

## COMMITTEE ASSIGNMENTS

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### CHAIR

- Licenses Committee

### VICE CHAIR

- Community and Economic Development Committee

### MEMBER

- Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

July 25, 2017

To the Honorable, the Common Council

Honorable Members:

Common Council File Number 170379 contains the following recommendations:

Renewal, with a thirty (30) day suspension, based upon the police report and neighborhood testimony of the Class A Malt and Class A Liquor license(s) for Nael Jabbar for the premises located at 2643 W Atkinson Ave. ("Hot Spot Supermarket") in the 1<sup>st</sup> aldermanic district.

Respectfully,

A handwritten signature in cursive script that reads "Tony Zielinski".

Tony Zielinski, Chair  
Licenses Committee

cc: All Council Members  
File 170379

**CHAIR**

• Licenses Committee

**MEMBER**

• Community and Economic  
Development Committee  
• Steering and Rules Committee



**TONY ZIELINSKI**  
ALDERMAN, 14TH DISTRICT

Date: July 21, 2017

To: All Members of the Milwaukee Common Council

From: The Licenses Committee

Re: Report of the Renewal Application of Nael N. Jabbar for Class "A" Malt and Class "A" Liquor licenses for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("HOT SPOT SUPERMARKET").

**FINDINGS OF FACT**

1. Nael N. Jabbar (hereinafter the "Licensee") is the holder of a Class "A" Malt and Class "A" Liquor licenses for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("HOT SPOT SUPERMARKET"). Said licenses expired at midnight, February 6, 2017.
2. An application to renew said licenses was filed with the Office of the City Clerk on October 31, 2016.
3. Pursuant to Chapter 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes, the matter was referred to the Milwaukee Police Department for investigation.
4. On July 5, 2017, the City Clerk's Office provided notice of a second hearing to the Licensee pursuant to Chapters 85 and 90 of the Milwaukee Code of Ordinances and Chapter 125 of the Wisconsin Statutes of the police report and neighborhood objections and included a copy of the police report. The matter was scheduled for a second hearing pursuant to an order in Milwaukee County Case 2017CV000691 on the police report and neighborhood objections on July 18, 2017 at 9:00 a.m. in Room 301B of the third floor of City Hall. At said date, time and place the licensee did appear and was represented by counsel, Attorney Jeffrey Guerard.
5. Based upon the sworn testimony heard and the evidence received at the hearing, the Committee finds the following additional facts:



- A. Atty. Jeffrey Guerard stated that the Licensee has hired additional security guards, and addressed loitering issues by filing injunctions against perpetrators. Licensee stated that the injunctions the Licensee is filing are to help alleviate the loitering issues, and three injunctions have been filed to date. The Licensee expects to file more injunctions against additional people. He stated that the injunctions are filed to prohibit the return of violators who are involved in drug dealing, or have threatened the life of the Licensee. He stated that the Licensee has installed 49 security cameras to improve surveillance and the feeds from those cameras can be viewed by phone at any time. In response to a question from Alderwoman Coggs, the Licensee explained that the police were provided access to the camera feed after the January Committee. The Licensee explained that the additional cameras and police access have led to the arrest of numerous problem subjects in the area, even some who were not directly causing problems at Hot Spot. The Licensee stated that those that are in support live in close proximity of the premises. The Licensee stated that he also plans to change the name of the business in order to rebrand. Ald. Lewis asked that Licensee if they report the loitering and suggested monitoring cameras during the early morning hours.
- B. Pres. Hamilton stated that there have been several community meetings since the last meeting on the expectations from the neighborhood. He stated that there have been some improvements and some of the issues faced in the neighborhood are occurring throughout the city. Pres. Hamilton explained that the police have been at some of his community meetings and stated that they did not want to close the business. He stated that the Licensee is a part of the community and attended several community meetings. He stated that those closest to the premises are the ones that have direct testimony on what actually takes place at and around the establishment and appropriate weight should be given to that testimony. He stated that he has reviewed videos from the business, visited the neighborhood, and witnessed significant improvement. He stated that the Licensee has hired an outreach coordinator to assist with community relations. He stated that it is cleaner, the neighborhood is working together, and there is a relationship with the police. He stated that it should be considered that the Licensee provides and help the neighborhood with obtaining jobs. He recommended a suspension of 30 days.

