



City of Milwaukee

City Hall
200 East Wells Street
Milwaukee, WI 53202

Meeting Minutes LICENSES COMMITTEE

ALD. JAMES A. BOHL, JR., CHAIR

Ald. Milele A. Coggs, Vice-Chair

Ald. Ashanti Hamilton, Ald. T. Anthony Zielinski, and Ald. Nik Kovac

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Friday, July 18, 2008

9:00 AM

Room 301-B, City Hall

Special

Convened 9:05 a.m.

Present 4 - Bohl, Hamilton, Zielinski, Kovac

Excused 1 - Coggs

1. [080136](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

Sponsors: THE CHAIR

A motion was made by ALD. ZIELINSKI that this Motion be RECONSIDERED.

The motion PREVAILED

Present 5 - Bohl, Coggs, Hamilton, Zielinski, Kovac

- [080136](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

Sponsors: THE CHAIR

9:00 A.M.

13 KEILLER, Douglas L., Agent for "DK and KY Holdings, LLC", Class "B" Tavern application for "Snug Harbour" at 4177 S. Howell Avenue. *Special Letter*

Individual with charges on the police report is a corporate officer, and will be a chef.

The applicant says the business will be a sitdown restaurant. He says he has met with Ald. Witkowski and to the best of his knowledge, the alderman has no objections.

Grant by Ald. Hamilton. Prevailed 5-0

09 ALTURKMAN, Wajeeh S., Agent for "Shoubash Enterprises, LLC", Extended Hours Establishment application for "Dino's Steak & Lemonaid" at 5560 N. 60th Street.

Special Letter

Ald. Puente at the table with the applicant.

No neighborhood objectors present.

The previous owner had a 24-hour license. The applicant is hoping increased hours will lead to increased business.

Ald. Puente has concerns regarding 24-hour license in this location. The police have monitored the location for the three months and a camera has been focused on the area as well. The perception of drug use in and around the location was supported by footage captured by the camera.

The alderman would like the applicant to amend the hours to close at 3:00 a.m. If no problems arise, he can extend the closing time to 5:00 a.m.

Ald. Kovac moves to accept the amended change of hours from midnight to 5:00 a.m. to midnight to 3:00 a.m. Prevailed 5-0

Grant by Ald. Hamilton. Prevailed 5-0

*09 SINGH, Balvir, Agent for "M & R Petroleum, Inc.", Extended Hours Establishment application for "Citgo" at 6330 W. Silver Spring Drive. New Location
Special Letter*

Applicant says that the police report being referenced is for a different location than the one for which he is applying. The other location is owned by the applicant as well.

The two items on the police report that occurred during extended hours were read. The applicant says that the station was not open during one of the police charges. Regarding the auto theft, he also wonders why someone would leave a car running outside of a gas station at 3 a.m.

The applicant says he had an extended hours license the prior year at the other location, and says he did not receive any renewal forms in the mail. So he continued to be open until 2:00 a.m., then went to City Hall to apply for a renewed license when he realized that he did not have a current license. His application was denied and he says he lost 30 percent of his business by closing at midnight at his other location.

The current application is for a closing time of 5:00 a.m.

No neighborhood objectors present.

Ald. Puente points out that only two out of the 17 items on the police report are for the location being applied for. One is still pending. During the extended hours, there are not many issues. He points out that there are no neighborhood objectors present.

According to the applicant, after 10:00 p.m., all business will be done outside of the establishment. Mr. Singh will say there will be a window for outdoor service after 10:00 p.m. or earlier, and no one will be allowed inside.

The applicant says he has a digital security system that he can watch remotely and has someone at the door (not a security guard) watching the outside. If there is only a service window at this location there will be no formal security.

Grant by Ald. Zielinski despite items in the notice. Prevailed 5-0

licenses.

9:15 A.M.

09 ANDERSON, Kevin J., Agent for "Anderson LL, LLC", Class "B" Tavern application for "Asylum" at 8741 N. Granville Road. Special Letter

Ald. Puente at the table with the applicant.

