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CITY OF MILWAUKEE

UTILITIES & LICENSES COMMITTEE

In the Matter of:

HANA ASSAD, Agent For H&H Assad, LLC,
Class A Liquor and Malt Application for Parkside Liquor
And Grocery at 2700 North Murray Avenue.

COMMITTEE MEMBERS

ALD. JEFFREY PAWLINSKI - Chairman
ALD. TERRANCE HERRON - Vice-Chairman
ALD. JAMES BOHL
ALD. ROSA CAMERON
ALD. FRED GORDON

LICENSING DIVISION by JAMES COPELAND
NEIGHBORHOOD SERVICES by NANCY JACOBS
HEALTH DEPARTMENT by OSCAR BOND
POLICE DEPARTMENT by SERGEANT JOHN HOGAN
OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

Proceedings had and testimony given in
the above-entitled matter, before the UTILITIES &
LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on
the 19th day of February, 2002.

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P R O C E E D I N G S

CHAIRMAN PAWLINSKI: In the Third

Aldermanic District, Hana Assad, the agent for
H&H Assad, LLC, Class "A" Liquor and Malt
application for the Parkside Liquor and Grocery
at 2700 North Murray Avenue. This is in the
Third Aldermanic District represented by Alderman
D'Amato. Good morning, Mr. Gimbel.
MR. GIMBEL: Good morning, Mr.
Chairman.

CHAIRMAN PAWLINSKI: How are you?

MR. GIMBEL: And members of the
committee. I'm fine, by and large.

CHAIRMAN PAWLINSKI: Good. We will
need to swear in your client, as well as, are
there any neighbors here who wish to testify in
this matter? Okay. Why don't we all swear you
in at the same time. Both for and against. You
don't need to stand. If you just want to sit,
we'll call you up in a moment. Just raise your
right hand so we can all swear you in at the same
time.

MR. SCHRIMPF: Do you all solemnly
swear the testimony you are about to give shall
be the truth, the whole truth, and nothing but

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the truth, so help you God?

THOSE PRESENT: I do.

CHAIRMAN PAWLINSKI: Okay. We will

call you up in a moment, and you were out of the
room at the time, but when we do call you up, I
will ask you to take a seat, speak into the
microphone clearly. Will -- We will need to get
your name and your address for the record. We
will take those individuals who are opposed to
this request first, followed by those individuals
who are in support of the request. And after
we're done the committee will rule on this and
the recommendation will move on to the Common
Council for March 5th.

So let me first ask Mr. Gimbel if your
client acknowledges receiving notice of the
meeting today. There was a neighborhood
objection which I shall read into the record
which states, "The neighborhood objection is to
an over-concentration of liquor outlets in the
area, an increase in the excessive college age
drinking and parties already in the neighborhood,
liquor sales that will attract increased noise,
littering, drunks, vandalism, underage drinking,
traffic, disturbances and crime, and that this is

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an unfit location for liquor sales." Did you
receive that notice?

MR. GIMBEL: Yes, we did.

CHAIRMAN PAWLINSKI: Anything from the
Department of Neighborhood Services on this?

MS. JACOBS: Hold for occupancy.

CHAIRMAN PAWLINSKI: Okay. What about
the Health Department?

MR. BOND: No objections.

CHAIRMAN PAWLINSKI: Anything from
the --

SERGEANT HOGAN: Nothing from the
police.

CHAIRMAN PAWLINSKI: Nothing from the
police department. This is in the Alderman's
district. Perhaps we should start with Alderman
D'Amato first, and then Mr. Gimbel, we'll move on
to you. How is that?

MR. GIMBEL: That's fine.

CHAIRMAN PAWLINSKI: Okay.

ALDERMAN D'AMATO: Mr. Chairman, if
possible --

MR. GIMBEL: Excuse me, Mr. Chair. I
don't think the Alderman was in when you were
swear --

CHAIRMAN PAWLINSKI: You were not here when we swore you in. So, Alderman.

MR. SCHIRMPF: Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

ALDERMAN D'AMATO: I do, Mr. Chairman, if - - if possible, since this is an - - an unusual case, if we could ask Mr. Schrimpf to kind of go through the chronology. It's been before the Council and - - and then before the courts, and now it's back. Could we do that first for a brief history. That would be appreciated.

CHAIRMAN PAWLINSKI: Mr. Schrimpf, go ahead.

MR. SCHIRMPF: Essentially this - - this matter was before the committee some time ago, certainly more than a year ago. The committee recommended, as I recall, that the license, that this is a new license, and - -

CHAIRMAN PAWLINSKI: Mr. Schrimpf, could you use the microphone, because it's hard to hear.

MR. SCHIRMPF: I'm sorry. The

application for a Class "A" Liquor and Malt at this location. Perhaps, Mr. Gimbel would have some additional things, if I did not - -

MR. GIMBEL: I think the essence of what Mr. Schrimpf has said is correct. In January of the year 2001 this committee voted four to zero to approve the license. At the Common Council hearing at which this matter was to have been dealt with, as Mr. Schrimpf indicated, Alderman D'Amato attempted by his motion to put it to the deny list. There was some discussion, and during the discussion Alderman - - Alderman D'Amato offered some evidentiary information to the Common Council generally. As a consequence of his persuasiveness the Common Council did, in fact, override the committee recommendation and voted to deny the license. In the protocol that followed, Ms. Assad filed an application a second time and was instructed by the Clerk's office that as a consequence of the denial of the license for concentration that she would have to wait a period of three years before the matter could be again processed through this committee. I challenged that on behalf of Ms. Assad, and the

committee recommended that a new license be granted at this location. It currently has a Class "A" Malt, but it wanted to have a Class "A" Liquor and Malt. The committee favorably recommended that. It came to the floor of the Common Council, and I believe it was Alderman D'Amato, moved to take it off the grant list and put it on the denied list. And that was debated at the Common Council and finally approved. Approximately a year later, Ms. Assad filed an application for another license at this location, and the viewpoint was because of the record that was created, that this application was denied, and that it was also determined that this was not a proper location for a Class "A" Liquor and Malt.

A challenge was instituted in court to that determination, and basically Judge David Hanscher ruled that the application had to be taken up and forwarded by the City Clerk to the Utilities & Licenses Committee, finding that it had not been determined by the Common Council that this was not a proper location for a Class "A" Liquor and Malt license. And so, the application is now before you as a new

Judge found that the proceedings in the Common Council were defective, and that the - - the materials that were considered by the Common Council should have been considered by the committee, and he, therefore, vacated the action of the Common Council which denied the license and ordered the Clerk to process it to get us here today. Is that a fair statement, Mr. Schrimpf?

MR. SCHIRMPF: Yeah. I don't - - I don't want to quibble. I don't think - - I'm not so certain that the - - the court was all that concerned about the materials that were presented at the Common Council meeting, but that's a minor point, actually. I - - It is certainly clear that - - that Judge Hanscher was concerned that number one, part of the motion had not included the fact that this was an unfit location. And so, the three year rule wouldn't apply in - - in those circumstances. That's 90-5-9 in the Code of Ordinances. And simply ordered that the committee take the matter up again, and that the matter be processed through to the committee. CHAIRMAN PAWLINSKI: So for the record, Ms. Assad does not currently sell liquor, just -

1 - She's got the Class "B" license.
 2 MR. GIMBEL: She has a Class "A" Malt.
 3 ALDERMAN D'AMATO: Class "A" Malt.
 4 CHAIRMAN PAWLINSKI: Class "A" Malt.
 5 I'm sorry. Class "A" Malt.
 6 MR. GIMBEL: That is correct.
 7 ALDERMAN D'AMATO: With -- With that
 8 history, Mr. Chairman, I would -- I'd like to
 9 begin. Each of you has a packet in front of you
 10 with some information.
 11 ALDERWOMAN CAMERON: No, we don't.
 12 ALDERMAN D'AMATO: Before we do that,
 13 I'd like to -- I'm sorry. Alderwoman?
 14 CHAIRMAN PAWLINSKI: I -- I have not
 15 passed them out, because we have not accepted
 16 them into the record. So, Alderman, is this what
 17 you want us to -- to look at at this point?
 18 ALDERMAN D'AMATO: Please.
 19 CHAIRMAN PAWLINSKI: And Mr. Gimbel has
 20 a copy of this?
 21 ALDERMAN D'AMATO: He does.
 22 CHAIRMAN PAWLINSKI: Okay. Then Al --
 23 With that Alderman Herron will move to make your
 24 packet to us part of our record, and I'm passing
 25 them out to committee members at this time. Is

1 there any objection to this? Hearing none, so
 2 ordered.
 3 ALDERMAN D'AMATO: This is an
 4 interesting case in that it -- It is -- Mr.
 5 Gimbel's effort, it was his effort at the first
 6 committee hearing to make this more of a renewal
 7 hearing and a promotional hearing indicating that
 8 the Assad's have done a good job with a Class "A"
 9 Malt license, and therefore, they should have the
 10 ability to now sell full liquor and become a
 11 liquor store.
 12 It is important for the committee to
 13 remember that they have to treat this item as --
 14 as if it is a new license, because it is. Do not
 15 treat this as Mister -- Ms. Assad has a license
 16 to sell liquor at this point, because the burden
 17 on a renewal is much different than the burden
 18 upon a new license. And what the neighbors and I
 19 will try to show you today, and I think that we
 20 will -- we achieved it last time, we'll achieve
 21 it today, is that the count -- the committee
 22 can, indeed, find a rational basis by which to
 23 deny the license. And a rational basis here is
 24 that this neighborhood has an alcohol abuse
 25 problem. This neighborhood is one that is

1 infiltrated by young adults, because of the
 2 university. It's one in which we have a high
 3 level of alcohol-related arrests. It's a
 4 neighborhood in which we have an over-
 5 concentration of outlets, and it's a neighborhood
 6 that if it were to get another liquor license, it
 7 would be like pouring gasoline on a fire.
 8 The items you have before you include a
 9 map, two maps. Let's begin with the first map.
 10 The first map is a traditional concentration of
 11 outlets map, and it shows the establishments
 12 within a mile, and there are 35 establishments,
 13 as I said at the first hearing. You would barely
 14 have to walk a block from the place in which
 15 Parkside Grocery is located in order to find a
 16 drink. There is no shortage of alcohol. People
 17 are not thirsting for a drink in this
 18 neighborhood. There are plenty of places that
 19 they can get a place to -- have a place to
 20 either carry alcohol out or go to a bar and have
 21 a drink.

22 Secondly, I think that you'll notice on
 23 this map that almost all of the -- all of the
 24 licensed establishments, whether they be a Class
 25 "A" Liquor and Malt, Class "A" Malt, or a Class

1 "B" tavern, are located on main streets, on
 2 Oakland Avenue, on Downer Avenue, on North
 3 Avenue, on -- on Farwell Avenue. It is very
 4 unusual, in fact, the case I would -- I would
 5 ask you to rack your brain in your own district
 6 to find a liquor store that is on two residential
 7 streets surrounded by houses. What we have done
 8 in this committee, what we have done in the city
 9 is we've concentrated the activities of liquor on
 10 main streets and -- and I think putting a liquor
 11 store in the middle of a neighborhood in this
 12 case, again, gives us a rational basis to deny
 13 the application because of its available --
 14 availability to -- to young adults and its
 15 abuse.

16 The second map you have which is more
 17 important, I think, and speaks more directly to
 18 the question, is that same concentration map, and
 19 on it the stars that you see indicate the number
 20 of alcohol-related arrests that we've seen in
 21 this district since August. The information we
 22 have is provided by the Milwaukee Police
 23 Department. All of the stars that you see, many
 24 of them concentrated within blocks of this
 25 location, are places where we have either --

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half barrels of beer were confiscated. 205 field

interviews were conducted. 102 consumption of

alcohol by underage citations were issued. 12

Class "B" license required citations. Class "B"

required means that - - - that students or

individuals who live here went to a liquor store

or went to a store like the Assad's, they bought

beer in mass quantities, and then they sold it to

other kids, many of who were underage, and either

turned a profit on it or sent those kids out into

the night to kick in cars, to knock over

planters, to - - - to raise a little hell.

CHAIRMAN PAWLINSKI: Alderman, can I

just make sure that we're clear on something

before we get too far into this.

ALDERMAN D'AMATO: Yup.

CHAIRMAN PAWLINSKI: You're not here to

tell the committee to take away the - - - the beer

license for Ms. Assad, number one.

ALDERMAN D'AMATO: I - - - I am not.

CHAIRMAN PAWLINSKI: Number one. And

number two, you're not here to say that the items

that you're currently referring to are a direct

result of her operation, as is. Your - - - Your

case is that by adding the Class "A" Liquor

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portion that you would essentially escalate the

kinds of things you're experiencing today. Is

that correct?

ALDERMAN D'AMATO: The - - - The burden

is not upon us as a Council to find that Ms.

Assad has done a bad job dispensing beer. The

burden is not upon Mr. Gimbel to show that these

incidents did not take place in the Assad's

house. So when - - - when people come to testify

and they talk about these alcohol-related things,

Mr. Chairman, and Mr. Gimbel asks - - - begins to

ask them did you see them come out of Parkside

Liquor? That's irrelevant. It's not relevant as

to whether they came out of Parkside Liquor or

not, because this is a new license. This is a

license that - - - The committee has to remember

that this is as if this license doesn't exist.

What we're saying is that given the circumstances

in the surrounding neighborhood no logical person

would give a license to this - - - to this

establishment, because it would add to the

problems that already exist in the neighborhood.

CHAIRMAN PAWLINSKI: Okay.

ALDERMAN D'AMATO: And that is the only

- - - The only burden, and you can ask Mr. Schimpf

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1 establishment - - - Class "A" Malt establishments
 2 the right to sell liquor if they applied, because
 3 they've earned the right for a promotion, and
 4 we'd have 400 full liquor stores that not only
 5 are located on main streets, but they're located
 6 on neighborhood streets throughout the city.
 7 I have just a couple of examples that I
 8 would like to give you with the type of activity
 9 that has taken place in this neighborhood and why
 10 adding more alcohol is not - - - is not a good
 11 idea. You have an e-mail in your packet from
 12 Bruce Scott, dated December 19th, 2001, and on
 13 one particular weekend the - - - this is the list
 14 of places that were in - - - alcohol-related
 15 arrests were conducted by the police department
 16 and - - -
 17 ALDERMAN CAMERON: What did you say?
 18 ALDERMAN D'AMATO: From - - - From the
 19 5th District Police - - - Oh, from Bruce Scott. It
 20 says Bruce J. Scott.
 21 CHAIRMAN PAWLINSKI: This would be the
 22 second page of the stapled packet.
 23 ALDERMAN CAMERON: I see.
 24 ALDERMAN D'AMATO: And in the middle of
 25 that it indicates that during that weekend 55

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1 about this, the only burden that the committee
2 has to find and the Council has to find in order
3 to deny this license is a rational basis by which
4 it was denied. And that rational basis is that
5 there is an abuse and alcohol problem in this
6 neighborhood.

7 CHAIRMAN PAWLINSKI: Alderman Herr --
8 Alderman Herron has a question.

9 ALDERMAN HERRON: Thank you. Alderman
10 D'Amato, on your map, your concentration map, am
11 I seeing -- I see three Class "A" Malt outlets.
12 Is that correct?

13 ALDERMAN D'AMATO: Three Class "A"
14 Malt?

15 ALDERMAN HERRON: I mean, three --
16 three Class "A" Liquor and Malt outlets.

17 ALDERMAN D'AMATO: You see three Class
18 "A" Liquor and Malt, right.

19 ALDERMAN HERRON: And two malt outlets.
20 Right?

21 ALDERMAN D'AMATO: Two malt outlets,
22 right.

23 ALDERMAN HERRON: Now, one of the
24 things --

25 ALDERWOMAN CAMERON: Where is it?

1 ALDERMAN HERRON: -- that you --
2 you're blessed with in this area is you have a
3 really dense population. I mean, there are
4 multiple dwelling units. Whereas in other areas
5 we may have single family homes or whatever.
6 Here you have a lot of people in a very small
7 area. Now, I've looked at some of the
8 concentration maps in some of the other areas
9 where there are more single family homes, and
10 they tend to have a couple more outlets than
11 this. Can you explain, as the Alderman of this
12 area, your -- If -- If you've got more people
13 living in a smaller area and you only have three
14 outlets, don't those outlets then become
15 extremely busy and as -- whereas in another area
16 where you may have a lot more single family
17 homes, a lot, you know, more families, more, you
18 know, children being raised, this area tends to
19 be that kind of area. Doesn't it? I mean, is
20 that correct?

21 ALDERMAN D'AMATO: I think what you'll
22 find in this area is Park Street is a -- is a
23 dividing line. What you'll find is more
24 apartments and more dense housing south of Park.
25 North of Park you find more single family homes,

1 duplexes, and -- and less density. However,
2 could I argue that -- that we don't have --
3 You're asking me, do we not have enough to serve
4 the population?

5 ALDERMAN HERRON: No, no, no.

6 ALDERMAN D'AMATO: I'm telling you
7 there's plenty to serve the population.

8 ALDERMAN HERRON: I mean, isn't this
9 generally a younger area, I mean, with younger
10 people that live in the area?

11 ALDERMAN D'AMATO: This is a -- This
12 is a student population, yes.

13 ALDERMAN HERRON: Okay.

14 ALDERMAN D'AMATO: If I could just
15 continue with my testimony. 55 half barrels of
16 beer, 205 field interviews, 102 consumption by
17 alcohol by underage, 12 arrests for state
18 warrants, and -- and then it goes on to list the
19 noise -- the noise violations.

20 In October of 2001, as -- while the
21 police were at a location near here breaking up a
22 party, a -- one of the party-goers threw a brick
23 through a police car window, and caused quite a
24 ruckus in the neighborhood. In November of 2001
25 two blocks from here while the police were at a

1 party, one of the party-goers who was drunk stole
2 a hat off an officer's head and ran through the
3 neighborhood with it, ensuing in a police chase
4 throughout the neighborhood.

5 In October of 2001 while a man near
6 here walked out of his house at about two a.m., a
7 fireman for the City of Milwaukee, to stop some
8 drunk students who were tearing down a fence,
9 the students took a post from the fence and beat
10 the man about the head, causing numerous stitches
11 and an ambulance call and a police call.

12 And this past weekend, just this past
13 weekend, two blocks from this location, I
14 received a -- a e-mail from the Captain of the --
15 Captain of the 5th District, and I'll read that
16 to you. "On Saturday, February 16th at 9:38 p.m.
17 officers were at 2943 North Murray Avenue. Two
18 adult arrests were made for violation of general
19 license requirements State Statute No. 125.04."
20 That means that they were running an illegal
21 tavern. They had bought beer. They were
22 reselling it to a group of people. And listen to
23 this, because this is amazing and this happens
24 every -- every weekend. "Officers counted 312
25 people that exited the attic of the residence

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1 with only one entrance and exit." So if you - - -

2 If you imagine a normal duplex, in the attic of

3 that duplex there were 312 people. There was one

4 exit out of the attic. If a fire would have

5 ensued, we would have lost probably all of those

6 people.

7 ALDERMAN HERRON: Mr. Chairman, what

8 does - - -

9 ALDERWOMAN CAMERON: Mr. Chairman.

10 CHAIRMAN PAWLINSKI: Yes.

11 ALDERWOMAN CAMERON: Yes to who?

12 CHAIRMAN PAWLINSKI: Either one. I

13 think you're going to make the same point, but go

14 ahead. Alderman Herron.

15 ALDERMAN HERRON: I just don't know

16 what all this has to do with the - - - with the

17 license.

18 ALDERMAN D'AMATO: I think - - -

19 ALDERMAN HERRON: I appreciate what

20 he's saying and where - - - where he's trying to

21 go. But this has nothing to do with this - - -

22 this applicant's license. It really - - - Actually

23 if we were going to deal with this, we should be

24 dealing with the university and what the

25 university is doing or not doing to work with

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1 their students to make sure they have responsible

2 drinking policies. It has nothing to do with

3 this license in front of us.

4 ALDERMAN D'AMATO: Alderman, I

5 think - - - I think - - -

6 ALDERMAN HERRON: I just don't know why

7 we're going down this road.

8 ALDERMAN D'AMATO: Mr. Chairman, I

9 think that you should ask Mr. Schrimpf - - -

10 ALDERMAN HERRON: We're going to find

11 out this again.

12 ALDERMAN D'AMATO: - - - to clarify that

13 before the members of the committee.