Individuals present in opposition:

- C. Janell Elder-Green, 4333 North 29th Street, stated that she has witnessed drastic changes in the neighborhood and is afraid for the children that are in the area. She stated that there is fighting, loitering, and drug dealing that occur on and around the premises. She is in opposition and has not noticed any improvements with the last incident witnessed occurring on May 24th. She stated that she did not know if those fighting were patrons of the premises, or if the fight began in front of the Hot Spot. In response to a question from Ald. Rainey, Ms. Elder-Green explained that she believed the owner was breaking up the fight outside of the establishment. She stated that she never met the Licensee, he recently began to be nice to her and she wished he would have tried months before now. She stated that the premise adds to the destruction of the neighborhood. Ald. Zielinski asked Ms. Green if she has noticed any changes since the installation of

additional security cameras. He asked the Licensee if he has the fight on camera. The Licensee stated that he was not present during the above described altercation and Ms. Elder-Green may be confusing him with someone else.

- D. Ald. Zielinski also explained that the reason the business has continued to operate in spite of the earlier decision by the Committee and the full Council is because a court issued a temporary injunction.
- E. Vince Tony, 2721 West Roosevelt Drive, stated he was told by the Licensee that things were going to improve and that has not happened. He stated that he has witnessed loitering on several occasions and on one occasion noticed the security guard appeared to be loitering with three other people. He stated that the area is dangerous, the premise is a hazard to the neighborhood, and he is in opposition. He asked Mr. Tony if he's attended any safety meetings in the last year and what time did he witness the loitering on Sunday. In response, the Licensee stated that he tried to give Mr. Tony, but Mr. Tony would not accept the number and refused to talk to him.
- F. Sharon Price, 4329 North 29th Street, stated that the neighborhood is deteriorating. She stated that she has witnessed loitering every morning from the premises to the park across the street. She further explained that the street is often blocked by cars stopping in front of the premises. She stated that there are trash and drug dealings in front of the store, inside cars. She reported the incidents to the police and alderman. In response to a question from Ald. Rainey, she clarified that she was unable to be certain that the drug dealing in cars was specifically related to Hot Spot. She stated that even as early as 7 a.m., there are approximately 15 people around the premises, but she is not sure what time the store opens. She believes the store has become a magnet for drug dealing.

Individuals present in support:

- G. Martha Freeman, 4388 North 27th Street, stated that the Licensee is willing to work with the neighborhood and she is in support. She stated that the premises are not the issue, the community is trying to work with the young men that are causing issues in the neighborhood, and the issues occur throughout the neighborhood. She stated that there are cleanup crews to clean the street daily.
- H. Sean Moore, 4381 North 26th Street, stated that the neighbors were asked to get involved and he is in support. He stated that there is loitering, but it is not associated with this premises. He stated that he previously testified in opposition, but has witnessed a great improvement. He stated that he believes that if the Licensee continues his improvements the neighborhood can change for the better, if the neighbors are strong on expectations of the Licensee. He stated that he is the Chairperson for Community Outreach Engagement and takes the community issues to the owners to come up with viable solutions.
- I. Felicia Ferguson, 4392 North 27th Street, stated that she is in support and the Licensee is a great contributor to the neighborhood. She stated that she

is the Outreach Coordinator for the Licensee and placed applications for job opportunities at the premises for those in the community. She stated that she has not witnessed any loitering while she has been employed.

