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CITY OF MILWAUKEE

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LICENSES COMMITTEE

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In the Matter of:

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File No. 070072

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Proposed ordinance seeking to create a classification
for small box retail licenses.

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Sponsored by: ALDERMAN JIM BOHL

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

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

12

ALD. TERRY WITKOWSKI

ALD. ROBERT PUENTE

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ALD. WILLIE WADE

14

LICENSING DIVISION by REBECCA BARRON

NEIGHBORHOOD SERVICES by TOM WESSEL

15

HEALTH DEPARTMENT by PAUL ZEMKE

POLICE DEPARTMENT by SEARGENT CHET ULICKEY

16

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had in the above-entitled

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matter, before the LICENSES COMMITTEE OF THE CITY

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OF MILWAUKEE, on the July 17, 2007.

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1 P R O C E E D I N G S

2 CHAIRMAN WITKOWIAK: Second file is
3 File No. 070072, a ordinance relating to the
4 licensing of certain types of retail
5 establishments. Alderman Bohl.

6 ALDERMAN BOHL: Thank you, Mr.
7 Chairman. I do have one resident here who would
8 like to speak on this matter.

9 This particular proposed ordinance
10 would seek to create what I term a - - a
11 classification for small box retail licenses. As
12 - - As you know, we have here in the City of
13 Milwaukee, commercial areas that - - that abut
14 mostly residential areas. A - - A perfect
15 example in my district would be Burleigh Street,
16 where you have a small commercial corridor that
17 is located on - - on what is a - - a block face
18 that is mostly single family residential. The
19 commercial properties are across the alley and
20 abut single family residential.

21 The - - In much of the area on these
22 traditional commercial corridors we tend to find
23 smaller mom and pop type stores. On occasions we
24 will find a fairly large retail store, and - -
25 and a perfect example in my district is off of

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1 79th and Burleigh where there is a Family Dollar.
2 This particular store has - - is - - is about
3 7500 square feet. It's typically the size of - -
4 of what we would find in - - in a Walgreen's.
5 The difference is - - is with a number of these
6 smaller retail stores in the City of Milwaukee,
7 or a number of these type of retail stores in the
8 City of Milwaukee, they do not have sufficient
9 parking, being on a residential block and not in
10 - - in a larger type of strip mall. The type of
11 problems that are adherent with these facilities
12 are the loud music from patrons, hence the tiny
13 parking lot if they have them, or residents park
14 on the streets. They - - The residents are
15 disturbed by the loud music. This particular
16 facility does not have sufficient room for its
17 vehicles to - - to deliver - - the trucks to
18 deliver the goods. So they wind up going in the
19 alley at times for hours at a crack, blocking the
20 alleyway. The alley rig - - The rigs actually
21 park in the alley and run their - - their motors.
22 There's a huge amount of litter that gets
23 distributed, not only in the smaller parking lot,
24 but also, in the residential area because there
25 is not sufficient parking. We have seen a number

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1 of issues with crime where these type of
2 facilities are - - are - - are robbed, and I've
3 had situations where - - whereby residents have
4 actually had individuals who have attempted armed
5 robberies, have run out the back, run down an
6 alley because they didn't want to park in a - -
7 in a parking lot and have literally run through
8 yards where there were kids, with their gun in
9 hand.

10 I have - - I've - - I've looked at ways
11 in which we can try to control - - And this is a
12 fairly small number of establishments, but what
13 we're seeking to do is literally to rein these
14 type of facilities in, because they - - they tend
15 to have a much greater disturbance on the - - the
16 res - - abutting residential neighborhood, is to
17 create a license like we have a 24 hour license,
18 like we have with - - with secondhand motor
19 vehicles, whereby there would be a Chapter 90
20 procedure. There would be an annual renewal, and
21 if these few - - this - - these number of
22 establishments in the City of Milwaukee, which I
23 will probably surmise is somewhere between 20, 25
24 and - - and 40, 50, would - - would be required
25 to renew their license, and there - - there would