14 CHAIRMAN PAWLINSKI: I understand.

15 ALDERWOMAN CAMERON: Mr. Chairman.

16 CHAIRMAN PAWLINSKI: Okay. Alderman.

17 I'll move on to you.

18 ALDERWOMAN CAMERON: Mr. Chairman.

19 CHAIRMAN PAWLINSKI: Alderman.

20 Cameron.

21 ALDERWOMAN CAMERON: I'm concerned,

22 Alderman D'Amato, when I look at a police report

23 and see 312 persons was in the attic of a

24 building. I would go back to say that it does

25 not reflect to the applicant, but it's a concern

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1 to me of safety - - -

2 ALDERMAN D'AMATO: Certainly.

3 ALDERWOMAN CAMERON: - - - that number

4 one, that the residents or the homeowners are

5 allowing themselves to go to - - - to make a buck.

6 I feel like that UW - - - you, as the alderperson,

7 should maybe be talking to the homeowners over in

8 that area to deal with, I say this would be, a

9 fire safety as well as just a human safety, in a

10 attic, and it doesn't say whether any tickets was

11 given or nothing to the homeowner for the number

12 of persons could even be in that - - - in that

13 building, less only the attic. I mean, I don't

14 know what is the normal - - - residents could be in

15 a house, but this is to me is like - - - I know

16 that Bruce didn't give you all the information,

17 because I knew it had to be some tickets given.

18 It had to be some warning letters given.

19 ALDERMAN D'AMATO: It does indicate

20 that two - - - two arrests were made.

21 ALDERWOMAN CAMERON: Yeah, but that has

22 nothing to do with 310 more residents that was up

23 in there that creates the safety factor for that

24 whole - - - that block.

25 ALDERMAN D'AMATO: I - - - I don't want

1 - - - Again, these - - - The incidents that I - - -

2 that I point out to you are incidents that show

3 that alcohol is a problem in the neighborhood,

4 and - - - and I think - - - I think that all of the

5 things that you say and Alderman Herron say are

6 true. We do have to work with the university.

7 We have worked with the university. We do have

8 to work with neighborhood - - - the neighbors and

9 the landlords, and we have worked with the

10 neighbors and the landlords.

11 But the charge of the committee and the

12 charge of the Council in this particular case is

13 to determine whether the circumstances in this

14 neighborhood warrant or do not warrant the

15 issuance of a new liquor license.

16 ALDERWOMAN CAMERON: Mr. Chairman.

17 ALDERMAN D'AMATO: Ms. Assad does not

18 have a right - - -

19 CHAIRMAN PAWLINSKI: Just - - -

20 ALDERMAN D'AMATO: She does not have a

21 right to a liquor license. She has the right to

22 come to the committee and make her case. What

23 - - - What I am saying, what you'll find the

24 neighbors say, is that another liquor license in

25 this neighborhood is like giving another drink to

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1 an alcoholic. You wouldn't do that, because that
2 wouldn't be responsible. I think, Mr. Chairman,
3 that you should ask Mr. Schrimpf if making a case
4 for the problems in the neighborhood that are
5 alcohol-related are pertinent to whether or not
6 we should issue a license, and I think that we'll
7 hear probably that.

8 ALDERWOMAN CAMERON: Mr. Chairman.

9 CHAIRMAN PAWLINSKI: I think that's
10 fine. That's fine. And I'm just going to - -
11 just going to - - I'm just going to ask the
12 committee, with all due respect, that I would
13 prefer not to get into a debate amongst
14 colleagues at this table. Okay. I think - - I
15 think in the end you both can reflect your
16 feelings, but I'm not going to go into a - - into
17 a point/counterpoint situation between the local
18 alderman - -

19 ALDERWOMAN CAMERON: No. I just have a
20 question to ask.

21 CHAIRMAN PAWLINSKI: So if you have a
22 question, go ahead. But I think Mr. Schrimpf
23 should make at least one comment regarding
24 Alderman D'Amato's statements so far, and then I
25 think we should move on. So, Alderwoman?

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1 ALDERWOMAN CAMERON: Okay. The
2 question that I'm concerned now that Alderman
3 D'Amato is going to show, at the last hearing we
4 did approve this license.

5 CHAIRMAN PAWLINSKI: No, but - -

6 ALDERWOMAN CAMERON: Let - - Let me
7 finish.

8 CHAIRMAN PAWLINSKI: Okay.

9 ALDERWOMAN CAMERON: The committee did
10 approve the license, and when it got to the
11 Council it was overturned. Now, I was hoping to
12 see something that would convince me that the
13 recommendation of this committee was somewhat
14 maybe not foreseeing the future, and that the
15 Council made the correct recommendation. That's
16 what I was hoping to see, because as is what
17 you're saying, that was the same argument I think
18 you give us before. And I wanted you to, you
19 know, kind of give us something that well, maybe
20 we made a decision that could have been kind of
21 the other way around.

22 ALDERMAN D'AMATO: I think - - I think
23 the decision that - - that the committee made
24 last time was wrong, obviously. There - - There
25 were some members of the committee who changed

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1 their vote on the Council floor once the argument
2 was thought out. And - - And, indeed, found that
3 a basis was made. But, Alderwoman, if - - if,
4 indeed, you can find in your heart and your
5 wisdom, if you can say, yeah, this neighborhood
6 needs another liquor license, then you should
7 vote that way. But what I'm telling you and what
8 the neighbors are telling you, and what the
9 letters you have in front of you and the
10 incidents you have is that we do not need and we
11 do not want another liquor license. That the
12 rights of the neighbors to peace and quiet and
13 quality of life far exceed the privilege to Ms.
14 Assad to have a liquor license.

15 Now, if you want to say that Mrs.
16 Assad's privilege is much more important than the
17 people's rights to have a peaceful, quiet
18 neighborhood, that's up to you, but the - - the
19 argument that I'm making is that we cannot
20 introduce more alcohol into this neighborhood.

21 CHAIRMAN PAWLINSKI: Okay. Now - -
22 Now, one second. Mr. Schrimpf, I'm going to ask
23 you for a very brief statement on Alderman
24 D'Amato's comments so far, and then I'm going to
25 ask the Alderman to kind of wrap it up, because I

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1 do think we need to move on.

2 MR. SCHRIMPF: Well, I don't think it's
3 appropriate for me to give a statement. If
4 there's a question, I'd be happy to answer.

5 CHAIRMAN PAWLINSKI: Okay. I'm going
6 to ask you the question if - - if the case that
7 Alderman D'Amato is making to this committee and
8 to the rest of the Common Council through his
9 statements is an appropriate case in support of
10 his position.

11 MR. GIMBEL: May I at least put on the
12 record here that I don't think Mr. Schrimpf
13 should be enlisted by Alderman D'Amato as a part
14 of the advocacy against the application.

15 CHAIRMAN PAWLINSKI: Okay.

16 MR. GIMBEL: I have no problem with - -

17 CHAIRMAN PAWLINSKI: All right.

18 MR. GIMBEL: - - him being the city
19 attorney giving this committee legal advice, but
20 I do have a problem if he's going to essentially
21 advocate for the position - -

22 CHAIRMAN PAWLINSKI: I'll restate the
23 question.

24 MR. GIMBEL: Thank you.

25 MR. SCHRIMPF: And that's - - And

1 that's my concern, Mr. Chaitman.

2 CHAIRMAN PAWLINSKI: I'll restate the

3 question. Have you heard anything yet in

4 Alderman D'Amato's testimony that would be

5 problematic from a legal point of view in making

6 his case, as the assistant city attorney?

7 MR. SCHIRMPP: Well - -

8 CHAIRMAN PAWLINSKI: Is that a proper

9 way to rephrase the question?

10 ALDERMAN D'AMATO: Why don't you ask,

11 Mr. Chaitman, what is - - If you would just ask

12 Mr. Schrimpf - -

13 MR. SCHIRMPP: The issue - -

14 ALDERMAN D'AMATO: - - what the burden

15 is upon a new license. He - - He can tell you

16 that.

17 MR. SCHIRMPP: One of the - - One of

18 the issues set forth in the Statutes at Section

19 125.51, as well as Chapter 90 of the Code of

20 Ordinances, is to consider whether or not the

21 location of a new premises is a proper location

22 for the conduct of this kind of a business at

23 that location. You're going to hear testimony

24 and evidence that will go both ways on that

25 issue, and you have to make that decision. Is it

1 - - Is that a proper area of inquiry? The

2 Statute specifically state that in your

3 deliberations you consider whether or not the - -

4 the intended location is a proper location.

5 CHAIRMAN PAWLINSKI: And that's fine.

6 MR. SCHIRMPP: Considering those

7 factors.

8 CHAIRMAN PAWLINSKI: And I would remind

9 the committee to withhold judgment on any

10 decision until we're finished with the hearing

11 and that we reserve our statements to questions

12 only. So, Alderman, is there anything else that

13 you want to - -

14 ALDERMAN D'AMATO: Just very briefly,

15 again, let me just reiterate that the - - that

16 the Statute indicates that there has to be a

17 rational basis for denial of the license. I

18 think - - And I think that Mister - - Mr.

19 Schrimpf would affirm that the - - that the

20 unfitness of the location in this neighborhood

21 for a license is reason to deny, that the

22 neighbors do have a right to quality of life and

23 peace and quiet, and that as Mr. Gimbel, Mr.

24 Chaitman, particular to you, as Mr. Gimbel asks

25 his questions about whether or not people saw the

1 incidents occur from the Parkside Grocery is not

2 relevant to the case of a new license. We will

3 stipulate to the fact that there are not problems

4 with the Class "B" - -

5 CHAIRMAN PAWLINSKI: Well, in fact, I'm

6 glad you brought that point up - -

7 ALDERMAN D'AMATO: - - beer license.

8 CHAIRMAN PAWLINSKI: - - because

9 I'm - - I'm going to make that point right now

10 since it's obviously timely to the - - those

11 individuals who are here to testify. The renewal

12 - - The renewal application for Ms. Assad, the

13 renewal date is November 8th of every year. So

14 the next time it's up for renewal on her Class

15 "A" Malt license is November 8th of 2003.

16 Today's hearing is not a hearing on the renewal

17 of this application. It is on the request of her

18 to add liquor sales. So when you go through your

19 testimony, it is - - We will - - This committee

20 will not hear testimony regarding your feelings

21 about the current status of affairs at that

22 location. It's only about whether you agree or

23 disagree with her request to add further liquor

24 sales at that location. Okay?

25 MR. COPELAND: Excuse me, Mr. Chair.

1 It's 2002.

2 CHAIRMAN PAWLINSKI: 2002, I'm sorry.

3 November 8th of 2002 is when that - - when that

4 current application will expire.

5 ALDERMAN D'AMATO: And by the same

6 token if that's - - if that's the limitation

7 we're putting on the witnesses, the same

8 limitation should be put upon the applicant to

9 not use their present condition, whether they

10 sell or not sell, or whether they have problems

11 or don't have problems, as a defense to have a

12 license. If - - If we're not going to allow

13 testimony with regard to the present license from

14 people who they have testimony, then we shouldn't

15 allow Mr. Gimbel to ask them questions about the

16 present function of it. That seems to be

17 consistent with - -

18 CHAIRMAN PAWLINSKI: I'll do my best on

19 a case by case basis to kind of hold this all in

20 check.

21 ALDERMAN D'AMATO: Right.

22 CHAIRMAN PAWLINSKI: Mr. Gimbel, we're

23 going to move on to your - -

24 ALDERMAN BOHL: Mr. Chaitman, I - -

25 CHAIRMAN PAWLINSKI: Yes, Alderman

1 Bohl.

2 ALDERMAN BOHL: Thank you. I have - -

3 I have one or two brief questions for Alderman

4 D'Amato, if I may. In terms of the - - Alderman

5 D'Amato, in terms of the alcohol-related

6 complaint map that you provided, I think that it

7 appears very evident that - - that there is an

8 alcohol abuse problem in the vicinity of - - of

9 UWM and that from my own knowledge there is very

10 much a - - a great concentration of student age

11 individuals who reside in the immediate

12 neighborhoods around - - around the - - the

13 university. The question or two that I would

14 have for you is that in relation to student age

15 population, very typically at least from what has

16 been my experience, that student parties, more

17 typically than not, and this is going back to my

18 own days, which - - which don't go back too far

19 as you remind me so often, student parties

20 typically would involve quarter barrels, half

21 barrels of beer. I don't recall from my own

22 experience going to student parties where Jim

23 Beam or - - or Seagramm's 7 were sitting on top

24 of the shelf. Typically those alcoholic sales of

25 - - of hard liquor is much more expensive than

1 purchasing a quarter barrel of beer. So I will

2 surmise, and maybe that in some instances - - and

3 grant you in some instances there may be some of

4 these abuse problems are - - are hard liquor

5 induced problems in terms of - - and for us to

6 say whether one - - one is - - is being brought

7 on by - - by beer sales or by hard liquor sales

8 is - - is certainly within - - within question.

9 We don't know. But the question I would ask for

10 you is in relation to hard alcohol sales here,

11 how does that diminish in your eyes the - - the -

12 - or increase in your eyes the ability for

13 students to consume alcohol, whether it be hard

14 liquor or - - or beer, and then subsequently

15 abuse that to the point where there are problems

16 where neighbors are calling in and complaining

17 because of - - of loud activity or any other type

18 of nuisance activity in the neighborhood.

19 ALDERMAN D'AMATO: Long question there,

20 but - -

21 ALDERMAN BOHL: Yeah, but take them as

22 you will.

23 ALDERMAN D'AMATO: - - what - - what I

24 - - One of the first things that would happen if

25 they get a Class "A" Liquor Malt is they could

1 sell half barrels and quarter barrels. They

2 can't do that now as a Class "A" Malt

3 establishment.

4 ALDERMAN BOHL: Okay.

5 ALDERMAN D'AMATO: They could sell

6 quarter barrels and half barrels immediately.

7 And although it has not been that long since you

8 were at those college parties, they have evolved

9 quite a bit, and new technology from evidence

10 that the police have gotten, is that people have

11 established entire bars in their - - in their

12 basements or in their attics. And when they - -

13 When the police confiscate the alcohol, they not

14 only confiscate half barrels and quarter barrels,

15 they confiscate oftentimes where these people are

16 selling shots for a dollar. It's a dollar a

17 shot. And they'll find cases of hard alcohol, as

18 well. So both those things, the - - the - - the

19 introduction of more half barrels and quarter

20 barrels and the introduction of just more places

21 to buy liquor. Whenever we talk to UWM or

22 anybody about alcohol problems in the

23 neighborhood, the first thing that they say is

24 that - - is that we need to control the number of

25 establishments.

1 When Alderman Herron asked about

2 whether we worked with UWM, that's one of the

3 first things they say, let's control the number

4 of establishments. Certainly the more

5 establishments, the less control, and we don't

6 believe that we need any more.

7 ALDERMAN BOHL: Okay. Mr. Chairman,

8 the - - the only other question I would ask then,

9 I see that Mr. Copeland is not in here. I was

10 unaware that - - that a - - a Class "A" Malt

11 license did not allow individuals to sell quarter

12 barrels or half barrels, and I would just ask for

13 a concurrence on that when he comes back.

14 ALDERMAN D'AMATO: My - - My

15 understanding is that - - is that a Class "A"

16 Malt and a Class "B" license provide that you can

17 sell alcohol in quantities less than three

18 gallons or something.

19 CHAIRMAN PAWLINSKI: We'll ask for

20 confirmation when he comes back in the room.

21 Alderman Herron has a question of the Alderman.

22 ALDERMAN HERRON: First, I just want to

23 make sure my comments were clear. I merely

24 questioned whether some of the information that

25 Alderman D'Amato was introducing was relevant,

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1 and I wanted a ruling on that relevancy. And I believe I've gotten that. I don't - I haven't made my mind on this. I don't where to go. But I want to hear from the Alderman and the other side.

6 But let me go back to the concentration map which is where I'm a little bit confused. I see three liquor and malt outlets within a mile of each other, and I want you to try to answer this - - - Maybe I'm going to ask the question a different way than I did last time. In my area I may have three outlets which may equal one per 1,000 residents. Here, because of the density of the population, you may have one per 10,000 residents. Does that or does that not give somewhat of a unfair competitive advantage, and not that we're dealing with competition, but it seems to me if one per thousand residents versus one per ten thousand residents, that necessarily the geographic area is not as important as the number - - - as the demand for the product in a certain area. Can you speak briefly about - - about that? Maybe it will help if I say - - - Maybe - - - Is that demand in your opinion created by people under the age of 18? Is that what

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1 comes out in 24 packs, in 27 packs, and 36 packs now. And - - - And while they may buy it legally, someone may walk into the Parkside and buy three 24 packs of beer, it's what happens to it afterwards. And while that is not directly Ms. - - - Ms. Assad's problem for the renewal of her license, it certainly is something to consider on a new license, that there are - - - there is a habit here of the dispensing of alcohol to underage people.

11 ALDERMAN HERRON: Okay.

12 ALDERMAN D'AMATO: The introduction of more alcohol here would create more of a problem. The other - - - The other thing is I would answer your question with a question, if we were to take your argument, what would be the committee's rational then to deny any Class "A" Malt establishment that showed that it ran a good operation, to say - - - come in here and say I deserve a liquor license. Let me try.

21 ALDERMAN HERRON: I think that's a good question.

23 ALDERMAN D'AMATO: In your district, in Alderman Gordon's district, wherever it may be, the 312 Class "A" Maltis who want to come up here

1 you're saying, that younger - - I mean, under the age of 21, under legal drinking age, and that's why you feel that you have an over-concentration, or is it because - - - Do you understand where I'm going?

6 ALDERMAN D'AMATO: I think - - I think the over-concentration argument is evident through the results of the over-concentration. It's - - - It's difficult to look at a map, dots on a map and say that the area is over-concentrated. But it's - - - The other map that shows us that because of the availability of alcohol in this particular neighborhood, that the over-concentration has caused other problems.

15 ALDERMAN HERRON: Let me ask. So what you're saying is the three outlets here, the Downer Wine & Spirits, the Oakland whatever that place is, and then the one other place. Is that Sendik's?

20 MR. GIMBEL: Sendik's.

21 ALDERMAN HERRON: Sendik's?

22 ALDERMAN D'AMATO: Yes.

23 ALDERMAN HERRON: That they're selling all this beer and wine to people that are underage and causing all these problems and - -

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1 and say by Alderman Herron's standard, I'm able
2 to become a Class "A" Liquor store because I
3 think that there's a - - there's a unmet need in
4 the neighborhood.

5 ALDERMAN HERRON: What I've always - -

6 ALDERMAN D'AMATO: In particular in
7 density.

8 ALDERMAN HERRON: What I've always
9 tried to do is in the concentration argument is -
10 - is set a standard that demonstrates that there
11 really is an over-concentration, and that is
12 always dependent a lot on what the alderman says
13 or - - or dependent a lot on what he's able to
14 prove to these concentration maps and whatnot.
15 So - - Let me ask one more question.

16 ALDERMAN D'AMATO: Okay. Sure.

17 ALDERMAN HERRON: And I'm - - And I'm
18 done with this stuff. One of the other factors,
19 I think, in your district that may not be in many
20 of our districts is many of the people that live
21 in your area don't drive cars, that they actually
22 use public transportation. They walk to where
23 they're going to go. If that being the case, and
24 - - and I haven't heard from any of the neighbors
25 yet, and that's certainly going to be a key part

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1 to - - to my decision here, but if that is the
2 case, then don't - - isn't it - - isn't it
3 healthy for a city to be able to provide all the
4 services to people that walk and stay in
5 neighborhoods that they need to have in order to
6 make their - -

7 In other words, if - - if I'm walking,
8 I don't want to get up in the morning go to
9 Sentry, get my groceries, and then have to walk,
10 you know, get on a bus to go buy a six pack of
11 beer or whatever. Isn't it important for us to
12 make those kinds of, I guess I'd call them, like
13 village centers, areas of convenience for
14 families and people to go and get everything from
15 their laundry to their groceries to any kind of
16 alcoholic beverages that they choose to engage in
17 for the week. To get whatever the service is, to
18 have a little mini restaurant. I mean, we have
19 all those other things kind of concentrated over
20 there. Why do you think those products shouldn't
21 be there?

