



**CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK**

Monday, August 23, 2010

COMMITTEE MEETING NOTICE

AD 10

Dante T. Pearson
5231 W Center St
Milwaukee, WI 53210

You are requested to attend a hearing which is to be held in Room 301-B, Third Floor, City Hall on:

Wednesday, September 08, 2010 at 8:00 AM

Regarding: Your Food Dealer application for "Smoke Kings Depot" at 5231 W. Center St.

There is a possibility that your application may be denied for the following reasons:

Objection by the Common Council member in whose district the food establishment is located.

The proposed operation of the premises in such a manner that it creates a public nuisance of the premises will tend to contribute to neighborhood incidents and conditions identified in s. 68-4-11-g, Milwaukee Code of Ordinances (see attached).

An over-concentration of food dealer outlets in the neighborhood.

**Notice for applicants
with warrants or
unpaid fines:**

Proof of warrant satisfaction or payment of fines must be submitted at the hearing on the above date and time. Failure to comply with this requirement may result in a delay of the granting/denial of your application.

Failure to appear at this meeting may result in the denial of your application. Individual applicants must appear only in person or by an attorney. Corporate or Limited Liability applicants must appear only by the agent designated on the application or by an attorney. Partnership applicants must appear by a partner listed on the application or by an attorney. If you wish to do so and at your own expense, you may be accompanied by an attorney of your choosing to represent you at this hearing.

You will be given an opportunity to speak on behalf of the application and to respond and challenge any charges or reasons given for the denial. No petitions can be accepted by the committee, unless the people who signed the petition are present at the committee hearing and willing to testify. You may present witnesses under oath and you may also confront and cross-examine opposing witnesses under oath. If you have difficulty with the English language, you should bring an interpreter with you, at your own expense, so that you can answer questions and participate in your hearing.

You may examine the application file at this office during regular business hours prior to the hearing date. Inquiries regarding this matter may be directed to the person whose signature appears below.

Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at (414) 286-2998, Fax - (414) 286-3456, TDD - (414) 286-2025.

RONALD D. LEONHARDT, CITY CLERK

By Rebecca N. Grill

Rebecca N. Grill
License Division Manager

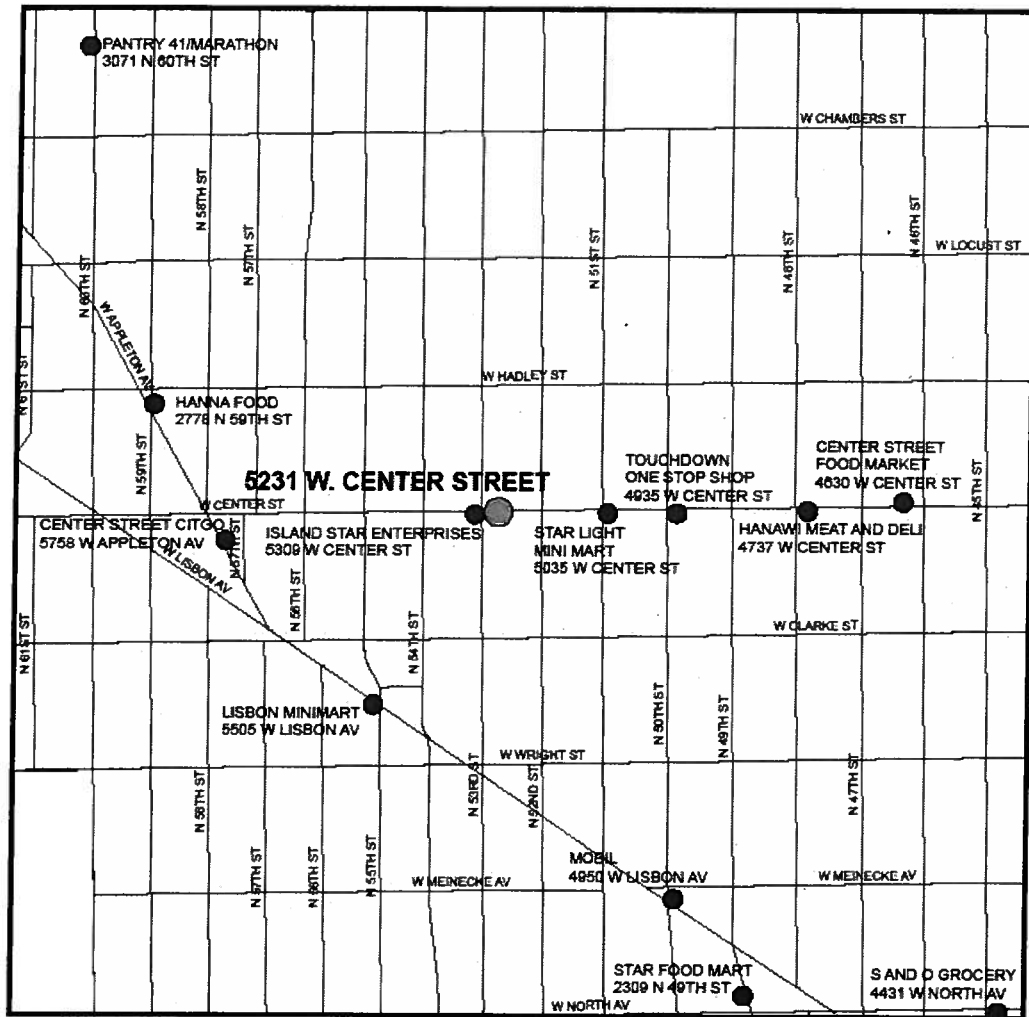
If you have questions regarding this notice please contact the
License Division at (414) 286-2238.