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1 be culpability on the - - on the part of these
2 particular establishments to run themselves well.
3 My personal experience with some of these has
4 been a measure in frustration. I've had
5 neighborhood contacts and complaints regarding
6 these facilities over and over again. This - -
7 This particular facility, because it is - - it is
8 a neighborhood shopping in it's own area, is a
9 permitted use. It was an automatic there. But
10 there is the lack of accountability. I've
11 contacted the owner of the facility, and
12 literally, the landlord has actually written me
13 back and copied me some letters that they've
14 warned the - - the property owner on, because the
15 property owner wasn't responding to them.
16 There's been incidents with - - There's been
17 excessive litter. They're not maintaining their
18 - - their dumpsters. They have shopping carts
19 that, even because it's a larger facility, but
20 they don't have just the larger shopping mall
21 type of parking lot presence that you would find
22 in a strip mall. So these type of problems wind
23 up enveloping themselves and carry themselves
24 over into the abutting residential neighborhood.
25 The impact is much greater, and I think that

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1 because of that there needs to be a measure where
2 we rein in greater control and actually license
3 these on an annual basis so that there is a
4 greater accountability to both the - - the local
5 alderman, as the representative of that area, and
6 the neighbors who are disproportionately - -
7 disproportionately affected by the problems that
8 these larger type of facilities have when they're
9 located in primarily residential neighborhoods.

10 CHAIRMAN WITKOWIAK: Thank you,
11 Alderman Bohl. Let the records show that
12 Alderman Willie Wade has joined the committee.

13 ALDERMAN BOHL: Mr. Chairman, I just -
14 - For the - - For the record here. I just wanted
15 to - - to add a few items and one is the police
16 reports on one of these type of facilities in my
17 district that would - - where this particular
18 license, if it is approved, will be passed, and
19 it just - - The - - In the past year and a half
20 the number of calls, thefts, nine armed
21 robberies, the batteries, so on and so forth,
22 this type of - - of activity here is far
23 disproportionate to what we find with any of the
24 other smaller mom and pops shops in that
25 particular area. The numerous calls that I've

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1 received - - I'll also submit for the record,
2 some of the complaints have been made to my
3 office, in addition to the fact, a number of the
4 responses or lack thereof that have come from
5 this particular landlord of this facility, this
6 Family Dollar facility on 79th and Burleigh, as
7 well as the fact that the - - a number of the
8 additional letters that have come even from the
9 landlord who have responded to my - - to my
10 concerns, and has said, "We can't get a response
11 from this particular store." That's - - my issue
12 is we need to rein in these type of facilities
13 like we do with the - - the 24 hour licenses,
14 like we do with the - - the - - the - - used
15 motor vehicle sales facilities, particularly the
16 small neighborhood ones. As I said, it's not a
17 large number that I believe that are here in the
18 City, but we do need that accountability that
19 doesn't exist currently.

20 CHAIRMAN WITKOWIAK: Thank you,
21 Alderman. Do you want to make these - -

22 ALDERMAN BOHL: Yes. I'll move to make
23 these materials part of the official record.

24 CHAIRMAN WITKOWIAK: Motion by Alderman
25 Bohl is to make the materials referred to as part

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1 of the permanent record in this hearing, and
2 hearing no objections, so ordered. Now, we have
3 some people in the audience that wish to speak on
4 this matter? Good morning. Please identify
5 yourself for the record.

6 THE WITNESS: My name is Carol Griffin,
7 and I live on 80th and Burleigh. My mother lives
8 just adjacent to Family Dollar's parking lot.
9 We've experienced so many of the things that
10 Alderman Bohl has just referred to. My mother
11 and I were victims of an armed robbery on
12 December 29th last year. They took both of our
13 purses and held a gun to my mother's head. We
14 did get some of the things back, but that's here
15 and gone. It's an open case, so I don't think
16 that will be resolved.

17 There's litter that Alderman Bohl
18 referred to as well. I was out there just last
19 week, or the week before, three times picking up
20 litter. The dumpster situation has improved
21 somewhat. They keep it closed once in a while.
22 They did lock them for a while. The driver
23 unlocked it. I don't know what happened to the
24 bar that secured it. People come from wherever
25 out of the neighborhood probably and dump their

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1 garbage into the dumpsters. They can still get
2 into the dumpsters with that bar across. There
3 is male public urination. I seen that about
4 three or four times. The - - The noise, because
5 they come - - The cars exiting Family Dollar
6 usually use the alley and go east or west in the
7 alley, and people in the dumpsters at night or
8 during the day, actually scrounging for items
9 that probably Family Dollar was discarding. So
10 when you come home late at night, my mother's
11 back door is right across the alley from there.
12 You know, you're not aware until you hear
13 something. And you have your back turned, how to
14 get into the door, so you try to get in as
15 quickly as you can. And there's excess traffic.
16 It's just a whole scope of problems that Alberman
17 Bohl has addressed.

