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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of the Extended Hours Application for:

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RAFAEL LUCIANO

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"McDONALD'S"

1931 South 14th Street

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

ALD. JAMES BOHL, JR., - Vice-Chairman

11

ALD. ROBERT PUENTE

ALD. WILLIE WADE

12

LICENSING DIVISION by REBECCA BARRON

13

NEIGHBORHOOD SERVICES by PANDORA BENDER

HEALTH DEPARTMENT by KEVIN HULBERT

14

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in

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the above-entitled matter, before the LICENSES

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COMMITTEE OF THE CITY OF MILWAUKEE, on the 14th day

20

of February, 2006.

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CHAIRMAN WITKOWIAK: In the 12th District, Rafael Luciano, extended hours establishment application for McDonald's, 1931 South 14th Street. Good morning.

THE APPLICANT: Good morning, sir.

CHAIRMAN WITKOWIAK: Would you raise your right hands, we'll swear you in, please?

(Whereupon those present were sworn.)

CHAIRMAN WITKOWIAK: And then, you gentlemen are going to testify in this matter, also?

THOSE PRESENT: Yes.

CHAIRMAN WITKOWIAK: Okay. Could you both raise your right hands, we'll swear you in, please?

(Whereupon those present were sworn.)

CHAIRMAN WITKOWIAK: State your name and address for the record, please.

THE APPLICANT: My name is Rafael Luciano. My address is 1300 North Prospect in Milwaukee.

CHAIRMAN WITKOWIAK: And then, with you is?

THE APPLICANT: The gentleman with me

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1 is my operations manager, and he will give his
2 name.
3 CHAIRMAN WITKOWIAK: Okay, please.
4 MR. PEREZ: My name is Jose Perez.
5 CHAIRMAN WITKOWIAK: And why don't you
6 gentlemen give your names and addresses for the
7 record, too, at this time?
8 THE WITNESS: I'm Lorenzo Mena, 1949
9 South 14th Street.
10 CHAIRMAN WITKOWIAK: 1949. Okay.
11 THE WITNESS: Robert Susek, 1951 South
12 14th.
13 CHAIRMAN WITKOWIAK: Okay. Thank you.
14 REBECCA BARRON: Mr. Chair.
15 CHAIRMAN WITKOWIAK: Yes.
16 REBECCA BARRON: There currently is an
17 extended hours establishment license at this
18 location, which allows them to operate until two
19 a.m. with the drive-through only. This
20 application is for 24 hours a day.
21 CHAIRMAN WITKOWIAK: And that would be
22 drive-through only. From what time to what time?
23 REBECCA BARRON: I don't have all the
24 designation as drive-through only.
25 CHAIRMAN WITKOWIAK: If you're granted

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1 this license, it will be drive-through only.
2 THE APPLICANT: It - - It will be only
3 drive-through. Correct, sir. We close our lobby
4 every day at ten p.m.
5 CHAIRMAN WITKOWIAK: Okay. And did I
6 ask you if you received a notice that there's a
7 possibility this could be denied because of
8 neighborhood objections?
9 THE APPLICANT: We did receive the
10 notice.
11 CHAIRMAN WITKOWIAK: Do I have to check
12 with Neighborhood Services? Health?
13 HEALTH: No objections.
14 DNS: No objections.
15 CHAIRMAN WITKOWIAK: And are you
16 gentlemen here to testify in support or
17 opposition?
18 THE WITNESSES: Opposition.
19 CHAIRMAN WITKOWIAK: Okay. If you,
20 sir, could - - We'll start with this gentleman
21 here. Could you pull that microphone towards
22 yourself, because we have to get this - -
23 COURT REPORTER: Can you spell your
24 name?
25 THE WITNESS: My whole name? L-O-R-E-

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1 N-Z-O, Lorenzo. Last name, M-E-N-A, Mena.

2 CHAIRMAN WITKOWIAK: Okay. And - - And
3 your address, Mr. Mena?

4 THE WITNESS: 1949 South 14th Street.

5 CHAIRMAN WITKOWIAK: And how far away
6 is that from - -

7 THE WITNESS: Right next door - - next
8 door to it.

9 CHAIRMAN WITKOWIAK: Next door.

10 THE WITNESS: Next.

11 CHAIRMAN WITKOWIAK: Okay. And your
12 testimony?

13 THE WITNESS: Well, the problem is that
14 there's too much garbage around there, mostly. I
15 mean, they go through the drive-through and they
16 park right on the street and they just throw the
17 garbage out. And he hasn't improved anything on
18 that. It's garbage all over the place, all over
19 the street there. They never go out and clean it
20 up or anything. They just clean their lot.
21 That's it.

