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CITY OF MILWAUKEE
COMMON COUNCIL

In the Matter of:
MECHELLE'S CLUB
3001 East Richards Street

Proceedings held in the above-entitled
matter, September 24th, 2002, in the Common Council
Chambers, 200 East Wells Street, Milwaukee, Wisconsin,
before the Common Council, reported by Terese M.
Schiebenes of Milwaukee Reporters Associated, Inc.
A-P-P-E-A-R-A-N-C-E-S

MICHAEL WHITCOMB - ATTORNEY AT LAW, 633 West
Wisconsin Avenue, Milwaukee, Wisconsin, 53203 appeared
on behalf of the Applicant.

OFFICE OF THE CITY ATTORNEY, by BRUCE
SCHRIMPF, 200 East Wells Street Milwaukee,
Wisconsin, 53202, appeared on behalf of the Common
Council.

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PROCEEDINGS

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PRESIDENT PRATT: Ms. Townsend is here.

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Is there a motion to go into committee as a whole to hear oral arguments on behalf of the licensee in opposition to the report and recommendations and a statement presented by the city attorney? Alderman Thomas Nardelli makes that motion. Are there any objections to it? Hearing and seeing none, so ordered.

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Each side shall be limited to five minutes, and their arguments shall be limited to the subject matter of the report and recommendations and written exceptions, if filed. Will the attorney for the licensee, Attorney Mike Whitcomb, will you come forward, please.

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MR. WHITCOMB: Thank you, Mr. President, members of the Common Council. My name is Michael Whitcomb, I'm an attorney representing Michelle Townsend, who is the licensee for my Mechelle's Club Riviera.

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First and foremost item for consideration of this honorable body is the location of this establishment. It's at the corner of Burleigh and Richards, which I think we'd all acknowledge is in a transitional neighborhood, somewhat troubled by crime,

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1 violence, unemployed youth, which I think is the
2 primary and perhaps the sole objection to the renewal
3 of this license.

4 This licensed establishment has been in
5 existence since 1998. It's basically a corner
6 neighborhood tavern and has a minimal capacity of 80
7 people. It's only open five days a week, it opens at
8 8:00 in the evening, and it closes anywhere from a
9 half hour to 45 minutes before bar time. The patrons
10 of the tavern are, for the most part, mature adults,
11 although there are some individuals that attend who
12 are in their 20s, mostly on weekends, but the
13 individuals who are patrons of the tavern I submit are
14 not the neighborhood miscreants which have caused a
15 great deal of fear of the neighbors about which was
16 testified at the hearing.

17 I believe Ms. Townsend has done extremely
18 well with her business in four years at that location.
19 She has not received any citations. The only concern
20 expressed in the police department report was in the
21 license year 2000, there was a fight in the bar, in
22 the license year 2001, there was a fight in the bar,
23 one incident per year, and the last license year, your
24 report indicated that there was a shooting, and by the
25 description of the police report, a shot was

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1 identified coming from patrons who had exited the bar.
2 There wasn't any activity in the bar during the last
3 year which gave any police objections.

4 It is submitted that really the question
5 before this honorable body is one more of policy than
6 licensing, and the policy question, I think, is
7 addressed -- has been addressed numerous times for
8 businesses development, hours of operation of
9 businesses in transitional or troubled neighborhoods.
10 A policy question, I believe, is do we support
11 businesses in these troubled areas to help turn them
12 around, or do we await the troubled areas to go
13 through their transition period be rid of drug houses,
14 miscreants, dilapidated buildings, before this
15 honorable body of the City of Milwaukee supports local
16 businesses in the area?

17 Ms. Townsend is a responsible business
18 owner. As testified by her at the committee, the
19 first she was advised by her neighbors as to their
20 concerns regarding the operation of the tavern was at
21 the committee. She is more than willing to work with
22 the neighbors. She is not open on Monday or Tuesday,
23 and should her license be renewed, she would have
24 monthly neighborhood meetings on Mondays at her
25 establishment commencing at 7:30 p.m. where the

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1 neighbors can come and gather and discuss concerns
2 about the neighborhood, interact with the local
3 alderman if there's issues that she has concerns about
4 in the neighborhood, as well as express to her
5 concerns they have regarding the operation of the
6 tavern. I think that will go a long way to have Ms.
7 Townsend continue to be a benefit, I believe, as a
8 business owner in the neighborhood.