18 MR. SCHRIMPF: Mr. Chairman.

19 CHAIRMAN WITKOWIAK: Thank you. Mr.
20 Schrimpf.

21 MR. SCHRIMPF: Ma'am, you mentioned
22 public urination.

23 THE WITNESS: Um-hnh.

24 MR. SCHRIMPF: These were customers of
25 the - -

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1 THE WITNESS: Yes, they were.
2 MR. SCHRIMPF: - - the store?
3 THE WITNESS: Right. A lot of times
4 they would go - - The - - You know, carloads
5 would come of people. They'd shop, and the male
6 would go out and urinate.
7 MR. SCHRIMPF: And you also mentioned
8 individuals going into the dumpsters?
9 THE WITNESS: Yes.
10 MR. SCHRIMPF: To see, this is what,
11 discarded materials from the store.
12 THE WITNESS: Um-hnh. Yes. Um-hnh.
13 I've seen this one guy on a bike that comes - -
14 In fact, I just saw him the other day. He didn't
15 get into the dumpster this time, but he was there
16 on site looking - - trying to get in to see what
17 was there.
18 MR. SCHRIMPF: Dumpster diving. Thank
19 you.
20 CHAIRMAN WITKOWIAK: Thank you for your
21 testimony.
22 ALDERMAN BOHL: Mr. Chairman.
23 THE WITNESS: Thank you.
24 CHAIRMAN WITKOWIAK: Alderman Bohl.
25 ALDERMAN BOHL: Ms. Griffin.

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1 THE WITNESS: Um-hnh.

2 ALDERMAN BOHL: How many times would
3 you say that you have contacted me either by
4 phone, e-mail, letter?

5 THE WITNESS: Oh, I'd say probably
6 about five times, I would think.

7 ALDERMAN BOHL: And - - And, for
8 example, how close does - - would you say that
9 your mother - - your mother's back door is from
10 the - - the facility at - - at the Family Dollar
11 you're speaking of?

12 THE WITNESS: You - -

13 ALDERMAN BOHL: Like where the
14 dumpsters are, their property line.

15 THE WITNESS: I would say probably
16 maybe 15 feet at the most, give or take.

17 ALDERMAN BOHL: Have you - - have you
18 been to other type of similar stores, Family
19 Trees, others like that?

20 THE WITNESS: Yes. I frequent Dollar
21 Tree quite frequently.

22 ALDERMAN BOHL: Are you familiar with
23 one that's located in - - in the Times Square
24 Mall Shopping Center?

25 THE WITNESS: Um-hnh.

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1 ALDERMAN BOHL: 76th and Capitol Drive.

2 THE WITNESS: Um-hnh.

3 ALDERMAN BOHL: That is - - That is a
4 larger strip mall.

5 THE WITNESS: Um-hnh, correct.

6 ALDERMAN BOHL: Do you - - From - -
7 From where you are positioned in your type of
8 establishment where there's very minimal parking
9 that comes out of the side, and there's all sorts
10 of associated problems, do you see similarities
11 between the - - the two stores?

12 THE WITNESS: Not really.

13 ALDERMAN BOHL: Other than - - Other
14 than the content. I mean, in terms of - -

15 THE WITNESS: No. Right. There is no
16 alley for them to go down. There is ample
17 parking. You know. And their baskets now, I
18 noticed have the tall metal pole on it. They
19 can't get out the door.

20 ALDERMAN BOHL: Mr. Chairman, that - -
21 And what I - - I guess, maybe Ms. Griffin isn't
22 the expert on this, but what I'm - - what I'm
23 going to tell you is we have these type of
24 facilities that are located in areas where
25 there's ample parking, where they're not adjacent

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1 to immediately residential neighborhood, where
2 all of the impacts from loud noise, to litter, to
3 carts being loose, to - - to vehicles parking, to
4 everything else, is rather contained within the
5 larger shopping mall area, and then there are
6 these other large facilities that - - that far
7 exceed 6,000 square feet that do not have
8 sufficient parking, that are located just a
9 matter of feet from a residential area.