22 CHAIRMAN WITKOWIAK: Okay. And your
23 testimony, Mr. Susek.

24 THE WITNESS: The thing is that the
25 noise - -

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1 CHAIRMAN WITKOWIAK: What is your
2 address?

3 THE WITNESS: 19 - - 1951 South 14th.

4 CHAIRMAN WITKOWIAK: And just your name
5 for the court reporter.

6 THE WITNESS: S-U-S-E-K, Robert.

7 CHAIRMAN WITKOWIAK: S-U-S-E-K. Okay.
8 And your testimony.

9 THE WITNESS: My complaint is that the
10 evening hours, it's noisy after ten o'clock, and
11 the last meeting we had here they were supposed
12 to put a no - - like calm down, turn down your
13 jukebox while they're driving through. And,
14 also, the last meeting, if I'm not mistaken
15 referred to about right-hand turns - - or left-
16 hand turns. Because they turn in and out of the
17 lot there, and they're hot-rodding towards Rogers
18 where there's kids playing all the time.

19 CHAIRMAN WITKOWIAK: So they were asked
20 to put up a sign?

21 THE WITNESS: Yes, we had that, if I'm
22 not mistaken, if you looked at the meetings from
23 last time when we here, they were told that.

24 CHAIRMAN WITKOWIAK: Do you recall
25 that, Mr. Luciano?

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1 THE WITNESS: And a speed bump.

2 THE APPLICANT: No, we don't. May I

3 say something, sir?

4 CHAIRMAN WITKOWIAK: Go ahead.

5 THE APPLICANT: I think Mr. Susek, if I
6 have his name right, and I apologize if I don't,
7 he's saying that there's kids in the street, and
8 we're talking about a 24 hour service. At that
9 time of night I don't think there's kids out in
10 the street, so. It - - You know, our - - our
11 customers are not posing a threat to anybody who
12 is out there. Actually what I can say about the
13 cars that go through our drive-through is that
14 just because of the physical layout of the drive-
15 through where the cars must come in and make a
16 left-hand turn first, and then they - - After
17 they order, they make another left-hand turn, and
18 then in order to exit they need to make a right-
19 hand turn after picking up their food. There is
20 a curb right in front of where they need to exit,
21 and then there is the sidewalk, which obviously a
22 car cannot leave the premises at high speed. Not
23 only because of the physical layout of the drive-
24 through, but also, because they do have usually
25 another car in front of them. So I think that is

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1 very important to bring out in terms of what cars
2 can do and cannot do as they're going through
3 that drive-through lane.

4 With regards to the garbage that Mr.
5 Mena is mentioning, that is totally false. That
6 is totally false. We do have three maintenance
7 employees. We always have a maintenance employee
8 on the premises, and these people have been
9 instructed, and that was done after we came here
10 last year, that they need to walk the street in
11 both directions up to the stop signs on both
12 sides of the street and pick up any garbage that
13 has a McDonald's label on it. And we're doing
14 that faithfully. I personally inspect that, and
15 my operation's manager also looks at that.
16 Actually, sometimes I'll take the route of coming
17 in from Beecher towards the - - towards the
18 restaurant, even though that's not the natural
19 route for me to come in to the restaurant, just
20 to check that there is nothing out there that - -
21 that is - - is litter on the - - on the street.

22 Now obviously, our employees go out
23 there once, sometimes twice a day, and in between
24 somebody will drop something, but it - - it is
25 not obviously our responsibility. Actually,

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1 there's two garbage cans, one on the right-hand
2 side of the exit, and there's another one on the
3 left-hand side of the exit as cars are coming
4 out. And we usually see some customers dropping
5 their litter there, and we sometimes even see
6 people from - - that are not customers of ours,
7 but use our stations to drop their garbage. So I
8 can tell this committee with no hesitation that
9 if there was ever a garbage issue there, that is
10 not the case.

11 CHAIRMAN WITKOWIAK: Have you met with
12 these two gentlemen?

13 THE APPLICANT: No. We have not seen
14 these - - these gentlemen since the last time we
15 were here. Actually, when we came here last
16 year, we weren't aware of a situation that had
17 happened with Mr. Mena. He was a regular
18 customer of our - - of our restaurant, and I
19 would like to ask Mr. Mena if he ever brought to
20 the attention of the prior owner any issues that
21 he had with the 24 hour service, or if he ever
22 had reported issues with the 24 hour service
23 under the prior owner to the authorities, to the
24 city officials. And he was a regular customer of
25 ours, and he stopped going to the restaurant

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1 because some time in the month of February Mr.
2 Mena, who was a regular customer of ours, exposed
3 himself to one of my employees in the lobby, and
4 there is a police incident report on that. And I
5 believe that - - that his intentions and his
6 credibility should - - should be questioned as to
7 the motive of why is he truly here.

