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CITY OF MILWAUKEE

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LICENSES COMMITTEE HEARING

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In the Matter of:

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SARA FOODS

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3727 West Galena Street

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SARA MAHMUD

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COMMITTEE MEMBERS

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ALD. JAMES BOHL, JR. - Chairman

ALD. MILELE A. COGGS - Vice Chairman

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ALD. ASHANTI HAMILTON

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ALD. T. ANTHONY ZIELINSKI

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POLICE DEPARTMENT by SERGEANT CHET ULICKEY

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CITY ATTORNEY'S OFFICE by BRUCE SCHRIMPF

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15th Aldermanic District by Alex Runner

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Proceedings had and testimony given in the  
above-entitled matter before the LICENSES COMMITTEE OF

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THE CITY OF MILWAUKEE on February 18th, 2009, before

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Terese M. Schiebenedes of Milwaukee Reporters

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Associated, Inc.

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PROCEEDINGS

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(All CITY PERSONNEL were duly affirmed.)

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CHAIRMAN BOHL: On our 9:00 a.m. agenda we have Sara Mahmud, Class A Malt renewal application for Sara's Foods at 3727 West Galena Street in the 15th Aldermanic District. Is Sara Mahmud present?

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AUDIENCE MEMBER: No. I'm here.

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CHAIRMAN BOHL: You're here to testify in this matter?

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AUDIENCE MEMBER: Right.

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CHAIRMAN BOHL: We'll bring you forward, how about that. You are a neighbor of the area there?

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AUDIENCE MEMBER: Yes. I work in the area. My name is Toni Anderson. I'm the Executive Director for Lisbon Avenue Neighborhood Development.

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(TONI ANDERSON was duly affirmed.)

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CHAIRMAN BOHL: Why don't you say that again here, Toni, tell us who you are again.

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THE WITNESS: I am Toni Anderson, the Executive Director for Lisbon Avenue Neighborhood Development. Our organization is at 3701 West Lisbon Avenue, and this store is two blocks away. So we do community organizing, and we also do economic development and community development.

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CHAIRMAN BOHL: And your thoughts on this

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1 application here?

2 THE WITNESS: We're in opposition of these  
3 licenses being renewed, just the challenges and the  
4 troubles around that store, just with the constant  
5 traffic. I've been there when the police was there.  
6 I have a family member who lives across the street.  
7 I've been there after hours when the folks banged on  
8 her door, and she's opened up her door to do business  
9 after business hours. I think it's the negative  
10 activity. It's the one less -- It is one added thing  
11 that I think if that store was not there, it was not  
12 in existence, or at least that the liquor piece was  
13 away, it could change very much the climate of 38th  
14 Street.

15 CHAIRMAN BOHL: Now, you indicate that the  
16 door has been opened for individuals after 9:00?

17 THE WITNESS: Yes.

18 CHAIRMAN BOHL: Also, it's a food and  
19 liquor, it's like a corner store that sells both?

20 THE WITNESS: It is.

21 CHAIRMAN BOHL: Do you know for certain that  
22 alcohol sales transpire after 9:00, after the legal  
23 time?

24 THE WITNESS: No, I can't say that for sure.  
25 I'm not sure what exactly has happened, but I have

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1       been there when they've sold a couple of cigarettes  
2       out of a package, I saw them sell three diapers, to  
3       open up a package of diapers and to sell three diapers  
4       out of the sealed package of diapers.

5               CHAIRMAN BOHL: But otherwise, the nature of  
6       concerns with the liquor license, have you seen public  
7       urination taking place in the area around this, have  
8       you seen open consumption of alcoholic beverages?

9               THE WITNESS: I have, yeah. This year, we  
10       were able to get the attention of KaBOOM, our  
11       organization, with the help of another community-based  
12       organization, economic development group was able to  
13       raise \$10,000 to bring a KaBOOM play set to that  
14       corner.

