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CITY OF MILWAUKEE
UTILITIES & LICENSING HEARING

In the Matter of:
JEWEL FOOD STORE, INC.
1100 East Garfield Avenue

COMMITTEE MEMBERS

ALD. JAMES WITKOWIAK - Chairman
ALD. JAMES BOHL, JR. - Vice Chairman
ALD. TERRY WITKOWSKI
ALD. JOSEPH A. DUDZIK
ALD. ROBERT PUENTE

HEALTH DEPARTMENT by OSCAR BOND
DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER
LICENSE DIVISION by JIM COPELAND
CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

FRIEBERT, FINERTY & ST. JOHN, by TODD S.
FARRIS, 330 East Kilbourn Avenue, Milwaukee,
Wisconsin, appeared on behalf of the applicant.

Proceedings had and testimony given in the
above-entitled matter before the UTILITIES &
LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the
16th day of July, 2004, before Terese M. Schiebenedes of
Milwaukee Reporters Associated, Inc.

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PROCEEDINGS

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(City Personnel were previously affirmed.)

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CHAIRMAN WITKOWIAK: Back on the record at 9:25 a.m. In the 6th District, Michael S. Daly, agent for Jewel Food Stores, Incorporated, Class A Liquor and Malt application for Jewel-Osco #3653 at 1100 East Garfield.

8

Good morning. Could you please raise your right hands to be sworn in.

9

(MICHAEL DALY and LAURIE SANDERS were duly affirmed.)

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CHAIRMAN WITKOWIAK: Would you state your name and address for the record.

12

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MR. DALY: Michael S. Daly, 2050 South 103rd Court, West Allis, Wisconsin.

14

15

MS. SANDERS: Laurie Sanders, director of public affairs for Jewel-Osco. And home address or corporate address?

16

17

CHAIRMAN WITKOWIAK: Whichever you prefer?

18

19

MS. SANDERS: 1955 West North Avenue in Melrose Park, Illinois, Jewel-Osco headquarters.

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21

MR. FARRIS: Todd Farris, Friebert, Finerty

22

& St. John, 330 East Kilbourn Avenue.

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CHAIRMAN WITKOWIAK: Health Department?

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MR. BOND: No objection.

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1 CHAIRMAN WITKOWIAK: Department of
2 Neighborhood Services?

3 MS. BENDER: Hold for occupancy.

4 CHAIRMAN WITKOWIAK: And I believe this is
5 your last official duty for this morning; is that
6 correct?

7 MS. BENDER: Yes.

8 CHAIRMAN WITKOWIAK: You're excused. Do you
9 admit to receiving a notice that there's a possibility
10 that the application could be denied because of
11 neighborhood objections to licensing of this
12 establishment as a Class A Liquor and Malt premise
13 that will lead to increased litter, loitering, traffic
14 problems, and an increase in the number of alcohol
15 beverage outlets in the area?

16 MR. DALY: Yes.

17 CHAIRMAN WITKOWIAK: You received that
18 notice. Okay, thank you. Mr. Farris, would you like
19 to lay some groundwork for us.

20 MR. FARRIS: Mr. Chairman, I'm not sure how
21 you want to proceed. Ms. Sanders is going to make the
22 majority of our presentation. Mr. Daly doesn't really
23 have too much to say. He's the manager of the Osco
24 side of the store, and then he would also be the
25 manager for the liquor establishment, and he's here to

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1 answer any questions.

2 We have a number of people who are
3 supporters I would call that want to speak and then
4 there are some opponents. I don't know how you want
5 to proceed. I guess my view would be to have Ms.
6 Sanders make a presentation, then maybe go back and
7 forth between supporters and opponents so it's fair
8 and certain people won't have to wait longer than
9 other people.

10 CHAIRMAN WITKOWIAK: Thank you. What I
11 would like to do is have Ms. Sanders just give us like
12 an overview, an opening overview, then we will hear
13 from the opponents first, then we will hear from the
14 supporters after that.

15 I just want to state to the people that will
16 be testifying today -- I assume that almost everybody
17 in the room will be testifying on this matter -- we
18 don't want any hearsay, for those of you that don't
19 understand that, just personal testimony. If you're
20 here representing an organization, you can't say that
21 50 people that I represent say this. That would be
22 hearsay. Your personal testimony is what matters on
23 the record here. And just try and keep this orderly
24 and civilized as possible. Ms. Sanders, please.

25 MS. SANDERS: Thank you, Mr. Chairman and

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1 good morning. We're here before you today as a part
2 of the application process for obtaining the liquor
3 license at our store located at 1100 East Garfield.
4 Having the ability to sell beer and wine and spirits
5 in our stores will give our customers the ease and
6 convenience of shopping at one location and it will
7 also provide our Milwaukee customers with the same
8 level of convenience and service and variety of
9 products that are afforded to our customers in our
10 suburban locations.

11 As an established partner and community
12 presence in Milwaukee, Jewel-Osco takes its role of
13 being a responsible business partner very seriously.
14 I'd like to address several issues about potential
15 problems related to our license applications that
16 opponents of the application have raised. They
17 basically fall into four categories; the crime, the
18 over saturation of liquor outlets, our corporate
19 citizenship, and the alleged promise made by
20 Jewel-Osco representatives regarding application for
21 the liquor license.

22 First the issue of crime. At the
23 neighborhood meetings that I've attended, I've heard
24 speculation regarding how crime would be an issue if
25 granted this license. I've heard worries regarding

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1 people coming to Jewel-Osco to purchase liquor and
2 then driving drunken through the neighborhood, that
3 the presence yet another liquor outlet will contribute
4 to the crime problem in the Riverwest neighborhood.

5 I say to those who worry look at our other
6 stores. Neither the opponents nor the supporters of
7 the license have a crystal ball that we can gaze into
8 and see what the future promises for the 1100 East
9 Garfield location, assuming that we're granted a
10 license. All we have to offer is our track record
11 based on what has occurred at the locations in
12 Milwaukee where we presently hold a Class A liquor and
13 malt license.

14 Later you'll hear from individuals who can
15 speak with some authority on the conditions at those
16 stores. They will essentially tell you the same
17 thing; there are no problems, that we've instituted
18 safeguards to prevent the sale of alcohol to minors
19 and those safeguards include age verification
20 software, where if the consumer appears to be under
21 the age of 30 years of age, they will be requested to
22 present a valid form of identification that will be
23 inputted into the software program at that register,
24 and if their age is not appropriate with the State of
25 Wisconsin guidelines, they will be denied the sale of

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1 alcohol. Additionally, we have age restriction
2 training for our cashiers, we've instituted intensive
3 training on-site and six-month updates on that
4 training, and we have restrictions on the sale of
5 alcohol within our corporation that supersede or go
6 beyond the State of Wisconsin's law. State of
7 Wisconsin requires that you be 18 years of age in
8 order to sell alcohol. The Jewel-Osco Corporation
9 policy requires that our cashiers be 21 years of age
10 in order to sell alcohol.

11 Jewel-Osco has signed on with the community
12 a covenant delineating the types of beverages and
13 products that we will and will not sell. The list of
14 items prohibited by the covenant include 15- and
15 24-ounce cans of domestic or imported beer, 32- and
16 40-ounce bottles of domestic and imported beer,
17 fortified or what's called low-end wines and half-
18 pints of liquor.

19 Conditions that we know can and do exist at
20 some, not all, but some corner liquor stores simply do
21 not happen at our stores. That behavior has not
22 existed at our stores located at Chase and Oklahoma,
23 35th and North, or 35th and Capitol Drive, and it will
24 not be tolerated at 1100 East Garfield.

25 Turning now to the issue of over saturation

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1 of outlets that sell alcoholic beverages. According
2 to the Legislative Reference Bureau, there are 72
3 licenses issued within a one-mile radius of the 1100
4 East Garfield site. 61 of those are Class B tavern
5 license holders. We have not applied for a license as
6 a restaurant or a tavern. Six licenses are for Class
7 A Malt, and as you know, this enables the license
8 holder to sell fermented alcoholic beverages that
9 could be purchased at convenience stores. We have not
10 applied for that type of license either.

11 That leaves us with the final category, the
12 Class A Liquor and Malt license. This is what we've
13 applied for. There are five full-service liquor
14 stores located within a one-mile radius. We are
15 applying for one to be located within a full-service
16 grocery store. I cannot pretend to know what criteria
17 is used when raising the issue of over saturation. I
18 can only ask how fair is it to lump us with
19 restaurants and taverns when you look at shear
20 numbers. Reasonable people may disagree. For many,
21 five liquor stores may be too many. We only ask that
22 you appreciate the distinction between the different
23 categories when tackling the issue of over saturation.

24 Some opponents have raised the questions and
25 concerns regarding how active is Jewel-Osco in

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1 supporting the community organizations. We take our
2 role as a good corporate citizen seriously. We have a
3 record of support in the community that goes back for
4 several years. We are proud to help such
5 organizations in the community as the Betty Brinn
6 Children Museum, the Wisconsin State Fair, COA, The
7 Milwaukee Hunger Task Force, the Shriners, the Black
8 Holocaust Museum, Ko Thi Dance Company, Heartlove
9 Place, Harambee Organization, and the United Negro
10 College Fund's Milwaukee chapter.

11 Within the last two-and-a-half years, we
12 have given in excess of \$50,000 to these
13 organizations. Additionally, we have given food and
14 in kind contributions to a number of other
15 organizations within the Milwaukee community.

16 Finally, opponents have stated at community
17 meetings that promises were made to the community that
18 Jewel-Osco would never apply for a liquor license at
19 this location. Mr. Chairman, we've spoken with a
20 number of individuals who were part of those
21 negotiations to build the store back in 1998 and 1999,
22 we have examined documentation in our corporate office
23 in Melrose Park. There was never such a promise made.
24 In fact, the language used in the original site plan
25 identifies the area within the store footprint that

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1 would be used to sell liquor -- and I quote -- the
2 future liquor department, and that site plan was
3 developed January 21, 1999. Again, there was never a
4 promise made.

5 In closing, we seek your approval today of
6 our application. We recognize that selling beer,
7 wine, and spirits is a privilege, and we don't take it
8 lightly. We think that it is a good business
9 decision, and based upon the information that I
10 presented for you today, we think that we are a good
11 business in the Milwaukee area. We are proud to be
12 here, we feel we are responsible, and we look forward
13 to many, many years of service to the residents of
14 Milwaukee, the residents of this county, and the
15 residents of the State of Wisconsin.

16 Thank you for hearing our appeal, and if
17 there are any questions, I'd be glad to take them from
18 you at this time.

19 CHAIRMAN WITKOWIAK: Thank you very much.
20 Questions by committee?

21 ALDERMAN PUENTE: Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Puente.

23 ALDERMAN PUENTE: Ms. Sanders, it's my
24 understanding none of your stores that sell fermented
25 malt beverage has ever been cited for selling to

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1 underage; is that correct?

2 MS. SANDERS: In the City of Milwaukee we
3 don't have any record of ever being cited for underage
4 sales.

5 ALDERMAN PUENTE: Thank you.

6 MR. FARRIS: By way of background, too, Mr.
7 Chairman, so everybody understands the whole picture,
8 this is an area that's 3,100 square feet in the
9 southwest corner of the store, it would have a
10 separate entrance, common foyer, it would be totally
11 separate from the food store, which is consistent with
12 what's happened at the other Jewel-Osco stores in
13 Milwaukee.

14 CHAIRMAN WITKOWIAK: Thank you. Any other
15 questions, comments by committee? Okay. I'd like a
16 show of hands of who in the audience here is to
17 testify in opposition of this license. Would you
18 raise your hands, please. Now you can hold your right
19 hands up and be sworn in.

20 (Speakers duly affirmed.)

21 CHAIRMAN WITKOWIAK: State your name and
22 address.

23 MS. OLIVEIRA: Rosemary Oliviera, I live at
24 3278 North Humboldt Boulevard, Milwaukee.

25 CHAIRMAN WITKOWIAK: Go ahead with your

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1 testimony. How far away do you live?

2 MS. OLIVEIRA: I live about a
3 mile-and-a-half.

4 CHAIRMAN WITKOWIAK: One mile-and-a-half.

5 MS. OLIVEIRA: Right. Straight up shot on
6 Humboldt Boulevard.

7 CHAIRMAN WITKOWIAK: Your testimony, please.

8 MS. OLIVEIRA: Yes. I am here also today as
9 a representative of the neighborhood and RNA, which is
10 the Riverwest Neighborhood Association, which
11 partially unanimously -- we had two votes in favor at
12 our last meeting -- RNA would like to register their
13 opposition to this. I don't know whether that's
14 hearsay or not, but that's what I came here to say for
15 them.

16 For me, we're a neighborhood that's directly
17 impacted by liquor stores. We are a very at-risk
18 neighborhood. I lived there 22 years, and I've worked
19 hard for 22 years to make our neighborhood what it is
20 today, an up-and-coming neighborhood that people want
21 to live in. When I bought my property there 20 years
22 ago, people were wondering if I had lost my mind, but
23 since then, I and a lot of my neighbors -- and some of
24 them are here today -- have been struggling to make
25 sure that we are not adversely impacted by decisions

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1 by the city and by businesses and by indeed our
2 neighbors, who in many cases have been not the most
3 savory people.