8 CHAIRMAN WITKOWIAK: Mr. Mena, could
9 you, for the committee, could you answer to that
10 for us, please?

11 THE WITNESS: Well, on - - on the
12 garbage issue, you know, I always told the prior
13 owners, too, about it, you know.

14 CHAIRMAN WITKOWIAK: Um-hnh.

15 THE WITNESS: And the reason I haven't
16 gone is last time he told me that - - not to park
17 there anymore. You know, he told me out in the
18 - - on the elevator, you know. I don't want to
19 see your car parked there no more, on the - - on
20 the lot. Because a lot of times there were no
21 parking on the street, so I - - I would park on
22 the - - on the - - on his lot. So he told me in
23 the elevator when we were going down, don't park
24 - - don't park there no more.

25 CHAIRMAN WITKOWIAK: And, Mr. Mena, was

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1 there - - was there a police incident involving
2 your presence in the restaurant at one time?

3 THE WITNESS: Well, yeah, but there's
4 nothing to it, you know. Not - - Not - - There's
5 nothing - - There hasn't gone anywhere on that,
6 so, I don't know.

7 THE APPLICANT: The police record
8 reflects that it was lewd and lascivious
9 behavior. He was booked for it. I have the
10 police incident report. I mean, if the committee
11 wants to go over it, we can get graphical as to
12 what the - - the - - what the police officer
13 wrote down on that - - on that record. But
14 that's the situation.

15 Just to - - Just, you know, I think
16 we've also bent backwards with Mr. Mena. We - -
17 We put some lights on our roof. And obviously
18 it's an expense to us. They're still there - -
19 They're still sitting there. Mr. Mena, we - - we
20 had - - we got the city's permission to put these
21 lights on the roof. So we were operating with
22 the proper permits on this. Mr. Mena called in
23 to the restaurant and he - - and he said,
24 "Listen, these lights are bothering us." I made
25 it a point to immediately tell - - "Listen, take

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1 down," you know. "Don't - - Don't use the
2 lights." So I think that we are a good corporate
3 citizen of the community. We don't have - - I
4 mean, if - - if there was an issue, he should
5 have brought it to us. He has never spoken to us
6 regarding any issues since the last time we were
7 here.

8 We have no complaints from other people
9 who live on the street. So, I mean, them not
10 being here, I think that - - that in a certain
11 way is a silent majority that although they - -
12 they might be very busy or they don't find the
13 need to come here to - - to talk about our
14 business and the way we conduct our business.

15 CHAIRMAN WITKOWIAK: Thank you. Ma'am,
16 could you stand by the microphone. Raise your
17 right-hand.

18 THE WITNESS: I'm sorry. I stepped out
19 of the office to call my office. When I came
20 back, I was late.

21 CHAIRMAN WITKOWIAK: Please raise your
22 right hand.

23 (Whereupon the witness was sworn.)

24 THE WITNESS: I do.

25 CHAIRMAN WITKOWIAK: Your name and

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1 address for the record.
2 THE WITNESS: Karen Benitez.
3 CHAIRMAN WITKOWIAK: Okay. And your
4 address?
5 THE WITNESS: 1979 South 14th Street.
6 CHAIRMAN WITKOWIAK: Okay. How far is
7 that away, Karen, from the - -
8 THE WITNESS: Five houses down from
9 McDonald's on the same side of the street.
10 CHAIRMAN WITKOWIAK: Okay.
11 THE WITNESS: We own - - We own a
12 corner house for 20 years.
13 CHAIRMAN WITKOWIAK: Um-hnh.
14 THE WITNESS: On 14th and Rogers. And
15 I would like to ask for the license for extended
16 hours be denied. The fact is that there is a lot
17 of garbage in the neighborhood. I have request
18 of Alderman Witkowiak about putting receptacles
19 on my corner and across the street, because we do
20 have people who are throwing garbage all over the
21 place, McDonald's garbage. Right now in front of
22 my house I have a bag of McDonald's garbage
23 that's been sitting in the gutter for three days.
24 And they park around our house right on the
25 corner. They eat in front of our house in their

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1 cars. They throw their stuff out the windows.
2 They leave trays with cups behind. And - - And
3 all last year I've been writing to Wit - -
4 Alderman Witkowiak. I have the letters right
5 here, about the garbage problem in our
6 neighborhood and that. And I've called
7 McDonald's. I know this is a new owner a few
8 years ago. I've called down to McDonald's like
9 on the weekends that there is garbage out there.
10 I have seen them come once in a while, but not as
11 often as they should. And they did have 24 hour
12 service before, and on the weekend on Saturday
13 mornings, Sunday mornings, I would wake up, lo'
14 and behold, there's McDonald's garbage all over
15 my property. Because during the night they're
16 sitting there eating their food, and then throw
17 stuff out the windows.