22 ALDERMAN D'AMATO: I think - - I think
23 that's an excellent point. I think you're
24 exactly right, that people should have those
25 things, and we have those mini centers on the

1 East side. They're called Brady Street and
2 Oakland Avenue and North Avenue and Downer. And
3 if you look at the map, what you'll see is those
4 clusters. I don't think anybody of us - - any of
5 us would argue that in our neighborhood every
6 corner should be a neighborhood center, that
7 every corner should have a grocery store and a
8 liquor store and a drycleaner and a laundromat.
9 And - - And in this case if you look at the map,
10 how far is too far to walk? Is two blocks too
11 far to walk to get your groceries and get your
12 bottle of whatever you're doing? Is - - Is three
13 blocks too far to walk? You don't see what's on
14 the other side of the map here, but where there's
15 a void to the northern end there's also another
16 little hub of activity on Oakland and Edgewood
17 that's a couple blocks away. And to the south
18 you have Brady Street. So that - - So that
19 anybody is within six blocks walking distance
20 from all of those services.

21 CHAIRMAN PAWLINSKI: Okay. I'm just
22 going to make one comment, and then we're going
23 to move on. And this is not in any way a defense
24 or - - or not of Alderman D'Amato's concentration
25 map. But I think it's important to note that

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1 there is no magic formula as to what is and what
2 is not concentration. There is no aldermanic
3 rule that we can look at and say - - It's - -
4 It's a very subjective thing, and it's a value
5 judgment that you, on this committee, and all of
6 us on the Common Council have to make. 35 liquor
7 license establishments in Alderman D'Amato's
8 contention is too much in a one square mile area.
9 That's more than some alderman have in their
10 entire district, but less than some alderman
11 might have in a three block area. So it's a very
12 subjective thing, and it's a value judgment. And
13 I think it's important to at least recognizing
14 that.

15 ALDERMAN D'AMATO: One comment with
16 regard to that. We'll see - - We'll see
17 concentration maps that Alderman Bohl will bring
18 to the - - to the table that will be much less
19 than Alderman Sanchez will, because he has the
20 most licenses and Alderman Bohl has the fewest.
21 It is the make-up of the neighborhood. It's the
22 will of the neighbors. It's the activity and the
23 other circumstances within the neighborhood. And
24 what - - what we're arguing here is that the
25 other circumstances in this neighborhood indicate

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1 that 35 is not only enough, 35 may be too many.
 2 CHAIRMAN PAWLINSKI: I'm going to move
 3 on now to Mr. Gimbel, and then we're going to
 4 move on to the neighbors after you're finished.
 5 MR. GIMBEL: Thank you very much.
 6 CHAIRMAN PAWLINSKI: You're welcome.
 7 MR. GIMBEL: I'd just like to briefly
 8 say that I don't believe that any of the
 9 materials that Alderman D'Amato has presented to
 10 the committee ought to be considered by them
 11 except for the concentration map. Everything
 12 else is hearsay, and it is not subject to the
 13 applicant having an opportunity to cross-examine
 14 the reliability of that information, and/or the
 15 potential bias that may be present in any of the
 16 people that wrote letters, sent e-mails, and
 17 things of that nature.
 18 CHAIRMAN PAWLINSKI: Mr. Schrimpf?
 19 MR. SCHRIMPF: Mr. Gimbel is right.
 20 They are hearsay.
 21 CHAIRMAN PAWLINSKI: Okay.
 22 MR. SCHRIMPF: With respect - - You're
 23 apparently not objecting to the concentration
 24 map.
 25 MR. GIMBEL: That's - - That's correct.

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1 I think Alderman D'Amato is an appropriate person
 2 to lay the foundation for that particular
 3 document.
 4 MR. SCHRIMPF: With respect to the - -
 5 the second map, Alderman. How was this map
 6 created?
 7 ALDERMAN D'AMATO: The information that
 8 was made on that map was made exactly like the
 9 first one, through the legislative reference
 10 bureau, and the stars represent cases that were
 11 provided us by the 5th District Police Station,
 12 and as you know, Mr. Chairman, and the members of
 13 the committee know, the police do not take a
 14 stand on this, and when we ask them to come and
 15 testify, they indicated that - - that they could
 16 not. They provided us with the information,
 17 however, so that we could create the map.
 18 CHAIRMAN PAWLINSKI: Here's what I'll
 19 do.
 20 MR. SCHRIMPF: Mister - -
 21 CHAIRMAN PAWLINSKI: Yes.
 22 MR. SCHRIMPF: Mr. Chairman, I would
 23 suggest that with respect to at least the
 24 creation of this particular map, since this is
 25 not a map that the committee ordinarily sees, Mr.

1 However, I'm going to rule that the other
 2 materials that the Alderman provided to us shall
 3 be disallowed by this committee. That would be
 4 the e-mails and the information that was provided
 5 to the Alderman, which would include the
 6 newspaper articles. So we're just going to take
 7 the two maps, and we can make a judgment based on
 8 that, and based on your comments and statements
 9 at this point. So Mr. Gimbel?
 10 MR. GIMBEL: And then, further and
 11 briefly, I would remind the committee that this
 12 establishment which was purchased by the Assad
 13 family was prior to the time that they purchased
 14 the building in 1999, a full Class "A" licensed
 15 facility. It started out as a drugstore, and
 16 then it graduated to kind of a
 17 drugstore/convenience store. And when the Assad
 18 family bought the premises, they bought it
 19 knowing that this Council had already approved at
 20 that location as a full Class "A". The location
 21 was closed down for a period of time for
 22 extensive remodeling, and then when it was
 23 reopened in agreement with Alderman D'Amato, the
 24 Assad family agreed to begin their operation with
 25 a malt beverage license only. And so, I - - I

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1 Zolbon might be the - - I don't know this, but he
 2 might be the individual who - - who could testify
 3 as to how it was created. But with respect to
 4 the information regarding the stars, I think
 5 we're still going to have a bit of a problem,
 6 because obviously Mr. Zolbon would have been
 7 relying on some other police document.
 8 ALDERMAN D'AMATO: If need be, I could
 9 provide - - I can provide the committee with the
 10 144 letters from the police department to the
 11 landlord on official police stationary indicating
 12 that all of these occurred. I just didn't want
 13 to inundate you with all that paper. Instead I
 14 did it on a map. So if Mr. Gimbel would be
 15 happier that we take that out, I'm happy to
 16 provide him with that information.
 17 MR. GIMBEL: My happiness is not at
 18 issue here.
 19 CHAIRMAN PAWLINSKI: No, I understand
 20 that, Mr. Gimbel. Here's my ruling on this is
 21 that the committee will receive as part of our
 22 record the two maps that you've provided. They
 23 are both been generated by our legislative
 24 reference bureau, and we have no reason to
 25 believe that they are not true and accurate.

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1 want that in the background of your deliberations
2 on this subject. This location was something
3 that would have generated the green diamond type
4 of description.

5 And I would also observe that with
6 respect to the Sendik's license, that - - that
7 business is open six days a week. It closes at
8 six o'clock on Saturday, and it closes at seven
9 o'clock every other day of the week. The other
10 two are liquor stores that are full service
11 liquor stores.

12 The position that I would urge this
13 committee to consider is - - is fairly well
14 related to, I think, the cogent questions of
15 Alderman Herron, and they are that this - - this
16 district as compared to other districts in the
17 City of Milwaukee is a district that probably
18 has, and I live in this district, probably has
19 more multi-family living units than any other
20 district in the City of Milwaukee. And there are
21 thousands of people living within this one mile
22 radius as against a similar one mile radius in
23 other parts of the city where you have single
24 family residences, and many of the people that
25 live in those apartments are not UWM students.

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1 They are people that are over the age of 21.
2 They work in the City of Milwaukee, and I think
3 you'll see that they believe that adding another,
4 which would essentially be a third full Class "A"
5 license to this neighborhood would be something
6 that would serve their convenience and not compel
7 them to take an automobile to where they have to
8 get liquor.

9 MR. SCHRIMPF: Mr. Chairman.

10 CHAIRMAN PAWLINSKI: Yes, Mr. Schrimpf.

11 MR. SCHRIMPF: Only from the standpoint
12 of making sure that - - that the record is
13 factually accurate, because I - - I think Mr.
14 Gimbel indicated that this place had previously
15 been a Class "A" Liquor and Malt store, that is
16 true. But if I recall the last time Mr. Wagner
17 was here and specifically explained that the
18 previous location had operated under a special
19 statutory license that was created for
20 pharmacies, and that that he operated as a
21 pharmacy, I think probably until the time it was
22 sold to Ms. Assad. Am I correct on that, Mr.
23 Gimbel?

24 MR. GIMBEL: Based on an employee who
25 worked there, it kind of converted to a

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1 convenience store, because those pharmacies
2 didn't do too well against the big chains.

3 MR. SCHRIMPF: Well, yeah, but my point
4 is it was always operated as a pharmacy, although
5 it was beginning to look more like a convenience
6 store.

7 MR. GIMBEL: That's correct.

8 MR. SCHRIMPF: And it operated under
9 that special pharmacy license - -

10 MR. GIMBEL: Initially, yes.

11 MR. SCHRIMPF: Initially.

12 MR. GIMBEL: Correct.

13 MR. SCHRIMPF: And - - And when that
14 went when Ms. Assad took over, that - - that
15 piece of it was no longer operating anymore,
16 because it was no longer operating as a pharmacy.
17 And - - And that was a - - a very special license
18 that it operated under. I don't want a record
19 created that suggests that this had a Class "A"
20 Liquor and Malt license as we currently think of
21 a Class "A" Liquor and Malt license, because it
22 had the Class "A" pharmacy license.

23 CHAIRMAN PAWLINSKI: Okay.

24 MR. SCHRIMPF: Am I right?

25 MR. GIMBEL: I don't know if there's a

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1 distinction. I know that initially it came in as
2 a protected grandfathered license, but I think
3 that - -

4 MR. SCHRIMPF: Right.

5 MR. GIMBEL: - - ultimately there was a
6 - - an assimilation of that license into a full
7 Class "A" Liquor and Malt beverage.

8 CHAIRMAN PAWLINSKI: Before we move on
9 to the neighbors, I just want to have Mr.
10 Copeland, from our Licensing Division, clear up
11 the question that was asked prior. Are you aware
12 of the question or do I need to rephrase it for
13 you?

14 MR. COPELAND: I'm aware of the
15 question. My only problem is I'm not sure of the
16 measurements of what's a - - consists of a
17 quarter barrel.

18 CHAIRMAN PAWLINSKI: Okay.

19 MR. COPELAND: I - - I believe that
20 that was the part of the question about what a
21 quarter barrel, and now as I read this ordinance
22 this states that a Class "A" fermented malt
23 license allows them to sell alcoholic beverages
24 in their original container of no more than four
25 half gallons. Now, my question, and I'm trying

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1 will have a detrimental impact on the health,
 2 welfare, and safety of your neighborhood. The
 3 committee will not hear repetitive testimony. I
 4 want to be very clear on that. And as I said
 5 earlier, we are not going to - - this is not a
 6 renewal hearing on Mrs. Assad's current status of
 7 affairs at her - - at her location. Okay.
 8 You're more than welcome to provide testimony
 9 that has already not been given, but we will not
 10 hear repetitive testimony. And with that, I will
 11 ask - - It's first come, first serve. I saw four
 12 hands. Father? Reverend? If you want to take
 13 this microphone stand, we'll hear from you first.
 14 Again, we will need your name and your address
 15 for the record and your testimony.
 16 THE WITNESS: Thank you. My name is
 17 Father Joe Juknailis, J-U-K-N-A-I-L-I-S. I'm
 18 from Saints Peter and Paul Catholic Church. The
 19 address for the parish office is 2491 North
 20 Murray. So we're in the 2400 block, three blocks
 21 away from the prospective establishment.
 22 And my contribution would be that the
 23 parish has a Catholic grade school there. It's
 24 K-4 through 8. It has about 185 students. In
 25 large part, though not totally, it is a

1 to find out, is what constitutes a quarter
 2 barrel. What is the measurement of a quarter
 3 barrel?
 4 ALDERMAN BOHL: Mr. Chairman.
 5 CHAIRMAN PAWLINSKI: Alderman Bohl.
 6 ALDERMAN BOHL: Now, that document
 7 indicates a four in front of one-half.
 8 MR. COPELAND: Right.
 9 ALDERMAN BOHL: So I - - What I can't
 10 understand is why it wouldn't just say two
 11 gallons as opposed to that still being disputed
 12 as potentially four and one-half gallons. Is
 13 that - - Is that still potentially up in the air
 14 in terms of knowing whether it's four and a half
 15 gallons or - -
 16 Four and a half gallons, if my math
 17 serves me correctly, is two gallons, and I don't
 18 know why the ordinance wouldn't just say two
 19 gallons, if that were the case.
 20 MR. COPELAND: In all honesty, I did
 21 not write the sixth ordinance. And I did consult
 22 with Mr. Schrimpf, because I had that similar
 23 question. And the way it reads here it says,
 24 four one-half gallons.
 25 CHAIRMAN PAWLINSKI: All right.

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1 Well - -
 2 ALDERMAN D'AMATO: Mr. Chairman.
 3 CHAIRMAN PAWLINSKI: Yes, Alderman,
 4 please.
 5 ALDERMAN D'AMATO: Just my own - - my
 6 own experience with it is - - is that it is
 7 written in such a way that the amount that is
 8 expressed in the Statute is the amount that is
 9 just under selling beer in barrels, half barrels
 10 or quarter barrels.
 11 CHAIRMAN PAWLINSKI: All right. Okay,
 12 now. That's fine. Let me just get a show of
 13 hands here. Who is here to testify in opposition
 14 to the request? Four people? Who is here to
 15 testify in favor of the request? Okay. Now,
 16 here is how we're going to do this. Okay. We're
 17 going to take the opponents first, the four
 18 individuals. I will ask all people to use the
 19 microphone stand, as opposed to sitting down.
 20 We're just getting a little tight at the table.
 21 To go up here and - - and use the stand.
 22 Now, first to the opponents. Okay.
 23 Alderman D'Amato has already laid out a case in
 24 opposition to this request, based on
 25 concentration, based on the introduction of this

1 neighborhood school. So there are children that
 2 walk to and from school every day. And a good
 3 number of those students live north of the
 4 parish, which is towards Park Street in that
 5 area. A concern of the parish is - - is the
 6 fact, I know that on our property already, I'm
 7 picking up beer cans and - - and that type of
 8 thing. So it's the litter of not only that type
 9 of material, but now of liquor bottles and, you
 10 know, half pints, and so forth, that would - -
 11 could be found as children are making their way
 12 back and forth to school.
 13 I'm not sure that that's the
 14 environment that - - It's certainly something
 15 that the parish is not interested or the parents
 16 are interested in, you know, having for their
 17 children. Children do not generally follow the
 18 main streets like Oakland or North or Downer.
 19 They're taking back streets, side streets, which
 20 is where this establishment would be. So it's
 21 from that basis that we would not - - that we
 22 would ask not to increase the litter, the
 23 availability of consumption that would contribute
 24 to - - to littering the neighborhood.
 25 CHAIRMAN PAWLINSKI: Thank you, Fr.

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1 Joe. Any questions by this committee of Fr. Joe?
2 ALDERWOMAN CAMERON: I just wanted to
3 ask the -- the address of the parish.

4 THE WITNESS: The parish offices are
5 2491 North Murray.

6 CHAIRMAN PAWLINSKI: And that would put
7 you approximately three blocks away from the
8 Parkside Grocery.

9 THE WITNESS: Correct.

10 CHAIRMAN PAWLINSKI: Okay. All right.
11 Mr. Gimbel, anything you want to ask Fr. Joe?

12 MR. GIMBEL: Father, do you actually
13 shop at this grocery store?

14 THE WITNESS: No, I do not.

15 MR. GIMBEL: So you've never been in
16 it.

17 THE WITNESS: Correct. I walk by it
18 all the time.

19 MR. GIMBEL: And you say that from time
20 to time you have encountered litter, the nature
21 of beer cans or such?

22 THE WITNESS: Correct.

23 MR. GIMBEL: You don't know where they
24 came from.

25 THE WITNESS: Have no idea.

1 MR. GIMBEL: I have nothing further.

2 CHAIRMAN PAWLINSKI: Okay. Thank you,
3 Fr. Joe. By the way you do not need to stay if
4 you don't want to. You can go and do -- go
5 about your good -- good work. Thank you.

6 ALDERWOMAN CAMERON: Pray for us.

7 THE WITNESS: Good morning. I'm Kate
8 Baldwin, 18 -- 1811 East Kenwood Boulevard.

9 CHAIRMAN PAWLINSKI: Kate, how do you
10 spell your last name?

11 THE WITNESS: B-A-L-D-W-I-N.

12 CHAIRMAN PAWLINSKI: And go ahead.
13 Thank you.

14 THE WITNESS: I'm here as a resident,
15 and also, representing the Murray Hill
16 Neighborhood Association. You have a letter in
17 your packets, I think, from --

18 CHAIRMAN PAWLINSKI: Right. But it's
19 -- We're more interested in hearing your
20 personal opinions.

21 THE WITNESS: My personal. Okay. This
22 area is not only densely populated by younger
23 people. It is also heavily -- has a heavily
24 dense parking problem, okay. Therefore, when
25 somebody goes -- comes into the area for a party

1 or so, they end up parking around my area,
2 walking three - four blocks in order to get to
3 the party, because they can't find parking close
4 by. And then come back to my area, usually
5 inebriated.

6 We also, therefore, we get the -- the
7 loud noise from 11 o'clock at night to four
8 o'clock in the morning. We get vandalism. We
9 get some property damage, as well as, public
10 urination. You name it, we see -- we have seen
11 it. We also get the roving bands of young
12 people, shouting from one end of the block to the
13 other, "Where is the party? Where is the party?"
14 And we also get the litter. I mean, I pick up
15 from in front of my house, not only beer bottles,
16 but the whisky bottles, the wine bottles, the
17 cups that are numbered from the illegal taverns
18 that are being held. And it doesn't -- These
19 kids carry it with them. So if they buy it at
20 this area, it's going to end up at my house,
21 also. We have an abuse problem. We don't need
22 another source for the abuse.

23 The other thing is because there is a
24 high concentration of young people, this draws in
25 other young people from as far as away as Mequon,

1 Germantown, Oconomowoc. Some of the citations
2 that have been written are high school kids from
3 Oconomowoc, because this is where the parties
4 are. We have the abuse. We don't need another
5 source to add to the abuse.

6 CHAIRMAN PAWLINSKI: Mr. Baldwin, how
7 far do you live away from Parkside?

8 THE WITNESS: From Parkside?

9 CHAIRMAN PAWLINSKI: Yes.

10 THE WITNESS: I live, let's see, I
11 would say about ten blocks.

12 CHAIRMAN PAWLINSKI: Ten blocks.

13 Again, where would you -- On our map where --
14 You would be at the intersection of what. Give
15 us the closest from.

16 THE WITNESS: Kenwood and -- Kenwood
17 and Oakland.

18 CHAIRMAN PAWLINSKI: Okay. Great.

19 THE WITNESS: Okay.

20 CHAIRMAN PAWLINSKI: That would be in
21 the north. Okay.

22 THE WITNESS: It doesn't matter --
23 They roam all over.

24 CHAIRMAN PAWLINSKI: I'm not trying to
25 make -- I'm not trying to make a case if it

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1 matters or not matters. I'm only trying to get a
 2 handle, because as we're looking at our map - -
 3 THE WITNESS: Okay.
 4 CHAIRMAN PAWLINSKI: -- Alderman
 5 Herron and I are trying to document where some of
 6 the neighbors live in relation to Parkside.
 7 Okay? So it's your contention that you do not
 8 support the request.
 9 THE WITNESS: Correct. I do not.
 10 Okay.
 11 CHAIRMAN PAWLINSKI: Let me ask if
 12 there's any questions from this committee of Ms.
 13 Baldwin. All right. Mr. Gimbel?
 14 MR. GIMBEL: Thank you. Ms. Baldwin,
 15 do you drink, yourself?
 16 THE WITNESS: No, I do not.
 17 MR. GIMBEL: Now - -
 18 THE WITNESS: For medical reasons.
 19 MR. GIMBEL: Well - -
 20 THE WITNESS: Does it matter?
 21 MR. GIMBEL: I'm sorry that you have
 22 medical reasons, but it's true, is there not,
 23 that within a much shorter distance from your
 24 home there are one, two, three, four, five, six,
 25 seven taverns. Is that right?