s. 68-4-11 Milwaukee Code of Ordinances

11. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE. An application for a new or renewal food dealer's license may be denied, or any license issued under this section may be suspended or revoked, by the common council for any of the following causes:

- a. Failure of the applicant or licensee to meet the statutory and municipal license qualifications, except for failure to meet sanitary or other health-related qualifications or other circumstances described in s. 68-6 as grounds for license revocation or suspension by the commissioner of health.
- b. A false or materially incorrect statement made by the applicant in his or her application.
- c. Violation of any provision of this section by the applicant, licensee or any employe of the food establishment.
- d. The conviction of the applicant or licensee, his or her agent, manager, operator or any other employe for sale or possession with intent to sell any controlled substance or for any felony related to the licensed operation which, in the judgment of the common council, is pertinent to the license being applied for or renewed.
- e. A showing that the applicant or licensee has violated any state law or city ordinance prohibiting the sale of tobacco products to underage persons.
- f. The violation of any of the excise laws of the state.
- g. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:
 - g-1. Disturbance of the peace.
 - g-2. Illegal drug activity.
 - g-3. Public drunkenness.
 - g-4. Drinking in public.
 - g-5. Harassment of passers-by.
 - g-6. Gambling.
 - g-7. Prostitution.
 - g-8. Sale of stolen goods.
 - g-9. Public urination.
 - g-10. Theft.
 - g-11. Assaults.
 - g-12. Battery.
 - g-13. Acts of vandalism, including graffiti.
 - g-14. Excessive littering.
 - g-15. Loitering.
 - g-16. Illegal parking.
 - g-17. Loud noise at times when the licensed operation is open for business.
 - g-18. Traffic violations.
 - g-19. Curfew violations.
 - g-20. Lewd conduct.
 - g-21. Display of materials harmful to minors, pursuant to s. 106-9.6.
- h. A showing that the premises proposed for licensing will be a convenience store as defined in s. 68-4.3-1, whether or not exempt as provided in s. 68-4.3-3, and that the proposed operation of the premises will tend to contribute to neighborhood incidents and conditions identified in par. g as the result of an over-concentration of convenience stores in the neighborhood. Evidence that a neighborhood is adequately served by existing retail food establishments may be considered in reaching a determination about whether granting a new license will result in over-concentration.