15               When they bounced the pictures back to me by  
16       e-mail, I was just sad to see the liquor, the beer  
17       cans. It just looked very unkempt. We did a block  
18       clean before we took our pictures and surveyed them,  
19       and our site wasn't accepted, even though we had  
20       raised all of our dollars, we had the support of the  
21       Alderman's Office, we had the support. Habitat was  
22       donating the property to us, and there were residents  
23       that had signed on and made a committment to  
24       help support a KaBOOM playground there.

25               CHAIRMAN BOHL: Thank you. Questions by

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1 committee members?

2 SERGEANT ULICKEY: Mr. Chair.

3 CHAIRMAN BOHL: Sergeant.

4 SERGEANT ULICKEY: I know I'm not a  
5 committee member, but if I could just ask a question.  
6 In regards to the sale of loose cigarettes that you  
7 observed, was that a long time ago, short time ago, do  
8 you recall?

9 THE WITNESS: I would say it was this  
10 summer.

11 CHAIRMAN BOHL: So it was in the last  
12 license year.

13 SERGEANT ULICKEY: As you probably know,  
14 that is illegal to sell cigarettes that way.

15 THE WITNESS: Absolutely.

16 SERGEANT ULICKEY: Now, diapers I can't  
17 speak to because I do believe it is legal to do that,  
18 but cigarettes, it is illegal, and I just ask that you  
19 give us a call, and we can take a look into that.

20 THE WITNESS: I can do that.

21 CHAIRMAN BOHL: They call these lucky  
22 loosies, don't they?

23 SERGEANT ULICKEY: Loosies is what they call  
24 them.

25 CHAIRMAN BOHL: The Alderman's Office is

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1 here. We've not sworn him in. Alex Runner.

2 (Legislative Aide was duly affirmed.)

3 CHAIRMAN BOHL: Mr. Runner, do you want to  
4 identify yourself for our record, please.

5 LEGISLATIVE AIDE: Sure. Alex Runner, Staff  
6 Assistant for President Hines, Alderman Hines. You  
7 might remember, Alderman Bohl, from last time, Sara is  
8 the owner, and her son had a situation where he went  
9 outside with a gun to help a little girl up from her  
10 bicycle. It's like a constant just trying to educate  
11 these owners about what is and is not acceptable.

12 They got in trouble with the police for  
13 that, of course, and vowed never to have the gun  
14 again. And the ironic thing, the hard thing is that  
15 there's not been anything on the police report since  
16 our last hearing, and I think this was going to be  
17 agenda only until the Alderman's Office asked that it  
18 be heard.

19 I know that President Hines just told me  
20 he has some concerns if they're not here to not  
21 renewing the license, that they should have an  
22 opportunity to share their side of things, but at the  
23 same time, LAND and the great work that they do and  
24 Toni Anderson and other community groups have been  
25 concerned, to say the least, especially with the

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1 loitering and the condition and the loose cigarettes  
2 and those kind of things.

3           President Hines was going to ask for some  
4 kind of suspension or, of course, leave it to the  
5 committee, and I know that LAND is asking for a  
6 revocation or a nonrenewal, but it's a concern to  
7 President Hines that they're not here, and so I don't  
8 know what the Chair -- what would be appropriate in  
9 this kind of circumstance. You would think that they  
10 would come when the situation is like this, and it  
11 almost seems as if things have gotten worse in some  
12 ways, and yet the police report has gone down, so I'm  
13 we're not sure what to do. People aren't calling the  
14 police, and maybe we need to have a neighborhood  
15 meeting with the neighborhood group and the police to  
16 get everyone on the same page, but we know that some  
17 action needs to be taken.

18           ALDERMAN HAMILTON: Mr. Chair.

19           CHAIRMAN BOHL: Alderman Hamilton. Thank  
20 you for your testimony.

21           ALDERMAN HAMILTON: I was trying to get the  
22 actual date when this license expired.

23           MS. GRILLE: Mr. Chair. That would be March  
24 18.

25           THE WITNESS: Can I just also add this is

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1 not only Lisbon Avenue Neighborhood Development. We  
2 also have made an honest effort to talk to the  
3 majority of the residents on Galena Street, and so we  
4 have maybe 10 to 12 folks that signed. And it was  
5 interesting, I had two families that were willing to  
6 sign, didn't want to put their addresses down because  
7 they were frightened of her son. I brought a resident  
8 down with me. He said if they're going to see me, I  
9 don't want to speak. So I think that also speaks  
10 volumes to the fear that's on Galena.