1 they're saying.
 2 MR. GIMBEL: I mean, you understand
 3 that - - that Alderman D'Amato talked about
 4 alcohol-related events. He didn't talk about
 5 underage drinking. Do you know something that he
 6 didn't know?
 7 THE WITNESS: The citations that he
 8 listed, out of the 53, there were, what? Two - -
 9 102 underage drinking citations listed.
 10 MR. GIMBEL: Okay. That would suggest
 11 that there are some people that are serving
 12 underage drinkers that - - that have licenses.
 13 Is that what you're saying?
 14 THE WITNESS: That have an illegal - -
 15 That are running - -
 16 MR. GIMBEL: That are what?
 17 CHAIRMAN PAWLINSKI: Well, I think Ms.
 18 Baldwin, I think there's a miscommunication here.
 19 I think she's referring to these quote/unquote
 20 illegal taverns.
 21 MR. GIMBEL: I see.
 22 CHAIRMAN PAWLINSKI: And you're trying
 23 to make the case that - -
 24 MR. GIMBEL: I -- I -- Okay. Yeah,
 25 we're on a different plane.

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1 THE WITNESS: Correct.
 2 MR. GIMBEL: And those are places where
 3 people can go and consume beverages, where they
 4 would normally park for some period of time, and
 5 then go to their cars or walk to their cars. Is
 6 that right?
 7 THE WITNESS: If you're underage, no,
 8 they don't.
 9 MR. GIMBEL: Well, I'm assuming
 10 everybody who goes to the tavern is legal age,
 11 because they're not allowed if they're underage.
 12 THE WITNESS: Okay. But given the
 13 number of citations that have been given to
 14 underage drinkers in this area, then they
 15 wouldn't be over at the taverns.
 16 MR. GIMBEL: Well, what do you know
 17 about the citations for underage drinking? What
 18 do you know about that?
 19 THE WITNESS: They have been determined
 20 by the police that they have been - -
 21 MR. GIMBEL: How do you know that? How
 22 do you know that? Did you - - Did you go and
 23 check the records at the police department?
 24 THE WITNESS: I hope in this present
 25 time I can at least trust the police in what

1 CHAIRMAN PAWLINSKI: Yes.
 2 MR. GIMBEL: Have you ever been in this
 3 grocery store?
 4 THE WITNESS: Yes, I have.
 5 MR. GIMBEL: Do you shop there
 6 regularly?
 7 THE WITNESS: Not regularly. Mainly
 8 because - -
 9 MR. GIMBEL: Well, that's okay. You
 10 know what it is. It's not next door to you,
 11 right?
 12 THE WITNESS: No. I - - Because I
 13 currently walk from Kenwood down to North for the
 14 library.
 15 MR. GIMBEL: Okay. I have nothing
 16 further.
 17 CHAIRMAN PAWLINSKI: Okay. Thank you,
 18 Ms. Baldwin. Who is next?
 19 THE WITNESS: Good morning. My name is
 20 Mike Fazio, F-A-Z-I-O. I live at 1804 East
 21 Thomas Avenue.
 22 CHAIRMAN PAWLINSKI: East Thomas?
 23 THE WITNESS: Correct. Right on the
 24 corner of Oakland and Thomas, which is about four
 25 to five blocks south - -

1 CHAIRMAN PAWLINSKI: Okay.

2 THE WITNESS: -- of the location. I'm
3 also here to represent East Side Neighborhood
4 Association. I'm the President of that
5 association.

6 I'm opposed to this application, mainly
7 for the reasons that were stated by Alderman
8 D'Amato. I concur with his comments about we
9 don't need any more liquor stores in the area. I
10 gave myself a quiz before I walked over here this
11 morning, and I came up with six that I can go to
12 if I really need to get some alcohol. We don't
13 need any more liquor establishments in the
14 neighborhood, in my opinion.

15 I also wanted to speak about our
16 concerns originally when this establishment came
17 into being. It was brought to our attention that
18 this business was going to be established. It
19 was going to have the Class "A" Malt liquor
20 license. So I, along with another member of our
21 group, actually walked up to the store and talked
22 to Mr. Assad, who is the father, I believe, of
23 the applicant, Ms. Assad. And we expressed our
24 concerns to him, by looking that the entire store
25 was being gutted out and it appeared it was being

1 that you said you gave yourself a quiz and you
2 found six different locations that you can buy
3 beer from.

4 THE WITNESS: Yes. Well, beer --
5 Liquor stores.

6 ALDERWOMAN CAMERON: From liquor
7 stores?

8 THE WITNESS: Liquor stores. And I can
9 name a few, if you'd like. There's Downer & Wine
10 Spirits, Gilbert Liquor which is on Oakland,
11 Smith Beer & Liquor on Brady, the One Stop Pantry
12 which is only two blocks away from my house,
13 formerly the Open Pantry, which is on Murray.
14 Pick 'N Save has a liquor store over in East
15 Point, and then there's Otto -- Excuse me --
16 Otto's Beverage on Oakland which was formerly
17 Seagels, which is further north.

18 ALDERWOMAN CAMERON: I thought you was
19 talking about from the location that was being
20 applied for. I didn't know you -- just general
21 from the East side.

22 THE WITNESS: In that area, yeah. And
23 actually, another point I'd like to bring up, if
24 I could. I, along with several members of our
25 group were thrilled when the Oriental Liquor

1 filled up with coolers, wall to wall coolers.
2 And we asked his intentions, and he assured us
3 that, yes, he was applying for the Class "A" Malt
4 license, because he did want to sell beer in
5 addition to groceries, and his main intent was to
6 have a grocery store there. That is what he said
7 to me.

8 However, given the evidence that we saw
9 around us, we -- we believed that that wasn't
10 going to be the case eventually. So at that time
11 we opposed the original license, also, because we
12 feared that we would be in this very situation
13 that we are in right now, where they are asking
14 to go one step further and to sell more and more
15 liquor. Once again, we are opposed to this, and
16 I'd be happy to take any questions.

17 ALDERWOMAN CAMERON: Mr. Chairman.

18 VICE-CHAIRMAN HERRON: Alderwoman
19 Cameron.

20 ALDERWOMAN CAMERON: How many blocks
21 you live from the location?

22 THE WITNESS: As I stated earlier,
23 about four to five blocks south.

24 ALDERWOMAN CAMERON: Four to five --
25 The other one, question that I have for you is

1 Store closed down on the corner of Farwell and
2 North. And what we're hearing is it's going to
3 be replaced by a restaurant or some other
4 establishment that won't sell strictly liquor.
5 And we thought that was a bad establishment to
6 have in the area, and we're happy to see that it
7 closed down, and we don't want to see it replaced
8 by another liquor store, if possible, in the
9 neighborhood.

10 ALDERWOMAN CAMERON: You also stated
11 that you went in and you spoke to her father, and
12 you seen him replacing updated coolers. Right?

13 THE WITNESS: Right.

14 ALDERWOMAN CAMERON: Have you been back
15 in there? Are they still remodeling in there or
16 are they completed?

17 THE WITNESS: This was when they --
18 when they initially were starting the business.
19 I have not been back there. What I was speaking
20 to, and another thing I did forget to mention,
21 was our concerns grew as we watched the
22 establishment take shape. All right. At first
23 it started out, they gutted out the place.
24 That's normal. You're going to put some new
25 furnishings into a new facility. But when we saw

as far as who is responsible for the direction of

the store, we were unclear. So we worked more

closely with Alderman D'Amato's office to find

out what exactly was planned for the future, what

they were applying for.

ALDERMAN GORDON: So there was no

request to meet with the association by you to

the Assad family once you determined that the

direction was going to be significantly

different.

THE WITNESS: No, there was not.

ALDERMAN GORDON: Thank you.

ALDERWOMAN CAMERON: Mr. Chairman, I

have one more question that I wanted to ask him.

CHAIRMAN PAWLINSKI: Alderman, do you

mind? Okay. Alderman - - Alderwoman, go ahead.

ALDERWOMAN CAMERON: You said earlier

you stated that you heard - - How did you hear

what was planning on being in there before you

went down to the store and talked to Mr. Assad?

THE WITNESS: I'm sorry.

ALDERWOMAN CAMERON: Yeah, who - -

THE WITNESS: Alderman D'Amato sent out

a postcard, and he also notifies neighborhood

leaders of upcoming licensing applications.

that everything was being replaced with coolers

in - - in my opinion, not - - not everything, but

an important amount, that was a concern. And

then we started seeing the placards for beer, and

we thought, well, this isn't an intent

to have a neighborhood grocery store. It seems

the intent is to sell liquor, and - - and again,

we - - we felt that it was going to progress to

the situation that we're - - we're in today,

where they're asking for more.

ALDERWOMAN CAMERON: When you was at

the store and you seen them put in more coolers

and more coolers, about what percentage was this

stock? Was it empty, say 50 percent, 80 percent

or five percent, you see?

THE WITNESS: The stock of the coolers?

ALDERWOMAN CAMERON: No, the stock of

the groceries or whatever he had, whatever was in

there at that particular time. What was the

largest percentage of whatever, beer, liquor?

THE WITNESS: I can only comment on - -

on the amount of coolers in the store at the

time, and I would say 60 to 75 percent I thought

of store area was going to be taken up by that.

ALDERWOMAN CAMERON: By that.

THE WITNESS: By coolers.

ALDERWOMAN CAMERON: At that particular

time what was in there?

THE WITNESS: Nothing.

ALDERWOMAN CAMERON: It was gutted

totally out. No groceries or anything.

THE WITNESS: Right.

ALDERWOMAN CAMERON: All right.

CHAIRMAN PAWLINSKI: Alderman Gordon,

then Alderman Herron.

ALDERMAN GORDON: Thank you. Mr.

Fazio, just a question relative to the concerns

that you and members of the East Side

Neighborhood Association had after your

discussion with Mr. Assad. Did you have any

further discussions with him about the plans to

change the store's direction after you saw that

it was going to be primarily a liquor store or a

store - - a grocery store that sold beer?

THE WITNESS: No, I did not have any

more direct contact with him. In fact, we were a

little bit confused, because he was representing

the intentions of the store and what he was going

to do, but he kept referencing to his children,

his - - actually giving his children's names, so

ALDERWOMAN CAMERON: At that particular

time you told me there wasn't anything there,

that they was in the process of being remodeled,

the store was empty.

THE WITNESS: Right. They were in the

process of remodeling the store, and their intent

was to have a Class "A" Malt license. They made

that request to the city. So Alderman D'Amato

notified the neighbors that that was - - that

request had been made.

CHAIRMAN PAWLINSKI: Alderman Herron.

ALDERMAN HERRON: Thank you. Mr. Fazio

- - Mr. Fazio, did you say that the East Side

Neighborhood Association voted to not support a

liquor license there?

THE WITNESS: We did not have a vote.

ALDERMAN HERRON: Let me ask, if I

lived on the corner of Oakland and Cramer,

Murray, and Bradford, either one of those three

corners, what would be - - or in that immediate

vicinity, what would be the closest store where I

could purchase alcoholic beverages?

THE WITNESS: So Oakland, Cramer - -

ALDERMAN HERRON: Oakland, Cramer,

Murray, we can even say Frederick, Bellevue,

1 Park, any of those streets, if I live - - And
 2 those are a lot of apartments over there, tons.
 3 THE WITNESS: Okay. You just the named
 4 the streets from - - from west to east. So from
 5 north to south in the immediate area of - -
 6 ALDERMAN HERRON: Okay. I'll start at
 7 Oakland and Bradford. If I live on Oakland and
 8 Bradford, what would be the nearest outlet I
 9 could walk to, because many of the people that
 10 live over there do not have automobiles, what
 11 would be the nearest outlet I could walk to from
 12 that spot to purchase alcoholic beverages other
 13 than beer, and if I didn't want to go to a bar.
 14 THE WITNESS: Downer or Oakland with
 15 Gilbert's.
 16 ALDERMAN HERRON: Downer or Oakland?
 17 THE WITNESS: Right. Downer Wine &
 18 Spirits which is on Downer, and Gilbert Liquor &
 19 Company which is on Oakland.
 20 ALDERMAN HERRON: So that is one, two,
 21 three, four, five, six, seven, eight, nine, ten,
 22 11, 12 blocks, a whole mile.
 23 THE WITNESS: Right.
 24 ALDERMAN HERRON: Got to walk a mile in
 25 the wintertime to go buy a six - - or to go buy a

1 representative of the East Side Neighborhood
 2 Association, which I assume also incorporates
 3 businesses, or is it just for the residents?
 4 THE WITNESS: It's for the residents,
 5 however, we do have liaisons that work with the
 6 business association.
 7 ALDERMAN HERRON: And I assume some of
 8 your residents do on occasion, maybe not often,
 9 consume alcoholic beverages.
 10 THE WITNESS: Yes. I consume alcoholic
 11 beverages myself.
 12 ALDERMAN HERRON: And on any given day,
 13 especially in Milwaukee with the weather we have
 14 in the middle of the winter, it could be tough
 15 for one of your residents, if they lived in a
 16 certain area, to - - to get a product.
 17 THE WITNESS: Well, we - - we tend to
 18 be a pretty close organization. If somebody
 19 really, really needed a bottle of champagne or
 20 another bottle of alcohol, I'm sure we would help
 21 each other out.
 22 ALDERMAN HERRON: Okay. Thank you.
 23 CHAIRMAN PAWLINSKI: All right. Thank
 24 you. Mr. Fazio, let me ask, Mr. Gimbel, do you
 25 have any questions for Mr. Fazio?

1 bottle of champagne or a bottle of wine for dinner.
 2 THE WITNESS: That's up to the
 3 individual.
 4 ALDERMAN HERRON: I'm just saying - - I
 5 mean - - That's my question to you.
 6 ALDERMAN D'AMATO: Mister - - A point
 7 of - - A point of clarification. Beans & Barley
 8 which is at Kennilworth and - - Kennilworth and
 9 North Avenue sells wine and champagnes. They've
 10 got a Class "B" license. They also sell package
 11 goods out of the grocery store.
 12 CHAIRMAN PAWLINSKI: And I just want to
 13 make sure that - -
 14 ALDERMAN D'AMATO: That's not - - It's
 15 not on the map. It has happened since the map
 16 was there.
 17 CHAIRMAN PAWLINSKI: I understand. But
 18 I also want to make sure we're clear here from
 19 the committee's perspective, that we should - -
 20 we should ask questions, and we should not
 21 admonish witnesses. I mean, they come down on
 22 their volunteer time. They give us their
 23 testimony both for and against, and - -
 24 ALDERMAN HERRON: I was not - - I
 25 didn't mean to admonish the witness, but as a

1 MR. GIMBEL: What's your occupation,
 2 Mr. Fazio?
 3 THE WITNESS: I work in commercial
 4 banking.
 5 MR. GIMBEL: And - -
 6 CHAIRMAN PAWLINSKI: Mr. Gimbel, can
 7 you use the microphone, please?
 8 MR. GIMBEL: Yes, I'm sorry.
 9 CHAIRMAN PAWLINSKI: Thank you.
 10 MR. GIMBEL: Since the time when you
 11 visited the Parkside Grocery, which as I
 12 understand it, was some two and a half years ago,
 13 before they opened?
 14 THE WITNESS: Yes.
 15 MR. GIMBEL: Have you gone back in
 16 there?
 17 THE WITNESS: I have not gone inside.
 18 I just walked or driven past the establishment.
 19 MR. GIMBEL: You would agree with me,
 20 wouldn't you, that in a neighborhood grocery
 21 store a large part of what they sell would be
 22 dairy products that would have to be
 23 refrigerated.
 24 THE WITNESS: Yes.
 25 MR. GIMBEL: And - - And other frozen

1 convenience foods that would have to be refrigerated, put in coolers.

2 THE WITNESS: Yes.

3 MR. GIMBEL: And you don't know whether or not the coolers that you saw being installed were going to be used to both house and display those kinds of food products that don't need a license to be sold, do you?

4 THE WITNESS: I do not know that specifically. My intent was to show the integrity of the applicant, and I believe that's an important part of this process. If somebody's going to come and - - - and request a privilege from the City of Milwaukee, I think they have to show a responsibility and some integrity. If they tell the neighborhood people that their intent is to have a grocery store, and then they turn around and put up placards for beer and request a liquor license, I - - - I think your intent is changed.

20 CHAIRMAN PAWLINSKI: All right. Mr. Gimbel, anything else?

22 MR. GIMBEL: That's all.

23 CHAIRMAN PAWLINSKI: Okay. Alderwoman?

24 ALDERWOMAN CAMERON: But I'm not going

1 to cross-examine you, because I really do thank you for coming down to share your thoughts as well as the thoughts of other residents and giving you your trust in relaying the similarity thoughts. But I got the impression when you told me that you seen like about 80 percent of the coolers going in when they was remodeling, that you was giving me the picture that the intent was to put beer in that. I never thought that you was giving me the intent that it could have been used for frozen food, milk, eggs, pizza, or even -even something as simple as ice cream. That wasn't the intent that you was giving me. You was giving me the impression that they was going to use it to house beer in. Wasn't that the - - - the flavor that you was kind of putting into my mind of the picture that you was trying to help me to draw in my mind of how the store would be remodeled? Wasn't - - - Is that - -

20 THE WITNESS: I - - - I believe I said 60 to 75 percent would be coolers.

22 ALDERWOMAN CAMERON: Percent, yes.

23 THE WITNESS: And I did not specifically say that I saw them stock the booze. I said it was - - - Or the beer. I just said I - -

1 I thought an inordinate amount of the space in the store was used for coolers. And when we specifically asked what the intent was, we were assured it was for a grocery, and it's not going to be eventually a liquor store.

5 ALDERWOMAN CAMERON: That it was for a grocery store, and you said, but it was strange to you that the displaying of liquor was beginning to appear on the building of some nature. That was the picture - - -

11 THE WITNESS: Right.

12 ALDERWOMAN CAMERON: - - - you was giving me.

14 THE WITNESS: Right.

15 ALDERWOMAN CAMERON: That they had - - - You didn't feel like they had any intent of putting milk, frozen food, ice cream, or eggs and none of that in those coolers. Those coolers was really for the beer to be - - -

20 THE WITNESS: That was - - - That was my fear, what was going to happen.

22 ALDERWOMAN CAMERON: Thank you.

23 CHAIRMAN PAWLINSKI: Right. But it's also your belief, and that's, you know, it's our job to flush that all out. So, all right. We

1 had one more individual. Thank you, Mr. Fazio.

2 THE WITNESS: Thank you.

3 CHAIRMAN PAWLINSKI: We had one more individual who wanted to testify in opposition.

5 ALDERMAN HERRON: I just have a quick question for Alderman D'Amato. Alderman, did you say that there is now a added outlet, so we can put it on our map here?

9 ALDERMAN D'AMATO: Yeah, the - - - the Beans & Barley at - - - at 1900 East North Avenue is a Class - - - has had a Class "B" license for years. Class "B" license also allows you to sell packaged goods, and they do sell packaged goods out of the grocery store. I think they sell wine and champagne out of there.