CONVENIENCE FOOD STORES WITHIN A ONE-SQUARE-MILE AREA CENTERED ON 5231 W. CENTER STREET, JUNE 2010



CONVENIENCE FOOD STORE SUMMARY

● 12 TOTAL ESTABLISHMENTS



**City
of
Milwaukee**

Health Department

Tom Barrett
Mayor

Bevan K. Baker, FACHE
Commissioner of Health

Administration

Frank P. Zeidler Municipal Building, 841 North Broadway, 3rd Floor, Milwaukee, WI 53202-3653 phone (414) 286-3521 fax (414) 286-5990
web site: www.milwaukee.gov/health

June 21, 2010

Rebecca Grill
License Division Manager
200 E. Wells Street, Room 105
Milwaukee, WI 53202

Dear Ms. Grill:

Based on criteria listed in the Milwaukee Code of Ordinances Chapter 68-4.11, the City of Milwaukee Health Department formally submits the attached objection to the release of the Food Dealer's License for Dante Pearson located at 5231 W Center St doing business as Smoke Kings Depot by, Ald. Michael Murphy. The mailing address for the applicant is 5231 W Center St Milwaukee WI 53210.

Should you have any questions, please feel free to contact my office at 414-286-3521.

Sincerely,

Bevan K. Baker (RUF)

Bevan K. Baker, FACHE
Commissioner of Health

Think Health. Act Now!

Hulbert, Kevin

From: Zarate, Sarah
Sent: Tuesday, June 15, 2010 4:02 PM
To: Hulbert, Kevin
Cc: Murphy, Michael (Alderman)
Subject: RE 5231 W Center St

Good afternoon Kevin,

Ald. Murphy opposes this application in accordance with City ordinance 68-4-11-h wherein an application may be opposed if there is evidence that a neighborhood is adequately served a given product, in this case cigarettes.

Please let me know if you have any questions regarding the Alderman's position.

Best regards,

Sarah Zarate
Legislative Asst.
10th District



Monday, August 23, 2010

Notice of Public Hearing



Dante T. Pearson
Smoke Kings Depot at 5231 W Center St
Food Dealer application

Wednesday, September 08, 2010 at 8:00 AM

To Whom it may concern:

Food Dealer application for Smoke Kings Depot at 5231 W Center St has been made by the above named applicant. This requires approval from the Licenses Committee and the Common Council of the City of Milwaukee. The hearing before the Licenses Committee will take place on 9/8/2010 at 8:00 AM, in Room 301-B, Third Floor, City Hall, 200 East Wells Street. If you wish, you may provide testimony at the hearing regarding the request; see below for further information. You are not required to attend the hearing. Once the Licenses Committee makes its recommendation, this recommendation is forwarded to the full Common Council for approval at its next regularly scheduled hearing. Please review the information below and if you have further questions regarding this process, please contact the License Division at (414) 286-2238.

Important details for those wishing to provide information for the Licenses Committee to consider when making its recommendation:

1. The license application is scheduled to be heard at the above time. Due to other hearings running longer than scheduled, you may have to wait some time to provide your testimony.
2. You must appear in person and testify as to matters that you have personally experienced or seen. (You cannot provide testimony for your neighbor, parent or anyone else; this is considered hearsay and cannot be considered by the committee.)
3. No letters or petitions can be accepted by the committee (unless the person who wrote the letter or the persons who signed the petition are present at the committee hearing and willing to testify).
4. Persons opposed to the license application are given the opportunity to testify first; supporters may testify after the opponents have finished.
5. When you are called to testify, you will be sworn in and asked to give your name, and address. (If your first and/or last names are uncommon please spell them.)
6. You may then provide testimony.
 - a. Include only information relating to the above license application.
 - b. Include only information you have personally witnessed or seen.
 - c. Provide concise and relevant information detailing how this business has affected or may affect the peaceful enjoyment of your neighborhood.
 - d. If by the time you have the opportunity to testify, the information you wish to share has already been provided to the committee, you may state that you agree with the previous testimony. Redundant or repetitive testimony will not assist the committee in making its recommendation.
7. After giving your testimony, the members of the Licenses Committee and the licensee may ask questions regarding the testimony you have given or other factors relating to the license application.
8. Business competition is not a valid basis for denial or non-renewal of a license.

Please Note:

Attendance is not required.