18 CHAIRMAN WITKOWIAK: Okay. Thank you.
19 Do we have any questions by members of the
20 committee of this witness?

21 THE WITNESS: Do you need the - - the
22 letters on the garbage problem?

23 CHAIRMAN WITKOWIAK: I - - I actually
24 have copies, but I'll tell you what - -

25 THE WITNESS: Okay.

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1 CHAIRMAN WITKOWIAK: We can - -

2 MR. SCHRIMPF: Mr. Chairman, it would
3 be better for them to come in through the
4 witness.

5 CHAIRMAN WITKOWIAK: Okay. Let's - -
6 Let's do that then. And Alderman Puente moves to
7 make the copies of these records part of the
8 permanent hearing in this matter, and hearing no
9 objections, so ordered.

10 THE WITNESS: These are copies. You
11 may keep them.

12 ALDERMAN BOHL: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Alderman Bohl.

14 ALDERMAN BOHL: Mr. Luciano, you had
15 indicated that you have three maintenance
16 employees that will periodically comb the area
17 for - - for litter and debris. Are they - - Are
18 they just working on your - - your property
19 proper, or do you send them out in at least the
20 immediate vicinity around including some of the
21 neighboring properties?

22 THE APPLICANT: Daily, they will go out
23 and they will walk the street. They leave the
24 restaurant. They - - They turn to the left, and
25 they go down to the - - to the stop sign. And

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1 then they're instructed that they have to cross
2 the street and walk on the other side of the
3 street, and anything that has a McDonald's label
4 on it, they will pick up. Obviously, there's
5 garbage in the neighborhood from other sources.
6 We do not pick up that garbage. I mean, that
7 would belong to the city or to - - I think we're
8 going beyond our responsibility.

9 ALDERMAN BOHL: Mr. Luciano, let me ask
10 you one question. Why not? Why not? If - - If
11 somebody dumps something - - You live on Prospect
12 Avenue. If somebody dumps something in front of
13 your home, do you believe it's the city's
14 responsibility to go over in front of your
15 property and pick that up?

16 THE APPLICANT: No.

17 ALDERMAN BOHL: Why - - Just out of
18 curiosity, why not, as a - - out of respect for
19 the neighborhood that you yourself are a neighbor
20 in, would you not while the employee's there and
21 walks and steps over and kicks a can to pick up
22 the - - the cheeseburger wrapper, why wouldn't
23 you just instruct them to go down and pick that
24 up? You know what, because you want to be a good
25 neighbor in the neighborhood that you're a part

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1 of it, that you are earning your living from. I
2 just don't understand it. I don't - - You know,
3 if
4 - - if - - If I'm walking down the street and I
5 see a wrapper when I'm walking my - - my dog,
6 that's on my neighbor's lawn right by the
7 sidewalk, I don't hoot and holler to my neighbor
8 to pick it up. You know what, if I've got the
9 ability to pick it up and put it in my pocket and
10 - - and throw it in my own garbage, I do that. I
11 don't say it's the city's job, and I don't say
12 it's my neighbor's job. You know what? If my
13 neighbor sees it, I'm hopeful my neighbor picks
14 it up. But the fact of the matter is that's just
15 being a good business person. It's being
16 respectful for the neighborhood that you are a
17 part of. I'm sorry to get on the soapbox here.
18 I think you ought to change your policy. And I
19 can't force you to, but I think it's prudent on
20 your part. I think it makes intelligent
21 business, and it shows respect for the
22 neighborhood that you are, indeed, a part of.
23 THE APPLICANT: Alderman Bohl, we - -
24 we appreciate your comment, and we will just take
25 it as part of our daily routine. I think you're

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1 right, and I won't discuss that. But I - - I - -
2 Is it possible to ask the lady who was standing,
3 a question, because she was - - Is that allowable
4 at this time?

5 CHAIRMAN WITKOWIAK: Please.

6 THE APPLICANT: She - - She's saying
7 that there's cars parked out there. Usually, we
8 have an ample parking lot which is never full.
9 I've been there for a year now, and I've never
10 seen it full, either in the daytime or during the
11 day - - during the nighttime. Is this that
12 frequent, or is this something that happens, you
13 know, very - - once in a while a car will go out
14 there and park in front of her house? Because we
15 do have parking and - - and there's always
16 parking on the street. I've - - I've never seen
17 this - - this particular street jammed with cars,
18 I mean, the only time I could probably say that
19 happens is sometimes early in the morning when
20 everybody's about to leave or something, you
21 know. They're - - They have their cars there,
22 so.

23 My customers, you know, have a place
24 where they can eat without leaving the
25 restaurant, even though our lobby is closed.