9 She also will install exterior and interior
10 video cameras. Surprise to her but maybe not to us or
11 people familiar with the area, after the renewal
12 hearing notice was submitted to her, there was the
13 usual congregation on the corner of Richards and
14 Burleigh at her establishment during the day, even
15 when she's not open, by those who are unemployed,
16 looking for trouble, or dealing in narcotics. She
17 went outside with a individual camera to videotape
18 these people that are congregating on her corner. The
19 people scattered. That presented her with a notion
20 that what she will do is install a video camera on the
21 exterior of the building, of course, out of reach and
22 have it pan the corner while the bar is in operation.
23 I believe that will go and she believes it will go a
24 long way in keeping individuals away from her
25 establishment during the hours of operation, which I

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1 believe are the true concern of the neighbors, not the
2 concern that the patrons of her tavern were the ones
3 that caused the disturbances about which they
4 complained at committee.

5 Respectfully request that for an
6 establishment that's been open for four years in a
7 difficult neighborhood, which has not received any
8 citations for any tavern-related activity, to not
9 renew the license under these circumstances would be
10 inequitable. She should be provided an opportunity to
11 work with the neighbors to assist in monitoring the
12 neighborhood, through video cameras and also through
13 monthly contact with her neighbors, and I think a
14 support of this license, a renewal of this license is
15 a support of legitimate businesses in the
16 neighborhood, and a decision not to wait until the
17 neighborhood is through transition, cleaned up,
18 whatever phrase you use, before this committee and
19 this city supports legitimate businesses.

20 Thank you. If there's any questions, I'd be
21 more than glad to answer them at this time.

22 PRESIDENT PRATT: Any questions for Attorney
23 Whitcomb of any members of the Council? Thank you
24 very much, Attorney Whitcomb. Now we'll hear from the
25 Assistant City Attorney, Bruce Schrimpf.

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1 MR. SCHRIMPF: Thank you, Mr. President,
2 members. Although I was not personally present at the
3 Utilities & Licenses Committee when this matter was
4 up, I did review the videotape in detail of the
5 meeting and listened to the testimony of the
6 witnesses. I'd like to point out, first of all, that
7 the alderman, the local alderman testified that this
8 was not, in fact, a troubled area, that those
9 individuals who testified that this was a troubled
10 area were individuals who, in fact, were from the
11 Great Lakes Beverage Association, and when they gave
12 their addresses, clearly they were not residents of
13 the area.

14 The residents of the area who testified all
15 testified in opposition to renewal of this license,
16 they testified to the episodes of guns, fights, of
17 shootings, one testified that there is actually bullet
18 holes on the interior of his house, I believe above a
19 fireplace or next to a fireplace, and that at least
20 one neighbor, possibly another one, as I recall,
21 testified that they actually had to relocate their
22 sleeping quarters because of the gunshots that are
23 emanating from the crowds exiting this tavern at
24 closing time. This tavern during the year 2001 had a
25 record of two fights, one of them, I believe, involved

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1 an individual who was -- two fights, one being punched
2 in the face, another one was a victim of a battery.

3 This is a case, in my view, where, in fact,
4 the report of the Milwaukee Police Department and the
5 testimony of the neighbors are, in fact, very
6 parallel, because the Milwaukee Police Department
7 reports incidents where fights have occurred, they
8 have received reports of gunfire and gunshots, and
9 that the neighbors are, in fact, testifying in a very,
10 very parallel fashion.

11 Now, the licensee has indicated that they
12 intend to make some changes; the installation of
13 various types of video cameras and those devices and
14 changes in operation. That may, in fact, improve the
15 record of this particular location. That, of course,
16 goes to the issue of whether this license should be
17 renewed or renewed with a suspension or not renewed at
18 all. Those, of course, are matters repose to your
19 sound discretion. If you are satisfied that such
20 changes will, in fact, improve the premises and
21 improve the health, safety, and welfare of the
22 surrounding neighbors and the individuals who frequent
23 this tavern, that is something that you must weigh and
24 consider in your decision as to what to do with the
25 tavern.

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1 I stand ready to answer any questions that
2 the body may have.

3 PRESIDENT PRATT: Any questions, comments by
4 member of the Council?

5 MR. SCHRIMPF: Thank you very much.

6 PRESIDENT PRATT: Alderman Herron would move
7 that the committee rises. Are there any objections to
8 that? I see two lights on. I don't know if that was
9 two -- that was on the discussion? We'll have a
10 correction to the record.

11 THE CLERK: One correction to the record.
12 When we identified this item we read the wrong
13 address. This premises is known as Michelle's Club
14 at 3001 North Richards Street in the 6th Aldermanic
15 District.