4 The city has helped us close down drug
5 houses and helped us with crime in the neighborhood.
6 We're currently experiencing a mini crime spree, which
7 is of great concern to us now because we don't want to
8 see the neighborhood going back to what it used to be.
9 The people who couldn't come today who are the
10 teachers and the nurses and those folks that can't
11 leave their jobs, I'm sorry they can't be here. On
12 behalf of the people who are, thank you very much.

13 Our major objection or my major objection to
14 this liquor license is concentration. The map which
15 we have says that there are 72 liquor licenses. This
16 is the map.

17 ALDERMAN BOHL: Mr. Chairman.

18 CHAIRMAN WITKOWIAK: Alderman Bohl.

19 ALDERMAN BOHL: I apologize. This item is
20 not cited for over concentration of outlets in the
21 neighborhood notice.

22 MS. OLIVEIRA: Why not?

23 MR. COPELAND: That was not part of the
24 language given to us as part of the objections to this
25 license. There was a statement if it was licensed,

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1 there would be an increase in the number, it did not
2 say concentration, that term was not used.

3 ALDERMAN BOHL: Mr. Chair, I wonder from the
4 perspective here of Mr. Schrimpf if the way the
5 language was written that it would add an additional
6 outlet if that is akin to concentration.

7 MR. SCHRIMPF: It is, Mr. Chairman, because
8 you're inherently talking about the number of alcohol
9 beverage outlets. That's what concentration is,
10 you're looking -- So if you're talking about an
11 increase, you have to look at what's there now and how
12 is this going to increase.

13 ALDERMAN BOHL: The question I would ask is
14 does an additional outlet mean that in necessity an
15 over concentration? Because you could have a square
16 mile where there's three outlets and somebody could
17 say that they don't want another one. Does that
18 connote an over concentration?

19 MR. SCHRIMPF: I see what you're saying,
20 alderman. I think, though, the notice is broad enough
21 because it says increase in the number of alcohol
22 beverage outlets in the area. I think you're okay.

23 CHAIRMAN WITKOWIAK: So in your opinion, it
24 is okay for this committee to accept the concentration
25 argument?

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1 MR. SCHRIMPF: Yes.

2 CHAIRMAN WITKOWIAK: Go ahead. Sorry about
3 that. These are technicalities we must discuss.

4 MS. OLIVEIRA: Thank you. According to the
5 city map, there are 61 liquor licenses in a one-mile
6 radius. This black line up here is Center Street. I
7 would like to point out that there were several that
8 were left off. This is a liquor store on Center
9 Street within the one-mile radius. Also on this map,
10 we're missing several other, not taverns, but actually
11 places that sell I believe it would be the malt
12 license. So the count that I get is 83. So I think
13 we need to look at this map again. So that would make
14 six liquor and malt licenses within a one-mile radius
15 of the proposed liquor license.

16 CHAIRMAN WITKOWIAK: Alderman Dudzik would
17 move to make the concentration map and supporting
18 documentation part of the record, and hearing no
19 objections, so ordered. Just FYI, it's hard to
20 believe -- Where did you get that information?

21 MS. OLIVEIRA: Mike D'Amato.

22 CHAIRMAN WITKOWIAK: He probably got that
23 from Legislative Reference Bureau.

24 MS. OLIVEIRA: And I got the extra ones from
25 -- this is a printout from the city website, and I

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1 went through this map to make sure that it was
2 accurate, and I found some that were left off.

3 CHAIRMAN WITKOWIAK: Well, I find it hard to
4 believe that they missed so many. Alderman Dudzik
5 will move to make this part of the record. Hearing no
6 objections, so ordered.

7 MS. OLIVEIRA: Thank you. I know you
8 wouldn't be able to take my map. Here are the ones
9 that are missing on Center Street.

10 CHAIRMAN WITKOWIAK: Any further testimony?

11 MS. OLIVEIRA: Yes. In terms of the promise
12 that was brought up, our neighborhood was promised by
13 Jewel-Osco that they would not ask for a liquor
14 license. When the future liquor department showed up
15 on the plan map, the neighborhood questioned it, and
16 we were told oh, no, no, that's just one of our
17 standard plans, we're actually going to make that a
18 dairy department or something like that. There are
19 witnesses to this. We have our alderman, who has also
20 this in his memory. I called the DCD and asked a
21 person there who was involved in this, and he also
22 remembers the promise.

23 It may be a verbal promise, but it's a
24 promise nonetheless, and there are others in the
25 neighborhood who would be happy to sign affidavits

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1 saying that this promise was made.

2 CHAIRMAN WITKOWIAK: One more time, though,
3 and you've done this several times, we're being
4 gracious to you. You can't comment on what other
5 people are saying and what other people are doing.
6 That's for the benefit of all the people who are going
7 to testify today. Only personal testimony. We've
8 given you some leeway.

9 MS. OLIVEIRA: I'm so sorry. Okay. I
10 personally listened and heard this statement made when
11 we and I, I personally questioned this plan because I
12 had in my possession the plan. I also personally feel
13 -- Feelings are okay, I hope.

14 CHAIRMAN WITKOWIAK: Feelings are okay.

15 MS. OLIVEIRA: We as a neighborhood don't
16 have the funds that Jewel-Osco has had over the years
17 to push through what they wanted. A mailing that went
18 out to our neighborhood to encourage people to come to
19 this meeting in favor is unfair. We have telephones,
20 we also some of us have e-mailed, not that many, in
21 our neighborhood. So we're over the back fence.
22 We're talking to people on the street as they are
23 walking their dogs. And the advantage of a large
24 corporation over a small neighborhood and people like
25 myself who try to fight these things, it's very, very

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1 difficult for us, and I know that you understand that,
2 and it was a pleasure to hear you on the last liquor
3 license, your very pointed questions to people who
4 testified. And so I'm registering my objection, and I
5 know you've heard me. Thank you very much.

6 CHAIRMAN WITKOWIAK: Thank you very much but
7 just stay there for a minute. I just have to ask Mr.
8 Copeland a question here. How many notices were sent
9 by the License Division?

10 MR. COPELAND: There was 818.

11 CHAIRMAN WITKOWIAK: How did we come up with
12 a list of 818?

13 MR. COPELAND: There were petitions
14 submitted at the last hearing concerning this location
15 and the East Capitol Drive, people who were at the
16 East Capitol Drive hearing submitted a petition
17 stating they wanted to be notified if the 1100 East
18 Garfield applied for an alcohol beverage license.

19 CHAIRMAN WITKOWIAK: 818, this is an
20 unprecedented amount of notices. Was this motivated
21 by opposition to the license?

22 MR. COPELAND: A lot of it was. It started
23 out at 400-something, then it got added as the hearing
24 progressed, so it wound up with a total of of 818.

25 MS. OLIVEIRA: Very impressive.

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1 CHAIRMAN WITKOWIAK: So you're saying that
2 they spent a lot of money doing the mailing. Because
3 I saw the number of notices that went out, and I
4 actually questioned that. Each individual alderman
5 would have a hard time sending out 800 of anything
6 without coming under a lot of scrutiny. Questions?

7 ALDERMAN BOHL: Mr. Chairman.

8 CHAIRMAN WITKOWIAK: Alderman Bohl.

9 ALDERMAN BOHL: Thank you very much. I
10 think that was a very valid point because, Ms.
11 Oliveira, truly the city was working to bring
12 opposition in here today with that extent of notice.

13 MS. OLIVEIRA: Yes, thank you.

14 ALDERMAN BOHL: You indicated in your
15 testimony you live about a mile-and-a-half away from
16 the grocery store?

17 MS. OLIVEIRA: Right, yes.

18 ALDERMAN BOHL: In what direction?

19 MS. OLIVEIRA: North.

20 ALDERMAN BOHL: You are north of the
21 location?

22 MS. OLIVEIRA: Yes.

23 ALDERMAN BOHL: In terms of your discussion
24 of this alleged promise that a liquor outlet would not
25 come forward at this location, were you present at any

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1 such meeting?

2 MS. OLIVEIRA: Yes, I was.

3 ALDERMAN BOHL: Was that a meeting that
4 would have --

5 MS. OLIVEIRA: Had notes or minutes, no.

6 ALDERMAN BOHL: So there is nothing, in
7 essence, in writing; is that correct?

8 MS. OLIVEIRA: Not that I've been able to
9 find, but on the other hand, we haven't searched the
10 DCD records or records that you have, the alderman
11 have of meetings, so we'd like to do that.

12 ALDERMAN BOHL: Could that have been a
13 meeting at the time when the controversy was
14 surrounding whether or not to support Jewel-Osco
15 coming into the location?

16 MS. OLIVEIRA: Yes, it was.

17 ALDERMAN BOHL: Because I think myself and
18 maybe with the exception of Alderman Witkowiak who was
19 present, this was about 1998-1999; is that correct?

20 MR. FARRIS: 1997-98.

21 ALDERMAN BOHL: Do you know offhand per se
22 -- and I know you may not remember an individual --
23 who it was allegedly representing the interests of
24 Jewel-Osco that made that promise?

25 MS. OLIVEIRA: It was a completely different

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1 group of players. Yes, it would have been corporate.
2 It would have been one of their -- either their
3 attorneys or -- It probably was one of their
4 attorneys. I'm sorry, I don't remember. I do
5 remember their attorney. They had several of them
6 during that period. They had Bruce Block, but I think
7 it was someone before Bruce Block, also. They came in
8 a little later.

9 ALDERMAN BOHL: This was at a community
10 meeting that was sponsored by Alderman D'Amato or one
11 of the other aldermen to your recollection?

12 MS. OLIVEIRA: It was a meeting and there
13 were so many, and I attended every single one of them.
14 I do not know whether it was a meeting that was a
15 small meeting where we were trying to hammer out,
16 trying to hammer out our differences that was not a
17 community meeting but a meeting called by the city and
18 Jewel-Osco to try to hammer something out or whether
19 it was one of the meetings that happened at the Pierce
20 Street School or Palmer School. I just don't
21 remember.

22 ALDERMAN BOHL: Ms. Oliveira, I can
23 appreciate that.

24 MS. OLIVEIRA: If I had known what I know
25 now, I would have written that down.

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1 ALDERMAN BOHL: The question I want to ask
2 you is -- and I don't mean to delve into any of your
3 personal shopping habits -- do you shop any food
4 stores, grocery stores that have a liquor license
5 associated with them?

6 MS. OLIVEIRA: Yes, I do.

7 ALDERMAN BOHL: Have you in your experience
8 at those facilities deemed that loitering or littering
9 or other types of problems are associated with that?

10 MS. OLIVEIRA: No. You know I believe that
11 Jewel-Osco has run a fantastic business down there.
12 It's neat, it's clean. They have kept their promise
13 in that way, and I'm very happy about that.

14 ALDERMAN BOHL: What I'm trying to get at is
15 the heart of opposition here, is it more that there
16 was a promise when they came in and you --

17 MS. OLIVEIRA: It's concentration,
18 concentration of liquor stores in our neighborhood is
19 too high.

20 ALDERMAN BOHL: Okay, thank you.

21 CHAIRMAN WITKOWIAK: Any other questions by
22 committee?

23 ALDERMAN DUDZIK: Mr. Chair.

24 CHAIRMAN WITKOWIAK: Alderman Dudzik.

25 ALDERMAN DUDZIK: Thank you very much.

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1 Ma'am, how did you get here today?
2 MS. OLIVEIRA: Drove my car.
3 ALDERMAN DUDZIK: And your position in the
4 Riverwest Neighborhood Association is?
5 MS. OLIVEIRA: I'm a citizen, I attend.
6 ALDERMAN DUDZIK: But you're not an
7 executive board member?
8 MS. OLIVEIRA: No, no.
9 ALDERMAN DUDZIK: You're just a member.
10 MS. OLIVEIRA: Just a person, yeah.
11 ALDERMAN DUDZIK: Because I was not here
12 back in '97 or whenever. Your organization at that
13 point in time opposed Jewel-Osco, true?
14 MS. OLIVEIRA: There was no RNA at that
15 time. It was after.
16 ALDERMAN DUDZIK: Did you personally oppose
17 Jewel-Osco at that time?
18 MS. OLIVEIRA: Yes, I did.
19 ALDERMAN DUDZIK: And by your own admission,
20 they are doing a fantastic job?
21 MS. OLIVEIRA: Yes, they are.
22 ALDERMAN DUDZIK: In your opinion, although
23 you don't live in the neighborhood, because I'm not
24 sure that I believe that somebody that lives a
25 mile-and-a-half away is in a neighborhood to this

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1 particular facility, is that neighborhood better off
2 or worse off because of the existence of this store?

3 MS. OLIVEIRA: The existence of the store,
4 in my opinion, I believe that the store is too large,
5 and that's always been my contention.

6 ALDERMAN DUDZIK: That wasn't my question.
7 My question is is the neighborhood better off because
8 you have a Jewel -- Let me tell you where I'm coming
9 from. I represent a district that would love to have
10 had a Jewel-Osco put in it, and it just didn't happen
11 for reasons I'm not going to go into, and so I'm
12 having a hard time understanding why continued
13 opposition to this facility is so strong apparently.