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1 THE WITNESS: I've often wondered that
2 myself. They park right on the corner, and I
3 know it can be a beautiful day, trees. They just
4 feel like parking there around my house. It
5 happens every week, every weekend. When I'm home
6 at night from work, I see them park around there.
7 I don't know if they have someplace else to go or
8 something and they don't want to go home and take
9 their stuff home with them. But it happens every
10 single week, and every single week we always have
11 McDonald's stuff. And like I said, there's a
12 pile - - there's a bag of gar - - McDonald's
13 garbage stuff in the gutter in front of my house.
14 It's been sitting there for three days.

15 And another thing, too, at night when
16 you were open for 24 hours before, cars did go
17 screeching out. They would come out of
18 McDonald's, turn right. They would screech, come
19 out, because they had been drinking. Bars close,
20 go to McDonald's, get some stuff. They'd come
21 out. They're probably lubricated. They come
22 out. They come screeching out, and they come
23 roaring past. And sometimes they don't stop for
24 the stop sign that's there. We've been noticing
25 that. And they come roaring past. And so there

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1 is screeching around the neighborhood. There is.
2 And it's - - It's going on late at night, too.

3 THE APPLICANT: I don't know. I - -
4 You know, you would need to be there and - - and
5 be physically checking every car that's leaving
6 McDonald's and - - and taking a survey if they
7 actually are screeching because they are leaving
8 McDonald's or they were just passing through. So
9 I think, you know, that sort of behavior will
10 happen I would say in a lot of neighborhoods
11 where you will get a car screeching. Now, is it
12 because it's my neighbor? Is it because it's our
13 customer? Or is it somebody that was actually
14 driving through? How do we establish that, you
15 know?

16 THE WITNESS: It's not only people who
17 are driving. It's people who are walking, too.
18 And I live five houses away from the
19 establishment. So walking past our house, they
20 get done with a soda cup, oop, right by the
21 corner. They throw their stuff right on our
22 lawn, throw it out on the street. They don't
23 want to carry it anymore. They're walking home.
24 That happens now even when they're driving, but
25 when they're walking home, too. And they just

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1 throw McDonald's garbage.

2 THE APPLICANT: A question. Do they
3 also throw Taco Bell and Burger King and Auto
4 Zone?

5 THE WITNESS: Not - - We do see some
6 - - some, a little bit, but the majority is
7 McDonald's. Everybody likes McDonald's, and
8 everybody knows that. Everybody likes - -
9 There's a lot of people that like Taco Bell, but
10 the majority of the people go to McDonald's. And
11 since we're only five houses away from you, we
12 get hit with all McDonald's garbage. Taco Bell
13 is across the street down a ways. So probably
14 the people that live across the street is getting
15 - - maybe Taco Bell garbage. I don't know. I
16 don't live across the street. I can only testify
17 to my experience, since I live five houses away
18 from you, right - - right on the corner.

19 THE APPLICANT: Taco Bell is right in
20 front of our premise. I mean, it's - -

21 THE WITNESS: Right. But it's farther
22 from me.

23 THE APPLICANT: - - straight - - We
24 would be more than happy to put one of our, you
25 know, if - - if that would help the community, we

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1 would be more than happy to put one of our
2 canisters on both ends of the street. I mean, if
3 the city will allow us to do that. We would be
4 more than happy to do that. If that would
5 obviously create a - - a station where the people
6 walking down the street would throw their garbage
7 there, and my employees would pick it up every
8 day. I mean, that - - that's an easy solution to
9 something that she is presenting as a problem.
10 We're more than happy to do that.

11 THE WITNESS: That's - - That's what
12 I've been fighting for, a receptacle on my corner
13 for garbage.

14 THE APPLICANT: I'll be more than happy
15 to provide one in front of, which I believe is
16 your house - -

17 THE WITNESS: Right.

18 THE APPLICANT: - - and the other side
19 where the - - I mean, we would need - -

20 THE WITNESS: Right.

21 THE APPLICANT: I don't know if we
22 would need city permission to do that, but - -

23 THE WITNESS: Okay.

24 CHAIRMAN WITKOWIAK: Actually, I don't
25 think we can do that. I don't think you can put

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1 a private container out there, but the - - the
2 city - -

3 THE WITNESS: I've - - I've been
4 noticing the garbage receptacles on 2nd and
5 National, the black wrought iron ones, and that
6 would fit beautifully in a residential area. It
7 wouldn't be an eyesore.

8 CHAIRMAN WITKOWIAK: I wish I had the
9 money to do that in the whole district. We got a
10 - - We got a state Department of Transportation
11 grant last year, and it had to do with the fact
12 that National Avenue was a - - a state highway,
13 and that's how we got that extra money, and
14 that's why we did those receptacles. So don't
15 think I favored them over you.