16 PRESIDENT PRATT: The Chair recognizes
17 Alderman Jeff Pawlinski.

18 ALDERMAN PAWLINSKI: Thank you, Mr.
19 president. Just that I would ask for unanimous
20 consent in that I did read the Findings of Fact, but I
21 was out of the room when you made the roll call
22 regarding whether I had, so I would ask to be
23 acknowledged as having read the Findings of Fact so I
24 may vote on this matter.

25 PRESIDENT PRATT: That's appropriate. Are

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1 there any objections to that from the members of the
2 Council? No objections, it is so ordered.

3 ALDERMAN PAWLINSKI: Thank you.

4 PRESIDENT PRATT: Two lights on. I will
5 hear from Alderwoman Marlene Johnson-Odom.

6 COMMISSIONER JOHNSON-ODOM: I just wanted to
7 know, first of all, whose light is on and what they
8 might say. Maybe I will be last, since it is my
9 district.

10 PRESIDENT PRATT: The Chair recognizes
11 Alderman Fred Gordon.

12 ALDERMAN GORDON: Thank you, Mr. President.
13 I'm at this time moving, as I did at the committee
14 level, for the licensee to be granted a renewal with a
15 suspension of 90 days, and the reason why I'm raising
16 that issue now is because the Utilities & Licenses
17 Committee has had a practice of what we call
18 progressive discipline, and in this instance, there
19 has been no suspension of any type on this particular
20 license since its conception. And certainly the
21 testimony of the residents was very critical, and it
22 seems to me that if there is an opportunity for this
23 licensee to sit down and work with the residents
24 regarding some of the issues that are prevalent within
25 the confines of the neighborhood, an opportunity can

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1 certainly take place. And with that, at this time,
2 I'm moving for a renewal with a 90-day suspension.

3 ALDERWOMAN JOHNSON-ODOM: I object to that
4 motion.

5 PRESIDENT PRATT: Alderman Gordon did make a
6 motion of renewal with a 90-day suspension.
7 Alderwoman Johnson-Odom.

8 ALDERWOMAN JOHNSON-ODOM: Thank you, Mr.
9 President, members. If anybody here who wasn't on the
10 committee looked at that, either reviewed it in the
11 evening or watched it while the hearing was being
12 scheduled, would not want this kind of establishment
13 in a neighborhood of theirs. The reason why there
14 wasn't any progression here is because the neighbors
15 were afraid to come last year, but they did call me.
16 They said enough is enough, and they came to the
17 committee this year.

18 The one lady who lives right across the
19 street has bullets in her home, I think she said her
20 piano. She had to move to the rear or somewhere out
21 of sight of bullets flying around. The people who
22 come there are the ones with the guns. There was a
23 gun found in the establishment, and nobody knows how
24 it got there. They don't have metal detectors. This
25 started going down three years ago. They started out

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1 -- no pun intended -- with a bang. They had a party
2 over there for the neighbors, but that was it, it died
3 down.

4 Things like this always happen when somebody
5 wants to retain their license, they always tell us
6 what they are going to do, but they never do it. This
7 neighborhood is troubled? I don't think it's that
8 troubled. You can go door to door, and you will find
9 that there aren't that many drug houses in that area.
10 The trouble came when they stopped doing what they
11 were supposed to do at that tavern. And I mean, you
12 know, clearly I went through Attorney Whitcomb's
13 letter, and he wasn't there, he wasn't representing
14 her. She went and got him because she thinks he's
15 somebody who can get everybody through. But this
16 letter is the worst one I've seen from Attorney
17 Whitcomb in years, and it relates to what the real
18 situation is, and it's his client, and he has to do
19 this and all that, but I'm the alderperson, and I have
20 a constituency, and they came and they spoke with
21 passion. And the people who spoke for Michelle, West
22 Dakota, West Dean Road, you name it, they are not
23 around when all these people influx into my community
24 on Richards and Chambers from other areas. They come
25 in just like they do, the people who cause the

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1 trouble.

2 The fight started, two people died there,
3 one woman and one man and in two different incidents.
4 It wasn't inside, but the fight and the aggravation
5 and antagonistic things that went on in the bar blew
6 -- you know, went outside. And so when people say
7 they can't do anything about what's going on on the
8 outside, if it starts in their business, hey. I would
9 seriously urge all members to vote with the committee
10 that recommended nonrenewal.

11 PRESIDENT PRATT: Thank you, Alderwoman.
12 The Chair recognizes Alderwoman Rosa Cameron.

13 ALDREMAN CAMERON: I would like to support
14 the motion, and the reason why I would like to support
15 the motion is because of the fact there has been no
16 discipline. This applicant has never been brought up
17 before the committee, has never been warned that there
18 was a problem, the neighbors didn't talk to them,
19 neither did the alderperson of the district talk to
20 them.