14 MS. OLIVEIRA: We were forced to take this
15 facility, and the neighborhood was very strongly
16 against it. However, it was through a lot of very
17 unbelievable truly machinations of Jewel-Osco,
18 including buying properties from people so they could
19 not testify against it, this building was erected. We
20 didn't really object to the Jewel-Osco, we objected to
21 the size. We would have loved to have them move to
22 your neighborhood. We didn't want it.

23 ALDERMAN DUDZIK: Like I said, my
24 constituents would have loved to have them.

25 MS. OLIVEIRA: We didn't, and we had to have

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1 it. It's unfortunate.

2 ALDERMAN DUDZIK: I guess my last question
3 or two is you spoke of a meeting that took place last
4 night.

5 MS. OLIVEIRA: RNA meeting Tuesday.

6 ALDERMAN DUDZIK: How many people were
7 there?

8 MS. OLIVEIRA: There were 28 people
9 available to vote.

10 ALDERMAN DUDZIK: And only two voted in
11 support of it?

12 MS. OLIVEIRA: That's correct.

13 ALDERMAN DUDZIK: Thank you.

14 MR. SCHRIMPF: Mr. Chairman.

15 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

16 MR. SCHRIMPF: I want to follow up with
17 something that Alderman Dudzik was going into. From
18 where you live, are you closer to the Jewel-Osco
19 facility on Capitol --

20 MS. OLIVEIRA: Yes.

21 MR. SCHRIMPF: -- than you are to this
22 facility?

23 MS. OLIVEIRA: Yes.

24 MR. SCHRIMPF: Have you had any problems
25 with the Capitol Drive facility in terms of your

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1 residence?

2 MS. OLIVEIRA: I believe that there's a lot
3 of trash that comes to my street because of that
4 facility. It is a much worse maintained facility.
5 It's not like I wish they would do the same thing that
6 they're doing down on Humboldt and North up there.
7 It's not very attractive, it's not very well
8 maintained.

9 MR. SCHRIMPF: But have you had individuals
10 who are littering, walked past your house consuming
11 alcohol that you can attribute to that store?

12 MS. OLIVEIRA: They don't sell alcohol up
13 there. I do have bags in my trees and those kinds of
14 things. I don't know whether I've actually seen -- I
15 haven't followed anybody walking out of the store to
16 get off the bus. I have a bus stop in front of my
17 house. People do walk by with bags and I do have bags
18 floating around. I think everybody has those kinds of
19 things.

20 I also would like to say that we are a
21 cohesive neighborhood and this is my neighborhood, and
22 I don't believe that you can say that living a
23 mile-and-a-half away is not being in the neighborhood.
24 I know my neighborhood, I know where I live, I've
25 lived in all parts of that neighborhood, and I'm there

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1 for 22 years because of that.

2 ALDERMAN DUDZIK: Mr. Chair, one last
3 question, comment.

4 CHAIRMAN WITKOWIAK: Alderman Dudzik.

5 ALDERMAN DUDZIK: I was looking at some of
6 the mailing list, which I found to be excessive as
7 indicated earlier, and I noticed that a couple of the
8 people that were mailed out actually live in my
9 district, and I'm 14 miles away. Thank you.

10 MS. OLIVEIRA: I'm thinking that maybe those
11 people don't even live in your district anymore
12 because that list was really old.

13 CHAIRMAN WITKOWIAK: Thank you. Any other
14 committee members? No. Mr. Farris, do you have any?

15 MR. FARRIS: No questions.

16 CHAIRMAN WITKOWIAK: Okay. Thank you very
17 much for your testimony.

18 MS. OLIVEIRA: Thank you.

19 CHAIRMAN WITKOWIAK: The next person in
20 opposition, please. Name and address for the record.

21 MS. HANNAH: Katherine Hannah, 2336 North
22 Bremen. I live a little closer to this Jewel-Osco
23 than Rosemary does, and I've had a different
24 perspective of development in the neighborhood than
25 Rosemary does, but we share the same perspective on

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1 this. I've actually, just counting on my fingers,
2 I've been a Riverwest resident now for 18 years, and I
3 bought my home. And I'm three blocks away,
4 two-and-a-half, three. I am a half a block off of
5 North Avenue on Bremen across from the Reservoir, so
6 really close.

7 With respect to loitering, I heard the
8 question that was asked have you shopped at a grocery
9 store that does have a liquor outlet associated with
10 it, have you experienced loitering or inappropriate
11 behavior, and the answer to that is yes, I have. And
12 it's on the east side, and I've been panhandled on my
13 way in and on my way out. You know, I'm not crazy
14 about it. And yes, do I use the liquor store portion
15 of it? Yes, I do. I like to have a beer, sometimes
16 some wine with dinner. So it's not that I'm
17 completely against consuming alcohol or people who
18 sell it. In fact, I've worked at bars, but I do
19 recognize from my degree in the social sciences from
20 UWM that there is a statistical correlation that has
21 been proven on more than one occasion between the
22 number of liquor outlets and the type of illegal
23 activity in the neighborhood, and by that I would mean
24 crimes against person and crimes against property and
25 the potential for those things to happen due to easy

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1 access to substances that break down inhibitions. And
2 of course, once you've sold it, you're not responsible
3 for how someone uses it. You hope that they do it
4 appropriately.

5 I wanted to address the promise that
6 Rosemary brought up. I was present in a meeting where
7 a promise was made to the community that given the
8 opportunity to develop this Jewel-Osco, a liquor
9 department would not be included. A pharmacy might,
10 other departments might, a liquor department would not
11 be included. This is a meeting that was held in a
12 school. I was present at many of the same meetings
13 that Rosemary was present at, and I've heard this
14 promise more than once. I know this was made in a
15 school. I have a vivid memory of it because someone
16 brought up two representatives of Jewel-Osco, and I
17 was surprised because the plan that they laid out
18 showed floor space for a liquor department, and the
19 community had been very active speaking against it.
20 Particularly at that time eight years ago people were
21 not offering to build condominiums in Riverwest. My
22 property values weren't costing me in taxes what they
23 do today. So people were really scared at that time.

24 There was a lot of concern about what
25 development went in and what it was going to do to us.

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1 When I first moved into my home -- I hadn't bought it
2 yet, I rented it -- I had a drug house next door.
3 That was a little scary. My friends wouldn't come
4 visit me. Now, they come. So, obviously, we care a
5 lot and watch the development very closely. And I
6 favored development on that corner because I wanted to
7 see more services for my community, and now as a
8 landlord, I care about what services are available for
9 my tenants. It's nice to say there's a bus line
10 close, it's nice to say that some of the little cafes
11 and diners have opened. It's a marketing point for
12 me. I like it. But if you put the wrong thing there,
13 not only is it not a marketing point, it affects the
14 quality of the people that become my neighbors. That
15 affects my quality of life. I'm getting older. I
16 don't have as much patience for that.

17 With respect to the gentleman that suggested
18 that Rosemary is a mile-and-a-half away is not a
19 neighbor, I walk longer than that for exercise every
20 day through my neighborhood taking a look at my
21 neighbors, what the yards look like, what's going on,
22 picking up trash. And Riverwest is more cohesive than
23 many neighborhoods because we've had to be, and a
24 mile-and-a-half is my neighbor. So please keep that
25 in mind when you listen to people.

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1 And that's probably also going to mean that
2 some of the people speaking in favor of it who don't
3 live as close as I do are also my neighbors. Of
4 course, we like to say in my neighborhood diversity.
5 So I'm speaking against it. I do not perceive a need
6 for an additional liquor outlet in my neighborhood,
7 and a promise was made that I would like to see kept,
8 and I am delighted that Jewel-Osco has kept many of
9 the promises that they have made. That store is well
10 maintained, their parking lot is immaculate, they have
11 a very proactive security force there.

12 Now, I don't shop there, but I have
13 occasionally dropped off somebody who does, and I've
14 been told to move my car, so I know those people are
15 keeping an eye on things, and we appreciate that very
16 much, and that does make them a good neighbor, but we
17 hope that they listen to us again. And I realize that
18 the people before you now were not involved in making
19 that promise, but I hope they can be involved in
20 keeping it and understanding what the community is
21 concerned about.

22 As for the notices that went out, such an
23 unusually large number, that kind of tells you
24 something, that the neighborhood can be very active
25 and they are concerned. I got one of those notices,

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1 but I got it very late. It was actually very hard for
2 me to be here today because of the late notice, and if
3 I had to depend on that, I might not have been able to
4 leave work. I knew about this sooner, though, from
5 Riverwest Neighborhood Association, so I had an
6 opportunity to think about whether or not I wanted to
7 appear to take time off of work, make my boss really
8 mad. And I hope you understand that probably more
9 people would be here possibly even on both sides if
10 notices had gone out just a little bit sooner. Does
11 anyone have any questions?

12 CHAIRMAN WITKOWIAK: Thank you for your
13 testimony. Questions by committee?

14 ALDERMAN DUDZIK: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Dudzik.

16 ALDERMAN DUDZIK: How long did you say you
17 lived there?

18 MS. HANNAH: I have lived there 18 years, I
19 think.

20 ALDERMAN DUDZIK: You're counting on your
21 fingers. Thank you. I'm curious, you mentioned a
22 number of condos that have gone up in the area.

23 MS. HANNAH: Oh, yeah.

24 ALDERMAN DUDZIK: Concentration of people
25 has increased, obviously, right?

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1 MS. HANNAH: They absolutely have.

2 ALDERMAN DUDZIK: And your property value
3 has also increased?

4 MS. HANNAH: Oh, yeah.

5 ALDERMAN DUDZIK: And that has occurred
6 since Jewel-Osco has been at this location?

7 MS. HANNAH: No. My property value started
8 going up before Jewel-Osco.

9 ALDERMAN DUDZIK: I'm saying the placement
10 of the Jewel-Osco hasn't driven your property values
11 down.

12 MS. HANNAH: Jewel-Osco has not driven my
13 property values down, however, I would love it if
14 you'd like to come with me and pick up the trash on
15 Reservoir Park every Saturday morning like I do and
16 pick up eggs, hot fries and Cokes that get discarded
17 and the bags that people put it in.

18 Jewel-Osco does a beautiful job maintaining
19 their lot. Obviously, they can't control what kids do
20 when they walk off it. And that stuff blows right
21 into my yard.

22 ALDERMAN DUDZIK: The reason I brought up
23 the distance, the mile-and-a-half distance, you,
24 obviously, are in good health and walk a considerable
25 amount. I'm just concerned that there are people in

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1 this neighborhood that aren't quite capable of walking
2 a mile-and-a-half.

3 MS. HANNAH: Oh, absolutely. I hope if
4 they're that sick that they'll check with their doctor
5 about consuming alcohol.

6 ALDERMAN DUDZIK: Point well taken.

7 CHAIRMAN WITKOWIAK: Any other questions,
8 comments by committee? Mr. Farris, do you have
9 anything?

10 MR. FARRIS: No, no questions.

11 CHAIRMAN WITKOWIAK: Thank you very much for
12 appearing this morning. We appreciate it. And the
13 next person in opposition? Good morning. Please
14 state your name and address for the record.

15 MS. DELVALLE: My name is Brenda DelValle,
16 and because I am a former Milwaukee police officer,
17 I would prefer not to give my home address.

18 CHAIRMAN WITKOWIAK: That will be fine, but
19 we have this on the sign-in sheet. Can you tell me
20 how close you live?

21 MS. DELVALLE: I live approximately eight
22 blocks north of Jewel-Osco.

23 CHAIRMAN WITKOWIAK: And your testimony,
24 please.

25 MS. DELVALLE: First of all, when I met my

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1 husband back in '99 and he told me that he lived on
2 North Booth right off of Locust, I swore I would never
3 live over there because of the reputation of
4 Riverwest. I had done various undercover work in the
5 area, and the reputation, not living there, just work
6 reputation that Riverwest had.

7 So then as time went on, I and my future
8 husband got to know the neighbors, I did live, and
9 I've grown very fond of the neighbors. There's a lot
10 of homeowners. They're wonderful. They would come to
11 me as I was their major police force. So then we get
12 Holton Avenue people driving their cars, speeding down
13 Holton Avenue even though we have quite a few
14 children. It's common in all neighborhoods. There's
15 people speeding, we would come out and find beer
16 bottles and so on from parties and so on, and it was
17 very frustrating, coming off of Holton coming around
18 on Booth, which is just one block east.

19 So then we renovated our home and we moved
20 four blocks east from there, Brennan and Chambers
21 Locust area. Love the neighborhood. More homeowners,
22 so it's a little bit more quiet, except that we do
23 have a condominium that is just being built on the
24 other side of the park from where we live. A lot of
25 construction, a lot of condos. That is what is

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1 happening in the Riverwest area now. It's booming.
2 People are getting wind of it, they are
3 excited because it has -- it's like the new east side
4 is what I call it, because the east side is
5 so saturated, so expensive, a lot of people just can't
6 even rent over there. In Riverwest you can, you can
7 still find a place to rent for 450, and you can now
8 buy a house for 200,000-plus, and condos, they're
9 going up. I can understand why people want their
10 hands in it because it's a money maker now.