16 ALDERWOMAN CAMERON: Why isn't it on this list?

18 ALDERMAN D'AMATO: It has - - - They - - - They are on the list if you look, oh shoot, where is it?

21 ALDERMAN BOHL: It's on the south side of North Avenue.

23 CHAIRMAN PAWLINSKI: It would actually be on the south side of the street.

24 ALDERMAN D'AMATO: Oh, it's on the

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1 other side of the street. It's on the other side
 2 of the street, and they cut it off in the middle
 3 of North Avenue.
 4 CHAIRMAN PAWLINSKI: Okay.
 5 ALDERMAN HERRON: Okay.
 6 CHAIRMAN PAWLINSKI: All right. Sir,
 7 what is your name?
 8 THE WITNESS: Good morning. My name is
 9 Ken Larsen, L-A-R-S-E-N. My address is 1915 East
 10 Newberry Boulevard.
 11 CHAIRMAN PAWLINSKI: And how far do you
 12 live away from Parkside?
 13 THE WITNESS: Excuse me. Bad cold.
 14 About a block plus two houses.
 15 CHAIRMAN PAWLINSKI: Mr. Larsen, you've
 16 heard the testimony of four individuals prior - -
 17 three individuals prior to you, and then of
 18 course, Alderman D'Amato. So I would ask you, if
 19 you can, to give us any new information or - -
 20 THE WITNESS: Yeah. And I think Mister
 21 - - Alderman D'Amato did a pretty good job of - -
 22 of laying out the lay of the land, so to speak.
 23 Just a couple of quick comments, you know, I'm
 24 - - I'm not a politician. I'm not a businessman.
 25 I'm just a guy. I live in the neighborhood. I'm

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1 a homeowner. I've been there for a while. I
 2 hope to be there for a long time.
 3 One of the concerns I have, and frankly
 4 it relates partially to property values, is a lot
 5 of the activity that goes on in the neighborhood
 6 is detrimental to the neighborhood as was already
 7 stated, and I guess I can't do much more than say
 8 ditto. A lot of it is negative. A lot of it is
 9 - - I mean, we are close to the university. You
 10 kind of have to expect that we're going to have a
 11 lot of action among the kids, most of whom are
 12 underage. You know, when you go to college,
 13 you're 18 when you're a freshman, 19, 20, you
 14 don't get to be 21 or beyond until you're a
 15 senior. And we've had a significant number of
 16 arrests and activity even on our block, which is
 17 a block away. And I'm not suggesting that it is
 18 in any way related to Parkside, but I do know
 19 that, you know, we have a couple of outlets where
 20 you can go pretty much, you know, the standard
 21 hours and buy anything you want to buy. We got
 22 another 30 some outlets. It's not a question of,
 23 you know, two or three. It's a question of 30
 24 plus outlets where you can go and get drunk.
 25 And we don't - - We don't need that in

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1 the middle of a neighborhood that's surrounded by
 2 my home with my kids, and a lot of other homes
 3 with a lot of other kids, and a lot of
 4 apartments, granted, which are high density, but
 5 a lot of those apartments are housing underage
 6 drinkers or underage - - or people that shouldn't
 7 be drinking. We just don't need in the middle of
 8 a bunch of houses one more place that can add
 9 problems to a neighborhood that is already
 10 experiencing severe problems with alcohol abuse.
 11 CHAIRMAN PAWLINSKI: Thank you, Mr.
 12 Larsen.
 13 THE WITNESS: Just one last question or
 14 one last comment, too.
 15 CHAIRMAN PAWLINSKI: Sure.
 16 THE WITNESS: And it's just something
 17 that I - - I found interesting. The people that
 18 have applied, it's I guess the name of the
 19 business is Parkside Grocery. I really don't
 20 know. But I noticed on the application that - -
 21 And I think it's - - It's a red flag for anyone
 22 that's thinking about voting on this thing. It's
 23 not Parkside Grocery. The name of the place
 24 that's applying is Parkside Liquor and Grocery.
 25 And there's a big difference there. I don't want

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1 a liquor store, another liquor store in my
 2 neighborhood, and it's my neighborhood. It's not
 3 the students, you know. They're - - They're
 4 going to be there for a semester or a year.
 5 They're gone in the summer. They come back in
 6 the Fall, you know. We've had things stolen from
 7 our house, urination, you know, problems with - -
 8 with every imaginable kind of problem.
 9 And as a guy, I mean, as a neighbor,
 10 and as a father, I just don't need any more of
 11 that. So I'm upset, and I hope you - - I hope
 12 you recognize that and thanks very much. Any
 13 questions.
 14 CHAIRMAN PAWLINSKI: Well, Mr. Larsen,
 15 let me just state that you're correct, the proper
 16 name of the application is Parkside Liquor and
 17 Grocery. What I keep referring to - - and I'm
 18 just looking at the concentration map which was
 19 given to us, it just says "Parkside Grocery" on
 20 it. So it's just - - It was just a misstatement
 21 on my part.
 22 THE WITNESS: Sure. And an important
 23 distinction.
 24 CHAIRMAN PAWLINSKI: Okay. Any
 25 questions by this committee for Mr. Larsen? Mr.

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1 Gimbel?

2 MR. GIMBEL: Yes. Mr. Larsen, how are

3 you employed, sir?

4 THE WITNESS: I'm self-employed.

5 MR. GIMBEL: Doing what?

6 THE WITNESS: I'm a real estate

7 investor, and I rehab houses.

8 MR. GIMBEL: I see. And how long have

9 you lived at this address on Newberry?

10 THE WITNESS: About four years.

11 MR. GIMBEL: You would agree with me, I

12 assume, that if a person lives in an apartment in

13 your neighborhood, that they should have a right

14 to bring liquor home and enjoy their beverage of

15 choice within their own residence, wouldn't you?

16 THE WITNESS: Sure, as long as they

17 don't dispense it to anyone that's underage.

18 MR. GIMBEL: Well, as against having to

19 go to a tavern and consume it on the premises of

20 the tavern.

21 THE WITNESS: Sure. I would agree with

22 that, and I would also say that there -- at

23 present there's a significant number of places

24 that -- not in residential neighborhoods where

25 people can already do that. Earlier on Alderman

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1 they are in their residences drinking, but they

2 are also causing significant disturbances in the

3 neighborhood.

4 MR. GIMBEL: Do you shop at Parkside

5 Grocery?

6 THE WITNESS: I've been in there a few

7 times, kind of emergency shopping, yeah.

8 MR. GIMBEL: You have observed the --

9 the coolers in that place.

10 THE WITNESS: You know, I -- I guess I

11 really haven't. You know, go in and grab a candy

12 bar and that kind of thing. I don't really --

13 MR. GIMBEL: You would agree with me,

14 wouldn't you, that if you go into that store, the

15 predominant merchandise that's made available to

16 the public is groceries and dairy products.

17 THE WITNESS: You know, I'm not a big

18 beer drinker. I see the signs for beer outside

19 and that kind of thing. But I -- I guess I'm

20 really not sure.

21 MR. GIMBEL: Okay.

22 CHAIRMAN PAWLINSKI: Mr. Larsen, thanks

23 for coming in today. You -- You don't have to

24 stay around if you don't want to, but you're more

25 than welcome to, if you wish. We're going to

1 hear now from the supporters, and I'm going to
2 hold you to the same standard I held the
3 opponents, is that it's a first come, first serve
4 basis. Gentlemen -- Sir, you've got your hand
5 up. Why don't you come on up? We'll hear your
6 statements as to why you support this request,
7 and -- and we're going to do our best to avoid
8 any repetitive testimony.

9 THE WITNESS: Okay. Good morning. My
10 name is Dale Phillips. I live at 2544 North
11 Frederick Avenue. It's about three blocks from
12 Parkside Foods. I've been going there for a long
13 time. Just to make a small statement. The other
14 day I wasn't feeling well, and I wanted some milk
15 and some soup, and I didn't feel like walking to
16 Sentry, because I take the bus and I walk. So, I
17 went to Parkside, and I got my stuff, and I went
18 home. Now, I drink beer. I like liquor. I
19 don't get drunk. There is children that live on
20 the block that I live on. They live on the other
21 block. I see them outside playing. I've never
22 seen anybody urinating. I've never seen anybody
23 drunk. Not to say that they haven't been, but I
24 haven't seen anybody. I haven't seen any broken
25 bottles. I haven't seen any cans.

1 Mr. Assad, when he came in there, him
2 and his family, the man that ran that place --
3 that place was a dump. He sold bottles of vodka
4 and half pints of whatever. Mr. Assad came in.
5 He has a full size liquor store, and all the
6 times that I've been in there, everybody that --
7 that I know of respects the man. He's running a
8 decent business. And he has the people trained.
9 Now that when you come in for cigarettes, I
10 notice that a lot of people have their IDs ready.
11 And if they come in for alcohol, they have their
12 IDs ready. If they don't, he asks them for it.
13 There's not a lot of cars parked out there, like
14 there is at Gilbert's. If I want a bottle of
15 wine, I have to walk, what is it, eight blocks,
16 you know, and I just think that this is stuff
17 that was happening long before Mr. Assad bought
18 the place. And as far as the coolers goes, he
19 has milk. He has juice. He has pizza. I'm
20 shift supervisor at Bayshore Mall Security. A
21 lot of times -- I'm single. A lot of times I
22 don't have time to eat at home, so I run in
23 there, and I get pizza or a sandwich.

24 CHAIRMAN PAWLINSKI: And we understand
25 that it's a convenience store, so they have

1 convenience items, but --

2 THE WITNESS: Yes.

3 CHAIRMAN PAWLINSKI: But your
4 contention, and your position is that you support
5 the request.

6 THE WITNESS: Yes, I do, very much so.

7 CHAIRMAN PAWLINSKI: Okay. I want to
8 ask if there's any questions of Mr. Phillips by
9 this committee.

10 ALDERWOMAN CAMERON: I have one
11 question.

12 CHAIRMAN PAWLINSKI: Alderwoman, go
13 ahead.

14 ALDERWOMAN CAMERON: There was a young
15 man come up, let me see, about maybe two persons
16 before you and stated that he was putting about
17 65 to 70 percent coolers in there. Now is the
18 store complete being remodeled? Is it completed
19 remodeled?

20 THE WITNESS: As far as I know, yes,
21 and I asked Mr. Assad, I said, I came right out
22 and asked him, I said, because what happened with
23 Oriental Liquors is that they -- they -- It was
24 a completely blown out thing is all, you know.
25 And he says no. He says I want to accommodate

1 the people. Why, you know, I do my laun --
2 There's a laundromat there. I do my laundry. If
3 I want some wine, I got to go over to Gilbert's,
4 you know. If I -- So I don't -- You can get
5 just as drunk off a beer as you can whisky or
6 wine. I think that, you know, as a convenience,
7 you know, that if he would be able to sell
8 whisky, wine, you know, sometimes I like wine
9 with my dinner. Why should I, you know, buy my
10 beer there and then have to go walk way over
11 there? Why can't I get everything at the same
12 place? And he runs a food store.

13 ALDERWOMAN CAMERON: Thank you. I want
14 to ask you do --

15 THE WITNESS: Yes, ma'am.

16 ALDERWOMAN CAMERON: What percentage of
17 the coolers is -- coolers right now is empty?

18 THE WITNESS: Is empty?

19 ALDERWOMAN CAMERON: Uh-huh.

20 THE WITNESS: None, that I know of.

21 ALDERWOMAN CAMERON: None right now.

22 THE WITNESS: No.

23 ALDERWOMAN CAMERON: And is -- is it
24 totally remodeled?

25 THE WITNESS: Yes.

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CHAIRMAN PAWLINSKI: Okay.

ALDERWOMAN CAMERON: How long you been

living where you live at?

THE WITNESS: Five years. I've been

living on the East side for 40.

CHAIRMAN PAWLINSKI: For how many?

THE WITNESS: 40.

ALDERWOMAN CAMERON: 40?

THE WITNESS: Yes, ma'am. I'm 52.

Brady Street, I notice a man said Brady Street.

Brady Street's pretty far, you know. So if the

drunks come from Brady Street over to our area,

that's a long way. And Kenwood is right near

UWM. So that's quite a

distance.

ALDERWOMAN CAMERON: So -- So if I'm

from the outside, and I'm going into the store,

what would be the thing to entice me inside

there? Would it be the liquor advertisement or

the groceries or --

THE WITNESS: Both. Both. Because you

can go in there if you, like I said, I'm single.

You go in there. You want to buy a peach or

something, you want to have a beer or a glass of

wine, you know, a couple of glasses of liquor.

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ALDERWOMAN CAMERON: Could be if I just

walked outside and looked at it, would -- could

it be that I could get, in my mind, I could get

just little convenience things other than beer?

THE WITNESS: Yes. Yes. Very much so.

ALDERWOMAN CAMERON: I would have that

general feeling.

THE WITNESS: Very much so. And he is

-- I -- Like I said, I'm in there all the --

I'm in there every week, because I buy my

cigarettes and everything else in there. He's

-- He has the people trained for their ID. And

if they don't have an ID, he doesn't sell it to

them.

CHAIRMAN PAWLINSKI: Okay. Thank you,

Mr. Phillips. I -- I know you made that

statement already, and I -- I do want to avoid

repetitive testimony. I think Alderman D'Amato

has a question. I would like to move to him

first, and then Alderman Herron.

ALDERMAN D'AMATO: Thank you, Mr.

Chairman. Sir, you -- Two questions. First,

you -- you understand that the hearing here is

not to close the Parkside Liquor and Grocery down

nor take their beer license.

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understand your question, and I don't think I

could answer your question.

ALDERMAN D'AMATO: Okay. That's --

that's fine.

CHAIRMAN PAWLINSKI: Okay. All right.

Thank you, Mr. Phillips, for coming in.

ALDERMAN HERRON: I have a quick

question.

CHAIRMAN PAWLINSKI: I'm sorry,

Alderman. Go ahead.

ALDERMAN HERRON: Did you state that

you don't have an automobile?

THE WITNESS: Yes. I take the bus.

ALDERMAN HERRON: So in the -- When it

gets a little chilly, where do you do your food

shopping at?

THE WITNESS: Well, like I said, I

work at Bayshore Mall. I either go to Kohl's or

if I want to have a breakfast, at George Webb's.

I go to Senty. I do most of my shopping at

Senty.

ALDERMAN HERRON: And so you have to

figure out how to kind of get those groceries

home.

THE WITNESS: Yes.

1 ALDERMAN HERRON: Okay.

2 THE WITNESS: And I just want to say
3 that Gilbert's, they sell half barrels or quarter
4 barrels or whatever you want to call them, and
5 there's always a lot of cars out there, and like
6 I said, as far as my neighborhood, there's
7 houses, as well as, apartments. There's children
8 on the block. They're outside playing. I've
9 never had anybody - - I walk down the street late
10 at night to Parkside. I've never had any
11 problems, thank - - thank God. I just think the
12 man is running a good decent business, and I
13 think his family deserves to have a liquor
14 license.

15 CHAIRMAN PAWLINSKI: Thank you. Thank
16 you, Mr. Phillips. Sir, you're next, you're
17 ready? Mr. Phillips, thank you very much.

18 THE WITNESS: You're welcome.

19 CHAIRMAN PAWLINSKI: And - - And I'm
20 just going to remind now, because Mr. Phillips
21 covered a lot of territory here, that it's now
22 probably going to get into some repetitive
23 comments. We're more than welcome to hear new
24 statements. But I'm going to say the one thing
25 the committee will readily acknowledge is that it

1 is a convenience store, and it does provide
2 convenience for you, that he probably has very
3 good items and that he has a clean store, and all
4 of those other things, we - - we will readily
5 acknowledge. So if - - if - - if you're ready,
6 sir, why don't you go ahead and give us your
7 testimony?

8
9 THE WITNESS: Yes, I am ready. My name
10 is Glen Sarlitto, S, as in Sam, A-R-L-I-T-T-O. I
11 live just a couple blocks away at 1708 East Park
12 Place in Milwaukee, and I also have an office,
13 I'm a real estate appraiser, in the Posner
14 Building here on Wisconsin Avenue of which I've
15 got to get to pretty quick, so this is going to
16 be short.

17 All right. First and foremost, I think
18 what we're dealing with here is a neighborhood
19 convenience store who wants to sell hard liquor,
20 as I'm going to call it, Class "A" license. I
21 have no objections on this matter, whatsoever.
22 I've lived at this address for five years, and
23 I've lived on the East side, well, going on
24 probably 15 or so. Now, for me the store is two
25 blocks away. I have a choice. I can either walk

1 to Parkside, or as I call it, Omar, Omar's.
2 That's one of the gentleman there that works
3 there. Or I can go down Oakland Avenue. Now,
4 I'll use Parkside to get some milk every once in
5 a while, and I go there for - - I think I've only
6 actually bought one 18 pack of beer during a
7 football game, because it was right down the
8 street. For me this store is - - I heard
9 comments about convenience of walking to the
10 stores and that. It's convenient for us at
11 Riverside Park, as I call it. That's the area
12 that's west of Oakland Avenue and south of
13 Locust, best kept secret in Milwaukee. At any
14 rate, getting back, I don't have any objections.
15

16 And a little bit about history that
17 I've seen with the Assad's at this establishment.
18 When I first moved there, that - - I - - I didn't
19 - - not walk into - - Well, I almost walked into
20 the place, but it was a shambles, total shambles.
21 Not only was it a total shambles, but anybody - -
22 The kids - - It was the type of place that the
23 kids when they were 14 and 13 and so, you know,
24 maybe even a little - - They could walk in and
25 they could actually come out with cigarettes.

1 And being a father of a teenager growing up on
2 the East side there, you know, I - - I took it
3 upon myself to find out, okay, where, you know,
4 where is my little one going to find his vices.
5 And it - - I came across - - Of course, he was
6 grounded from going in there. Whether he did or
7 not, I don't know. At any rate, I - - I did walk
8 into - - into the - - in the Parkside after the
9 Assad's took over, and lo and behold, I see my 16
10 year old at the counter just about to try to
11 purchase a pack of cigarettes. Well, needless to
12 say as soon as I walked in the door, that was - -
13 put a kibosh on it. And ever since then, Omar
14 knows my son well, and knows that - - Of course,
15 now he just turned 18, but from that day on, I'm
16 sure he never purchased a pack of cigarettes from
17 the Assad's after that date, at least.

18 Whenever I go in there, I usually go in
19 there for a paper. I'll get some, you know, for
20 a quarter or a half gallon of milk or so. But I
21 do see him doing what he's supposed to do in
22 selling the liquor, and he is carding everybody,
23 at least, even for the cigarettes. And I think
24 there was a comment before about the - - the
25 students or whatever, the younger, as they call,

the 21 year olds, they already have their IDs out. So he's got them well trained, which is good. I think he's a plus for the neighborhood. I really do. And I hope you give him a chance to continue with the business. It's a good neighborhood convenience store. And it's just this - - - this - - - The problems with the alcohol in our neighborhood, well, we've got a lot of problems in our neighborhood. Alcohol is one of them and there are many, many others that we have a problem with there in the UWM area, along with the parking and - - - and the drug abuse, and - - - and we can go on and go on - - - go on and on. As far as somebody for the neighborhood, when we said the concentration on liquor stores or where to purchase liquor, being a resident there, I tell you for me that convenience store is a lot - - - That store right there is a lot more convenient than walking down, and safer for me, than to walk down Oakland Avenue. And I can give you instances where Oakland Avenue isn't necessarily the safest place to walk to, but I totally feel safe walking two blocks east and going to that convenience store. And I just hope he continues.

CHAIRMAN PAWLINSKI: And you know that we're not here to - - - And when you say - - - When you use the word "continue," we're not here to take away the license he has. THE WITNESS: Well, by "continue," I mean, give him the opportunity to sell a product to make his establishment, to keep it "the convenience store." All we're trying here is just another product. CHAIRMAN PAWLINSKI: I just want to make sure we're clear, because I don't want any misunderstanding that we're somehow trying to take his license away. He's got that license now, and we're not here to take it away. Alderman Herron has a question. ALDERMAN HERRON: Thank you. Alderman D'Amato has made a very good case about the problems with alcohol-related issues in the neighborhood. THE WITNESS: Um-hm. ALDERMAN HERRON: You just stated in your own testimony that there are alcohol-related issues in the neighborhood. Being a parent, how do you justify adding additional alcohol outlets, understanding that there is a problem with

alcohol abuse in the area? THE WITNESS: It's - - - it's not the store where the alcohol problems is. It's getting better. I guarantee you one thing. I can see now over the past three years or so it is getting much better. The police department was there at least once a month. I'd call. And finally they got wise, and then they just started calling the landlord directly, you know. So it's getting - - - It is getting better there. Any - - - Any time you have a college area - - - Any college area you go to, there's going to be alcoholic problems, because students are very creative in where they're going to get their alcohol. And I - - - I just don't think one store is going to make or break - - - This one store is not going to make or break the alcoholic problems that - - - It's not going to - - - I don't - - - There's not going to be a significant increase in alcoholic problems in the neighborhood, and there's not going to be a significant decrease over if this one store gets the opportunity to sell Class "A" Liquor. That's

not where the problem lies. CHAIRMAN PAWLINSKI: Okay. Alderman, you have a question? ALDERMAN D'AMATO: I have a couple. Mr. Sarlito, you live - - - It's fair to say you live equidistant between Parkside and - - - and Gilbert's, for you it's - - - THE WITNESS: Yes. Yes. ALDERMAN D'AMATO: So that - - - So that distance-wise, it doesn't make it any more convenient for you. THE WITNESS: Distance-wise. ALDERMAN D'AMATO: Distance-wise. THE WITNESS: Not distance-wise. ALDERMAN D'AMATO: Okay. Secondly, my question is - - - is the same that I asked Mr. Phillips. Do you believe that since this is convenient for you and it sells grocery items that it should also liquor, that every store that sells grocery items should also sell liquor, because it's convenient for somebody? THE WITNESS: That's a tough question to answer. It really is. I have no answer to that. ALDERMAN D'AMATO: Thank you.