16 THE WITNESS: Okay.

17 CHAIRMAN WITKOWIAK: It was just there
18 were - - There were parameters we had to - -

19 THE WITNESS: But you - - in
20 consideration to a residential area that's right
21 on the same block as a food establishment, a
22 popular food establishment, like McDonald's.

23 CHAIRMAN WITKOWIAK: If - - If we could
24 - - If we could lessen the - - the garbage
25 problem, that would - -

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1 THE WITNESS: Um-hnh.

2 CHAIRMAN WITKOWIAK: - - that would

3 help considerably?

4 ALDERMAN WADE: Mr. Chair.

5 CHAIRMAN WITKOWIAK: Alderman Wade.

6 ALDERMAN WADE: If I may speak about
7 this garbage issue. I wish it was as simple as
8 just putting a garbage can out there and that
9 would solve the problem. But unfortunately in my
10 district and throughout the city we have garbage
11 receptacles at bus stops, at corners, at schools,
12 at corner stores, and citizens still disregard
13 the garbage can and throw stuff on the ground. I
14 see people all the time at the bus stop eating
15 something. The bus come, they're leaning on the
16 garbage can. They throw it on the ground and get
17 on the bus. So I don't think a receptacle in a
18 certain area is going to solve this problem.
19 This - - This is a practice, a bad habit of the
20 community. People just don't respect handling
21 their garbage in - - in the right fashion.

22 As a matter of fact, every time - - I
23 guess it's my turn to be on my soapbox now. But
24 every time I go to speak to students at schools,
25 I ask them to do two things for me. Number one,

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1 put your garbage in the garbage can. Because we
2 can save millions of dollars if we did that. And
3 number two, just vote when you turn 18. Those
4 are the only thing - - two things I want you to
5 do. But there's a problem in the city with
6 people being disrespectful or mishandling their
7 garbage. People throw garbage in the garbage can
8 without a garbage bag which gives us problems.
9 People throw garbage off the top porch. I mean
10 we have problems with garbage in the city. So
11 the receptacle, although it sounds like a fix, I
12 don't believe that's a fix. I see people driving
13 down the street and throw garbage out of the
14 window of the vehicle while they're driving. So
15 I would like to - - I would like it if we could
16 just put a garbage can there and fix it, but un -
17 - unfortunately, I'm convinced that that will not
18 fix the issue.

19 CHAIRMAN WITKOWIAK: I - - I concur
20 with Alderman Wade, and I thank - - thank you for
21 those comments. I, you know, 6th and Mitchell
22 where I live is one of the busiest streets on the
23 south side. I see the same thing. I see people
24 leaning - - leaning on the garbage can waiting
25 for - - waiting for the bus. All of a sudden the

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1 bus comes, the potato chip bag goes right on the
2 ground and they run on the bus - -

3 ALDERMAN WADE: I see it every day.

4 CHAIRMAN WITKOWIAK: And they could

5 have just as easily - -

6 ALDERMAN WADE: Put it in the garbage
7 can, yes.

8 MR. PEREZ: Actually - - Actually, we
9 - - we got some neighbors that like to put their
10 trash bags on the side of our - - inclusive on
11 the sidewalk because we - - we just pick it up
12 and throw it to our - -

13 THE APPLICANT: Container.

14 MR. PEREZ: Container, so.

15 CHAIRMAN WITKOWIAK: But so - - I'm not
16 not - - We're not saying - - And I'm not saying
17 the containers wouldn't help. The containers
18 help. Because there are some people that are
19 conscious enough - - Hopefully, Alderman Wade's
20 message is getting out there. My message will
21 get out there. If you can just get a few people
22 to throw something in there, it's better than all
23 that stuff floating around out there. That's
24 better than nothing. But what - - what would
25 help more is the - - your staff, as Alderman Bohl

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1 suggested, picking up everything that they
2 encounter. And, I mean, I - - I do it on my
3 block. And it bothers me, because I know
4 - - I always tell people, I say, "You know what?
5 I don't mind picking up my own garbage. I do
6 mind picking up everybody else's." But the
7 problem is if I don't pick it up, it will
8 probably stay out there. And then it makes my
9 place look bad, because I've got so much litter
10 floating around my place.