11 Now, me speaking personally as a police
12 officer, almost 20 years of dealing with people,
13 domestic problems, hold-ups, robberies, forgeries, you
14 name it, I've dealt with it, and going to a place that
15 has been held up, alcohol is related, going to a
16 domestic situation where alcohol is related. I'm
17 speaking personally on the alcohol issue and starting
18 my --

19 CHAIRMAN WITKOWIAK: Excuse me, and I don't
20 want to cut you off or anything, but we have to take
21 testimony that's relevant to this and on the
22 detrimental effects of alcohol. I don't want to be --

23 MS. DELVALLE: This is my opposition to it.
24 It's my experience.

25 CHAIRMAN WITKOWIAK: Try to stay closer to

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1 the point.

2 MS. DELVALLE: Okay. Just me personally as
3 a police officer, the problems that alcohol arises of
4 what can happen in situations, people making decisions
5 that they normally wouldn't make, and what I see with
6 an alcohol store being open and the problems of
7 loitering and panhandling and theft will go up because
8 you will have people that cannot afford a lot of
9 things, and they are closer to that location, and they
10 will proceed there to do what they need to do to get
11 what they can.

12 And Jewel-Osco does do a fantastic job
13 there. I don't understand why people would oppose
14 because it's a store and it opens up and adds
15 employment, but when it comes to this issue, I'm very
16 strong against it because I know that they cannot stop
17 what people's actions are once they're out in the
18 parking lot, but then that comes driving down Humboldt
19 past my house. That could affect a neighbor who walks
20 there to get alcohol two blocks away and then it
21 affects their situation at home.

22 More alcohol in the neighborhood, more
23 alcohol stores. If it's so convenient, Pick 'n Save
24 is just a few more blocks down where they can get it
25 there. And I do notice that their store isn't as

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1 clean as Jewel-Osco, but I do notice there's a lot of
2 college students coming in and out of Pick 'n Save
3 shopping for it, a lot of younger people is what I
4 notice there. So why would we need another liquor
5 store? That was the meeting on Tuesday. I just don't
6 understand why Jewel-Osco would need another liquor
7 store.

8 Their store is doing fantastically. They do
9 know the opposition by the Riverwest community, they
10 do know, and you know a lot of people don't come out
11 and speak for themselves. They hope that people like
12 us will.

13 CHAIRMAN WITKOWIAK: But unfortunately at
14 this meeting you cannot speak for them.

15 MS. DELVALLE: Unfortunately.

16 CHAIRMAN WITKOWIAK: I'm not trying to be a
17 nasty guy about this.

18 MS. DELVALLE: I can understand Jewel-Osco
19 is making good money, they're involved in their
20 community in what they do, and I can understand, but I
21 also heard Mr. Farris here state on Tuesday that, if I
22 understand correctly, that Jewel needs the liquor
23 license to stay competitive or else they could
24 possibly close. I think this is something they should
25 have considered eight years ago when they built it,

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1 because they knew the opposition of it even being
2 built in the first place. I think I pretty much have
3 stated my case here.

4 CHAIRMAN WITKOWIAK: Are there any questions
5 by members of the committee?

6 ALDERMAN BOHL: Mr. Chairman.

7 CHAIRMAN WITKOWIAK: Alderman Bohl.

8 ALDERMAN BOHL: Thank you Mr. Chairman.

9 The question I have for you, you mentioned a Pick 'n
10 Save that has a liquor license in the area.

11 MS. DELVALLE: On Van Buren.

12 ALDERMAN BOHL: I believe that that was a
13 license that was just recently granted.

14 MS. DELVALLE: No. It's been there.

15 MR. FARRIS: The Kohl's in the Juneau
16 Village was more recent.

17 MS. DELVALLE: Which is closed.

18 ALDERMAN BOHL: But you indicate you
19 witnessed/experienced problems at that Pick 'n Save?

20 MS. DELVALLE: It's not a problem, it's what
21 I observed. You observe people for 20 years, it just
22 doesn't go away. You watch, and I see a lot of young
23 people going in there. And Riverwest is made up of a
24 lot of young people. It's very diverse, a lot of
25 college students, a lot of artists.

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1 ALDERMAN BOHL: And this particular location
2 would still be relatively close to UWM.

3 MS. DELVALLE: It appears so, Marquette or
4 something where I see a lot of students in there.

5 ALDERMAN BOHL: Thank you.

6 CHAIRMAN WITKOWIAK: Other committee
7 members, any questions?

8 ALDERMAN DUDZIK: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Dudzik.

10 ALDERMAN DUDZIK: First I have to
11 acknowledge that I know Brenda, and it's through her
12 work and her husband's work and a number of other
13 people in the Riverwest area that that area is
14 rebounding. I just have a couple of questions.

15 Brenda, have you ever seen any panhandling
16 or loitering at this location?

17 MS. DELVALLE: I don't go to Osco that much
18 to see it, but no, personally I have not.

19 ALDERMAN DUDZIK: And the Pick 'n Save,
20 because you realize I'm a south sider, the Pick 'n
21 Save that you mentioned is actually closer to UWM, is
22 it not, than this location?

23 MS. DELVALLE: No. I think Jewel-Osco is
24 closer, yeah. Pick 'n Save is maybe about eight
25 blocks south.

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1 ALDERMAN DUDZIK: And I hope you're not
2 offended by this next question, but can you walk a
3 mile-and-a-half?

4 MS. DELVALLE: Very much so.

5 ALDERMAN DUDZIK: And obviously you drink
6 because you and I have done that on more than one
7 occasion.

8 MS. DELVALLE: Don't make it sound like
9 that. Not that much.

10 ALDERMAN DUDZIK: We've done it on occasion.

11 MS. DELVALLE: On occasion.

12 ALDERMAN DUDZIK: We've done it on more than
13 one occasion.

14 MS. DELVALLE: A few.

15 CHAIRMAN WITKOWIAK: Any questions by other
16 members of the committee? Mr. Farris, do you have any
17 questions?

18 MR. FARRIS: No questions.

19 CHAIRMAN WITKOWIAK: Thank you very much for
20 appearing this morning. We appreciate your testimony.
21 Now, to the best of my knowledge, there was only three
22 people that raised their hands as far they were in
23 opposition; is that correct? Is there anyone else in
24 this room that is here to testify in opposition to
25 this license? Would you like to be heard now?

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1 ALDERMAN D'AMATO: It's up to you, Mr.
2 Chairman.

3 CHAIRMAN WITKOWIAK: Please, your testimony
4 then, please, Alderman D'Amato.

5 ALDERMAN D'AMATO: Thank you, Mr. Chairman.
6 Michael D'Amato, alderman for the 3rd District, City
7 Hall, 200 East Wells Street. Right here. My office
8 is right next to yours.

9 CHAIRMAN WITKOWIAK: And how far do you live
10 from this location?

11 ALDERMAN D'AMATO: Mr. Chairman, members,
12 thank you very much. I want to make two things clear
13 in the beginning of my comments. First that this
14 store lies in the 6th District, in Alderman McGee's
15 district, and not in my district, in the 3rd District.
16 It is essentially a store that is bordered by North
17 Avenue on one side and the Milwaukee River on the
18 other and Humboldt Avenue on the west. My district
19 lies across the street on North Avenue, it also lies
20 across the river, and many of my constituents have
21 been heard either by e-mail, by phone, or by letter
22 with regard to the issuance so I speak on the behalf.

23 Secondly, I want to make it also clear that
24 I think that the representatives of Jewel-Osco have
25 made themselves extremely available to neighbors with

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1 regard to this license. They have been honest and
2 forthright and particular both opponents and
3 supporters have complimented Ms. Sanders on her
4 presentation and her availability. I was at a meeting
5 with Ms. Sanders at the Brady Street Neighborhood
6 Association, I believe you have a letter of their
7 support in your file after a Riverwest Neighborhood
8 Association meeting that was mentioned earlier today.

9 My opposition is essentially for two
10 reasons. First, I also have personal recollection of
11 both public and private meetings in which the
12 representatives from Jewel-Osco and their
13 representatives from Miller Communications indicated
14 that there would not be a license applied for at this
15 location. My personal recollection of it is that it
16 occurred at least one time in public at the Palmer
17 Street School meeting, and my recollection is that the
18 words were spoken at that time by Mr. Ron Irwin, who
19 is a representative of Miller Communications.

20 Privately I had a number of meetings at the
21 time in which the store was attempted to be built and
22 privately those representations were made to me, and I
23 cannot in good conscience step away from this hearing
24 and not provide that information to the committee. I
25 believe that at the time Jewel-Osco meant to the

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1 neighbors and represented to the neighbors that they
2 would not apply for a liquor license so that the
3 neighbors would support a zoning variance for their
4 store to be located at that location.

5 That does not mean that everybody who was
6 opposed to this in the beginning is presently opposed.
7 I think that today's representation of both supporters
8 and opponents is probably a fair representation of the
9 opinion now. We received a number of e-mails from
10 people who, like me, had a personal recollection of
11 promises being made. I received a number of e-mails
12 from people who were opposed to this originally who
13 have now said they regularly shop at the store and
14 supported that license. So there is a very mixed
15 opinion about what's happening here.

16 I think that many people, including
17 opponents, Ms. Oliveira has said that she stopped
18 there, shopped at that location, had said that they
19 liked the store not only because it's well run but
20 because of its diversity of clientele. I think people
21 see that this serves everybody, whether you're east of
22 the river or north in Riverwest or west of Humboldt
23 Avenue. There's a good coming together of people
24 here.

25 My second reason for opposition is the issue

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1 of concentration. You have a concentration map before
2 you, and as I was down in my office watching the
3 previous hearing about the Bodega, I thought that
4 Alderman McGee made a very eloquent statement as to
5 why we don't need more outlets in this neighborhood.
6 The item that you just heard is a store that you
7 denied on a vote of four-to-one that is just one block
8 further than a half mile from this store. It is, for
9 all intents and purposes, the same exact neighborhood.
10 This committee voted four-to-one at that time because
11 of concentration and because they understood Alderman
12 McGee's argument that this neighborhood did not need
13 more liquor outlets. I thought that was a wise
14 decision, I think it's a wise decision here.

15 I also have to make it clear to you that I
16 would hope that one of the things that you would
17 decide at the end of this meeting or take under
18 consideration is holding this item so that the people
19 from Jewel-Osco could take my advice, work with
20 perhaps an outlet that already exists in this
21 neighborhood, transfer a license in and not add to the
22 concentration in the area but instead take one of
23 those licenses that exists in that half mile -- and I
24 think there are four or five of them -- and see if
25 they can't make an arrangement in which the number of

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1 licenses can stay constant. I think that is something
2 that should be done on a regular basis, and setting
3 that precedent here in this case I think would be a
4 good policy.

5 Lastly, let me say at that meeting of the
6 Riverwest Neighborhood Association questions were
7 asked about the store at Capitol Drive, and
8 representatives from Jewel-Osco had indicated that it
9 is their intention at some time to apply for a liquor
10 license at that store, that's the way they do things.
11 And I would just ask this committee, is it going to be
12 the policy of the Common Council now that every
13 grocery store that comes into this city is
14 automatically granted a license? Because it seems to
15 me that as we get into grocery wars that we will
16 proliferate the number of licenses as more grocery
17 stores come in because there's an expectation to
18 remain competitive that you have to have a liquor
19 license. I have that worry as I see more and more
20 grocery stores coming in and more and more liquor
21 licenses.

22 I think we should take an active role in
23 trying to get licenses that presently exist into those
24 grocery stores and try to make a business association
25 between those two parties, and I'm happy to answer any

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1 questions.

2 CHAIRMAN WITKOWIAK: Thank you for your
3 testimony. And just FYI, the Pick 'n Save on Holt and
4 Chase was that case where they purchased an existing
5 liquor store, and the place has not been licensed
6 since then, and then that was moved to that Pick 'n
7 Save location, and the same thing happened on 18th and
8 National.

9 ALDERMAN D'AMATO: Yes.

10 CHAIRMAN WITKOWIAK: So it did not increase
11 the concentration, and it actually took out stores
12 that were actually troublesome, two troublesome
13 stores.

14 ALDERMAN D'AMATO: I think those are both
15 great models. I hope when you deliberate that you
16 would take them into consideration.

17 CHAIRMAN WITKOWIAK: Any questions by
18 committee?

19 ALDERMAN BOHL: No. Mr. Chairman, just a
20 comment.

21 CHAIRMAN WITKOWIAK: Alderman Bohl.

22 ALDERMAN BOHL: Certainly as the alderman
23 who has the fewest alcohol beverage outlets of any of
24 the 15 districts, that's something that I'm very happy
25 about and I'm not troubled one bit to have the fewest.

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1 You're point is well taken, Alderman D'Amato,
2 regarding the decisions here of this body, but I will
3 point out that the decision that we just took here an
4 hour ago or so is an outlet that was licensed up to
5 eight months ago and had a liquor license for some 15-
6 odd years, and we did deny it here, so we did not add
7 to the concentration, as well. In fact, if we look at
8 the consistency of 15 years, we took something that
9 was over 15 years in this area and we denied an
10 additional license there. So we want to talk about
11 long-term, a year ago, two years ago, three years ago,
12 we did take one off the books.

13 ALDERMAN D'AMATO: It's not often that the
14 committee gets to decide things that are so close in
15 proximity that you can take one and you can
16 concentrate on the neighborhood as a whole rather than
17 looking at each license separately. You may not
18 remember that decision that was made eight months ago
19 right down the street, but certainly today you can
20 remember the hearing just before this and Alderman
21 McGee's excellent comments.