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1 CHAIRMAN PAWLINSKI: Thank you very
2 much, Mr. Sarlitto, for coming in today.
3 THE WITNESS: Okay.
4 CHAIRMAN PAWLINSKI: And who is next?
5 Well, you guys got to fight each other to get to
6 the microphone, so. All right.
7 THE WITNESS: My name is David
8 Anderson, A-N-D-E-R-S-O-N. I just want to say
9 that I am a resident of the community.
10 CHAIRMAN PAWLINSKI: And your address
11 is what?
12 THE WITNESS: Oh, I'm sorry. 1913 East
13 Park Place, which is a half a block from the
14 Parkside Liquor and Grocery.
15 CHAIRMAN PAWLINSKI: Go ahead, Mr.
16 Anderson.
17 THE WITNESS: I just want to say that
18 I've been a resident there and owner of the house
19 for seven years, and I've seen the change of
20 ownership. And the one thing that I watched was
21 the Riverside High School. You know, I have
22 concerns because I see the high school students
23 walking down -- They'll come right down East
24 Park Place. It is true what people have been
25 saying here that he cards and checks. Because

1 problems with alcohol. And you're going to have
2 people walking around.
3 Now, I think it's great that the
4 neighborhood associations and places are here to
5 represent and try to stop, you know, try to stop
6 that problem. But I personally like this grocery
7 store, because for me when it was out of business
8 for three months, I couldn't even go. I mean, it
9 was like, okay, I got to jump into my car, run up
10 to Sentry real quick. I liked the fact that I
11 could just run across the street and grab
12 something and come back. And I personally would
13 like the opportunity to run across the street and
14 grab a bottle of wine and sit down for dinner.
15 That's all I have to say.
16 CHAIRMAN PAWLINSKI: Thank you, Mr.
17 Anderson. Thank you very much. I have a
18 question for Alderman D'Amato.
19 Would you acknowledge to the committee
20 or not acknowledge to the committee that the
21 Assads do a judicious job of checking
22 identification for both cigarettes and for
23 alcohol sales?
24 ALDERMAN D'AMATO: I'll say that --
25 that in the time the Assads have had their

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1 now when I watch, instead of a bunch of students
2 walking into the grocery store, they now -- I
3 don't know if you're familiar with the
4 neighborhood, but there's a Trepert, and there's
5 a building that they kind of hide behind. So I
6 sit there and watch through my front window, and
7 I watch all these students, and they send one by
8 one, to see if they can get their cigarettes.
9 And one by one they return, and one by one no one
10 has anything. And that to me, whether or not,
11 you know, you can take -- you cannot accept to
12 give him the liquor license, but the fact is, the
13 liquor will probably help to keep his business
14 there. Now, if he decides to move on and leave
15 that, somebody else is going to come into that
16 building, because that is a commercial building,
17 and they're going to put in or try to get another
18 grocery store or something in there. I want a
19 store owner in there that is at least going to do
20 his job with checking IDs and trying to prevent
21 the problem. I realize when I moved into this
22 neighborhood seven years ago, that it was a
23 college area, and I realized then that there was
24 going to be college parties. There was going to
25 be house parties, and there was going to be

1 license there have not been any police complaints
2 about them. I did have a concern from a neighbor
3 who said her -- his underage daughter did buy
4 cigarettes. I mentioned that at the last
5 hearing. But other than that, I have not heard
6 anything with regard to underage sale of alcohol
7 to anybody.
8 CHAIRMAN PAWLINSKI: Okay. So as part
9 of your -- Is it your feeling then that that's
10 not a legitimate -- I mean --
11 ALDERMAN D'AMATO: I mean -- I think
12 it suffices to say that it -- the times in which
13 they've had renewals for their beer license we
14 have never objected.
15 CHAIRMAN PAWLINSKI: That's -- That's
16 fine. Mr. Anderson, thank you. I actually just
17 have a question now for Ms. Assad.
18 ALDERMAN D'AMATO: If I -- Can I ask
19 Mr. Anderson --
20 CHAIRMAN PAWLINSKI: Oh, I'm sorry. Go
21 ahead. Why don't you do that, and then I'll --
22 ALDERMAN D'AMATO: A few questions.
23 Your -- How far are you from Gilbert's Liquor?
24 THE WITNESS: From Gilbert's Liquor?
25 ALDERMAN D'AMATO: Yes.

1 were approved, how much floor space would you
 2 dedicate to alcohol? Would you remain at 30
 3 percent and 70 percent food, or would you
 4 increase the sale of alcohol in terms of your
 5 floor space?
 6 THE APPLICANT: I'd probably keep --
 7 I'd probably add at least ten percent more just
 8 for the liquor.
 9 CHAIRMAN PAWLINSKI: So you're saying
 10 that then about ten percent of your --
 11 THE APPLICANT: Yeah, ten or 15.
 12 CHAIRMAN PAWLINSKI: Ten to 15 percent
 13 of your sales would now be the hard liquor, so to
 14 speak.
 15 THE APPLICANT: Yes.
 16 CHAIRMAN PAWLINSKI: Okay.
 17 MR. SCHRIMPF: Mr. Chairman.
 18 CHAIRMAN PAWLINSKI: Mr. Schimpf. Oh,
 19 I'm not finished yet.
 20 MR. SCHRIMPF: Oh, I'm sorry.
 21 CHAIRMAN PAWLINSKI: Okay. I'm going
 22 to ask you a question regarding one of -- one of
 23 your motivations. It seems as if Mr. Anderson
 24 was making the case for you that one of your
 25 motivations to request this license is because if

1 THE WITNESS: That would be about two
 2 and a half blocks.
 3 ALDERMAN D'AMATO: Do you think these
 4 two and a half blocks a -- a reasonably long
 5 distance to go for one to buy a bottle of wine or
 6 alcohol?
 7 THE WITNESS: No, it's not.
 8 ALDERMAN D'AMATO: That's it. That's
 9 all I have. Thank you.
 10 CHAIRMAN PAWLINSKI: Thank you, Mr.
 11 Anderson. Question of Ms. Assad. How much of
 12 your floor space is currently divided between
 13 convenient items and beer right now?
 14 THE APPLICANT: Okay. Well, it's about
 15 70 percent groceries, so in refrigeratorwise,
 16 because some of it is, like I said, it's the
 17 milk, the cheese, the pizza, frozen, soda,
 18 juices.
 19 CHAIRMAN PAWLINSKI: So 70 percent
 20 would be non-alcohol related.
 21 THE APPLICANT: Yeah.
 22 CHAIRMAN PAWLINSKI: And 30 percent
 23 would be beer. Okay.
 24 ALDERMAN HERRON: Is that in the
 25 refrigerators or in the total store?

1 THE APPLICANT: No, that's in -- just
 2 stock. Yeah. Because the stock is in the
 3 basement, so.
 4 CHAIRMAN PAWLINSKI: Does -- Does your
 5 -- Do the sales follow the stock? In other
 6 words, when you look at your gross receipts for
 7 the year, is 70 percent of your gross receipts
 8 for food-related and 30 percent for alcohol-
 9 related, as well?
 10 THE APPLICANT: It's kind of hard to
 11 tell, because we don't -- I'd say --
 12 CHAIRMAN PAWLINSKI: Just -- Just your
 13 best guess.
 14 THE APPLICANT: I'd say they about even
 15 out. I wouldn't say that, you know, because like
 16 we sell from the morning until like maybe mid
 17 afternoon, mostly groceries. We hardly sell any
 18 beer in the morning. And then after, like, maybe
 19 after four or five, that's when we start selling
 20 more beer, so.
 21 CHAIRMAN PAWLINSKI: So at the end of
 22 the year, you're saying it's about 50 percent
 23 food, 50 percent beer.
 24 THE APPLICANT: Yes.
 25 CHAIRMAN PAWLINSKI: If the license

1 you don't get it, you might have to go out of
 2 business. Are you telling the committee that
 3 that's the case?
 4 THE APPLICANT: No. No, that's not. I
 5 mean, it would -- it would help business, you
 6 know, just to have another product, but I mean,
 7 not put me out of business or, you know,
 8 I mean --
 9 CHAIRMAN PAWLINSKI: So in other
 10 words --
 11 THE APPLICANT: -- just, you know,
 12 because I mean if it's something that to add,
 13 that's fine, but no, it wouldn't -- I mean, if
 14 that was the case, I could just get another
 15 place, and then get liquor somewhere else, you
 16 know.
 17 CHAIRMAN PAWLINSKI: Um-hm. Okay.
 18 All right. Mr. Schimpf.
 19 MR. SCHRIMPF: Thank you, Mr. Chairman.
 20 Ms. Assad, what, if anything, are your plans with
 21 respect to beer in quantities, such as quarter
 22 barrels and half barrels?
 23 THE APPLICANT: You know what? I
 24 actually haven't given that a thought, because I
 25 didn't even know that came with the license, in

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1 my honest opinion. So I didn't know that was
2 part of the license, the quarter barrel or the -
3 - You know, I'm not a drinker, so I'm not
4 familiar
5 with - -

6 MR. SCHRIMPF: Are you familiar with
7 the - - the problems that have occurred in that
8 general area with respect to student-run beer
9 parties and that kind of thing?

10 THE APPLICANT: I mean, yeah, I keep up
11 with some of the, you know, what's going on, and
12 that's why I keep a close eye on who comes in and
13 card them and, you know, keep - - make sure that
14 I'm not doing something I'm not supposed to. So
15 I wouldn't want something taken away from me
16 that, you know, I could have prevented.

17 MR. SCHRIMPF: No, I - - I appreciate
18 that. But - - But the - - The fact of the matter
19 is is that if there are going to be problems
20 associated with - - with parties in the
21 neighborhood and if they are, in fact, related to
22 the - - the availability of quarter barrels and
23 half barrels, do you have any thoughts on that
24 and how you - -

25 THE APPLICANT: I don't know what the

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1 statistics are about what the parties consume and
2 how, you know, they're caught or whatever. But,
3 I mean, I wouldn't know, you know, exactly what
4 you're asking me. I mean, are you telling me
5 that if I don't have the quarter bar - - barrels
6 or - -

7 MR. SCHRIMPF: No. All I'm saying is
8 what are - - All I'm asking is, being
9 knowledgeable of the fact that there have been
10 problems with student parties in the area - -

11 THE APPLICANT: Yeah.

12 MR. SCHRIMPF: - - what, if anything,
13 are your plans with respect to quarter barrels
14 and half barrels. I guess your answer is you
15 haven't really thought about it.

16 THE APPLICANT: Exactly. I have - - I
17 mean, because I never knew it came with the
18 license. So I wouldn't - -

19 MR. SCHRIMPF: Okay.

20 THE APPLICANT: I mean, that was new to
21 me today, that it was part of the license.

22 ALDERMAN HERRON: I have a quick
23 question to follow up on what Mr. Schrimpf said,
24 and this is not relevant to our granting of the
25 license or denial of the license, just a general

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1 question of - - oftentimes neighborhoods have
2 compacts with owners to sell or not sell certain
3 products, for example, many neighborhoods have
4 compacts not to sell drug para - - paraphernalia,
5 40 ounce bottles or things like that that they
6 know are generally consumed by people that - - or
7 people that - - or in ways that don't always
8 benefit the neighborhood. Have you ever had a
9 discussion or would you be willing to have a
10 discussion with the Alderman or people in the
11 neighborhood about a compact that would basically
12 say you wouldn't sell barrels of beer?

13 THE APPLICANT: Yes.

14 ALDERMAN HERRON: Okay. Thank you.
15 That's all I have. Did you have a question,
16 Alderman D'Amato?

17 ALDERMAN D'AMATO: No.

18 VICE-CHAIRMAN HERRON: Did you have a
19 question?

20 ALDERWOMAN CAMERON: Yes.

21 VICE-CHAIRMAN HERRON: Alderwoman
22 Cameron.

23 ALDERWOMAN CAMERON: Have you met with
24 the association to try to reason with them?

25 THE APPLICANT: I've never seen - - The

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1 gentleman that was here?

2 ALDERWOMAN CAMERON: Well, any of the
3 neighborhood - -

4 THE APPLICANT: I have - - I have never
5 met any of them. I've never personally face-to-
6 face have talked to any of them.

7 ALDERWOMAN CAMERON: Have - - Alderman
8 D'Amato, have you invited - - have - - Have you
9 had a neighborhood meeting and invited the store
10 owner down to try to negotiate or - -

11 ALDERMAN D'AMATO: No. No, we took - -
12 We - - We - - Since - - Since this license was
13 applied for, first as a Class "B", a postcard
14 survey went out and there was support from the
15 neighborhood, and there was no question about
16 that. So we came here without an objection. We
17 sent out a postcard survey with regard to this
18 license. There was opposition to it. Ms. Assad
19 knew that there are neighborhood groups around.
20 I don't believe that it is the burden of the
21 neighborhood groups, and you've been on committee
22 organizing, Alderwoman.

23 ALDERWOMAN CAMERON: That's correct.

24 ALDERMAN D'AMATO: It's not the burden
25 of the neighborhood groups to go to - - go to

1 people who want something. It's the burden upon
2 the person who wants something to go and make a
3 case for it. And so Mrs. Assad, I would say that
4 Mrs. Assad has never approached me to ask me when
5 the neighborhood groups meet or how she could
6 make the case to them on how she can get her
7 license, neither a year ago when that hearing
8 occurred or this time when she knew there was
9 opposition, yet didn't approach me to go to the
10 neighbors. She has - - - She has copies of all of
11 the information with regard to the - - - the
12 objections. She - - - She knew that two-thirds
13 survey was against her. She knew of all those
14 things because of the last hearing, and at no
15 time in the last year has she made an effort to
16 meet with me or any neighborhood groups.
17 ALDERWOMAN CAMERON: But, Alderman
18 D'Amato.
19 ALDERMAN D'AMATO: Yes, ma'am.
20 ALDERWOMAN CAMERON: Since you and I
21 both have had experience in being community
22 organizers, in our organizing days you know when
23 a business come into the neighborhood, we as
24 organiz - - - organizers go and establish ourself.
25 And once we establish ourself, we let those

1 merchants know what is our standards and our
2 procedures - - - Wait, let me finish. And what the
3 residents is expecting of them as a merchant.
4 And if they have any future plan, that the
5 community organizer would like for them to bring
6 it to them so they could let the community be
7 aware what's planning on from that business
8 perspective, as well as a organizer's
9 perspective. So, you know, I'm - - - I'm not
10 trying to say that you were wrong or they were
11 right or who was what or whose the burden of it
12 is. All I just wanted to know had that
13 connection ever been - - -
14 ALDERMAN D'AMATO: And as - - -
15 ALDERWOMAN CAMERON: - - - tried to be
16 organized or networked towards each other.
17 ALDERMAN D'AMATO: There's no - - -
18 There's no in between as far as we see it.
19 People support the operation of a convenience
20 store that sells beer. That is a model that, as
21 I said, there are 350 of those in the - - - in the
22 city that we all know of, convenience stores that
23 sell beer. The neighborhood is dead set against
24 a liquor store. And I'm convinced, and I'll - - -
25 This is my own sworn testimony. I am sworn. I

1 live a block and a half from this store. That
2 from the time this store opened to today, the - - -
3 the amount of space allocated for beer has
4 doubled. It is - - - It is about 50/50 beer and
5 other groceries. And beer, both in coolers and
6 in not cooled in stacks on the floor have begun
7 to take over the store. I am - - - And this store.
8 I am fully convinced - - - I am fully convinced
9 that if a liquor license is granted here, that
10 that store will become a liquor store. These - - -
11 These stores make money on two things, cigarette
12 sales and liquor sales, and that's what this
13 store will become, whether or not - - - whether or
14 not Mrs. Assad will testify to that or not.
15 The other thing is when Mr. Assad first
16 approached me when we gave him his Class "A" Malt
17 license is that he wanted a liquor license
18 immediately upon that time. He said, "We want a
19 liquor license. We want to be a liquor store,
20 that sells some convenience items." That is
21 exactly what their purpose is here today.
22 CHAIRMAN PAWLINSKI: One second. Real
23 quick a show of hands as to who is to testify.
24 One, two, three, four. I'm going to ask our
25 Court Reporter, how are you doing?

COURT REPORTER: I'm fine.

CHAIRMAN PAWLINSKI: You're fine.

Okay. Then we'll finish this hearing, and then
we'll take a short recess after we're done with
the hearing. So we'll take the next four people.

First come, first serve. Let's go. Ma'am, your
address and name.

THE WITNESS: My name is Doris Bondar,
B-O-N-D-A-R, and I live on 2731 North Murray.
And I've lived in the neighborhood for
45 years. And for 35 years it's been a beer and
liquor store. The previous - - - I worked for the
previous owner. And I - - - There was just no
problem for 35 years. All of a sudden we don't
want - - - want the license to go here. I - - - And
I thought he bought it with that in mind. So
that's all I have to say.

CHAIRMAN PAWLINSKI: Okay. Thank you,
Ms. Bondar. Alderman, any questions?
ALDERMAN D'AMATO: Yeah. Ms. Bondar,
you're familiar with Riverside Drug when the
former gentleman operated it.

THE WITNESS: Yes, I knew it was there
when it was a dump.

ALDERMAN D'AMATO: How much - - - At any

1 time that you were in there how much shelf space
2 was dedicated to - - to liquor when - - when Erv
3 owned it?

4 THE WITNESS: Well, he - - he only had
5 a couple freezers, because he couldn't afford any
6 more, I guess.

7 ALDERMAN D'AMATO: Not beer, but actual
8 liquor. He didn't sell gallon or half pint
9 bottles - -

10 THE WITNESS: He served - -

11 ALDERMAN D'AMATO: He had little half -
12 - He had little things behind the - - behind the
13 counter. Is that correct?

14 THE WITNESS: No, he had the - - the
15 liters.

16 ALDERMAN D'AMATO: And how much of the
17 space in the store would you say was dedicated to
18 liquor sales?

19 THE WITNESS: Not a lot. It was just
20 in back of me, a cashier.

21 ALDERMAN D'AMATO: Behind the counter.

22 THE WITNESS: Right.

23 ALDERMAN D'AMATO: At 2700 North Murray
24 you live - - you live a block - - two blocks
25 from - -

1 THE WITNESS: About a half block.

2 ALDERMAN D'AMATO: - - from Gilbert's?

3 THE WITNESS: Yeah, about two - -
4 three.

5 ALDERMAN D'AMATO: It's three blocks
6 from Gilbert's? And - - And would it be your
7 testimony then that every store that sells
8 convenience items should also be able to sell
9 liquor?

10 THE WITNESS: Absolutely not.

11 ALDERMAN D'AMATO: And why should this
12 store be able to sell liquor and - - -

13 THE WITNESS: I explained.

14 ALDERMAN D'AMATO: - - and Sentry on
15 Oakland, for instance, the grocery store,
16 shouldn't be able to sell liquor?

17 THE WITNESS: I think I explained that.
18 I think because it has been that for 35 years.
19 It was no problem.

20 ALDERMAN D'AMATO: It had - - But you -
21 - You agreed it hasn't sold hard liquor for the
22 last three or four years.

23 THE WITNESS: Since he left - - went
24 out of business, which is - -

25 ALDERMAN D'AMATO: Right.

1 THE WITNESS: - - whenever he left.

2 ALDERMAN D'AMATO: And since in the
3 last three or four years has it been more
4 difficult for you to buy liquor somewhere?

5 THE WITNESS: No.

6 ALDERMAN D'AMATO: Okay. Thank you.

7 MR. SCHRIMPF: Mr. Chairman.

8 CHAIRMAN PAWLINSKI: Yes, Mr. Schrimpf.

9 MR. SCHRIMPF: Ms. Bondar, you were an
10 employee of the former owner of - - of this
11 location when it was operated as a pharmacy. Is
12 that correct?

13 THE WITNESS: It was a pharmacy, but
14 then he didn't re - - he didn't renew his
15 pharmacy license. It was sort of a - - a
16 convenience store, but he did sell - -

17 MR. SCHRIMPF: How long did he operate
18 it as a convenience store after he abandoned his
19 pharmacy license? Do you know that?

20 THE WITNESS: How long before?

21 MR. SCHRIMPF: Right. Well - -

22 ALDERWOMAN CAMERON: After.

23 MR. SCHRIMPF: I'm getting the sense
24 from your testimony that it was a pharmacy, that
25 the former owner abandoned his pharmacy license

1 but continued to operate the store. Am I
2 correct?

3 THE WITNESS: Yes.

4 MR. SCHRIMPF: How long for a period of
5 time did he operate the phar - - after it was no
6 longer a pharmacy, and he was no longer a
7 pharmacist, how long did he operate it as a
8 store before he sold it?