The item was held back in May in order to give time for a neighborhood meeting. At the previous Licenses Committee meeting, neighbors appeared and expressed concerns about the license, specifically extended hours and cabaret.

The applicant been in business previously at various locations/ establishments. The establishment will only be a bar and grill, not a tavern. The previously requested cabaret license was for comedy only. He says that the neighbors were afraid that the location would be a strip club, which is not true. The applicant is changing the name of the business by request of the neighbors as well.

There are more neighborhood objections now than there were when the applicant was requesting cabaret. The neighbors are still opposed to it, even after the applicant addressed their concerns and dropped cabaret and extended hours. The applicant says the other businesses in the area that serve alcohol cater to a crowd that listens to country music, not the demographic he wants to serve.

Ald. Puente says that at the end of the neighborhood meeting, parking, littering and noise were an issue for the neighbors. They felt there were too many taverns in the area and would be satisfied if it were just a restaurant.

Two neighborhood objectors present:

Ald. Coggs moves to enter the packet with photos of the immediate area into the record. Prevailed 5-0

There is an apartment building in close proximity of the proposed location.

There will be 25 parking spaces in the business' parking lot. The applicant talked to the residents in the 14-unit complex by the business and says none of them had any objections. The owner of the complex is objecting, but is not present.

Nicole Cross, 9050 N. Swan Rd., a half mile from the location. She says she does not want another outlet for alcohol in the area as there is already a lot of crime connected with drug and alcohol activity. She says the first time she met the applicant, he was carrying a gun. The applicant's wife told Ms. Cross that he carried it because he feared for his safety.

The applicant responds that he is sometimes out until three or four in the morning by himself, which is why he carries a gun for protection. The gun is registered and the applicant was inside the establishment when he met the objector.

Michael Batzler, runs "Trackside", a business in the area. He says that he is at the meeting more to speak about the building than the applicant. He says that parking is a major issue for him. He was at a well-attended neighborhood meeting at which the business was opposed. He would like that the building never be licensed for a liquor license. The problems are always in the parking lots and on the streets. There is a

liquor store and a supper club that serves alcohol close to the location.

The applicant says that he doesn't see the need for security for just the liquor license. But he has a security guard that also bartends who works with him. Regarding the parking, he doesn't think he will need more than 25 spaces and if he does, he points out that there is also street parking.

Mr. Batzler disagrees, saying that there is virtually no street parking.

Ald. Puente asks Mr. Batzler if he has experience with patrons of past businesses at the proposed location parking in his lot in the past. Mr. Batzler says yes.

The applicant says Mr. Batzler's business and another business in the area only cater to a certain crowd. The applicant says he is not going to cater to a young crowd.

Tina Anderson, 4861 N. Green Bay Ave., wife of the applicant. She says the applicant has been running businesses for over eight years and that she has a graduate degree in business. She says that the only option people of a certain demographic have in the area is a liquor store, and she thinks that's unfortunate. They want to give another option to those people, and they don't want to bring any detriment to the community.

Ald. Puente does not think that the fact that the applicant bought the building with the expectation of having the license should be taken into account. He says that a lot of noise comes from establishments like this and you don't have to live next door to the location to be bothered by it. The applicant has a history of establishments that have failed and the neighbors have told him that they are very opposed to the license.

Ald. Kovac moves to deny based on neighborhood objections and matters in the police report. Prevailed 3-2. Ald. Hamilton and Ald. Coggs voting no.

Present 4 - Bohl, Coggs, Hamilton, Kovac

Excused 1 - Zielinski

080136

Motion relating to the recommendations of the Licenses Committee relative to various licenses.

9:30 A.M.

03 CUCUNATO, Mari R., Agent for "Mari Cucunato, Inc.", Class "B" Beer and Class "C" Wine applications for "Mari's" at 1229 E. Brady Street. New Location
Special Letter

Atty. Jeffrey Cooper, 633 W. Wisconsin Ave., Suite 1800, is at the table with the applicant.

