the information before
5 this committee when we make decisions on these
6 matters.

7 CHAIRMAN BOHL: I'm in concurrence we run
8 into this on many occasions. Let me just let you know
9 here, in terms of the applicants, the one truth be
10 told is if we approve it even for those two
11 prospective days, you have vested property rights
12 there, and even if Alderman Murphy later on doesn't
13 like things, that he has some concern with that, it's
14 very difficult to take away vested property rights in
15 such a license, truth to be told here. Alderman
16 Dudzik.

17 ALDERMAN DUDZIK: I just have a question,
18 comment. I'm kind of hesitant to give any leeway here
19 at all. I'd like to hear what the alderman's office
20 has to say about the deals that were apparently
21 engaged in right now, whether it's 12:00 or 1:00, or
22 has Alderman Murphy given you any sense of that?

23 MS. SEWELL: Alderman Murphy would be
24 opposed to any extended hours at this time.

25 ALDERMAN DUDZIK: Thank you.

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1 CHAIRMAN BOHL: I'm going to ask you to
2 provide any other input you want.

3 MS. CAREW: We can tell Mr. Murphy that if
4 we were to have any problems, we'd immediately shut
5 off the lights, call the police, do what we needed to
6 do. I do work with the high school behind us, am very
7 involved with their student council building a
8 respective relationship, because there are a lot of
9 problems at the school, and they have vandalized the
10 restaurant, and that has stopped. We have hired
11 private security so that there's no fights, there's no
12 trouble.

13 CHAIRMAN BOHL: If there aren't any other
14 questions, this matter is in committee. We do have
15 the application before us with just a change for the
16 hours Friday night into Saturday morning and Saturday
17 evening into Sunday morning going from midnight to
18 2:00, an extension from midnight to 2:00. Is there a
19 motion by committee?

20 ALDERMAN DUDZIK: Move to deny.

21 CHAIRMAN BOHL: Alderman, do you want to
22 cite a specific objection here?

23 ALDERMAN DUDZIK: Based on the alderman's
24 hesitation for the extended hours but also that the
25 location if licensed 24 hours would lead to excessive

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1 noise, late night disturbances, litter, loitering,
2 traffic generated by the 24-hour license, and health,
3 safety, and welfare of the adjoining residents.

4 CHAIRMAN BOHL: Essentially, the entire
5 objection.

6 ALDERMAN DUDZIK: Yes.

7 CHAIRMAN BOHL: The motion by Alderman
8 Dudzik is denial based on the aforementioned
9 objections. Is there any discussion? Is there any
10 objection? Hearing none, so ordered.

11 At this point here, we're reluctant. I
12 would suggest if you want to pursue an additional
13 avenue, you could talk to Alderman Murphy. There's
14 potentially the ability for this committee to
15 reconsider prior, take up those two days, but that
16 would be something that I would suggest you would talk
17 to directly Alderman Murphy on if you so desire.
18 Thank you.

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1 STATE OF WISCONSIN)
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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

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Dated this day of , 2004.

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