9 THE WITNESS: 15 - 20 years.

10 MR. SCHRIMPF: That long?

11 THE WITNESS: Um-hnh.

12 MR. SCHRIMPF: Okay. And it was during
13 that period of time he also had the small amount
14 of liquor and beer that you testified to?

15 THE WITNESS: Right.

16 MR. SCHRIMPF: Okay. Did he ever
17 operate the store so as to sell quarter barrels
18 and half barrels?

19 THE WITNESS: No.

20 MR. SCHRIMPF: He did not.

21 THE WITNESS: No.

22 MR. SCHRIMPF: And you know that of
23 your own knowledge.

24 THE WITNESS: I do.

25 MR. SCHRIMPF: Because you would have

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of life as you so want to enjoy?

THE WITNESS: No.

ALDERWOMAN CAMERON: The other one I

have questions I wanted to put in my - - By

having another hard core liquor as was stated to

the committee that - - do you believe that this

store would say cut down, say 60 percent of their

sales would be hard core liquor and beer related?

THE WITNESS: No. Beer, probably, but

I don't think hard core - -

ALDERWOMAN CAMERON: Do you believe if

we give it a liquor license to sell hard liquor,

would they still be a grocery store that sells

liquor and beer or just a liquor store that sells

some grocery items?

THE WITNESS: I think it will be a

convenience store that sells mostly groceries.

ALDERWOMAN CAMERON: Would it be an

improvement from the three years ago when you

used to work there, to the neighborhood?

THE WITNESS: What do you mean?

ALDERWOMAN CAMERON: Would this

convenience store that sells hard core liquor

with the improvement that you know has already

taken place, would it be improvement in the

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pardon?

THE WITNESS: If - - The crime, I don't

think, has much to do with Parkside or when it

was called Riverside. I don't think - -

ALDERWOMAN CAMERON: You - - Would you

say since the last three years, that business was

not selling hard liquor, has crime went - -

crime-related alcohol problems went down in the

area or are they - -

THE WITNESS: I don't know.

ALDERWOMAN CAMERON: - - they didn't.

THE WITNESS: I don't know, but the - -

As Alderman D'Amato said, the 300 people in the

attic, I - - I really don't think much of that

liquor came from - - from either - - or beer from

Parkside or - - I mean, we have liquor - -

ALDERWOMAN CAMERON: Do you think that

by having another outlet that would sell hard

core liquor would add to the problems that you

already have regarding alcohol-related problems?

THE WITNESS: No.

CHAIRMAN PAWLINSKI: Okay.

ALDERWOMAN CAMERON: Do you feel if by

having this other hard core liquor in the

neighborhood, would that take away your quality

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quality of life that you have - - that it were

right now than it were when you was working there

at the building - - at the store? Would you see

any difference in the - -

THE WITNESS: No. No. Not now. I

don't think so.

CHAIRMAN PAWLINSKI: Okay. Thank you

very much. Thank you. Ma'am, I think you're

next. Yes.

THE WITNESS: Hello. My name is Jackie

Peck. I'm an apartment manager at 2020 East Park

Place. I'm right next door. And I'm - - I'm

agreeable with them having the license, because

of the management. And I don't know who the

manager is, but I have to praise him. Because

they keep the property clean, as well as I have

to keep the property clean. I feel it's my

responsibility to take care of the tenants,

especially if they're making noise or if they're

- - have any alcohol-related, they're walking

around. I think that's my responsibility. I

think he does a good job. And I'm - - I'm in

favor of the license.

CHAIRMAN PAWLINSKI: Jackie, how do you

spell your last name again?

1 THE WITNESS: P-E-C-K.

2

3 ALDERMAN HERRON: I have a question.

4 CHAIRMAN PAWLINSKI: Okay. Great.

5 Alderman Herron, go ahead.

6 ALDERMAN HERRON: How long have you
7 been the property manager at 2020 East Park
8 Place.

9 THE WITNESS: Six months. I'm out
10 there daily.

11 ALDERMAN HERRON: Okay.

12 THE WITNESS: Cleaning the yard and
13 everything, and beside the person - -

14 CHAIRMAN PAWLINSKI: Do you also live
15 at that location that you - -

16 THE WITNESS: Yes.

17 CHAIRMAN PAWLINSKI: - - as part of
18 your duties. Okay. Alderman D'Amato.

19 ALDERMAN D'AMATO: Jackie, in your - -
20 in your six months at the location have you found
21 it difficult to buy wine or alcohol?

22 THE WITNESS: No. I - - Personally, I
23 don't drink.

24 ALDERMAN D'AMATO: Have - - Have your
25 tenants ever indicated to you that part of the

1 reason that they - - Or have people who have been
2 interested in renting say that I don't want to
3 rent there because there seems to be a shortage
4 of alcohol in the area?

5 THE WITNESS: I bring it to their
6 attention we have a local store, which is - -
7 which is this man here. And it's very convenient
8 for them. That's a selling point for me.

9 ALDERMAN D'AMATO: That's all. Thank
10 you.

11 CHAIRMAN PAWLINSKI: Thank you, Ms.
12 Peck.

13 THE WITNESS: Thank you.

14 CHAIRMAN PAWLINSKI: There were two
15 more, I think, who wanted to testify. You're
16 just destined to be last, aren't you, over there?
17 I feel bad for you. See, your boyfriend over
18 there has got to move out of the way.

19 THE WITNESS: My name is Jill Bondar,
20 B-O-N-D-A-R. I grew up - - Doris is my mother.
21 Born there. My father was born in the same
22 building. We've been there forever. I knew Erv.
23 He had problems. He was old. He didn't want to
24 retire. He got beaten up. That was the last - -
25 The last time he was beaten up was when he

1 finally sold the property. His son came in and
2 made him. They had to get out.

3 Omar, his family came in. They're
4 really good to my mom. I live in the Brady
5 Street area and I visit my mother at least three
6 - four times a week. She asks me to run up to
7 the drugstore to get her cigarettes or candy or
8 milk, or chili beans yesterday. I mean, it's
9 just - - it's a - - It's a convenience store for
10 her. And if I don't stop by, she can walk up
11 there. She drives. She doesn't care to drive,
12 though. So for her we do one big grocery
13 shopping a week, and then she can just go and get
14 what she needs.

15 I like the fact that they used to be
16 able to sell the wine, like Christmas or
17 Thanksgiving. We have six kids in our family,
18 all grown, but, you know, we're having
19 Thanksgiving and you run out of wine. Run up,
20 get a bottle of wine. I don't see what the
21 problem is. I know Alderman D'Amato has a big
22 problem with this one issue. I don't know why.
23 He's a good businessman. He runs a clean
24 business. It's good for the neighborhood.

25 CHAIRMAN PAWLINSKI: Ms. Bondar, let me

1 - - let me ask you a question. I'm right here in
2 the middle here. And this is - - This is not a
3 hypothetical, because this actually happened in
4 my district, and I want to know how you would
5 feel about it, if, in fact, it were to occur.

6 If this license is approved, even
7 though Ms. Assad has made statements to the
8 contrary about the fact that she would have about
9 60 percent food and 40 percent liquor sales mixed
10 between beer and hard liquor, it is perfectly
11 within her rights once the license is granted to
12 completely convert the entire store into liquor.

13 THE WITNESS: Exactly.

14 CHAIRMAN PAWLINSKI: This actually
15 happened to me in my district where I supported a
16 licensee. And he said he would provide
17 convenience and liquor. If I were to go into
18 that store right now, about 80 percent would be
19 liquor and 20 percent would be food. Would that
20 concern you if that situation were to occur,
21 because you obviously said it's very convenient
22 for you to pick up items for your mother.

23 THE WITNESS: Right.

24 CHAIRMAN PAWLINSKI: Let's say,
25 incrementally over the course of the next several

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1 years if they were to really slowly kind of
 2 convert more towards liquor, would you perhaps
 3 feel differently?
 4 THE WITNESS: If they would, I would
 5 feel differently, but I don't believe they will,
 6 because they're - - they must have huge sales in
 7 frozen pizza because of the college kids. But
 8 like there is a lot of families, and baking soda,
 9 laundry detergent, run out of something you got
 10 to get quick. I don't think - - I don't think
 11 they're going to turn it into an absolute liquor
 12 store. I just - - I don't believe that. I've
 13 talked to the whole family about that.
 14 CHAIRMAN PAWLINSKI: Well, I'd
 15 like to - -
 16 ALDERWOMAN CAMERON: Mr. Chairman, just
 17 clarification.
 18 CHAIRMAN PAWLINSKI: Okay. Go ahead,
 19 Alderwoman.
 20 ALDERWOMAN CAMERON: Clarification.
 21 What's the difference - - Alderman Schimpf - - I
 22 mean, Attorney Schimpf.
 23 MR. SCHIRMPF: I'm not elected.
 24 ALDERWOMAN CAMERON: I'm - - Really
 25 when he said that it's got a question in my mind.

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1 What's the difference in the liquor license that
 2 Osco and Pick 'N Save have than the license that
 3 they're applying for?
 4 MR. SCHIRMPF: None. It's the same
 5 license.
 6 ALDERWOMAN CAMERON: Well, then why are
 7 we trying to paint this picture in everybody's
 8 mind about a convenience store when we don't have
 9 this big argument about these big grocery chain
 10 stores that - - Let me.
 11 CHAIRMAN PAWLINSKI: I can answer the
 12 question.
 13 ALDERWOMAN CAMERON: Okay. Let me
 14 finish. That they have the same opportunities
 15 that any other store have, and we have never sit
 16 here and questioned the capabilities of these big
 17 grocery stores like Osco, Pick 'N - - Pick 'N
 18 Save, and Kohl's and Senty. So I mean, it's not
 19 fair to the audience here that we are trying to
 20 paint this picture that this convenience store
 21 - - I don't know what they're going to do. It's
 22 just that I would like for us to have a plan - -
 23 a better understanding to the audience that's
 24 listening that we're not trying to play one
 25 against the other, and I think in this picture

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1 that that's what we're trying to do here. It's
 2 not fair.
 3 CHAIRMAN PAWLINSKI: First of all,
 4 Alderwoman, I did just ask a question. I have
 5 not - - I did not try to lead her at all. I
 6 simply asked the question based on my own
 7 personal experience. But I will tell you, you
 8 made a very excellent point, because you just
 9 proved my point as to why I am perhaps the
 10 strongest advocate on this Common Council for
 11 when we do license a major grocery store like a
 12 Jewel or a Pick 'N Save, that we specifically
 13 only license a very small portion of that store
 14 for alcohol beverage sales, and I have advocated
 15 for that since the first day I was elected,
 16 because that way we literally limit the size and
 17 scope of that alcohol beverage outlet, literally
 18 by the geographic boundaries of a certain segment
 19 of that store. And if we did not do that, Pick
 20 'N Save or any of those other stores could
 21 completely convert everything they have in their
 22 inventory to alcohol, and that, to me, is a very
 23 dangerous slippery slope.
 24 ALDERMAN GORDON: Mr. Chairman.
 25 ALDERMAN HERRON: Mr. Chairman.

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1 and we started to take them on a case by case
2 basis. So - - So let's be clear. We're not
3 trying to denigrate, at least I'm not, trying to
4 denigrate this attempt by this licensee to raise
5 her market share, because that's the way I look
6 at these convenience stores when they move
7 towards wanting to get another type of license to
8 sell different types of beverages. The key issue
9 here is concentration to a certain degree, and
10 hearing what the neighbors have to say relative
11 to their concerns. But we've been very
12 consistent as a committee and as a Council from
13 our regulatory posture regarding these kinds of
14 licenses and how we grant them.

15 ALDERMAN HERRON: Mr. Chairman.

16 CHAIRMAN PAWLINSKI: Alderman Herron.

17 ALDERMAN HERRON: Just a quick - - And
18 - - And just briefly on this topic, because I
19 think it - - it is warrant - - warranted a bit of
20 discussion. And I have - - happen, and the
21 Chairman certainly knows this, share a different
22 view of the selling of alcoholic products through
23 grocery stores, and I'll tell you something.
24 I've never seen anyone rolling quarter barrels
25 out of Jewel-Osco. It just never happens. And I

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1 think it's because - - And I've also seen stores,
2 grocery stores throughout this community in this
3 region that have alcoholic beverages in a certain
4 area, and I've never seen them expand their
5 alcoholic beverages beyond the aisles that are
6 currently used to sell alcoholic beverages. And
7 only in the City of Milwaukee do we have a
8 regulatory thing to limit, and I know in other -
9 - in other communities, they don't regulate and
10 it seems that those products stay in the areas
11 that they were designated to be in. And I think
12 it's more driven by, and I think she was
13 absolutely right. If you can sell pizza and you
14 know your customers want pizza, why would you
15 take pizza off the shelves? I think it's - - I
16 think it's driven by what - - what the
17 marketplace demands. I don't believe that we
18 should - - I went to - -

19 One more second, I'm off of this. I
20 went to the Jewel-Osco where you at - - where we
21 demanded that they put the separate liquor store
22 in as opposed to having it in the grocery store,
23 and it's the worst thing I could have ever asked
24 for. They've got this big old liquor sign up
25 there. You walk in. And they got this big old

1 liquor store. We don't regulate how many square
2 feet they got. We just regulate that it has to
3 be separate from the grocery store. So now I got
4 this horrible looking place in my district, which
5 is essentially another liquor store instead of
6 what I find in more progressive, more in - - in
7 some of the other communities where they stick a
8 couple aisles, and they have it very well done
9 and it looks nice, and it adds to the aesthetic
10 quality of both the grocery store and it also
11 adds to more responsible drinking. Now I got
12 guys coming off the street, running into this
13 little liquor store that we've set up as opposed
14 to guys who generally won't go into a grocery
15 store to buy products. And I've never seen - -
16 And I've been to Gilbert's, by the way. I've
17 been to Gilbert's on days where I've seen - -
18 especially during the holidays, football season,
19 where I see them rolling out five barrels of beer
20 out of that store on - - And they have the guy
21 who - - They have one guy all the time in
22 Gilbert's that just goes to the back with the
23 little hand tool thing and puts up all those
24 quarter barrels and those half barrels and rolls
25 them out to people's car. I saw this one guy

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1 pull up in a van and load up the van with barrels
2 of beer. I don't think - - And I think that the
3 witness has said that she's willing not to even
4 sell quarter barrels of beer. So I don't think
5 that the argument - - And I'm not - - I haven't
6 made up my mind yet, but I think that the
7 argument that this - - Because she has a liquor -
8 - a liquor license that she's going to stop
9 selling pizza, beer - - I mean, pizza, milk,
10 eggs, and other products that are convenient for
11 her neighborhood. I think if she did that, she'd
12 find herself out of business very fast. And I
13 just don't think it's a good argument to be made
14 here.

15 CHAIRMAN PAWLINSKI: Here's what we're
16 going to do. We're going to hear from you,
17 ma'am, because you're the last witness.

18 ALDERMAN D'AMATO: May I ask questions?

19 CHAIRMAN PAWLINSKI: Quick questions,
20 if you can. And then what we're going to do, is
21 we're going to take a short recess to give our
22 Court Reporter a break before we move into
23 closing comments. Okay? So, Alderman.

24 ALDERMAN D'AMATO: Thank you. First,
25 just to correct Alderman Herron. No one ever

1 said that they weren't going to sell half barrels
 2 and quarter barrels.
 3 ALDERMAN HERRON: She said she
 4 wouldn't.
 5 ALDERMAN D'AMATO: I don't believe that
 6 that was said, Alderman.
 7 ALDERMAN HERRON: She did say that. I
 8 asked her specifically.
 9 ALDERMAN D'AMATO: Mr. Chairman.
 10 CHAIRMAN PAWLINSKI: One second.
 11 ALDERMAN D'AMATO: And if I could ask
 12 Ms. Bondar some questions. Ms. Bondar, where do
 13 you live?
 14 THE WITNESS: 1227 East Kane Place.
 15 ALDERMAN D'AMATO: 1227 East Kane.
 16 THE WITNESS: Um-hm.
 17 ALDERMAN D'AMATO: And so when you go
 18 to your mother's place, do you usually drive?
 19 THE WITNESS: Yes.
 20 ALDERMAN D'AMATO: And as you drive
 21 there, is there -- is there on a normal trip to
 22 your mother's house --
 23 THE WITNESS: Yes.
 24 ALDERMAN D'AMATO: -- would you --
 25 would you pass places that would serve -- that

1 you could buy alcohol at?
 2 THE WITNESS: No.
 3 ALDERMAN D'AMATO: You don't pass --
 4 THE WITNESS: I go -- I do the side
 5 streets. I don't go Oakland or --
 6 ALDERMAN D'AMATO: If one were --
 7 THE WITNESS: I go behind the -- that
 8 paper mill, actually. So I don't --
 9 ALDERMAN D'AMATO: If one were to take
 10 Brady Street and -- and Farwell or Prospect
 11 or --
 12 THE WITNESS: Sure, absolutely.
 13 ALDERMAN D'AMATO: Pass places.
 14 THE WITNESS: Right.
 15 ALDERMAN D'AMATO: And you also, when
 16 you go to your mother's house, which you're
 17 testifying from, how far is your mother's house
 18 from Gilbert's, for instance?
 19 THE WITNESS: Two -- three blocks.
 20 ALDERMAN D'AMATO: And how far is your
 21 mother's house from the Senty on Oakland?
 22 THE WITNESS: Four -- five blocks.
 23 ALDERMAN D'AMATO: Do you -- Do you
 24 shop at the Senty for your mother?
 25 THE WITNESS: I don't care for it. She

1 Warren Avenue, and I've lived on Warren for 13
 2 years. I bought my house four years ago on Kane
 3 around the corner. We had drug houses. We had
 4 crime. We had people urinating like all these
 5 other people are saying. What we did was people
 6 bought the homes and lived there and cared about
 7 the neighborhood. It's a beautiful neighborhood
 8 now. 1800 block, Warren, it's ten times better
 9 than it was ten years ago.
 10 CHAIRMAN PAWLINSKI: And it's gotten a
 11 lot better since 1996, right.
 12 THE WITNESS: Exactly. Exactly. I
 13 mean, it just -- I'm sorry, but I don't think
 14 this one little store -- Give -- Let them make
 15 some money. Let them give another product to the
 16 customers who want to go in there. I don't see a
 17 problem.
 18 ALDERMAN HERRON: Quick question.
 19 CHAIRMAN PAWLINSKI: Alderman Herron.
 20 ALDERMAN HERRON: You were around or
 21 your mother was around back in 1999 when the
 22 other store was open. And Alderman D'Amato has
 23 made a very good case that there has been lots of
 24 crime. He brought -- brought in sheets to show
 25 us all the tickets and everything that's been

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1 given out for drunken behavior. Have you seen a
2 decrease in that behavior since 1999 when this
3 outlet was no longer able to sell alcoholic
4 beverages?

5 THE WITNESS: No. There's - - It's a
6 university. I grew up - - Like I said, I mean,
7 I've been there all my life. Kids are - - More
8 kids are moving in. More kids have vehicles now.
9 More kids want to drink. It's not like it was.
10 The apartment building next door was only women.
11 They would only rent to the women. Now, it's - -
12 it's, you know, ten people living in a three
13 bedroom apartment. It's so concentrated and so
14 unorganized. If you talk to the owner of that
15 apartment building on the 2700 block of Murray or
16 some of these absentee landlords who just don't
17 care about the neighborhood or the properties.
18 That's what the problem is. That's it.

19 CHAIRMAN PAWLINSKI: Okay.

20 THE WITNESS: You know, my mom owns her
21 property. She cares about the neighborhood. I
22 care about the neighborhood. She rents to three
23 college students, and she makes sure that they
24 shovel. She makes sure that they clean up in
25 front of her house. I mean, if every neighbor

1 this game, in my opinion, is convenience. I
2 don't want to walk three blocks to Gilbert's. I
3 don't want to walk six blocks to Sendik's. And I
4 think there's a big point missed here as far as
5 the concentration of liquor stores and these
6 kids, Sendik's, I have never seen a college
7 student in there. They can't afford that place.
8 That Xs that place out. Maybe there's Downer.
9 Maybe there's Gilbert's. Parkside is a happy in
10 between. And in my opinion he's shown enough
11 responsibility with the beer and the cigarettes
12 and the ID checking that I don't see why it
13 wouldn't be a natural progression to allow him
14 another chance to demonstrate his responsibility.

15 CHAIRMAN PAWLINSKI: Thank you very
16 much, Ms. Bochantin. Alderman?

17 ALDERMAN D'AMATO: Thank you. Ramona,
18 at 1925 East Park place how far do you live from
19 an outlet that now would sell wine or liquor?

