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1 CITY OF MILWAUKEE

2 UTILITIES & LICENSING HEARING

3

4 In the Matter of:

5 JEWEL FOOD STORE, INC.

6 1100 East Garfield Avenue

7

8 COMMITTEE MEMBERS

9 ALD. JAMES WITKOWIAK - Chairman

10 ALD. JAMES BOHL, JR. - Vice Chairman

11 ALD. TERRY WITKOWSKI

12 ALD. JOSEPH A. DUDEK

13 ALD. ROBERT PUENTE

14 HEALTH DEPARTMENT by OSCAR BOND

15 DEPARTMENT OF NEIGHBORHOOD SERVICES by PANDORA BENDER

16 LICENSE DIVISION by JIM COPELAND

17 CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

18 FRIEBERT, FINERTY & ST. JOHN, by TODD S.

19 FARRIS, 330 East Kilbourn Avenue, Milwaukee,

20 Wisconsin, appeared on behalf of the applicant.

21

22 Proceedings had and testimony given in the

23 above-entitled matter before the UTILITIES &

24 LICENSING COMMITTEE OF THE CITY OF MILWAUKEE on the

25 16th day of July, 2004, before Terese M. Schiebened of

Milwaukee Reporters Associated, Inc.

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1 PROCEEDINGS

2 (City Personnel were previously affirmed.)

3 CHAIRMAN WITKOWIAK: Back on the record at

4 9:25 a.m. In the 6th District, Michael S. Daly, agent

5 for Jewel Food Stores, Incorporated, Class A Liquor

6 and Malt application for Jewel-Osco #3653 at 1100 East

7 Garfield.

8 Good morning. Could you please raise your

9 right hands to be sworn in.

10 (MICHAEL DALY and LAURIE SANDERS were duly

11 affirmed.)

12 CHAIRMAN WITKOWIAK: Would you state your

13 name and address for the record.

14 MR. DALY: Michael S. Daly, 2050 South 103rd

15 Court, West Allis, Wisconsin.

16 MS. SANDERS: Laurie Sanders, director of

17 public affairs for Jewel-Osco. And home address or

18 corporate address?

19 CHAIRMAN WITKOWIAK: Whichever you prefer?

20 MS. SANDERS: 1955 West North Avenue in

21 Melrose Park, Illinois, Jewel-Osco headquarters.

22 MR. FARRIS: Todd Farris, Friebert, Finerty

23 & St. John, 330 East Kilbourn Avenue.

24 CHAIRMAN WITKOWIAK: Health Department?

25 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

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

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

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

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

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,

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

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?

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

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

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

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.

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

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.

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,

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.

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?

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?

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

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

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

1 CHAIRMAN WITKOWIAK: Thank you very much.
 2 Are there any questions? Thank you for your
 3 testimony. Carrie Reisenger.
 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

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

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

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

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

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?

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

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

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

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.

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

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

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.

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

1 CHAIRMAN WITKOWIAK: Alderman Bohl.

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

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

21 I will also state for the record as much as
 22 is true that this body, this committee, the Common
 23 Council as a body is not subject to alleged gentlemen
 24 agreements, even if they were to have taken place.

25 And I guess in terms of testimony here, I'm not

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.

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

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 members clear on the motion?

16 ALDERMAN PUENTE: Yes.

17 CHAIRMAN WITKOWIAK: Let's take the roll.

18 THE SECRETARY: Alderman Bohl.

19 ALDERMAN BOHL: Aye.

20 THE SECRETARY: Alderman Dudzik.

21 ALDERMAN DUDZIK: Aye.

22 THE SECRETARY: Alderman Puente.

23 ALDERMAN PUENTE: Aye.

24 THE SECRETARY: Alderman Witkowski.
25

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

1 ALDERMAN WITKOWSKI: Aye.

2 THE SECRETARY: Mr. Chair.

3 CHAIRMAN WITKOWIAK: Aye.

4 THE SECRETARY: Five ayes.

5 (Proceedings concluded at 12:00 p.m.)

6 * * *

7 STATE OF WISCONSIN)

8)

9 MILWAUKEE COUNTY)

10
 11 I, TERESE M. SCHIEBENES, of Milwaukee
 12 Reporters Associated, Inc., 5120 West Blue Mound Road,
 13 Milwaukee, Wisconsin 53208, certify that the
 14 foregoing proceedings is a full and complete
 15 transcript of my stenographic notes taken in the
 16 foregoing proceedings.

17
 18
 19
 20 TERESE M. SCHIEBENES
 21 Certified Shorthand Reporter

22
23
24 Dated this day of , 2004.
25

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

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

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

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

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.

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

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.

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

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

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

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

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

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

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

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

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

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

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.

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,

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.

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

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.

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

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

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.

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

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

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

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

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

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.

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

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

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,

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.

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

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

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

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

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.

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

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

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

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

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

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,

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

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.

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

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

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

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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