22 CHAIRMAN WITKOWIAK: We appreciate your
23 testimony.

24 ALDERMAN MCGEE: I have a question of
25 Alderman D'Amato. I just wanted to know being that

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1 the Juneau Village recent license is in close
2 proximity, or is that your district, Juneau Village?

3 ALDERMAN D'AMATO: Juneau Village is not my
4 district.

5 ALDERMAN MCGEE: That's in close proximity
6 to yours, right?

7 ALDERMAN D'AMATO: Three blocks away.

8 ALDERMAN MCGEE: I want to know did you come
9 and testify against that?

10 ALDERMAN BOHL: Mr. Chairman, that was the
11 one that was just last cycle.

12 ALDERMAN D'AMATO: I had not heard from any
13 constituents, I hadn't heard from anybody with regard
14 to that license. I'm here to represent their
15 interests.

16 ALDERMAN DUDZIK: I'd just like to expand on
17 that idea a minute, Alderman D'Amato. From the time
18 that Pick 'n Save has been open, again, because I
19 wasn't on the council at the time, have you approved
20 or supported any additional liquor outlets in your
21 district?

22 ALDERMAN D'AMATO: Certainly we have
23 approved restaurants, but we have not approved any
24 liquor stores since the time in which Pick 'n Save has
25 been there.

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1 ALDERMAN DUDZIK: When concentration is
2 talked about, there's no differentiation between
3 liquor stores and restaurants?

4 ALDERMAN D'AMATO: I don't know legally
5 whether there is a difference, but I think in the
6 sense of the neighborhood there's a difference,
7 whether you have Sanford's Restaurant, which is within
8 two blocks of here, or you have a full-fledged 20,000
9 square foot liquor store, I certainly think that those
10 are different.

11 ALDERMAN DUDZIK: Okay, thank you.

12 CHAIRMAN WITKOWIAK: Any other questions?
13 Thank you again for being here this morning. This
14 gentleman in the plaid shirt, and after you, then
15 we'll hear testimony from Alderman Davis. Name and
16 address for the record please.

17 MR. VERTZ: Tim Vertz, 720 East Meinecke.

18 CHAIRMAN WITKOWIAK: How far away do you
19 live from this?

20 MR. VERTZ: Five blocks.

21 CHAIRMAN WITKOWIAK: Tim, okay, and your
22 testimony, and please, try not to be redundant and
23 speak only of your personal experience.

24 MR. VERTZ: I can tell you, alderman, that
25 I'm a board member of the Riverwest Neighborhood

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1 Association. I think that the saturation point is my
2 issue. Jewel-Osco is the store that I shop at, so I
3 like Jewel. I'm there once a week.

4 I live across the street from the Reservoir
5 Park, and every weekend I have to pick up beer cans
6 and bottles, and I'm just worried that that's going to
7 increase. When you go across the park, you have to
8 step over broken bottles, and that's really what this
9 is about. I really like the idea of Jewel taking over
10 another license that already exists, but I really,
11 really believe that there's just enough outlets in our
12 neighborhood.

13 We work very hard actually in closing bars
14 that are problems in our neighborhood, I worked on two
15 of them, to try to clean up the neighborhood. And
16 you've heard that the neighborhood is in an upswing,
17 and it is, and in part because of that because of what
18 we're doing. So that's all I wanted to say.

19 CHAIRMAN WITKOWIAK: Thank you very much.
20 Questions by committee?

21 ALDERMAN DUDZIK: Yes, Mr. Chair.

22 CHAIRMAN WITKOWIAK: Alderman Dudzik.

23 ALDERMAN DUDZIK: If I may. Again, when the
24 original Jewel-Osco opened up, you said you're an
25 executive board member for the Riverwest Neighborhood

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1 Association, which did not exist --

2 MR. VERTZ: Did not exist.

3 ALDERMAN DUDZIK: -- you personally opposed
4 the Jewel-Osco going in at this location?

5 MR. VERTZ: I was indifferent.

6 ALDERMAN DUDZIK: Thank you.

7 CHAIRMAN WITKOWIAK: Any other questions?

8 Thank you for your testimony, thank you for appearing.
9 Alderman Joe Davis.

10 ALDERMAN DAVIS: Thank you, Mr. Chairman and
11 committee members. My testimony will be based upon me
12 having Jewel-Osco in the 2nd Aldermanic District at
13 the Midtown development. Also, that Jewel-Osco has a
14 liquor license along with the Pick 'n Save, which is
15 in the Midtown development, and I'd like to address
16 the issue as far as loitering and also traffic.

17 I have worked closely with Jewel-Osco
18 Corporation to make sure that that doesn't happen, and
19 they've been very responsive. I haven't seen any
20 indication of any increase in traffic, and I think
21 that these establishments have better control of
22 loitering and also traffic because I think they have
23 the staff available to address that problem along with
24 stand-alone liquor stores, and Alderman D'Amato had
25 eloquently stated that this committee denied a liquor

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1 license a stand-alone liquor license, but I can tell
2 you that these corporate partners, as far as
3 Jewel-Osco, does not get involved in selling those
4 things as far as drug paraphernalia, and that is
5 important to me as an alderman in the area because
6 when you see a partner in a community that are willing
7 to take risks instead of generating revenue because of
8 the popularity of certain items, you have to respect
9 the position of that particular entity.

10 So my testimony is based upon my dealings
11 with them, their responsiveness to my concerns and my
12 constituents, and also the opportunity to control the
13 environment that may be detrimental to a community,
14 such as increased traffic, loitering, and criminal
15 activity. I think it's important that us as
16 legislators have that additional tool and partners who
17 are willing to not pursue revenue, particularly with,
18 as I stated before, drug paraphernalia and underage
19 alcohol consumption and sales.

20 CHAIRMAN WITKOWIAK: Thank you, Alderman
21 Davis. And to the best of your knowledge, how long
22 has that place had an alcoholic beverage license?

23 ALDERMAN DAVIS: For about two years. And
24 if I may, Mr. Chairman, there was some concerns with
25 the community, but I can tell you that they do

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1 patronize that particular location and it's
2 convenient.

3 CHAIRMAN WITKOWIAK: Thank you very much.

4 Questions by members of the committee?

5 ALDERMAN DUDZIK: Mr. Chair.

6 CHAIRMAN WITKOWIAK: Alderman Dudzik.

7 ALDERMAN DUDZIK: Alderman Davis, I just
8 want to be clear as to what you're saying. Are you
9 saying in your opinion that it's more appropriate,
10 beneficial, what have you, preferred to have a large
11 grocery store that is well run with its liquor license
12 than several smaller less desirable, less appropriate
13 liquor stores or liquor outlets?

14 ALDERMAN DAVIS: That's correct, Alderman
15 Dudzik. And if I may Mr. Chairman, the reason why,
16 Alderman Dudzik, they have private security on staff
17 to actually patrol not only their parking lot, but
18 they have an excellent relationship with, in my case,
19 7th District, which responds in an appropriate timely
20 manner if they have any problems.

21 ALDERMAN DUDZIK: Thank you.

22 CHAIRMAN WITKOWIAK: Any other questions by
23 members of the committee? We appreciate you being
24 here, and thank you for your testimony this morning,
25 Alderman Davis.

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1 ALDERMAN DAVIS: Thank you.

2 CHAIRMAN WITKOWIAK: Moving on. I would

3 like to see the hands raised of the people in the

4 audience that wish to testify in support of this

5 license today, and actually, if I could impose upon

6 you to keep your right hands raised and we'll swear

7 you all in at this time.

8 (Speakers duly affirmed.)

9 CHAIRMAN WITKOWIAK: One at a time could you

10 come up to the microphone here and state your name and

11 address for the record.

12 MR. MARTIN: My name is Dexter Martin, I'm

13 at 6203 West Capitol Drive. I'm Chairman of the

14 Executive Committee of the African-American Chamber of

15 Commerce.

16 First I would just like to say I have a lot

17 of personal experience with the Jewel-Osco on Humboldt

18 and North. I would just like to say I was there in

19 the beginning, I was there as a part of the

20 contractors that constructed the building over there,

21 and also, I was there when the talk was being shared

22 about the liquor store being put in at that time. I

23 was there when there was a lot of opposition against

24 Jewel-Osco coming to the area, and I think the

25 attitude that was adopted, too, by Jewel-Osco from me

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1 seeing it from the outside is they wanted to prove
2 that they was a good corporate citizen, and so I think
3 what they really said to the neighborhood is let us
4 show you what we can do.

5 And they built a very, very impressive
6 building on that corner that had been sitting vacant
7 for a long, long time. And just by me viewing it as
8 just a regular common citizen and as a contractor,
9 when Jewel-Osco built that building there, to me it
10 looked like it ignited all of the other building
11 that's going on in the area, and that's why I'm proud
12 to be here today to support business development. And
13 to bring in a corporation like Jewel-Osco to say that
14 we want to do this and you want to serve the community
15 and we want to make money, sure, we all as business
16 people want to make money. Now, at the same time is
17 that we want to be competitive in the process.

18 Some of the others spoke about some of the
19 other stores that had the liquor stores in their area,
20 so that means that these stores are selling their
21 product at a competitive price, and I firmly believe
22 that Jewel-Osco, also, too, is selling their product
23 at a competitive price just like everybody else, and I
24 would encourage the committee to take that under
25 consideration as you make your decision here to award

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1 or deny the application.

2 And I would just like to say that Jewel-Osco
3 has been a supporter of the African-American Chamber,
4 a supporter of a lot of other organizations that I
5 personally know about. I guess the city as a whole a
6 larger corporation for assistance, they can assist
7 some and they can't assist others, but hopefully they
8 would review the projects that's coming through their
9 doors and maybe take a stronger look at community
10 support projects that would enhance the quality of
11 life, especially in the areas where your food stores
12 are located.

13 And I have to say that I believe that they
14 have been doing that, and I'm here in support of the
15 Jewel-Osco application. However, I would hope that
16 they would do the right thing by working with the
17 community leaders, working with the community-based
18 organization, to prove to them that sure, we can be a
19 good corporate citizen just like they have done with
20 the building that we're talking about today.

21 CHAIRMAN WITKOWIAK: Thank you for your
22 testimony, Mr. Martin. Any questions by members of
23 the committee? Mr. Farris, do you have any questions?

24 MR. FARRIS: No.

25 CHAIRMAN WITKOWIAK: Thank you very much for

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1 your testimony. Can we have the next person.

2 MR. WHITMORE: I'm Roy Whitmore, the
3 operating vice-president for Jewel-Osco in Wisconsin.
4 Address is 1955 West North Avenue, Melrose Park,
5 Illinois.

6 I want to make three points today. I hear
7 the proceedings. One is that Jewel-Osco has worked
8 for 100 years to develop a reputation that is
9 excellent. It's a family-oriented supermarket, and we
10 intend to protect that reputation. Whether we have a
11 liquor store or not, we will protect that reputation
12 at all costs. It's important for us to be good
13 citizens in every neighborhood that we live in.

14 Secondly, someone mentioned Pick 'n Save a
15 minute ago. This is a business, and without the
16 liquor store, we are at a competitive disadvantage,
17 and that is a fact. And any business needs to be able
18 to grow their business, and to grow our business, we
19 need to have a full offering to all of our customers,
20 and there's no reason for customers in this
21 neighborhood not to have a full offering.

22 And again, I can't overemphasize the fact
23 that as a business, we really need to continue to grow
24 our business, and a liquor store would help us to do
25 that.

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1 And finally, and Laurie mentioned this
2 earlier, we have been good citizens in the community
3 with our support of many different organizations, and
4 we intend to continue to do that. So with that,
5 that's it.

6 CHAIRMAN WITKOWIAK: Thank you for your
7 testimony. Questions by committee?

8 ALDERMAN PUENTE: Mr. Chair.

9 CHAIRMAN WITKOWIAK: Alderman Puente.

10 ALDERMAN PUENTE: How many more people would
11 you employ at Osco if granted this license?

12 MR. WHITMORE: About 26, I think.

13 MR. DALY: Actually, it would be about 10 to
14 15 new people.

15 ALDERMAN PUENTE: Full time?

16 MR. DALY: No. Two full time, the rest
17 would be part time.

18 ALDERMAN PUENTE: Thank you.

19 CHAIRMAN WITKOWIAK: Any other questions by
20 members of the committee? Mr. Farris, any questions?

21 MR. FARRIS: No.

22 CHAIRMAN WITKOWIAK: Thank you very much for
23 your testimony. State your name and address.

24 MR. HILL: My name is Sherman L. Hill. I
25 live at 3828 North 5th Street, City of Milwaukee,

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1 Wisconsin. I'm the executive director of Harambee
2 Ombudsman Project, which is located at 335 West Wright
3 Street, which is the Harambee Community.

4 I'm here today to support Jewel-Osco, their
5 commitment to our community as a good corporate
6 partner. Jewel-Osco takes its role as a community
7 partner in our city very seriously and has
8 demonstrated in various ways in sponsoring other
9 groups. Besides Harambee, they have also given
10 support to Heartlove, Hunger Task Force, Journey
11 House, and American Black Holocaust Museum just to
12 name a few, and I can speak from experience since
13 Jewel-Osco has made numerous donations to Harambee
14 Ombudsman Project, and those donations started
15 probably back in 1996-97 when they helped us build a
16 community learning lab at Harambee that the residents
17 could come in and use.