21 ALDERWOMAN JOHNSON-ODOM: I did.

22 ALDREMAN CAMERON: I'm just saying what she
23 said. Prior she said she had -- Now, this is where
24 we at the committee takes a stand that the council or
25 the committee shouldn't do neighborhood work at this

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1 level, shouldn't do committee, and at the committee
2 level, we should not do community work. Now,
3 somewhere I feel like communication has broken down,
4 and it's a good example of communication has broken
5 down.

6 Last year it was on the grant list. This
7 year it's been recommended for nonrenewal. Those
8 conditions just didn't occur in one year. Even though
9 the residents was not able or afraid to come -- and I
10 know in certain areas, they are afraid to go in front
11 of committee for retaliation -- but it is also that we
12 can come in front of the committee as a representative
13 and make recommendations in favor of an item or
14 against an item without any -- just to put it on
15 record that there is some problems occurring, and they
16 want to be put on notice, so that we will begin to
17 have a paper trail and some kind of concern area noted
18 that it is a problem area. But in this case, there
19 wasn't any.

20 And it's not fair for us to hop up and say,
21 well -- and I know in my case, I do it, too -- say,
22 well, this is my district, and I should know what's
23 best. But we also have a process that we all try and
24 procedures that we always follow, and in certain
25 cases, we don't do it and certain cases we do. But I

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1 would like to go on record and look at this council to
2 be able to accept the procedures that we normally do;
3 and that is, put some kind of discipline before we go
4 to drastic measures, and in this case, we did not do
5 it.

6 PRESIDENT PRATT: Thank you, Alderwoman.
7 Chair recognizes Alderman Mike D'Amato.

8 ALDERMAN D'AMATO: Thank you, Mr. President.
9 I stand in support of the committee recommendation
10 joining Alderwoman Johnson-Odom objecting to this. A
11 sure fire argument for me indicating that a tavern and
12 a licensee doesn't have an argument is to blame the
13 activities that are happening on the neighborhood
14 around it. It seems to me that sometimes this council
15 lowers its standards for the neighborhoods that need
16 us most. There are people here who may live in a
17 troubled neighborhood, and that neighborhood is
18 further troubled by the activity of this tavern.

19 It's not a bad neighborhood. Certainly if
20 you watched the tape of the proceedings, it has
21 neighbors who care about it, neighbors who are
22 concerned about what happens there, and we should not
23 tolerate on that corner in that district any less than
24 we would tolerate in our own districts, and I
25 certainly know that if there were a condition in any

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1 other district in the city that that individual
2 alderman would ask that this place be closed, as well.

3 It's a chicken and egg to figure out whether
4 the neighborhood is bad or the bar is bad. Certainly
5 in this case I think the record speaks for itself that
6 the bar is contributing to the problems of the
7 neighborhood, not having problems because of the
8 neighborhood around it. So I hope that others would
9 support the committee recommendation.

10 PRESIDENT PRATT: Thank you, Alderman. The
11 Chair recognizes Alderwoman Marlene Johnson-Odom
12 again.

13 ALDERWOMAN JOHNSON-ODOM: The motion is to
14 approve nonrenewal?

15 PRESIDENT PRATT: The motion is renewal with
16 a 90-day suspension.

17 ALDERWOMAN JOHNSON-ODOM: Well, make that
18 clear because the 90-day suspension is not what this
19 committee recommended. They recommended nonrenewal.

20 PRESIDENT PRATT: That's right. The
21 committee's recommendation was nonrenewal. The motion
22 made by Alderman Gordon is a renewal with a 90-day
23 suspension, which is the maximum suspension that you
24 can have under the ordinance, under Chapter 90. So
25 that is the motion, that's what we're going to vote

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1 on. Alderman Herron.

2 ALDERMAN HERRON: Thank you, Mr. President.

3 I just want to speak to the idea and concept of
4 progress discipline. I think progressive discipline
5 is fine in situations where they have loud noise or a
6 fight or underage drinkers in the bar, but I think
7 progressive discipline where it does not work is when
8 you have these kinds of very serious incidents. In
9 our school system, they use progressive discipline,
10 but if you cut someone or stab someone or hit a
11 teacher or shoot somebody, then that concept is done,
12 and you're kicked out of school.