11 I have - - I have either myself or my
12 people at seven in the morning and at noon and at
13 four in the afternoon, we go around and we pick
14 everything up. And it aggravates me a lot
15 because a lot of times at seven o'clock in the
16 morning I'm out there and I pick everything up
17 and I go and I - - and I even go to the median
18 strip and sometimes even across the street if I
19 see a bottle or a can, and I - - and I look when
20 I get done, and I say, "Well, that looks pretty
21 good." And it aggravates the heck out of me.
22 Because sometimes at noon I go out there, it
23 looks like I didn't do anything. You know, the
24 wind is blowing. Alderman Wade is completely
25 right. If everybody put their garbage in garbage

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1 bags before they threw it out, because what
2 happens on a collection day, people that just
3 throw their loose papers in the garbage
4 container, on a windy day the truck comes, places
5 it up, the wind is blowing, 25 percent of it goes
6 flying back in the neighborhood, and we end up
7 picking it up again. So that, you know, those
8 are problems that - - But - - But it would help
9 if your people not only picked up the McDonald's
10 stuff, but, you know, and I'm - - I'm not - -
11 THE APPLICANT: We will certainly do
12 that, sir.

13 CHAIRMAN WITKOWIAK: Okay. And I just
14 want to share something with the committee here,
15 and I - - I want to add this to the record. This
16 is a - - I had the South Side Organizing
17 Committee do a door-to-door survey on this. This
18 is a touchy subject in the neighborhood. There's
19 no - - no doubt about it, the - - the 24 hour
20 thing. And they did a total of - - a total of 34
21 face-to-face visits at the door. And they had 28
22 people responded in favor of allowing them 24
23 hours. And six people said no, one of which was
24 Mrs. Benitez, and the other - - the other five
25 are not here. These - - These two gentlemen, did

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1 somebody come to your door?

2 THE WITNESS: Unless they came when I
3 went to work.

4 CHAIRMAN WITKOWIAK: I see. Okay.

5 THE WITNESS: That's the part, also, is
6 they're going to be open that long, then coming
7 with their radios blasting and waking people up,
8 and, you know, people get up at four o'clock in
9 the morning to be up by noon - - by midnight when
10 they come in.

11 THE APPLICANT: Sir?

12 CHAIRMAN WITKOWIAK: Yes.

13 THE APPLICANT: Can I say something
14 regarding the noise? In order for us to take an
15 order through the drive-through we need - - we
16 use a speaker system. And - - And it's
17 impossible to take an order if somebody is really
18 their - - their - - their radio is going on that
19 loud. We could not take an order. I mean,
20 sometimes somebody will come with their volume on
21 the radio a little bit, you know, on the - - on
22 the excessive side, and the people - - the person
23 taking the order must tell that individual you
24 have to lower it, because we won't be able to
25 take the order. So, like I said, regarding the

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1 drive-through lane and now with the noise,
2 physically some things are - - it would be
3 impossible for us to operate if - - if they were
4 at the magnitude that - - that - - that these
5 individuals want us to - - to believe they are.

6 CHAIRMAN WITKOWIAK: Ms. Benitez, did
7 you - -

8 THE WITNESS: I was just thinking that
9 a lot of times when they leave after the order,
10 after they get their bag in the car, they will
11 turn it up again and leave.

12 THE WITNESS: Or waiting there because
13 they ordered something special.

14 THE WITNESS: So - - If they have to
15 wait.

16 ALDERMAN PUENTE: Mr. Chair.

17 VICE-CHAIRMAN BOHL: Alderman Puente.

18 ALDERMAN PUENTE: Real quick. I'd like
19 to read the service performed on complaint
20 service requests, tracking number 17982.1.
21 Basically this is a letter from the office of
22 Alderman Witkowiak addressing Mrs. Benitez'
23 concern about the littering in the area, the
24 subject matter that everybody was just talking
25 about. Basically it talks about the - - the

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1 litter in the block away from Taco Bell, Burger
2 King, McDonald's and two grocery stores. In the
3 service performed from the Department of Public
4 Works Environmental Services, a sanitation
5 supervisors inspected the area on 7/25/05. "No
6 excess debris or litter was found. At this time
7 a litter container will not be placed. The area
8 will be monitored for future needs." I just had
9 to make sure everybody was aware of that.

10 VICE-CHAIRMAN BOHL: Thank you,
11 Alderman.

12 THE WITNESS: Can I respond to that?

13 VICE-CHAIRMAN BOHL: Yes.

14 THE WITNESS: At the time when I made
15 that complaint, I cleaned up around my area, my
16 house. And then they came and inspected. But I
17 already cleaned up. So, that's - -

18 ALDERMAN PUENTE: The whole block,
19 though? They inspected the whole block, ma'am.

20 THE WITNESS: Oh, okay. All right.

21 VICE-CHAIRMAN BOHL: Alderman
22 Witkowiak.

23 ALDERMAN WITKOWIAK: I would like to
24 make this survey part of the permanent record on
25 this matter, the survey that I referred to from

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1 the South Side Organizing Committee.