18 They gave us a \$6,000 donation where we was
19 able to set up a 12-station computer lab. Also, up
20 until two years ago, we were able to go and ask
21 Jewel-Osco for donations to pass out baskets for
22 Thanksgiving, Christmas, as well as Easter. The
23 reason why we stopped passing out those baskets is
24 because we rent space from Ameritech, and Ameritech
25 came in and took back 5,000 of the square feet that we

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1 had so we had no place to store stuff anymore, but
2 Jewel-Osco did give us -- last year gave us some
3 certificates that we was able to pass out to some of
4 our seniors to get ham for Christmas.

5 Besides I shop at Jewel-Osco as well as I
6 shop at Pick 'n Save, and Jewel-Osco is closer to
7 where I live, and there's a Jewel-Osco close to where
8 I work at, and sometime when I want to have a spirit
9 or something, if I'm going grocery shopping, I'm going
10 to go to Pick 'n Save, even though I would rather go
11 to Jewel-Osco. So I'm just here to say that I think
12 that the good corporate partner in which they have
13 been in the City of Milwaukee as well as the Harambee
14 community, I'm hoping that you will look forward on
15 giving them their liquor license.

16 But one of the things I want to say is that
17 during this time when the Jewel-Osco was negotiating
18 with the neighborhoods regarding developing that store
19 on Humboldt and North, I, too, was at numerous
20 meetings, and I did see some plans that included a
21 liquor store, but I don't remember ever hearing any
22 representative from Jewel-Osco saying that they would
23 not put a liquor store in there. In fact, one of the
24 things and one of the reasons I got involved with that
25 discussion was because I wanted to make sure that

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1 Jewel-Osco would hire residents from the Harambee
2 community, because as you gentlemen and ladies know,
3 the employment rate in the Harambee community is very
4 high. So that was the reason I went to the table to
5 see if we could make sure that there was jobs
6 available for residents in our community.

7 CHAIRMAN WITKOWIAK: Thank you very much for
8 your testimony. Are there any questions by committee?
9 No. Mr. Farris?

10 MR. FARRIS: No.

11 CHAIRMAN WITKOWIAK: Thank you very much for
12 appearing here this morning. Alderman Puente.

13 ALDERMAN PUENTE: So I keep a count of -- I
14 would like a show of hands, please, of the people who
15 live in the neighborhood that are in support of this.
16 I see five. In case they would testify and leave, I'm
17 trying to get an idea of the neighborhood residents.
18 Thank you.

19 CHAIRMAN WITKOWIAK: Okay. Mr. Holt. Good
20 morning. State your name and address for the record.

21 MR. HOLT: Michael Holt. I am editor
22 and associate publisher for the Milwaukee Community
23 Journal. Address is 3612 North King Drive. We, as
24 Wisconsin's largest African-American newspaper,
25 editorialized its support of this license last week

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1 for a variety of reasons. I'm basically here, though,
2 because of my personal support.

3 I just want to hit up three very, very quick
4 points because I got to try to get a hair get and get
5 to the Sykes show. The first point is I have a sense
6 of deja vu being here because I testified five or six
7 years ago and some of the concerns that were levied at
8 the time really made the hair on the back of my neck
9 raise because sometimes when I hear these comments
10 about litter and undesirables, it seems to be code
11 words for black folks coming into the neighborhood,
12 and people actually said that the last time. I was
13 getting a sense that some of the residents of this
14 area just do not want black folks based upon some
15 prejudices in the neighborhoods.

16 I can say that since the construction, the
17 doom and glooms have never taken place. And as people
18 have testified both for and against, the property is
19 well kept, enhanced development in the area, et
20 cetera.

21 Secondly, I'm an exclusive Jewel-Osco
22 shopper. With very few exceptions, I always shop
23 there. There are concerns on my part that because of
24 the competition with the Pick 'n Saves, et cetera, one
25 of the reasons I shop at Jewel-Osco is because of

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1 products but also because they have been a good
2 corporate neighbor. They have employed a lot of
3 central city people, a lot of youth training programs
4 that contribute to community organizations, and one of
5 the things I noticed after going to all the stores is
6 that I don't see people leaving the Jewel-Oscos which
7 have liquor licenses open up liquor in the lot or
8 driving away with it because it's a totally different
9 kind of product. It is not the product sold by these
10 little corner liquor stores and grocery stores, the
11 40-ouncers they pop and then throw it on the ground.
12 They are selling basically bottled upper scale
13 products which require corkscrews, and the average
14 young fella is not going around with a corkscrew in
15 his pocket, so they're not going to consume the
16 alcohol in that area.

17 My last point dealing with the competition.
18 I'm very, very fearful, given the proliferation of
19 Pick 'n Save stores in the City of Milwaukee, that
20 they're pushing out the other markets like Jewel-Osco
21 and becoming a monopoly in our city. If they cannot
22 compete, then there's a very, very real possibility
23 that they would close, and with their closure comes a
24 loss of much needed jobs for central city residents.
25 Thank you.

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1 CHAIRMAN WITKOWIAK: Thank you very much,
2 Mr. Holt. Are there any questions?

3 ALDERMAN BOHL: I just want to be clear. I
4 heard you use the term thug here.

5 MR. HOLT: Our office is located across
6 the street from a corner store that sells liquor, and
7 we spend an inordinate amount of time picking up those
8 40-ounce cans from thugs, because if they weren't
9 thugs, they wouldn't litter our neighborhoods.

10 CHAIRMAN WITKOWIAK: Thank you for
11 appearing here this morning, Mr. Holt. Lucy Krajna.

12 MS. KRAJNA: Lucy Krajna, 3305 North Bremen
13 Street.

14 CHAIRMAN WITKOWIAK: How far away are you
15 from this location?

16 MS. KRAJNA: About a mile-and-a-half.

17 CHAIRMAN WITKOWIAK: Okay. And your
18 testimony, please.

19 MS. KRAJNA: Well, I shop exclusively at
20 Jewel-Osco. I stop there after work when I leave my
21 job, I whip in, buy something for supper. I stop
22 there many mornings to buy coffee so I can get it
23 ready for my co-workers and some cream, and I do my
24 weekly shopping there, also.

25 I would love to be able to buy wine or beer

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1 or any of those things at that store without having to
2 do my shopping, leave the stuff in the car and run to
3 Pick 'n Save or drive over across the river to the
4 Liquor Depot. I think Riverwest deserves something
5 like that. I think Jewel deserves a license. They've
6 been a good neighbor. They run a perfect store. And
7 in my heart, I feel there's a lot of animosity yet
8 against Jewel-Osco for building on that corner.

9 And I wish they would have gave one to them
10 when they came up on East Capitol Drive because that
11 would have even been closer for us to go to. I'm not
12 walking in some bar to order a bottle of wine or a
13 six-pack to go. I'm past that. I'd like to walk into
14 a liquor store and get a decent choice on things. I
15 see no reason whatsoever.

16 And if you're finding beer cans along
17 Reservoir Park, they can't be coming from Jewel-Osco
18 because they don't sell beer cans, you know. So what
19 is this? I think it's time we all get together in the
20 Riverwest. By the way, I lived there 46 years, I've
21 lived in my house 35, I bought in 1969 when -- excuse
22 me -- but white people were running by the hundreds
23 because it was after the riots. I raised six kids in
24 there. I sent them to St. Mary Czestochowa, they went
25 to Messmer High School, and I still live there. My

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1 husband was the only firefighter in the City of
2 Milwaukee who lived in the ghetto, that's what they
3 used to say.

4 I love that neighborhood, and there's no
5 reason why anybody should deny Jewel-Osco a license,
6 no reason at all. There are no facilities, and as we
7 go to Pick 'n Save, across the bridge to Gilbert's,
8 and the other one that I can't even remember where you
9 have to park underground practically, so I would love
10 to have a chance to go in and buy bottled wine, a
11 six-pack, whatever I want. Thank you.

12 CHAIRMAN WITKOWIAK: Thank you very much for
13 your testimony. Are there any questions?

14 ALDERMAN DUDZIK: Excuse me, Lucy.

15 MS. KRAJNA: Yes, Alderman Dudzik.

16 ALDERMAN DUDZIK: I just want to be clear,
17 you live approximately a mile-and-a-half from this
18 location?

19 MS. KRAJNA: Yeah. I live on Bremen and
20 Humboldt.

21 ALDERMAN DUDZIK: Are you capable of walking
22 a mile-and-a-half?

23 MS. KRAJNA: Please, Joe. I don't need a
24 drink that bad.

25 ALDERMAN DUDZIK: I guess I won't ask the

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1 next question. Thank you very much.

2 MS. KRAJNA: You're welcome.

3 CHAIRMAN WITKOWIAK: Thank you for appearing
4 before us this morning. State your name and address
5 for the record.

6 MS. STREET: Sherry Street, my address is
7 3302 North Humboldt, and for the record I am
8 Rosemary's neighbor and probably more importantly her
9 tenant, so I'm happy to say that the diversity we
10 celebrate in Riverwest includes diversity of opinion.
11 And Lucy, my other neighbor, pretty much stole my
12 thunder. There may be a concentration of liquor
13 stores, they're freestanding, and in my opinion,
14 that's where the problems occur.

15 Like Lucy, I would enjoy having the
16 opportunity to go in and buy a bottle of nice wine
17 when I buy my spaghetti to make for dinner that
18 evening. I would like to encourage you for personal
19 reasons.

20 And I'd also like to say while I did live in
21 the neighborhood when the store was built, I do
22 remember the discussions that took place, and I'd like
23 to say that I think Jewel-Osco has lived up to their
24 promise to be a good corporate citizen. Traffic is
25 not an issue. I often see people taking the bus. I

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1 myself sometimes take the bus down to that Jewel-Osco.
2 I would like to encourage this committee to consider
3 approving this license. Thank you.

4 CHAIRMAN WITKOWIAK: Thank you. Are there
5 any questions by members of the committee? Mr.
6 Farris?

7 MR. FARRIS: No.

8 CHAIRMAN WITKOWIAK: Thank you for appearing
9 before us this morning.

10 MS. ELMER: Good morning. My name is Linda
11 Elmer, I live at 1128 East North Avenue. If you don't
12 know the store, I consider it right across the street
13 from me. Technically the store is a block. I'm
14 across from the Columbia-St. Mary's Family Care
15 Center, which is part of the Jewel-Osco building, so I
16 don't overlook the store, so if there's litter,
17 loitering, nuisances, it will be a block away from me.

18 I've lived there five years. I own the
19 home. I've lived in Riverwest previously about a
20 block-and-a-half away from that site for three years.
21 I rented. I support. I don't see that this will be a
22 problem. I just -- I've had no problems with the
23 store at all. I already have trash in my yard. I
24 don't think I'll see increased trash, and the
25 competition is East Pointe Pick 'n Save, which

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1 actually I prefer to shop there. I rarely go to
2 Jewel-Osco, and I don't drink, so it will not affect
3 me at all personally except it might harm me a little
4 bit.

5 Its competition, East Pointe Pick 'n Save
6 they have their liquor license. Why not Jewel-Osco.
7 Thank you.

8 CHAIRMAN WITKOWIAK: Thank you for your
9 testimony. Any questions of members of the committee?

10 ALDERMAN DUDZIK: Mr. Chair. You do realize
11 you testified under pains and penalty of perjury.

12 CHAIRMAN WITKOWIAK: Any other questions?
13 Thank you for appearing this morning. Next person.
14 State your name and address for the record.

15 MR. JOHNS: Les Johns, 230 East Oklahoma. I
16 was a strong supporter of the Jewel liquor license on
17 Chase and Oklahoma, the former Alderman Breier's
18 district, and with how Jewel made the separate
19 entrances from the liquor store made it a little
20 inconvenient but convenient for people that shop at
21 Jewel. I shop at Jewel. I think it should be any
22 grocery store that comes in the area should be able to
23 have the right to sell liquor.

24 Jewel-Osco is a very strong supporter in the
25 community in Bay View. There was organizations I

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1 belong to, we started the food baskets in the Bay View
2 community. I used to run the South Shore Frolics for
3 five years. Jewel probably gave over \$100,000 to that
4 event and in kind service and people, so I'm a very
5 strong supporter. They're very active in the
6 community. If you work with the people, they're very
7 -- they like to come out and help communities and
8 people in the event, and I'm just a very strong
9 supporter of them.

10 CHAIRMAN WITKOWIAK: Okay. Thank you.
11 Are there questions by members of the committee?
12 Thank you for your testimony. The next person,
13 please.

14 MR. GAYLE: My name is Paul Gayle, I'm the
15 store director of the Jewel-Osco located on 35th and
16 North Avenue. I just wanted to say from personal
17 experience that we do a pretty good job of running a
18 safe facility selling alcoholic beverages. We
19 maintain the entire property. I believe our property
20 has enhanced the neighborhood.

21 As far as one of the comments that I heard
22 about loitering, I believe we also do an excellent job
23 of controlling that. I certainly just want to close
24 by saying that the opportunities that we have provided
25 in that neighborhood have been very great. Again,

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1 from personal experience wanted to definitely say that
2 we provide jobs in that neighborhood and we do a great
3 job of doing that.