One neighborhood objector is present.

The applicant is opening up a boutique coffee shop that would have wine and beer to complement appetizer plates.

Brad Heshen, 3127 W. Wisconsin Ave., represents 1231 Brady LLC, the owner of the building. The owner wants to make sure that her business will not put the owner in violation of an agreement with the City of Milwaukee. The agreement was that the building was sold based on a non-alcoholic use. Ald. Coggs asks about the legality of hearing the license application before there is a record of any legal objection from the

city.

Ald. Zielinski moves to make the six-page packet with the cover sheet to Mary Jane Muth dated February 21, 2000 part of the record. Prevailed 5-0.

Atty. Cooper says he has found no evidence of any deed violation with the City of Milwaukee. He also says the concerns about loud music and litter will not be generated by this type of business.

Grant by Ald. Hamilton despite matters contained in the notice. Prevailed 4-0. (Ald. Zielinski excused)

The staff should send a notice to DCD to see if there are concerns regarding the building use before the next CC meeting.

080136

Motion relating to the recommendations of the Licenses Committee relative to various licenses.

Sponsors: THE CHAIR

03 MUNA, Mazen G., Agent for "M G Muna Enterprises, LLC", Extended Hours Establishment application for "The Burger Joint" at 1233 E. Brady Street. New Location

Special Letter

City Atty. Tom Miller requests that both items in the police report be read into the record.

The applicant says that regarding the first item and loud music, a switch turning off the music at 10:00 p.m. was not flipped, which was why there was still music playing.

Regarding the charge on the police report concerning a lack of extended hours license at another location, the applicant also says he contacted someone at Marquette who said that they would take care of the extended hours license until Mr. Muna came back from out of the country. When he came back from out of the country, he applied for the extended hours license.

The applicant says he has a camera security system and can have a security guard on site from 11:00 p.m. to 3:00 a.m.

No neighborhood objectors present.

Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

03 ASSAD, Hana O., Agent for "H & H Assad, LLC", Class "A" Liquor & Malt application for "Parkside Liquor & Grocery" at 2700 N. Murray Avenue. Special Letter

Attorney Michael Whitcomb at the table with the applicant.

Atty. Whitcomb says that the owners have already had a beer license at the establishment for years, but now the applicant wants a liquor license as well.

The establishment is primarily a grocery store for neighborhood residents. About 20-25 percent of gross revenues will be alcohol if the license is obtained.

With just a Class "A" Malt license, city ordinance prevents the business from selling kegs.

Neighborhood objectors present:

City Atty. Tom Miller points out that the approval of a previous license application was reversed by the Common Council, which led to an appeal in state court.

Pamela Frautschi, 2430 E. Newberry Blvd., is a member of two local neighborhood associations, Riverside Park and Murray Hill. She says inebriation has contributed to many problems in the neighborhood and is opposed to the license.

Ms. Frautschi says that there has been an increase in the number of young people and absentee landlords in the area since she has lived there, so previous liquor licenses at the location had not been as much of a problem. She also says the location needs more maintenance and has an excess of litter in its area.

Atty. Whitcomb points out that Ms. Frautschi can only speak for herself and what said to her by the Asads, not what was said by other neighbors at a meeting.

Ms. Frautschi says the Asads explained that older neighbors wanted to get wine at their store, and when they could not get it there, they went elsewhere. She says the Asads told the neighbors that they did not intend to sell hard liquor and that they didn't sell kegs out of deference to the neighbors/neighborhood.

Atty. Whitcomb objects to making the transcript of Ms. Frautschi's testimony part of the record. Despite the objection, Ald. Hamilton moves to make the statement part of the record to the extent that she talks about personal observations only and not those of other neighbors.