RESIDENT	MAIL ADDRESS	CITY AND ZIP CODE
CURRENT	2645 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2647 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2651 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2657 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2661 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2675 N 52ND ST 1	MILWAUKEE, WI 53210-
CURRENT	2675 N 52ND ST 2	MILWAUKEE, WI 53210-
CURRENT	2675 N 52ND ST 3	MILWAUKEE, WI 53210-
CURRENT	2675 N 52ND ST 4	MILWAUKEE, WI 53210-
CURRENT	2721 N 52ND ST	MILWAUKEE, WI 53210-
CURRENT	2640 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2643 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2646 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2649 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2650 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2658 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2662 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2712 N 53RD ST 1	MILWAUKEE, WI 53210-
CURRENT	2712 N 53RD ST 2	MILWAUKEE, WI 53210-
CURRENT	2712 N 53RD ST 3	MILWAUKEE, WI 53210-
CURRENT	2712 N 53RD ST 4	MILWAUKEE, WI 53210-
CURRENT	2718 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2719 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2724 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2725 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2727 N 53RD ST	MILWAUKEE, WI 53210-
CURRENT	2652 N 54TH ST	MILWAUKEE, WI 53210-
CURRENT	2658 N 54TH ST	MILWAUKEE, WI 53210-
CURRENT	2664 N 54TH ST	MILWAUKEE, WI 53210-
CURRENT	2668 N 54TH ST	MILWAUKEE, WI 53210-
CURRENT	2674 N 54TH ST	MILWAUKEE, WI 53210-
CURRENT	5220 W CENTER ST 1	MILWAUKEE, WI 53210-
CURRENT	5220 W CENTER ST 2	MILWAUKEE, WI 53210-
CURRENT	5220 W CENTER ST 3	MILWAUKEE, WI 53210-
CURRENT	5220 W CENTER ST 4	MILWAUKEE, WI 53210-
CURRENT	5225 W CENTER ST 1	MILWAUKEE, WI 53210-
CURRENT	5225 W CENTER ST 2	MILWAUKEE, WI 53210-
CURRENT	5225 W CENTER ST 3	MILWAUKEE, WI 53210-
CURRENT	5228 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5228 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5228 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5228 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5229 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5231 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5305 W CENTER ST A	MILWAUKEE, WI 53210-
CURRENT	5305 W CENTER ST B	MILWAUKEE, WI 53210-
CURRENT	5305 W CENTER ST C	MILWAUKEE, WI 53210-
CURRENT	5305 W CENTER ST D	MILWAUKEE, WI 53210-

CURRENT	5305 W CENTER ST E	MILWAUKEE, WI 53210-
CURRENT	5308 W CENTER ST A	MILWAUKEE, WI 53210-
CURRENT	5308 W CENTER ST	MILWAUKEE, WI 53210-
CURRENT	5313 W CENTER ST 1	MILWAUKEE, WI 53210-
CURRENT	5313 W CENTER ST 2	MILWAUKEE, WI 53210-
CURRENT	5313 W CENTER ST 3	MILWAUKEE, WI 53210-
CURRENT	5314 W CENTER ST A	MILWAUKEE, WI 53210-
CURRENT	5314 W CENTER ST B	MILWAUKEE, WI 53210-
CURRENT	5314 W CENTER ST C	MILWAUKEE, WI 53210-
Record Count: 57		
Radius: 250.0 feet and Center of Circle: 5231 W Center ST		

CITY OF MILWAUKEE HEALTH DEPARTMENT - Consumer Environmental Health
 841 N Broadway Room 304 Milwaukee WI 53202 (Telephone 414.286.3674 Fax 414.286.5164)
FOOD DEALER LICENSE APPLICATION (License year is July 1-June 30)

PLEASE PRINT CLEARLY

TARGET OPENING DATE 7/1/10

DATE OF APPLICATION 6/2/10

ADDRESS OF BUSINESS 5231 W Center St CITY Milwaukee STATE WI ZIP 53210

APPLICANT Dante Pearson
 (Must be a legal entity as in a sole proprietor(s) or a Corporation, Ltd Partnership, or LLC registered with the Dept of Financial Institutions)

If applying in your own personal name(s) as opposed to a Corporation or LLC, also complete the following two lines:

DATE OF BIRTH(S) 07-23-83 HOME TELEPHONE NUMBER(S) (414) 763-9282 LC

HOME ADDRESS(S) 2100 W Pierce St Apt 324 CITY Milwaukee STATE WI ZIP 53204

BUSINESS NAME Smoke Kings Depot LLC E-MAIL ADDRESS N/A

BUSINESS TELEPHONE NUMBER (414) 350-6700 CELL PHONE NUMBER (414) 627-6049 FAX NUMBER N/A

MAILING ADDRESS 5231 W Center St CITY Milwaukee STATE WI ZIP 53210

For Billing? For Licenses?