4 CHAIRMAN WITKOWIAK: Thank you. Any
5 questions of this witness? Thank you very much.

6 MR. JOHNSON: Hi. My names is James
7 Johnson, I'm the drug side manager of the store at
8 35th and North. I just want to take time to talk
9 about the responsibility of selling liquor in our
10 stores.

11 As the drug manager, I am responsible for
12 overseeing the liquor part of the store, also, and
13 we take the responsibility of selling alcoholic
14 beverages very seriously. We instill in our employees
15 that they must card everyone under the age of 30, and
16 if they don't, it's grounds for disciplinary action.
17 I try to put the fear of God into new people because I
18 do not want them selling to minors. I've often
19 refused sales to many customers, make them very upset
20 because they did not have an I.D. at the time. I know
21 they're probably all over the age of 21, but our
22 policy is to sell liquor to people. If we ask them
23 for an I.D. and they don't have an I.D., then we have
24 to say I'm sorry but we cannot sell to you right now.
25 And that's all I have to say.

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1 CHAIRMAN WITKOWIAK: Thank you very much.
2 Are there any questions? Thank you for your
3 testimony. Carrie Reisinger.
4 AUDIENCE MEMBER: She had to leave.
5 CHAIRMAN WITKOWIAK: Marcus Smith? No. Is
6 there anyone else that wishes to testify on this
7 matter? Ma'am, did you wish to speak?
8 AUDIENCE MEMBER: Is it too late?
9 CHAIRMAN WITKOWIAK: No. Please come
10 forward.
11 (Speaker duly affirmed.)
12 CHAIRMAN WITKOWIAK: State your name and
13 address for record, please.
14 MS. JACOBS: Sure. Lorraine Jacobs.
15 CHAIRMAN WITKOWIAK: And your address?
16 MS. JACOBS: 2412 North Dousman Street.
17 CHAIRMAN WITKOWIAK: North Dousman. And how
18 far away do you live from this?
19 MS. JACOBS: About two blocks. I'm here as
20 a neighbor, and I'm also the secretary on the board of
21 the Riverwest Neighborhood Association. I'm sorry I
22 wasn't able to hear other comments, so if I'm
23 repeating something, I apologize.
24 I just wanted to make sure that the
25 committee did recognize that at the Riverwest

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1 Neighborhood Association meeting on Tuesday, the 13th,
2 we did come to a consensus at that meeting to not
3 support the liquor license at this time.

4 CHAIRMAN WITKOWIAK: Ma'am, I hate to
5 interrupt you, but you can only give personal
6 testimony, you can't speak on behalf of others that
7 are not here.

8 MS. JACOBS: Okay. The other thing just for
9 myself as a neighbor -- I guess I had three points.
10 One is that -- and again, if this has come up already,
11 I apologize -- one is that there was some sort of
12 agreement, and I wondered if that had been researched,
13 and I would like to have the license application
14 delayed until that's researched further. Also, at the
15 meeting which I was at, there was some discussion and
16 seemed to be agreement with Laurie that there would be
17 a written commitment plan that would be written
18 together with the neighbors and with Jewel-Osco
19 management regarding the liquor sale, so I would like
20 to have the decision delayed until that can be
21 arranged.

22 And then there was a suggestion that if
23 there were to be a liquor sales at this location that
24 there would be some way of looking to see if there
25 could be another liquor store moved into that

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1 location, in part, managed by both and thereby not
2 increasing the number of liquor licenses in the
3 neighborhood. So those are my three points.

4 CHAIRMAN WITKOWIAK: Thank you for your
5 testimony. We appreciate it. Are there any questions
6 by members of the committee? Thank you so much for
7 appearing here this morning.

8 ALDERMAN BOHL: I just have a question for
9 the applicant. I just want to affirm under the record
10 here that the intention is to have a facility that
11 would have a separate entrance.

12 MR. DALY: That is correct.

13 MS. SANDERS: That's correct.

14 CHAIRMAN WITKOWIAK: Alderman Witkowski.

15 ALDERMAN WITKOWSKI: Question for the
16 applicant. There's been testimony about litter in the
17 neighborhood and that the area around the store is in
18 great shape but not necessarily a block or two down.
19 Do you have any comment on that for the future?

20 MR. FARRIS: Mike, why don't you respond to
21 that.

22 MR. DALY: We, like you've heard, keep our
23 lot very clean. It's cleaned every night. I can't
24 see us being responsible for three blocks around the
25 store. It really hasn't been discussed as far as what

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1 we do for litter.

2 ALDERMAN WITKOWSKI: Would you be willing to
3 assist the neighbors?

4 MR. DALY: I can't answer that right now.

5 MS. SANDERS: I can respond.

6 MR. WHITMORE: Roy Whitmore, operating
7 vice-president. I can say that we will assist the
8 community and try to police it, but obviously, we
9 can't throw a ton of resources at it, but we're
10 certainly willing to help out.

11 CHAIRMAN WITKOWIAK: Thank you. Any other
12 questions by members of the committee? Alderman
13 McGee.

14 ALDERMAN MCGEE: Wow, I can't believe we've
15 come to this point. Well, I do want to thank all of
16 Riverwest, particularly the newspaper for putting this
17 issue on the table. This has been publicly known
18 since the license was applied for. I've received
19 maybe 400 e-mails. I had to stop reading them after a
20 while. So many of them, it's ridiculous. This is
21 worse for me. I would love to see you all in my shoes
22 on this one. This is similar to the Park East
23 development as far as the lobbying and all of the pro
24 and con, and there's going to be somebody not happy
25 with the decisions made. I'm one to not always make

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1 popular decisions or the easy decisions, I like to
2 take risk with whatever decision I make and feel
3 comfortable making as far as my support for anything.

4 I have some concerns about Jewel-Osco
5 initially being a good corporate citizen, and I think
6 they have been a good corporate citizen for the whole
7 entire community of Milwaukee, but that neighborhood
8 in particular, there's just not a good relationship
9 based on possibly the building being built in the
10 beginning with the intention of it even being in the
11 location on East North Avenue. So that has a lot to
12 do with it.

13 I did go to the Riverwest Association
14 meeting along with Alderman D'Amato, and it was said
15 at the meeting that there was an agreement to not have
16 liquor at that establishment, but then there also was
17 an agreement that as a central figure by the name of
18 Reverend Buck -- and forgive me for saying it,
19 Reverend Buck, if you didn't want me to -- everyone
20 agreed that Reverend Buck had represented Harambee's
21 neighborhood as a community leader at this meeting
22 that I wasn't at, and this was several years ago, and
23 I had said at that meeting that would oppose
24 Jewel-Osco if Reverend Buck, as we all agreed that he
25 would tell the truth, and he's an honorable man about

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1 this agreement, and when I talked to Reverend Buck,
2 there was no such agreement he can remember.

3 But then also, on the other hand, I remember
4 Jewel-Osco when they first came to lobby, I don't know
5 if it was an attorney or what member from Jewel-Osco,
6 but they did mention that there is an agreement to not
7 have a liquor license in the first few years. They
8 added the first few years, and being that I'm a new
9 alderman, I'm sure that has a lot to do with them
10 applying or else they would have applied years ago
11 with Marlene Johnson. That's just a fact.

12 So given that it's up to you all to make
13 that decision, based on the information I got as if
14 there was an agreement, so apparently there was an
15 agreement to not have liquor but maybe it was for that
16 first few years or so, I don't know. But that's two
17 sides of it.

18 My concern with the situation is some of the
19 attitudes of the neighborhood and the residents when
20 it comes to the proliferation of alcoholic
21 establishments. You heard my plea earlier and I
22 talked about how many liquor and malt liquor
23 establishments are in the district, but most of them
24 -- I was going to show you the map of my district, of
25 the 6th District -- it looks like a spaceship. And on

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1 Holton Street, which is really as far east as you can
2 get for the district that it runs all the way through,
3 and myself and Alderman D'Amato collide in parts of
4 Holton, and there's a connected issue, but it's like
5 the Mason-Dixon line to me. This is Holton Street,
6 you have west of Holton, all of the proliferation of
7 this Class A Liquor and Malt establishments are all
8 east -- I mean all west of Holton. East when you look
9 -- and I wanted to enter this into the record so you
10 can see the location of where Jewel-Osco would be, and
11 the green triangles are liquor and malt establishments
12 and from your distance that you are, you can see that
13 east of Holton there is not one at all liquor and malt
14 establishment on this map.

15 And I think that that's kind of unfair to
16 Jewel-Osco to try to blame some of the issues that
17 really are prevalent west of Holton on this fear of
18 crime and somehow the thugged out community is going
19 to come and just start drinking 40-ounce bottles in
20 front of their establishment and throwing bottles on
21 the parking lot. I just really think that's a
22 prejudice and a stereotype. Pick 'n Save doesn't have
23 that issue, and I've been to Pick 'n Save before, and
24 they have a liquor license. I don't think that crowd
25 would shop at Jewel-Osco because they have 61 other

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1 establishments to go to west of Holton. Why would
2 they come to Jewel-Osco when they can go similar to
3 the Bodega Food situation. You can just blindfold
4 them and take off the blindfolds, and they will find
5 the location.

6 Given that, I just think that it's going to
7 cost all of us more in the long run some of these
8 problems that appear west of Holton if we don't
9 address them because it's really going to affect all
10 of us, the whole city, if we don't address a lot of
11 our social problems, but I think that -- I think that
12 east of Holton would really have a saturation compared
13 to west of Holton. And the people who came adamantly
14 and vehemently in opposition to this liquor license
15 don't have the same vigor. You don't see them
16 testifying when I'm up here with some of the mom and
17 pop stores asking you all to not favor renewals and
18 new stand establishments in those locations, you don't
19 see those people here. They only argue about just the
20 neighborhood. So I think us as a city, if we don't
21 really not have this racial divide, it's going to
22 start with myself and Alderman D'Amato really working
23 together on Holton Street to bring some class
24 establishments into the district, and I think
25 Jewel-Osco can be a starter, and they have a track

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1 record in the community that it's impeccable.
2 Apparently, they have a lot of support from people
3 that I actually respect.

4 So given everything I said, I just ask the
5 committee to vote in favor of Jewel-Osco having a
6 liquor and malt establishment. And I don't know if
7 you all would like this entered into the record.

8 CHAIRMAN WITKOWIAK: Yes, if that's your
9 wish, alderman. Alderman Puente moves to make the map
10 of Alderman McGee's district as part of the record.
11 Hearing no objections to that, so ordered.

12 ALDERMAN MCGEE: I just ask you to look, if
13 you find Holton Street on the east, look east of it,
14 the triangles tells the numbers, that there's none, no
15 establishments east.

16 CHAIRMAN WITKOWIAK: Thank you.

17 MR. FARRIS: Mr. Chairman, committee
18 members. If there is a concern about this alleged
19 commitment not to apply, I have some e-mails. We did
20 try to find out if there had been some commitment made
21 or something back then by different people, and I have
22 some e-mails that were contemporaneous at the time,
23 and I'd just like to read parts of them.

24 CHAIRMAN WITKOWIAK: If you could, please.

25 MR. FARRIS: Just real quickly. This is one

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1 from John Coon to a number of people including Barb
2 Nunziato, who is here. I'm just going to read part of
3 it. This is dated April 2nd, 1998.

4 "Although we were approved five-one last
5 night at the committee level, we have some work to do
6 before Tuesday's Common Council meeting" -- this is
7 near the end of the rezoning process -- "I would like
8 to bring up the liquor license strategy discussion for
9 this particular store. It is my recommendation that
10 we not apply for a license at this time. If we do,
11 it's 99.9 percent" -- there's a blank there -- "we
12 will be denied. If we allow Franklin, Wauwatosa,
13 Waukesha, West Allis, and Greenfield to open and
14 demonstrate the format, we will have a much better
15 chance of long-term success. There is just way too
16 much emotion right now."

17 Then I have one I think it's June 9th, 1998,
18 and this would have been after going through council
19 and all public hearings and everything had been done.
20 This is from Barbara Nunziato, who is here, to Mike
21 Mallard, who is the director of Real Estate. "Mike, I
22 sent a letter recently to Bruce Block" -- who is their
23 attorney -- "regarding our liquor license application
24 at the above-captioned location. Apparently Bruce
25 sent a copy of my letter to Dave Henny because Dave

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1 called me and said that we are not going to pursue a
2 liquor license at the store for about two or three
3 years." That's where we came up with what we told
4 Alderman McGee when we first met with him, that if
5 there was a commitment, it was for two or three years.
6 We don't think it was actually a commitment, we think
7 it was a corporate decision.

8 I'm glad to make this part of the
9 record. There is some more colorful language in here
10 I don't really want to read.

11 CHAIRMAN WITKOWIAK: Please. Alderman Bohl
12 had a question.

13 ALDERMAN BOHL: Who is the first of the two?

14 MR. FARRIS: The first one was from John
15 Coon, Mike Mallard who is head of the Real Estate
16 Division, Barbara Nunziato, a number of people, Bruce
17 Block over at Reinhardt, Karen Ramos.

18 ALDERMAN BOHL: Those are who were copied?

19 MR. FARRIS: E-mail. These were the people
20 involved in the matter.

21 CHAIRMAN WITKOWIAK: Alderman Bohl would
22 move to make a copy of these e-mails part of the
23 record. Hearing no objections, so ordered. Mr.
24 Schrimpf, would you like to add something to this
25 discussion?