Richard Ippolito, 2430 E. Newberry Blvd., ten blocks from the location, is in opposition to the liquor license and is the treasurer of the Murray Hill Neighborhood Association. He states that the Asads, at a neighborhood meeting, said the purpose of the the license is to provide wine to older clientele. Mr. Ippolito says the Asads also told the meeting attendants that the store would not be an additional outlet for liquor sales.

Cynthia Summer, 3137 N. Cramer St., five blocks from the establishment. She points out that there is an increase in the number of students in the area and thinks an increase in alcohol availability can create serious problems and binge drinking.

Neighborhood supporters present:

Patrick Cavanaugh, 2638 N. Frederick, lives about 100 yards from the location. Says Parkside is his local grocery store. He is hoping the store will sell wine and other liquor so he can get it conveniently. He has resided in the area for thirteen years. He sees no additional negative impact on the area.

Dallas Kilpatrick, 2612 N Murray Ave., 1/2 block away. He is not personally a drinker, but he is in favor of the applicants getting increased business. He says the owners keep the place very clean and are responsible.

Rick Banket, 2727 N. Maryland Ave, says he never sees any loitering or trash in the area.

Patty Banket, 2727 N. Maryland, a half a block away, has lived there three years. She would like to be able to get wine at the convenient location.

Audrey Banket, 2727 N. Maryland, has lived there eight years. She likes the convenience of the store for getting wine or liquor.

Israel Justiniano, 2637 N. Frederick, says the store is part of the quiet, friendly area.

Jill Bondar, 1227 E. Kane Pl., supports the license.

Bruce Bryant, 2706 N. Frederick, has lived there for a couple of weeks. He says he doesn't see deterioration in the area due to alcohol. He thinks the location is convenient and supports the license.

Angela Franke, 2534 N. Murray Ave., doesn't see a problem with liquor and wine being sold there and does not believe there will be a problem. She has lived in the area for a year.

Ald. Hamilton moves to make the concentration map and list of alcohol beverage establishments within a one square mile radius of 2700 N. Murray Ave. dated July 1st, 2008, part of the official record. Prevailed 3-0. (Ald. Zielinski and Ald. Coggs excused.) Atty. Michael Whitcomb opposes the inclusion of the concentration map as part of the record as it address the issue of concentration but not the issue of need.

Ald. Kovac thinks setting precedence with regards to liquor is very important. He wants to know if the plan of operation can be amended to wine only and if it would be enforceable.

Atty. Miller says there has to be some kind of amendment on the record for that to be enforceable. They could not be ticketed by the police if they sold hard liquor after saying they wouldn't, but it would be violating the terms of the license.

The applicant says she is willing to designate only a certain small area behind the counter for liquor.

The applicant says she will not sell half- or quarter- barrels of beer at the location, but Atty. Miller states that it would be hard to enforce due to state law.

This new license would supercede the previous Class "A" Malt license.

Ald. Kovac requests to hear from an objector from the Murray Hill Neighborhood Association again. Mr. Ippolito says the concern is about the amount of alcohol in the neighborhood. The association had no objection to wine being sold.

Atty. Whitcomb says the family agrees to restrict the sale of alcohol in the store to exclude kegs and hard liquor and to only serve wine. They want to convince the neighbors and the alderman in the future that having a small shelf space with other alcohol products will not be a problem. However, they wouldn't do add liquor without the knowledge and acceptance of the community.

An amended floor plan will be needed to show where in the store wine will be sold, and the applicant agrees to amend the application.

Ald. Kovac moves to accept the amended plan of operation. Prevailed 4-0. (Ald. Zielinski excused)

Grant by Ald. Hamilton of the license as amended. Prevailed 4-0. (Ald. Zielinski excused)

AGENDA ONLY

07 NUELLE, Jeannie M., Agent for "Maximum Capacity, LLC", Request for a permanent extension of premises for "All Star Sports Bar" at 4001 W. Fond du Lac Avenue to include expansion of the northwest section of the first floor of the premises. Grant by Ald. Coggs. Prevailed 4-0 (Ald. Zielinski excused)