11 ALDERWOMAN COGGS: Mr. Chairman, I would  
12 move that we hold it to the call of the chair.

13 CHAIRMAN BOHL: That's one of our viable  
14 options. If we do do that, what I will ask, because  
15 it is a renewal, that we do have a transcript ordered,  
16 even though the testimony was limited, so that we do  
17 have Ms. Anderson's testimony. I know that the  
18 Alderman's Office will again be present. If she  
19 desires to appear again when it is rescheduled, she is  
20 free -- you're free to do so, Mr. Anderson, but  
21 otherwise, then your testimony then would be  
22 available, and it would be refreshed in our minds if  
23 they do come forward three weeks from now. I assure  
24 you if that motion is acceptable to the committee  
25 here, another non-appearance, and it's not three



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1 strikes, it's two strikes and you're out.

2 The motion by Alderwoman Coggs is to hold  
3 this matter at the call of the chair. Are there any  
4 objections to that motion? Hearing none, so ordered.  
5 It will be rescheduled. Do we have Ms. Anderson's  
6 contact information?

7 THE WITNESS: You have.

8 CHAIRMAN BOHL: We will send you another  
9 notice if you so desire. And just so you are aware,  
10 because of neighborhood objections, if there are  
11 neighbors that do indeed desire to come forward and  
12 provide that testimony, they will be free to do so  
13 here three weeks from now.

14 THE WITNESS: You know what, they are  
15 frightened.

16 CHAIRMAN BOHL: I understand that. What I  
17 will tell you and I think that you probably know is  
18 this is a quasi-judicial body. Whether somebody is  
19 afraid to testify or not, we cannot accept testimony  
20 saying Suzi Smith told me she's afraid because Suzi  
21 Smith is not here telling us she's afraid. There's a  
22 vested legal property right in that license, we need  
23 individuals' testimony. I understand that they're  
24 afraid, but if you want action out of the committee,  
25 we need to hear from those individuals.

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1                   Where that chasm gets crossed, I can't tell  
2                   you, and I understand every circumstance, but we have  
3                   a legal obligation to follow the Constitution of the  
4                   State of Wisconsin, and the Constitution of the State  
5                   of Wisconsin says with them having a legal vested  
6                   property right, we need firsthand direct testimony.

7                   THE WITNESS: I understand that. I guess my  
8                   struggle is, as valuable as you would think these  
9                   licenses were to her, she is the one that has not  
10                  shown. So we've done diligence. We've walked that  
11                  block, we've knocked on doors. We have not tried to  
12                  persuade residents. The ones that did not want to  
13                  sign, we didn't try to make them feel bad about it, we  
14                  were respectful, and we understood.

15                  ALDERWOMAN COGGS: Mr. Chairman. I  
16                  understand and respect exactly what you're saying, but  
17                  not for this being a renewal, I would have moved for  
18                  it to be denied because of non-appearance, but because  
19                  it is a renewal and because of that vested property  
20                  right, we generally, to be consistent, have erred on  
21                  the side of holding it to the call of the chair to at  
22                  least give the opportunity for licensees to come  
23                  before us.

24                  Now, on new licenses we have a little bit  
25                  more leeway as to whether or not to deny based on

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1 non-appearance on the first go-round, but to be pretty  
2 consistent with the way this committee's operated in  
3 the past, we do at least attempt to give people who  
4 are doing a renewal another opportunity.

5 THE WITNESS: Understood. Thank you for  
6 your consideration.

7 CHAIRMAN BOHL: Thank you, Alderwoman Coggs.  
8 That has been the precedent of the committee. You  
9 will be noticed again for three weeks from now. Thank  
10 you for your testimony here.

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

TERESE M. SCHIEBENES  
Certified Shorthand Reporter

Dated this            day of                                   , 2009.