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1 MR. SCHRIMPF: Thank you, Mr. Chairman. As
2 some of the witnesses were testifying, I got in touch
3 with Ms. Bender and I also got in touch with Mr.
4 Gartner of our office, and Mr. Gartner is still
5 researching some things. He indicated that it's going
6 to take him at least a couple minutes to get to it.

7 But essentially, the information -- check me
8 if I'm wrong on this Pandora -- that Ms. Bender would
9 have is that there was a planned development regarding
10 this facility and that it was ultimately approved by
11 the Common Council after the zoning was created by the
12 Board of Zoning Appeals. Is that correct?

13 MS. BENDER: It is my understanding after
14 speaking to the gentleman from the Board of Zoning
15 Appeals that if this project would have gone before
16 plan development area, it would have to be approved by
17 the Common Council, and if there was any information,
18 it would be in ZND.

19 MR. SCHRIMPF: Now, Mr. Gartner recalls that
20 the issue of a liquor license was specifically
21 addressed in the documents that he has, but he does
22 not recall how it was addressed, in other words, if
23 there was some delay or if there was an agreement not
24 to or if there was a specific rejection of such an
25 agreement to create a liquor license, but he does

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1 recall that it was specifically mentioned, and he is
2 trying to get ahold of those documents as we speak.
3 The problem is he doesn't recall how it was addressed,
4 that's the problem.

5 ALDERMAN BOHL: Mr. Schrimpf, if what you're
6 saying is true, is this body, this committee and the
7 Common Council as a body bound by the agreement that
8 would have gone into --

9 MR. SCHRIMPF: Yes. My concern is if there
10 was an agreement not to have an alcohol beverage
11 license at this location at all or if there was
12 agreement to -- and I don't know that this is the
13 case, I'm only saying if -- or if there is or was an
14 agreement to hold off on an alcohol beverage license
15 at this location for a while and we're still within
16 that time period is my concern, then we might have a
17 difficulty in granting a liquor license at this
18 location.

19 ALDERMAN BOHL: And that would only apply to
20 whatever would be in any plan, general planned
21 development for that particular parcel?

22 MR. SCHRIMPF: That's correct. So I guess
23 what I'm possibly suggesting to the committee is that
24 if we can just hold on this for a few minutes, we may
25 be able to resolve the issue definitively, or if the

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1 committee wants to proceed forward, I suppose it's
2 possible to make, if the will of the committee is to
3 grant the license, to grant it subject to confirmation
4 that there's no violation of the plan agreement, or
5 the other possibility is simply to hold at the call of
6 the chair.

7 CHAIRMAN WITKOWIAK: Thank you for
8 enlightening us. I'll tell you what I'd like to do.
9 I would just like to take a 10-minute break. We'll
10 resume at exactly 11:30. I don't want anybody making
11 a decision to go to lunch. We'll just take a break
12 for 10 minutes and resume at 11:30.

13 (Break.)

14 CHAIRMAN WITKOWIAK: This is a resumption of
15 the Utilities & Licenses Committee meeting for July
16 16th, 2004. It's 20 minutes to 12. Would the
17 Assistant City Attorney Bruce Schrimpf please apprise
18 us on what you found out so far.

19 MR. SCHRIMPF: Thank you, Mr. Chairman. We
20 have found out lots of things. The problem is we're
21 missing an Exhibit A to the some of the Common Council
22 files that have been retrieved, which hopefully will
23 answer the question.

24 It is certainly possible for the committee
25 to proceed forward on this, and if the decision of the

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1 committee is to recommend approval of the license,
2 there would still have to be the zoning issue resolved
3 before there would be a release of the hold from the
4 Department of Neighborhood Services, so in that way,
5 it would operate much like any other license that gets
6 approved by the committee subject to a hold because,
7 as Mr. Gartner who was here and had to leave pointed
8 out, in order to legally operate, a premises has to
9 have both the proper zoning as well as the proper
10 licensure. So that would have to be resolved one way
11 or the other.

12 Or the committee could chose to hold it --
13 there are other meetings scheduled for this month --
14 to the call of the chair, and hopefully this could be
15 resolved by then subject to any further information
16 that the committee might need.

17 CHAIRMAN WITKOWIAK: Okay, thank you.

18 Alderman McGee, did you have some further comments?

19 ALDERMAN MCGEE: Yeah. Before you go into
20 committee, I just also want to encourage Jewel-Osco to
21 build a better relationship with the neighborhood.
22 I'm really concerned about said license being issued
23 and then a withdrawal as far as in that neighborhood
24 of communication and some of the sponsorship that has
25 been provided for some of the other parts of the city.

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1 So that's something I wanted to say to you all. It
2 doesn't have to be an agreement, it's just something
3 that I would like to say on behalf of the neighborhood
4 who is objecting to the license.

5 MS. SANDERS: Okay.

6 ALDERMAN MCGEE: One more thing, too, is
7 Alderman D'Amato being the chair of DNZ, as crafty and
8 as intelligent as he is, you know that he would have
9 produced that document that we're looking for by now,
10 also.

11 CHAIRMAN WITKOWIAK: Thank you for your
12 comments. Mr. Farris, would you like to make a
13 closing statement, please.

14 MR. FARRIS: No, other than we would -- I
15 think the testimony and the evidence is overwhelmingly
16 supportive of the proposed license. I don't think
17 there's any evidence presented to you that there would
18 be any problems associated with the license. It's a
19 well-operated store. It's a store that needs to be
20 able to compete with other stores that have licenses,
21 the Pick 'n Save and whatever is going to open up in
22 Juneau Village.

23 And I'll just briefly make my public policy
24 argument. People on the Tuesday night meeting would
25 say why does Jewel-Osco need a license, why should we

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1 vote for another license? The reason I think is this
2 store is an anchor for the neighborhood, and you want
3 to keep this store strong, and what's good for the
4 City of Milwaukee is to keep the store very strong and
5 vibrant. It employs 150 people, they're going to hire
6 another 10 to 15 people, it pays \$200,000 a year in
7 property taxes to the City of Milwaukee. This is a \$6
8 million project. They built a road. You want to do
9 everything in your power to keep it vibrant, and we've
10 already seen that grocery stores can close. Then what
11 do you have? You have problems. If you're lucky, you
12 get another food store operator in there. If you're
13 not so lucky, then you have to figure out what to do
14 with the building.

15 We have a 67,000 square foot grocery store,
16 so I think we should do everything in our power to
17 make sure that it's strong and vital and it's there
18 for as long as we're around. I know that's probably
19 longer than reasonably possible. That's the public
20 policy motivation that should drive you, I think, make
21 sure that that store remains there, remains strong,
22 and employs people from the neighborhood.

23 CHAIRMAN WITKOWIAK: Thank you, Mr. Farris.
24 This matter is in committee.

25 ALDERMAN BOHL: Mr. Chairman.

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CHAIRMAN WITKOWIAK: Alderman Bohl.

ALDERMAN BOHL: At this time, I would move approval of the Class A Liquor and Malt application for this location subject to all of the pertinent resolutions of the zoning matters necessary.

I make that motion for a number of reasons. I know in terms of the residential testimony issues and concerns have been raised over whether or not there was an alleged agreement to not move forward with the liquor license or not. One individual, one woman who came here afterwards -- I should say a couple of them asked that the matter be held to research this. I don't believe that this application here just cropped up in the last 10 days in terms of knowledge to the residents. I think it's been publicly known for some time. I can only surmise that the Riverwest Currents and the neighborhood associations in that area there had an opportunity to quote/unquote research if there was research that was provided.

I will also state for the record as much as is true that this body, this committee, the Common Council as a body is not subject to alleged gentlemen agreements, even if they were to have taken place. And I guess in terms of testimony here, I'm not

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1 certain one way or another whether that did occur or
2 whether or not there was a promise that it would be a
3 matter of years or not, and so I think we need to look
4 at the other issues that were before us.

5 This is cited for neighborhood objections
6 for a number of reasons, for a number of issues
7 including litter, loitering, traffic problems. I
8 don't believe that the testimony to any of those
9 issues certainly demonstrated that we could attribute
10 that having a license at this location would add
11 considerably to any of those specific problems, which
12 leaves the issue of concentration.

13 When we look at the number of outlets at
14 least provided in the detailed concentration map and
15 notwithstanding the number of outlets that were
16 brought forward by the first resident to provide
17 testimony here -- I'll just go based on what we had in
18 the map provided by the Legislative Reference Bureau
19 -- 72 outlets but the vast majority of them, 61 of
20 those being taverns or restaurants, five of them being
21 Class A liquor and malts, the full-service venue. To
22 me, that is what we're looking at here. I don't
23 believe that anyone can demonstrate that adding an
24 additional outlet at this location is going to
25 increase consumption in the area. I don't believe

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1 that if you add an outlet in a grocery store that
2 people who didn't otherwise drink are going to now
3 flock over to this area here, purchase something, and
4 drink that they wouldn't have otherwise done anyways.

5 An issue was made and raised by the alderman
6 in the 3rd District and a couple of residents in terms
7 of having Jewel-Osco purchase a license and shifting
8 one forward. That may have taken place in other
9 areas. As a general rule, I don't believe the city
10 should be in the process of handing out additional
11 licenses. I think that we have a fair amount of
12 licenses in the city and that individuals have an
13 ability if they so desire to purchase liquor from a
14 variety of outlets in many neighborhoods.

15 I will also state here what I mentioned
16 earlier that we took up a matter here just a couple of
17 hours ago in which there was a liquor license less
18 than a half mile from this location that had up until
19 the last six, eight months been in existence for over
20 15 years. They sought to bring that matter back and
21 add that license back to the location because it had
22 come under new ownership, and we denied it. So, in
23 essence, we took one off the books that had been in
24 the books for roughly 15 years. That, in essence, is
25 doing in some part what the residents are asking.

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1 The final thing is is just the entire
2 experience of purchasing alcohol or spirits from a
3 grocery store establishment versus the small mom and
4 pop shops. I don't want to cast a stereotype to the
5 small pop and pop dealers or the local corner stores.
6 Some of them are very well run, and potentially there
7 could be problems at a grocery store outlet. I don't
8 want to deny that that could be the case. I can only
9 tell you from testimony I've heard from other aldermen
10 here, others who have had experiences with Jewel
11 Oscos, my own experience with grocery store outlets in
12 the city and in the Milwaukee area that have those
13 outlets, I do not personally see individuals who are
14 out sitting in front of the establishment with the bag
15 pounding down liquor in the parking lot, throwing,
16 discarding those particular intoxicants or the
17 remnants of them in the area.

18 I believe truly that with the covenant that
19 has been provided here that would seek to prohibit the
20 sale of the 40-ouncers, the more convenient type of
21 problematic alcohol intoxicants, that you're seeking
22 to provide a higher line of service for residents, and
23 truly, I believe, as well, with the type of policing
24 that you have and the efforts to go out of your way to
25 ensure that individuals are of age and that there is a

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1 separate area, I think that this is something that
2 truly will limit, if not eliminate, most or all of the
3 potential problems that may be associated at times
4 with alcohol outlets.

5 So adding all those together, I do believe
6 that this would provide residents in that area with a
7 measure of convenience. I don't think that we're
8 going to see any increased litter or debris in any of
9 the associated parks blocks away because of sales of
10 higher end beers and/or wines at this location. In
11 essence, additional jobs, additional convenience. I
12 think all and all it's a much better than it would be
13 a negative, and therefore, that is my motion.

14 CHAIRMAN WITKOWIAK: Motion by Alderman Bohl
15 is to recommend approval of this license despite items
16 contained in the notice. On the motion, is there any
17 discussion? I'll ask again. Is there any discussion
18 on the motion?

19 MR. COPELAND: Excuse me, Mr. Chair. I
20 think you left some of the motion out pending the
21 settlement of the zoning.

22 CHAIRMAN WITKOWIAK: Oh, yes. With the
23 caveat that this will have to be -- well, even if the
24 committee recommends approval and the council approves
25 this license, it still couldn't go forth without that

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1 occupancy.

2 MR. SCHRIMPF: The clerk couldn't issue it.

3 CHAIRMAN WITKOWIAK: That's right. With the
4 caveat that there's no restrictions from the
5 standpoint of zoning or occupancy.

6 ALDERMAN BOHL: Mr. Chairman, I just want to
7 clarify that my motion is not that there be no
8 restrictions, it would be that any particular zoning
9 matters would be satisfactorily handled because
10 otherwise it's prohibited if there were, and what I
11 want to say is that there is a possibility, even if
12 there is a restriction, that that restriction could be
13 changed and that at that point the matter would be
14 allowed to go forward.

15 CHAIRMAN WITKOWIAK: Are all committee
16 members clear on the motion?

17 ALDERMAN PUENTE: Yes.

18 CHAIRMAN WITKOWIAK: Let's take the roll.

19 THE SECRETARY: Alderman Bohl.

20 ALDERMAN BOHL: Aye.

21 THE SECRETARY: Alderman Dudzik.

22 ALDERMAN DUDZIK: Aye.

23 THE SECRETARY: Alderman Puente.

24 ALDERMAN PUENTE: Aye.

25 THE SECRETARY: Alderman Witkowski.