- J. Jimmy Wilkins, 2511 West Atkinson Avenue, stated that the Licensee has made improvements and he is in support.
- K. Jessica Allen, 1946 North 39th Street, stated that she works at the premises and is in support. She stated that the Licensee works with her in scheduling her employment around the care of her child.
- L. Maria Gomez, 2225 North 34th Street, stated that she is employed by the Licensee, witnessed improvements, and is in support.
- M. James Tate, 2434 West Roosevelt Drive, stated he is in support.
- N. James Cocroft, 2615 West Atkinson Avenue, stated there is improvement and he is in support. He stated that the loitering is at the park and a vacant house in the neighborhood. He stated that the Licensee cleans the neighborhood regularly.
- O. Lashonda Jordan, 2609 West Roosevelt Drive, stated that she has seen improvement and is in support.
- P. Joe Bova, 4468 North 26th Street, stated that he is in support. He stated that the improvements in the last six months are outstanding and has not noticed any loitering in relation to the premises. He stated that there is no evidence that shows that there are any issues at the premises.
- Q. Dorice Carter, 3150 North 46th Street, stated that he is head of security at the premises, there is no loitering outside of the premises, and he is in support. He stated that he is armed, bonded, and certified through the State of Wisconsin.
- R. John Lee, 4396 North 27th Street, stated that he is in support.
- S. Ald. Lewis asked Ms. Ferguson if she's witnessed loitering during her 60 months of employment at the premises.
- T. Ald. Coggs asked the Licensee if he told Mr. Tony not to show up to the renewal hearing if he refused take his phone number. She asked the Licensee about his years of ownership, if he was aware of the issues raised by neighbors at the January hearing, and what delayed the response to the issues. She stated that she wonders is there a sincere commitment to addressing the issues and how will he address the issues with those neighbors in opposition. She stated that the importance is not to gain the appreciation of the neighborhood but to improve the neighborhood.
- U. Ald. Coggs moved to amend the Plan of Operation that the Outreach Coordinator remains intact to work with the community.
- V. Ald. Zielinski moved approval of the amended application with a 10 day suspension based on the police report and neighborhood testimony. The

motion failed.

- W. Ald. Zielinski moved approval with a 30 day suspension of the amended application based on the police report and neighborhood testimony. The motion passed.

#### CONCLUSIONS OF LAW

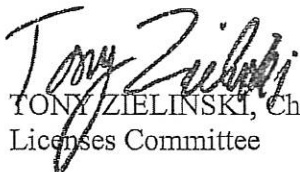
1. The Committee has jurisdiction to hold hearings and provided Findings of Fact and Conclusions of Law and a Recommendation to the full Common Council pursuant to Chapter 125 of the Wisconsin Statutes and Chapters 85 and 90 of the Milwaukee Code of Ordinances.
2. Based upon the above facts found, the Committee concludes that the Licensee, Nael N. Jabbar who holds a Class "A" Malt and Class "A" Liquor license for the premise located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("HOT SPOT SUPERMARKET") has not met the criteria of Chapters 85 and 90 of the Milwaukee Code of Ordinances to renew the Class "A" Malt and Class "A" Liquor licenses without the issuance of a 30-day suspension. The Committee finds the police report and neighborhood objections as stated above to be true. The Committee based the suspension on the police report and neighborhood testimony.
3. In order to protect the health, safety and welfare of the citizens of the City of Milwaukee, it is the recommendation of the Licenses Committee that the full Common Council of the City of Milwaukee should exercise its judgment not renew the Class "A" Malt and Class "A" Liquor license for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("HOT SPOT SUPERMARKET") without a 30-day suspension based upon its recommendation on the police report and neighborhood testimony.

#### RECOMMENDATION

Based upon the Findings of Fact and Conclusions of Law stated above, the Committee, by a vote of **three (3) ayes, one (1) noes, and one (1) excused** recommends that the Class "A" Malt and Class "A" Liquor licenses held by Nael N. Jabbar for the premises located at 2643 West Atkinson Avenue in the City and County of Milwaukee, Wisconsin ("HOT SPOT SUPERMARKET") be renewed with a 30-day suspension.

The suspension is in effect between 12:01 a.m. on July 31, 2017 until midnight on August 30, 2017.

Dated and signed at Milwaukee, Wisconsin this 21<sup>st</sup> day of July, 2017.

  
TONY ZIELINSKI, Chair  
Licenses Committee