10 This - - Again, this particular
11 proposal would seek to - - to rein in and provide
12 greater accountability and control for those very
13 few facilities we have in the City that - - that
14 don't meet these necessary criteria. And I just
15 - - I think it's important for us to take this
16 step, and actually show these type of businesses,
17 the few that exist, that there should be a
18 measure of accountability. Because I'll just
19 tell you, my experience has been that it's
20 lacking. Thank you.

21 CHAIRMAN WITKOWIAK: Thank you,
22 Alderman. Thank you for your - - Do we have any
23 questions for this - - for this witness? No.
24 Thank you very much for your testimony. Is there
25 anyone else here to testify on this matter? This

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1 is - - This is File No. 070072, the ordinance
2 relating to licensing certain types of retail
3 establishments. Okay.

4 MR. SCHRIMPF: Mr. Chairman?

5 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

6 MR. SCHRIMPF: Our office was aware of
7 this proposal for the first time on - - late on
8 Friday afternoon, and over the weekend some
9 research was attempted to get done. We had a
10 couple of problems, one of them was with the
11 findings. What Alderman Bohl has introduced and
12 what the lady has testified to has assisted
13 greatly with that. However, we're still a little
14 bit concerned about the break-off of the 6,000
15 square feet. That's one point. The - - We've
16 also been doing some checking and .. there's
17 grocery stores, those sorts of things, and we're
18 concerned a little bit about the - - the pro - -
19 or the ramifications of that.

20 And then finally, this is - - this is
21 something that the City has not done before, and
22 that is create a general retail license. Many
23 cities have done it. They do it really under two
24 approaches. One would not be - - I did a quick
25 check around the country. One combines taxation

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1 and licensing. We can't do that in Wisconsin.
2 But there are other cities in Wisconsin that do
3 have general business licenses, but then the fee
4 is a whole lot less, and some of these other
5 requirements are, as this ordinance has, are not
6 included within it. And this really has a break-
7 off, as Alderman Bohl correctly pointed out. It
8 isn't - - Although it's styled a general retail
9 license, the fact of the matter is it only covers
10 a relatively smaller number of - - of retail
11 establishments. These are - - That raises
12 potentially legal protection issues. So there's
13 these issues that our office would appreciate an
14 opportunity to take a look at and if we see
15 problems, to advise the - - the drafters and the
16 - - the introducers of the document toward the
17 - - the ordinance. That's all I have.

18 CHAIRMAN WITKOWIAK: Thank you, Mr.
19 Schrimpf. Any questions by members of the
20 committee? I - - I would ask - - I would ask
21 Alderman Bohl if there's any - - is there any
22 urgency on - - on passing this, or would it - -
23 would it be astute to ask the City attorney to
24 look this over.

25 ALDERMAN BOHL: No, I - - We can - - I

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1 - - I'd be happy to hold it one cycle. That
2 obviously is a longer cycle this time than
3 normal, so I think that will probably provide
4 them ample time.

5 MR. SCHRIMPF: Yeah.

6 ALDERMAN BOHL: Okay.

7 MR. SCHRIMPF: Thank you.

8 ALDERMAN BOHL: I would - - I would
9 make that motion, Mr. Chairman, at this time.

10 CHAIRMAN WITKOWIAK: Motion by Alderman
11 Bohl is to hold this matter at the Call of the
12 Chair. Are there any objections to that motion?
13 Hearing none, so ordered.

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3 STATE OF WISCONSIN)

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5 MILWAUKEE COUNTY)

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8 I, JEAN M. BARINA, of Milwaukee Reporters
9 Associated, Inc., 5124 West Blue Mound Road,
10 Milwaukee, Wisconsin 53208, certify that the foregoing
11 proceedings is a full and complete transcript of the
12 audio recording taken in the foregoing proceedings.

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JEAN M. BARINA

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Court Reporter

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21 Dated this day of November, 2007.

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