

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 20, 2002

To the Honorable, the Common Council

Dear members:

Re: Common Council File 020122

Attached are written objections to the 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.

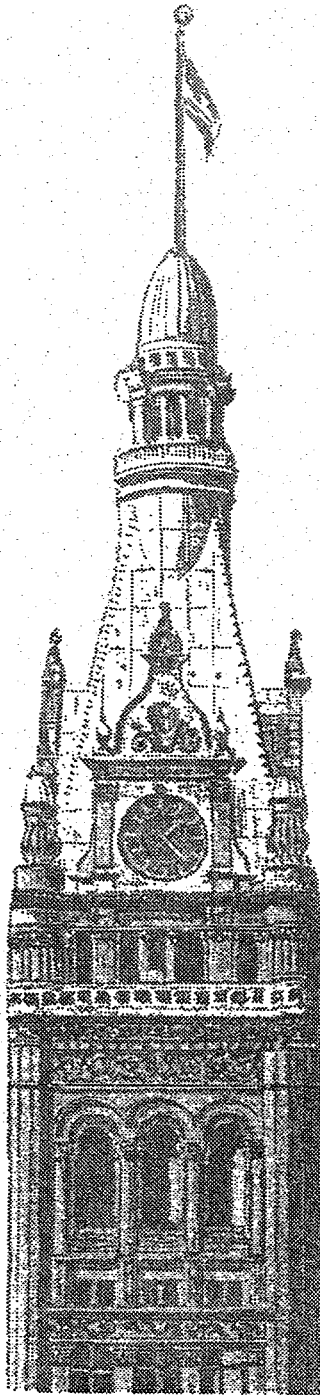
This matter will be heard by the full Council at its September 24, 2002 meeting. Pursuant to City Ordinances, a roll call vote will be taken to confirm that all members have read the attached objections.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeff A. Pawlinski'.

JEFFREY A. PAWLINSKI, Chair
Utilities and Licenses Committee

cc: City Attorney's Office
Common Council/City Clerk – License Division
Milwaukee Police Department – License Investigation
All Council Members
CCFN 020122



LAW OFFICES OF
MICHAEL A. I. WHITCOMB

CITY OF MILWAUKEE

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02 SEP 20 AM 10:55

RONALD D. LEONHARDT
CITY CLERK

September 20, 2002

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall
200 E. Wells Street
Milwaukee, WI 53202

Re: Renewal of Class "B" Tavern and Tavern Dance
Licensee: Michelle Townsend
Trade Name: Mechelle's Club Riveria
Premises: 3001 N. Richards St.

Honorable Members of the Common Council:

Please be advised that this office represents the above-referenced license renewal applicant. This communication is submitted as the licensee's written objections to the September 13, 2002 report of the Utilities & Licenses Committee (hereinafter "Committee"), recommending that the licensee's Class "B" Tavern and Tavern Dance license not be renewed. The licensee requests that these written objections be considered at the Common Council meeting of Tuesday, September 24, 2002, at which time the Committee's recommendations regarding the license renewals will be considered. The recommendations of the Committee were based upon information received from the Milwaukee Police Department, and the testimony of citizens.

Initially, it cannot be contended reasonably that the loss of the licenses is justified in any respect by the information received from the Milwaukee Police Department, as contained in the Report of the Committee, which includes the Committee's Findings of Fact, Conclusions of Law, and Recommendations ("Report"). First of all, the Report identifies only one day during the last license year when incidents occurred at or near the licensed premises, and identifies only two incidents during the two previous license years of 2000 and 2001.

The Report identifies only one incident during the 2000 license year; when a patron was injured in a fight inside the licensed premises. The only incident during the 2001 license year, also involved a patron injured in a fight inside the licensed premises. Notwithstanding these two incidents over two license years, Ms. Townsend's license was renewed last year without having to appear before the Committee, and has been renewed every year without imposition of any suspension since the premises opened in 1998. Likewise, during the license year of 2002, the Report identifies only one incident, where "shots came from the general direction of a crowd of individuals that had exited the Mechelle's Club Riveria."

It is understood that the licensed premise is located in a troubled neighborhood, and it may be considered to be remarkable that the licensee has maintained the licensed premises in such good order, that no citations relative to licensed activity were ever issued. It is respectfully submitted that two bar fights in two years, and one neighborhood shooting does not justify in good conscience or equity, the nonrenewal of these licenses.

Citizens appeared before the Committee and provided testimony, which indeed established that the neighborhood was troubled, and frequented by the violent and the irresponsible. The testimony of the neighbors was disturbing, but none of which conclusively established that the individuals involved in discharge of weapons were patrons of the licensed premise. The Report recognized that drug houses operate in the vicinity of Burleigh and Richards Streets, the intersection at which the licensed premise is located. It is submitted respectfully, that ridding the neighborhood of the drug houses would substantially address the concerns of the neighbors, and that the closing of the licensed premise will do little if anything to abate such cancer.

The licensed premise is a modest establishment, with a mere 80-person capacity. It has a relatively small bar and eight tables. The hours of operation are substantially limited; from 8:00 p.m. to approximately one-half hour before legal closing. The licensed premise is open but five days a week, Tuesday-Sunday, with a deejay providing music on Wednesdays, Fridays, and Saturdays. Although the licensed premise has patrons of all ages, the majority range in age from 23-40.

The licensee is a member of the Great Lakes Beverage Association, and adheres to the responsibility of licensees endorsed by the Association. The licensee strongly believes she will be able to ameliorate her neighbors' concerns. It cannot be overemphasized that the first the licensee heard of her neighbors' concerns was at the meeting before the Committee. Should her licenses be renewed, the licensee will conduct and welcome neighborhood meetings at her establishment the first Monday of every month commencing at 7:30 p.m., during which time any concerns regarding the operation of the licensed premises, or the neighborhood in general, may be addressed.

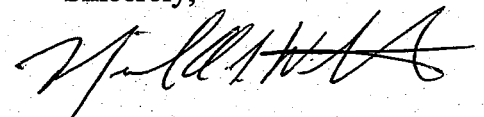
In addition, the licensee, who is almost always on the licensed premises during hours of operation, will provide to the neighbors who so request, her direct cellular phone number so that the licensee may be immediately contacted to address matters of concern. The licensee is most willing to work with the neighbors and the local alderman to preserve her business. For the overall neighborhood benefit, drug houses should be eliminated, not lawful businesses.

Finally, the licensee will install security cameras on the interior and exterior of the licensed premise. It was recently discovered that individuals congregating at the corners of Burleigh and Richards Streets do not remain present for very long when they see that they are being videotaped.

Courageously, the licensee desires to remain in business in the neighborhood, become active in being part of the solution for the benefit of the neighborhood, and dispel notions that her licensed premise may be part of the problem. Had the licensee been made aware previously of the neighbors' concerns, she certainly would have addressed them, and most likely would have appeared before the Committee with counsel to more fully articulate her commitment to the neighborhood.

It would be inequitable to refuse to renew these licenses. There have been no citations issued, and no prior progressive penalty has ever been imposed or suggested. Local businesses do help to preserve and protect transitional neighborhoods. Fostering the elimination of legitimate businesses in struggling and troubled locations will only further neighborhood decay and surrender the neighborhood to miscreants. Therefore, it is respectfully requested that notwithstanding the recommendation of the Utilities and Licenses Committee, your honorable body vote to renew licensee's Class "B" Tavern and Tavern Dance license.

Sincerely,



Michael A.I. Whitcomb

c: Ms. Michelle Townsend