

COMMITTEE ASSIGNMENTS

CHAIR

- Licenses Committee

VICE CHAIR

- Community and Economic Development Committee

MEMBER

- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

October 26, 2017

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 170624 contains the following recommendations:

Renewal, with a ten (10) day suspension, based upon applicant and aldermanic testimony of the Food Dealer Retail and Weights & Measures license(s) for John Breedlove for the premises located at 6410 N 76th St. ("Sav-A-Lot #8014") in the 9th aldermanic district.

Respectfully,

A handwritten signature in cursive script that reads 'Tony Zielinski'.

Tony Zielinski, Chair
Licenses Committee

cc: All Council Members
File 170624

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MEMBER

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- Steering and Rules Committee



TONY ZIELINSKI
ALDERMAN, 14TH DISTRICT

Date: October 26, 2017

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of John P. Breedlove Agent for Moran Foods, LLC for Food Dealer Retail and Weights & Measures licenses for the premises located at 6410 North 76th Street in the City and County of Milwaukee, Wisconsin ("Save-A-Lot #8014").

FINDINGS OF FACT

1. John P. Breedlove (hereinafter the "Licensee") is the holder of Food Dealer Retail and Weights & Measures licenses for the premises located at 6410 North 76th Street in the City and County of Milwaukee, Wisconsin ("Save-A-Lot #8014"). Said licenses expire at 11:59 p.m., December 1, 2017.
2. An application to renew said licenses was filed with the Office of the City Clerk on August 27, 2017.
3. Pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances, the matter was referred to the Milwaukee Police Department for investigation.
4. On October 13, 2017, the City Clerk's Office provided notice to the Licensee pursuant to Chapters 68, 82, and 85 of the Milwaukee Code of Ordinances of the neighborhood objections and included a copy of the neighborhood objections. The matter was scheduled for a hearing on the neighborhood objections on October 24, 2017 at approximately 1:45 p.m. in Room 301B of the third floor of City Hall. At said date, time, and place Darryl Moran did appear and was represented by Attorney Joseph Olson.



5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following:
 - A. The applicant, John P. Breedlove, was represented by Atty. Joseph Olson of Michael Best and Friedrich LLP. Atty. Olson was joined by Mr. Darryl Moran, the district representative for Moran Foods, which does business in Wisconsin as Save-A-Lot.
 - B. Ald. Chantia Lewis was present at the hearing and testified that over the course of the last calendar year, she has received numerous citizen complaints regarding Save-A-Lot shopping carts. Ald. Lewis indicated that the carts can be found on nearby streets and are an eyesore to the surrounding neighborhood. She stated that she lives near the store and has personally observed these carts scattered on nearby streets, at bus stops, and in the creek behind the store. She stated that she has contacted the store and asked them to remove the carts, but has gotten no response. On occasion, she has contacted the Milwaukee Department of Public Works to remove carts from places on the street.
 - C. Ald. Lewis testified that she reached out to Save-A-Lot by phone but got no response. In light of that, she has gone into the store on numerous occasions, and talked to people who she believed to be managers. She stated that she raised the concerns about carts with these people, but the concerns were never addressed. She further stated that she requested contact from a local or regional manager from Save-A-Lot, but no one contacted her.
 - D. Because no one contacted her over the course of months, she reached out to the owner of the building, who is not affiliated with the company, who indicated that he would have someone from the store contact her office.
 - E. Ald. Lewis further stated that while she was inside the store she observed spoiled fruit and produce for sale on the shelves. She also stated that the interior of the store is in need of repair.
 - F. Ald. Johnson indicated that he has a similar problem in his district with carts from Save-A-Lot being found on the streets around the store. He asked the applicant what the plan was to deal with the cart issue at the location before the committee and at other locations around Milwaukee.
 - G. The applicant stated that there are wheel locks on the front wheels of the shopping carts, and that they are working with

a company named Gatekeeper to move those locks to the rear wheel – making the system more effective. Save-A-Lot has also increased the barrier system to activate the wheel locks more consistently.

- H. The applicant also stated that they have hired staff members to retrieve carts on a more regular basis. The applicant further explained that they have not lost large number of carts, due to the fact that their order records did not show a significant number of cart purchases at this location.
- I. Ald. Bohl suggested that the applicant present a plan to address similar concerns across the aldermanic districts.
- J. Ald. Johnson asked the applicant why Save-A-Lot has not added wheel locks to all four wheels. The applicant stated that this is something that would be brought to the attention of the parent company.
- K. The applicant further explained that this store had been run by a franchisee. However, that arrangement was not working, and the parent corporation has taken over this location. The applicant stated that the company is more than willing to work with any of the local alderpersons.
- L. Ald. Zielinski stated that the condition of the store is unacceptable, and the lack of response to the local alderperson is not appropriate. Ald. Zielinski moved for a 10 day suspension based on applicant and aldermanic testimony.

CONCLUSIONS OF LAW

1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapters 68, 82 and 85 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, John P. Breedlove who holds Food Dealer Retail and Weights & Measures licenses for the premise located at 6410 North 76th Street in the City and County of Milwaukee, Wisconsin ("Save-A-Lot #8014") has not met the criteria of Chapters 68, 82 and 85, of the Milwaukee Code of Ordinances to renew the Food Dealer Retail and Weights & Measures licenses without undergoing a ten (10) day suspension. The Committee finds the aldermanic objections as stated above to be true. The Committee based its recommendation on aldermanic and applicant testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the

full Common Council of the City of Milwaukee should exercise its judgment to not renew the Food Dealer Retail and Weights & Measures licenses without undergoing a ten (10) day suspension for the premises located at 6410 North 76th Street in the City and County of Milwaukee, Wisconsin ("Save-A-Lot #8014"). The Committee based its recommendation on aldermanic and applicant testimony.

RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **four (4) zero (0), and one (1) excused** recommends that the Food Dealer Retail and Weights & Measures licenses held by John P. Breedlove for the premises located at 6410 North 76th Street in the City and County of Milwaukee, Wisconsin ("Save-A-Lot #8014") be renewed with a ten (10) day suspension based on aldermanic and applicant testimony.

The suspension is in effect between 12:01 a.m. on December 2, 2017 until 11:59 p.m. on December 11, 2017.

Dated and signed at Milwaukee, Wisconsin this 26th day of October, 2017.



TONY ZIELINSKI, Chair
Licenses Committee