13 I think in this instance, they went over the
14 line in terms of what we could do with discipline and
15 have gone too far, and the only choice we have for the
16 neighbors who came in and spoke so passionately about
17 their neighborhood is to leave this or to close this
18 establishment and allow them to begin the rebuilding
19 of that area. So I would support the committee's
20 recommendation of nonrenewal.

21 PRESIDENT PRATT: Thank you, Alderman. I
22 think there's no unwillingness or I don't believe a
23 misunderstanding of the motion. The motion made by
24 Alderman Gordon that's before us is a renewal with a
25 90-day suspension. A vote of aye would be a vote in

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1 support of Alderman Gordon's motion, a vote of no
2 would be in opposition to it. So I think we just hold
3 it there. Will the City Clerk please call the roll.
4 THE CLERK: Alderman Herron.
5 ALDERMAN HERRON: No.
6 THE CLERK: Alderman D'Amato.
7 ALDERMAN D'AMATO: No.
8 THE CLERK: Alderman Henningsen.
9 ALDERMAN HENNINGSEN: No.
10 THE CLERK: Alderman Bohl.
11 ALDERMAN BOHL: No.
12 THE CLERK: Alderman Johnson-Odom.
13 ALDERMAN JOHNSON-ODOM: No.
14 THE CLERK: Alderman Gordon.
15 ALDERMAN GORDON: Aye.
16 THE CLERK: Alderman Donovan.
17 ALDERMAN DONOVAN: No.
18 THE CLERK: Alderman Richards.
19 ALDERMAN RICHARDS: No.
20 THE CLERK: Alderman Cameron.
21 ALDERMAN CAMERON: Aye.
22 THE CLERK: Alderman Dudzik.
23 ALDERMAN DUDZIK: No.
24 THE CLERK: Alderman Sanchez.
25 ALDERMAN SANCHEZ: Aye.

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1 THE CLERK: Alderman Pawlinski.
2 ALDERMAN PAWLINSKI: No.
3 THE CLERK: Alderman Breier.
4 ALDERMAN BRIER: No.
5 THE CLERK: Alderman Nardelli.
6 ALDERMAN NARDELLI: No.
7 THE CLERK: Alderman Murphy.
8 ALDERMAN MURPHY: No.
9 THE CLERK: Alderman Hines.
10 ALDERMAN HINES: No.
11 THE CLERK: Mr. President.
12 PRESIDENT PRATT: No.
13 THE CLERK: Three ayes, 14 nos.
14 PRESIDENT PRATT: Three ayes, 14 nos. What
15 we have now is the original -- the motion made by --
16 The decision made by the committee is before us. Is
17 there any further discussion on this matter? With
18 that, I would request a vote of those council members
19 in attendance to approve the recommendations of the
20 Utilities & Licenses Committee that's contained in
21 File No. 020122. Will the City Clerk please call the
22 roll.
23 THE CLERK: Alderman Herron.
24 ALDERMAN HERRON: Aye.
25 THE CLERK: Alderman D'Amato.

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1 ALDERMAN D'AMATO: Aye.
2 THE CLERK: Alderman Henningsen.
3 ALDERMAN HENNINGSSEN: Aye.
4 THE CLERK: Alderman Bohl.
5 ALDERMAN BOHL: Aye.
6 THE CLERK: Alderman Johnson-Odom.
7 ALDERMAN JOHNSON-ODOM: Aye.
8 THE CLERK: Alderman Gordon.
9 ALDERMAN GORDON: Aye.
10 THE CLERK: Alderman Donovan.
11 ALDERMAN DONOVAN: Aye.
12 THE CLERK: Alderman Richards.
13 ALDERMAN RICHARDS: Aye.
14 THE CLERK: Alderman Cameron.
15 ALDERMAN CAMERON: Aye.
16 THE CLERK: Alderman Dudzik.
17 ALDERMAN DUDZIK: Aye.
18 THE CLERK: Alderman Sanchez.
19 ALDERMAN SANCHEZ: Aye.
20 THE CLERK: Alderman Pawlinski.
21 ALDERMAN PAWLINSKI: Aye.
22 THE CLERK: Alderman Breier.
23 ALDERMAN BRIER: Aye.
24 THE CLERK: Alderman Nardelli.
25 ALDERMAN NARDELLI: Aye.

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THE CLERK: Alderman Murphy.
ALDERMAN MURPHY: Aye.
THE CLERK: Alderman Hines.
ALDERMAN HINES: Aye.
THE CLERK: Mr. President.
PRESIDENT PRATT: Aye.
THE CLERK: 17 ayes.
PRESIDENT PRATT: 17 ayes.
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