09 GOBEN, Dan M., Agent for "Griffin Imports, Inc.", Secondhand Motor Vehicle Dealer change of agent and officers application for "Griffin Mitsubishi" at 8920 W. Brown Deer Road. Grant by Ald. Coggs. Prevailed 4-0 (Ald. Zielinski excused)

10 BALISTRERI, Mario J., Agent for "Mario, Inc.", Request for a permanent extension of premises for "Balistreri's Bluemound Inn" at 6501 W. Bluemound Road to include a sidewalk café at the front of the premises and a door to be added at the side of the premises leading to a deck to be built in a section of the existing parking lot. Grant by Ald. Coggs. Prevailed 4-0 (Ald. Zielinski excused)

14 JOHNSON, Bruno, Agent for "Maple Leaf Enterprises, LLC", Request for a permanent extension of premises for "Sugar Maple" at 441 E. Lincoln Avenue to include the patio at the east side of the premises. Grant by Ald. Coggs. Prevailed 4-0 (Ald. Zielinski excused). Grant by Ald. Coggs. Prevailed 4-0 (Ald. Zielinski excused)

TEMPORARY EXTENSIONS

05 ROCK, Brent T., Request for a temporary extension of premises for "Mitchell's Tavern" at 10433 W. Appleton Avenue to include the sidewalk, parking lot, street and yard adjacent to the premises on August 31, 2008 from 10:00 a.m. to 5:00 p.m. for "Car Show". Grant by Ald. Kovac. Prevailed 4-0 (Ald. Zielinski excused)

11 IWEN, Jon R., Agent for "The JLL Iwen Corp., Inc.", Request for a temporary extension of premises for "1st Choice" at 3872 S. 92nd Street to include the parking lot at the south and east sides of the premises on September 13, 2008 from 11:00 a.m. to 8:00 p.m. for "Breast Cancer Fundraiser". Grant by Ald. Kovac. Prevailed 4-0 (Ald. Zielinski excused)

13 KRUEGER, Nichol L., Agent for "Nicky K's, LLC", Request for a temporary extension of premises for "Nicky K's" at 5444 S. 27th Street to include the parking lot at the north and west sides of the premises from 7:00 a.m. to 10:00 p.m. on August 27, 28, 29, 30 & 31, 2008 for "Harley 105th Party" and on September 6, 2008 for "Poker Run". Grant by Ald. Kovac. Prevailed 4-0 (Ald. Zielinski excused)

14 WINSTON, Frank L., Request for a temporary extension of premises for "Cleveland's Lounge" at 2691 S. 6th Street to include the sidewalk at the south, parking lot at the north, and backyard of the premises on August 3, 4, 5, 6, 7, 8, 10, 17 & 24, 2008 from 2:00 p.m. to 10:00 p.m. for "Musicians Against Violence". Grant by Ald. Kovac. Prevailed 4-0 (Ald. Zielinski excused)

WARNING LETTERS

SALINAS, Michael R., Agent for "Salinas 2, LLC", Home Improvement Contractor application for "Salinas 2 Construction" at 5032 W. State Street. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

AMMON, Jordan T., Class "B" Manager and Class "D" Bartender applications. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

ACKER, Mary E., Class "D" Bartender application. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

ARMSTRONG, Peter J., Class "D" Bartender application. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

CURRIE, Asia N., Class "D" Bartender application. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

SPENNER, Daniel J., Class "D" Bartender application. Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

Grant by Ald. Hamilton. Prevailed 4-0 (Ald. Zielinski excused)

Adjourned 12:07 p.m.

Tobie Black

Staff Assistant

A motion was made by ALD. COGGS that this Motion be RECOMMENDED FOR APPROVAL. The motion PREVAILED by the following vote: 4-0 (Ald. Zielinski excused)

Aye 4 - Bohl, Coggs, Hamilton and Kovac

No 0

Excused 1 - Zielinski

This meeting will be webcast live at www.milwaukee.gov/channel25.