2 VICE-CHAIRMAN BOHL: The motion by
3 Alderman Witkowiak is to make the survey from the
4 South Side Organizing Committee part of - - part
5 of our permanent record on this matter, and
6 hearing no objections to that, so ordered.

7 ALDERMAN WITKOWIAK: Mr. Chairman.

8 VICE-CHAIRMAN BOHL: Alderman
9 Witkowiak.

10 ALDERMAN WITKOWIAK: I - - I have a
11 motion. I would like to - - I would like to ask
12 the committee to just hold this matter for one
13 cycle. I want - - There's - - There's a couple
14 things that concern me. I really think that the
15 garbage thing is controllable, especially with
16 the cooperation that they said they'll go out and
17 they'll, regardless whether it says McDonald's or
18 not, that they'll pick up the garbage.

19 I - - I want to look at - - I want to
20 research two things. Possible signage, and I
21 know that people don't always read these signs or
22 pay attention to them about - - about people
23 keeping their - - their radios down. And I
24 understand exactly what you mean. They have to
25 turn the radio down to order, but then after they

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1 order they might pump it up again before they
2 leave. So I want to see what the possibility is
3 for signage of that about respecting our - - our
4 neighborhood or something with that. It would be
5 a good idea whether it goes 24 hours or not.

6 And then I also want to take a look at
7 this - - What is the preferred direction for the
8 people to turn? It would be - - When they come
9 out of the drive-through, it would be to turn
10 towards the - -

11 THE WITNESS: Turn towards Burnham
12 would probably be better off as - - I mean, at
13 night-time they just go that way, they're
14 squealing their wheels when they do leave, it's
15 going down the whole block. The other way
16 there's no homes really. You got the Taco Bell.
17 You got the automotive store. But there's nobody
18 really on that street by going to the left.

19 THE WITNESS: Well - - Yes, when they
20 come out of the parking lot, if they turn left,
21 they're hitting businesses, there are businesses.
22 But when they turn right, they're hitting all the
23 residential houses when they turn right.

24 ALDERMAN WITKOWIAK: Okay. So if they
25 were - - If they were all forced to turn left,

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1 that would help.

2 THE WITNESS: Yeah. In fact, when they
3 first opened up a long time ago, they had a sign
4 at the - - at the exit ramp as they came out,
5 that they had only, you know, the city - - making
6 a left-hand turn only.

7 ALDERMAN WITKOWIAK: Okay. So, Mr.
8 Chairman, I would ask that this matter be held at
9 the call of the chair. I want to - - Two things
10 I want to - - Actually, three things. I want to
11 check that if we can do that left turn only. I
12 want to check with traffic engineering and see
13 what we can do about that. I want to take a look
14 at the possible signage. And then I want to see -
15 - I
16 - - I hope that regardless of the outcome of this
17 hearing, that - - that you'll go to work on the
18 garbage thing anyway?

19 THE APPLICANT: We'll take that at
20 heart.

21 ALDERMAN WITKOWIAK: Okay.

22 THE APPLICANT: And we'll make that
23 happen immediately.

24 VICE-CHAIRMAN BOHL: Alderman
25 Witkowiak, was - - was your motion to hold to the

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1 call of the chair or to hold one cycle, because I
2 believe that you made one comment to each regard.

3 ALDERMAN WITKOWIAK: Oh, I - - I'm
4 sorry. Let's hold the call of the chair.

5 VICE-CHAIRMAN BOHL: Okay.

6 ALDERMAN WITKOWIAK: And I just want to
7 - - I just want to say one other thing. Those of
8 you that came down and testified today, that
9 testimony is part of the record. So we don't
10 have to - - You don't - - You don't have to come
11 again or you're not missing anything in a
12 subsequent hearing. When we - - When we bring a
13 matter back, then it's all part of the - - it's
14 all part of the record in the matter, so.

15 VICE-CHAIRMAN BOHL: The motion before
16 us by Alderman Witkowiak is to hold this matter
17 at the call of the chair. Are there any
18 objections to that motion? Hearing none, so
19 ordered.

20 CHAIRMAN WITKOWIAK: Thank you for your
21 testimony. We're going to - - We're going to do
22 a little more research on this, I think. I think
23 we all need that. Feel more comfortable before
24 we - - we render a decision. Okay? Thank you.
25 Thank you for coming down. We appreciate your

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1 testimony.

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6 STATE OF WISCONSIN)

7 MILWAUKEE COUNTY)

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9 I, JEAN M. BARINA, of Milwaukee Reporters
10 Associated, Inc., do certify that the foregoing
11 transcript was reduced to writing under my direction
12 and that it is a true and accurate transcription of
13 the Licenses Committee Hearing held on February 14,
14 2006.

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JEAN M. BARINA - COURT REPORTER

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Dated this day of February, 2006

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