ANSWER YES (Y) TO THE FOLLOWING ITEMS THAT APPLY TO YOUR BUSINESS

- | | |
|--|--|
| <input type="checkbox"/> Do you sell, cater or give away restaurant food (meals, appetizers, soup, sandwiches, pizza, hot dogs, etc.) that is: | <input type="checkbox"/> Do you sell frozen or refrigerated prepackaged foods, such as meat, milk, eggs, ice cream, etc.? |
| <input type="checkbox"/> Limited to individually wrapped/sealed single food servings supplied by a licensed processor? | <input checked="" type="checkbox"/> Do you sell fresh fruits and/or vegetables? |
| <input type="checkbox"/> Prepared by you from raw, canned, dried, packaged or frozen foods? | <input checked="" type="checkbox"/> Do you sell prepackaged foods such as canned/boxed goods, candy, chips, cereal, etc.? |
| <input type="checkbox"/> Only given away or sold to the needy? | <input type="checkbox"/> Circle which of the following items you prepare in your store: coffee, espresso, cappuccino, latte, deli salads, fruit cups, ice, soft-serve ice cream, yogurt, slushies, candy, popcorn, cotton candy, snow cones, shaved ice, cakes, pastries, cookies, |
| <input type="checkbox"/> Are you selling beer or liquor? | <input type="checkbox"/> Do you use a grinder, slicer, band saw, and/or knives? (Circle those you use) |
| <input type="checkbox"/> Is this a Mobile Service Base for a pushcart or truck selling meals? | <input type="checkbox"/> Are you a wholesale distributor of prepackaged foods? |
| <input type="checkbox"/> Is this a Bed and Breakfast? | <input type="checkbox"/> Are you a wholesale food manufacturer? |
| <input type="checkbox"/> Is your building newly constructed? | <input type="checkbox"/> If yes, do you have a retail shop at the same location? |
| <input type="checkbox"/> Are you doing any remodeling? If yes, what are your plans? | |

ESTIMATED MONTHLY GROSS FOOD (not alcohol) SALES \$ 100.00

SIGNATURE OF APPLICANT Dante Pearson

THIS BOX FOR HEALTH DEPARTMENT USE ONLY
 Corporate ID # _____ Reg Agt/Other DANTE PEARSON Date of Birth 7.23.83
 New Operator Upgrade Food Service Other _____

Food Establishment
 No Processing Fee\$ 166.00
 Processing Fee\$ _____
 AG Admin Fee\$ _____

Date Paid 6-31-10
 Payment Type CASH Rec'd By AS
 Food Dist# 31 W&M Dist# _____
 Estab Number 23161
 Aldermanic District # 10

Inv No _____
 Lic No _____
 Date Lic Printed _____
 HS ID No _____ EXP _____
 AG ID No _____

Restaurant
 Prepackaged Fee\$ _____
 Food Preparation Fee\$ _____
 Additional Site Fee\$ _____
 Meal Service\$ _____
 Bed and Breakfast\$ _____
 DOH Admin Fee\$ _____

Weighing/Measuring Devices? Y/N _____
 Previous Operator If Mail: _____
 Date Old Oper OB _____
 Type Of Estab _____
 Convenience Store Y/N _____
 Fire Type: FULL VENT NA MALL (Circle) MALL
 Risk: 1 2 3 (Circle) 2
 Certificate Of Food Protection Practices Required? Y/N _____

Refund _____
 Addl Fees Due _____
 Date Paid _____ Inv No _____
 Payment Type _____ Rec'd By _____

Preinspection\$ 55
 Site Evaluation\$ _____
 Plan Exam Fee\$ _____
TOTAL.....\$ 221.00

IF PROCESSING, COMPLETE BACK OF FORM.

Restrictions And/Or Grandfathered Equipment _____

SIGNATURE OF OPERATOR OR REGISTERED AGENT _____ RELEASE DATE _____ SIGNATURE OF SANITARIAN _____