20 THE WITNESS: About three - - three and
21 a half blocks.

22 ALDERMAN D'AMATO: Okay. And your
23 testimony is that the main reason you want to
24 support this license is because it's convenient
25 for you.

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1 would clean up in front of their house, there
2 wouldn't be a problem.

3 CHAIRMAN PAWLINSKI: Thank you. Thank
4 you.

5 THE WITNESS: That's the problem.

6 CHAIRMAN PAWLINSKI: Thank you very
7 much for coming in today. Ma'am, we'll finally
8 get to you.

9 THE WITNESS: My name is Ramona
10 Bochantin. It's spelled B-O-C-H-A-N-T-I-N. I
11 live at 1925 East Park Place. Formerly used to
12 manage 2020 East Park Place when we were here
13 last time. So I've had experience in both ways.
14 Basically, I think everybody said it all. I
15 don't understand honestly why we're here again.
16 In my - - I don't know. I mean, he has no
17 intention of turning this into a full liquor
18 store. He would have no business if he did - -
19 if he did that. I live right across the street.
20 I have a family. We have a child. I am there
21 daily. So I - - It's a convenience that way, as
22 well as, I'm on foot. My son's father, he has a
23 car. We have one car. I don't want to drive
24 around. I don't want to look for parking. It's
25 very easy that way for me. And the whole name of

1 THE WITNESS: And he - - he has
2 demonstrated responsibility, in my opinion.

3 ALDERMAN D'AMATO: So then - -

4 THE WITNESS: I don't see why not.

5 ALDERMAN D'AMATO: So then you believe
6 that anybody who shows responsibility with
7 selling beer should automatically be granted a
8 full liquor license because they were - -

9 THE WITNESS: Well, yeah, maybe.
10 Maybe.

11 ALDERMAN D'AMATO: And I'm - -

12 THE WITNESS: I mean, they show that
13 they are responsible business owners, and I don't
14 see why they should be punished for being
15 responsible.

16 ALDERMAN D'AMATO: And in the - - And
17 in the same case then, considering that of the
18 300 and some stores, convenience stores, grocery
19 stores that sell beer, selling alcohol or liquor
20 at all of those would be convenient for somebody,
21 and therefore, we should allow all of them to
22 sell liquor. Is that - -

23 THE WITNESS: Well, you know, this is
24 an individual responsibility of the business
25 owner, as well as the person purchasing it.

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ALDERMAN D'AMATO: But again, for convenience sake, that would be more convenient for people.

THE WITNESS: Yes. If you're a responsible individual, why not?

ALDERMAN D'AMATO: Okay. Thank you.

CHAIRMAN PAWLINSKI: Thank you, Ms. Bochanin. Thank you for your patience, by the way. We're going to just take a five minute recess, come back, and one more? Okay. Who is left? I only saw four hands. I think we were done.

THE WITNESS: I guess I'm last.

CHAIRMAN PAWLINSKI: Okay.

THE WITNESS: My name is Jack Alden. And I work part-time for Parkside Groceries, and I have worked with their father seven nights a week.

CHAIRMAN PAWLINSKI: What's - - What's your address, Mr. Alden.

THE WITNESS: My address is 712 North 26th. And the building which - - which the grocery store is located is also a building that I take care of. And I also take care of the laundromat next door, and I lock that up, you

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know, every night. And I'm there until like one - two o'clock in the morning with the laundromat. And I've never seen police around arresting people. I've never seen kids outside causing all kinds of problems.

CHAIRMAN PAWLINSKI: Okay. Alderman. Do you live in the neighborhood?

THE WITNESS: No.

ALDERMAN D'AMATO: And you get paid by - - by Ms. Assad or by the establishment?

THE WITNESS: Yes.

ALDERMAN D'AMATO: Okay. Thank you.

CHAIRMAN PAWLINSKI: Thank you very much. We're going to declare a recess. We're going to come back right at noon on the head, and we're going to come back right to our closing comments, okay. So we're just going to take a seven minute recess.

(Whereupon a recess was taken.)

CHAIRMAN PAWLINSKI: Okay. We're back on schedule after a short recess, and at this point, we're going to begin to close this hearing by first hearing from Alderman D'Amato. I want to make sure we're straight on this. You are

license after a while, came here to the committee and said that they were going to be a deli and have a little bit of liquor in the corner, and about six months later, it was a liquor store. That is what I believe will happen here, and I believe it will happen here because I witnessed it. I've walked in the store, I've seen beer take over the expansion. And I also know that traditionally in convenience stores, the way that the market breaks out is that you make about 30 percent of your money off of cigarettes, about 40 percent of your money off of liquor, and you make about 30 percent in the way of convenience items, and - - and so it would follow then that you would carry 70 percent of your floor area in liquor and cigarettes. I'm just giving a scorecard, and this is what I have. And I'll go through it with you. I mean, on the side in favor of Ms. Assad, we have Ms. Assad. We have - She has a - - She has the right to come before us today and ask for a liquor license. She has that right to ask for it, but she doesn't have the right to receive a license.

She, in my opinion, and I think in the opinion of the committee, needs to make a case

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recusing yourself from voting on this, correct?

ALDERMAN D'AMATO: I'll do whatever the City Attorney believes I should do. He hasn't told me that I should do that.

CHAIRMAN PAWLINSKI: We'll be settling that March 5th when we get to the Council meeting. After you're finished, Mr. Gimbels, this committee will take this matter and render a decision shortly. Alderman, go ahead.

ALDERMAN D'AMATO: Thank you, Mr. Chairman, and I thank the committee members for their patience. It is not by my choice we're here again. If it were my choice, the action of the Council would have stood a year ago when the Council, I think in their wisdom, decided that this establishment should stay just as it is, it should sell beer and be a convenience for the convenience of the neighbors near it, but should not become a liquor store.

Alderman Pawlinski spoke of a situation of a place that had alcohol that turned itself into a liquor store. This is also the case in my district not far from here, what was Oriental Drugs, in a very similar case had a pharmacy liquor license for a long time, then had a liquor

1 that - - that's - - this would add to the
2 neighborhood not harm it, that the neighborhood
3 is one in which just - - not only would be well
4 received, wouldn't add to any problems that
5 exist. As Alderman Gordon said that her main
6 intention is to raise her market share. And as
7 one of the witnesses in favor said that we should
8 allow her to make some money.

9 We have to weigh what her argument is,
10 to make some money, against those that are in
11 opposition. And on the scorecard in opposition
12 you have not only me, of course, but you have the
13 Murray Hill - - Murray Hill Association. You
14 have a letter on file from them, and their
15 President was here to speak. You have the
16 President of the East Side Association. That
17 encompasses the entire neighborhood from North
18 Avenue to Kenwood and from Oakland to Downer, the
19 entire area on the map that you've seen, the
20 representation groups of those areas are opposed.
21 You have a letter in your file from the East Side
22 Business Improvement District. You have a letter
23 in your file from the Oakland Avenue Business
24 Improvement District. You have the people who
25 came here today and testified before you.

1 We have a postcard survey that was sent
2 out the last time the application was - - was
3 applied for in which two-thirds of the property
4 owners - -

5 MR. GIMBEL: I'm going to object to any
6 comments about postcards or letters, because
7 they're not part of the record in front of this
8 committee.

9 ALDERMAN D'AMATO: May I - -

10 CHAIRMAN PAWLINSKI: I agree with Mr.
11 Gimbel.

12 ALDERMAN D'AMATO: No. No, let's - -
13 Let's ask Mr. Schrimpf. The postcard survey is a
14 part of the record of the hearing, and I believe
15 that this is - - this is that.

16 MR. SCHRIMPF: No, it is not.

17 ALDERMAN D'AMATO: If we provided the
18 postcard survey the last time this went out, and
19 this is a - - this is a court-mandated rehearing
20 of that item, why does not that - - that record
21 not follow?

22 MR. SCHRIMPF: Well, first of all, I
23 - - I think the idea of the court was to - - was
24 to schedule the matter for a hearing, Alderman.
25 It had not been scheduled for a hearing, and that

1 was the whole issue before the court. The
2 hearing the last time around resulted in the
3 Common Council ultimately deciding not to grant
4 the license. And I believe the Assads waited a
5 year, and so the question therefore was we're
6 really creating a new record there. Therefore,
7 the question before this body is whether or not
8 this license should be granted. So you can't
9 rely on the record from the previous preceding.

10 In the meantime there was also an
11 opinion from our office that went out regarding
12 hearsay documents. And postcard surveys fall
13 into that area of a hearsay document. So the
14 Chairman's ruling on that is correct.

15 ALDERMAN D'AMATO: Thank you.

16 ALDERWOMAN CAMERON: Just one second.
17 I have a question. I'm just concerned of the
18 qualifications, and Alderman D'Amato bear with m
19 for a second here. I'm listening to, looking at
20 the notice, and it says neighborhood objections.
21 Am I right?

22 CHAIRMAN PAWLINSKI: Right.

23 ALDERWOMAN CAMERON: I have not heard
24 from one neighbor that objected.

25 CHAIRMAN PAWLINSKI: There were four

1 people here.

2 ALDERWOMAN CAMERON: No, they didn't
3 live directly in the neighborhood. That's the
4 problem I have. And I was just listening to what
5 this Alderman D'Amato said that, I wanted to know
6 what you want to speak to - - and that's what you
7 said.

8 ALDERMAN D'AMATO: I don't understand
9 what you mean by neighborhood objections. These
10 people live - -

11 ALDERWOMAN CAMERON: That's what
12 I'm - -

13 ALDERMAN D'AMATO: These people live
14 three - - three - -

15 ALDERWOMAN CAMERON: - - try to
16 clarify.

17 ALDERMAN D'AMATO: They live three or
18 four blocks. St. Peter and Paul Church, we heard
19 from Fr. Joe here from St. Peter and Paul's.
20 It's two blocks away.

21 CHAIRMAN PAWLINSKI: Mr. Larsen
22 testified, as well.

23 ALDERMAN D'AMATO: Mr. Larsen lives a
24 block away.

25 ALDERWOMAN CAMERON: No, one lives

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CHAIRMAN PAWLINSKI: One block away?

ALDERWOMAN CAMERON: Yes.

CHAIRMAN PAWLINSKI: Okay. Well, Mr.

Larsen lives one block away.

ALDERWOMAN CAMERON: Who?

CHAIRMAN PAWLINSKI: Mr. Larsen. He

was one of the people who testified in

opposition. I'll contend that some of the people

here in support were also neighbors. To me, that

-- that's neighbors. Alderman D'Amato --

ALDERMAN D'AMATO: Mr. Chairman, if I

could continue making my closing statement to the

-- to the four members who do have an open mind.

I will -- I'll do so. As I said, the Murray

Hill Association, which represents a large area

of the neighborhood, is opposed and you have a

letter on file. East Side Association President

was here, and he is on file. East Side

Neighborhood -- The East Side Business

Improvement District, he is -- he is opposed and

you have a letter on file. The Oakland Avenue

Business Improvement District is opposed. You

have it on file. We have four members here

speaking against it. As you know, it's always

inconvenient for neighbors to come during the

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day, and -- and frankly, as I said to you

before, Mr. Chairman, if I were a neighbor and

often times I would be intimidated to come before

this committee to testify, given the inquisition

that you go under as someone who is trying to

support their neighborhood.

I think that the other issues here are

more far reaching than this -- than this

neighborhood. There's a precedent that I

believe, and you heard it from one of the

neighbors communicated that -- that that Class

"A" Malt should graduate to a Class "A" Liquor

and Malt. I think that one should look only at

their own district in this similar case when a

convenience store comes up and that convenience

store owner says, "I've got a good record with

beer. I should have a liquor store." That this

-- this committee and the Council will have set

a precedent for liquor licenses to be granted

because of -- of good record in the past.

The introduction of quarter barrels and

half barrels and more alcohol to the neighborhood

is not a good thing. I just brought up to you,

this is six months worth of noise, public

drunkenness, underage drinking, illegal tavern

1 feel like if we got neighbors that were here
 2 asking us, and we made a -- This is the point of
 3 neighborhood objections, and we -- This item was
 4 in front of this committee, this committee made a
 5 recommendation for approval. Because the
 6 alderperson did not like what the committee did,
 7 he went to the Council and overturned the
 8 committee. Now, it was re-sent back to us
 9 because of neighborhood objections. I'm feeling
 10 like -- the Alderman says this should be up to
 11 Mrs. Assad to prove its case. Mrs. Assad proved
 12 her case at the committee. What it should be,
 13 and I said it at the beginning, I'm saying it
 14 now, that we should have something from the
 15 neighborhood objections why we should not give
 16 them the license, and I haven't heard that.
 17 CHAIRMAN PAWLINSKI: Alderman, I'm
 18 just going to ask you a very simple question,
 19 Alderman. If a person lives a block away --
 20 Alderman, I want to ask you this question. If
 21 a person lives a block away, regardless of my
 22 feelings about this file, if a person lives one
 23 block away, do you not consider that person a
 24 neighbor?
 25 ALDERWOMAN CAMERON: Yes.

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1 there. Priest, he lives three blocks down. The
 2 other one was ten blocks. And another, but he
 3 didn't know, it could be four to five blocks.
 4 CHAIRMAN PAWLINSKI: Well, for the
 5 record, Mr. Fazio -- Mr. Fazio testified he was
 6 four to five blocks. I'm telling you what I
 7 wrote down in my notes. Mr. Larsen lives one
 8 block away. And Mr. Fazio was four to five
 9 blocks away. Fr. Joe, from the parish, lives
 10 three blocks away. I mean, that's -- Those are
 11 my notes at the time those people testified.
 12 Kate Baldwin said ten blocks.
 13 ALDERWOMAN CAMERON: Still yet the
 14 question is, and I would like clarification, and
 15 that's all I'm asking. I don't know Ms. Assad or
 16 whosoever. The Alderman made a comment in his
 17 remarks, and I was just wanted clarification.
 18 CHAIRMAN PAWLINSKI: Well, I'd like the
 19 Alderman to continue, and then if your vote is
 20 your vote, I mean, it should be based on what
 21 your belief is.
 22 ALDERWOMAN CAMERON: It's just that the
 23 point is we should be going by what the
 24 objections was, was neighborhood objections. And
 25 the bottom line is we haven't had that. And I

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1 complaints in my district. This file has to do
2 with the alcohol problem in the neighborhood.
3 The committee and the Council, because this is a
4 new license, need only find a rational basis to
5 deny this license. And anyone in their right
6 mind would believe a rational basis is that the
7 introduction of alcohol into a neighborhood that
8 already has a problem with alcohol would be like
9 putting gasoline on a fire. And you don't have
10 to find that Ms. Assad has done a bad job. You
11 don't have to find that there is a - - a need for
12 alcohol in the area. You need only find that the
13 addition of another alcoholic establishment is
14 not good for the health, safety and welfare of
15 the neighborhood.

16 To say to people, "Well, you already
17 got a problem, and therefore, let's add another
18 one, it's not going to make the problem any
19 worse," is not an answer. Mr. Assad - - Ms.
20 Assad has representation here. Mr. Gimbel is
21 here representing her, making his case. The
22 people need representation, and the people come
23 to me, and I come to you for that. The neighbors
24 make a case saying you're responsible, Alderman
25 D'Amato, and the committee members and the

1 he's assuming that I have made my mind up. And
2 it's not fair. Any comments are supposed to be
3 made to the whole committee as a whole, not to
4 four, two, one, whatever. The comments are
5 supposed to be addressed to this committee as a
6 whole. And I feel like that if any comments
7 that's going to be addressed - - whether it is
8 the comment that one of us on this committee is
9 like, or whether it's comments that the
10 alderperson of a district don't like, that we all
11 be serious from time to time defending our cases,
12 and Alderman D'Amato as well, him and I are very
13 competitive when it comes to our communities. We
14 both are community organizers, and we both take
15 our problems, which they're very different from
16 time to time, personally. And I feel like if he
17 should look at me in the eye and - - and tells me
18 don't take anything personal, he should be able
19 to adapt and take his medicine as well as he able
20 to give it out. I don't feel like that he should
21 try to disinclude me in any comments that he's
22 making. I feel like it's very unfair to me, and
23 maybe could be because I'm a woman and that's how
24 he look at me. It's not being fair-minded or
25 reasonable or have said as he stated.

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1 Council, you're responsible for keeping our
2 neighborhood safe. You're responsible for
3 improving our neighborhood, not sayingk, you've
4 got a problem, another one won't add to the
5 problem that you have. And so, you have - - I
6 think we've made a case for the rational basis to
7 deny this license. I believe that Ms. Assad's
8 right to make more money is far outweighed by the
9 right for this neighborhood to continue to
10 improve and to get rid of the alcohol problem
11 that now is pervasive to it. And I thank you for
12 your time.

13 CHAIRMAN PAWLINSKI: Mr. Gimbel?

14 MR. GIMBEL: No.

15 ALDERWOMAN CAMERON: Mr. Chairman.

16 CHAIRMAN PAWLINSKI: Yes, Alderwoman.

17 ALDERWOMAN CAMERON: You know it's not
18 fair for - -

19 CHAIRMAN PAWLINSKI: Is this a question
20 or a comment?

21 ALDERWOMAN CAMERON: Yes, it's a
22 question. It's not fair to - - the Alderman to
23 make comments that wether - - He is only
24 addressing part of this committee as a whole
25 committee. I'm a member of this committee and

1 ALDERMAN HERRON: Mr. Chairman.

2 CHAIRMAN PAWLINSKI: Question or
3 comment.

4 ALDERMAN HERRON: Question. No
5 comment, just a question.

6 CHAIRMAN PAWLINSKI: Thank you.

7 ALDERMAN HERRON: Alderman D'Amato,
8 there were actually more neighbors here to
9 testify for this than testified against it, and
10 I've made a specific point of asking one
11 neighbor, have they - - have they seen any - -
12 any real improvement as a result of this liquor
13 license gone away from when it was a couple of
14 years ago, and no one has testified that they've
15 seen any improvements as a result of this. Why
16 is the denial of this liquor license, in your
17 opinion, a critical issue for the neighborhood,
18 or - - yeah maybe that's the best way.

19 ALDERMAN D'AMATO: First of all, I
20 think that you heard testimony from Mr. Phillips,
21 who indicated that he's never saw any litter - -
22 any litter, any drunks, any trash, and he
23 indicated that - - that the neighborhood did not
24 have a problem. And so, that - - that gentleman
25 did indicate it improved. And Mr. Sarlitto

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specifically indicated that he believes that it has improved in the past three years, if you remember his testimony. So - - So two of their - - of the eight people did indicate that there has been an improvement.

With regards to this establishment, it's no different than any others. The Open Panty down the street, which now sells beer, has been asking me to support a liquor license for them for three years, and I've told them that I absolutely do not and the neighbors will not support it. We have a number of Class "A" Malt establishments that want to sell liquor, and I - - I believe that it's known to me and to you that every Class "A" Malt wants to graduate to a Class "A" Liquor store. It's just what they want to do. And I think it would be irresponsible for us to allow that to happen, and in particular, for me to allow it to happen in a place where alcohol and the abuse of alcohol may be our number one problem.

ALDERMAN HERRON: Just one follow-up question. And I guess the reason I ask these questions, obviously in the last - - When the Judge sent down his last ruling, one of the

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things that, you know, we may have said and was out of place was, you know, we would support this based on the Alderman's opinion, because he or she represents the area. So I definitely don't think that that's reason enough for us to do this, and the Judge has made that clear. So I try to clarify your argument so that as I'm trying to make a decision on this, I understand the points of your argument.

One point, we talked about the neighbors. But I heard - - I know you had a couple neighbors that live in the immediate vicinity. Then you have maybe one or two that did - - or let's assume they all lived right around the corner. You still had more neighbors who really had no other incentive to come down here other than their desire to see a - - to see this license granted come in here and testify, than you had against. And if you argue to us that it's - - we should do it because neighbors are against it, one would say, well, that hasn't really - - that case really has yet to have been made.

If you would argue that the concentration or that the crime in the area is

going to improve or not improve, I don't know if that argument is made or not. I would tend to believe that this one liquor license is not going to make a whole heck of a lot of difference one way or the other, but I would grant you and other people in the neighborhood that that potential is true.

In your closing statement, if you could further clarify for us, at least for me, who tries to make these decisions based on the facts that were presented before me during the process of a hearing, why, other than your opinion, why you think this should not occur. It would help me in trying to make the decision that I believe will withstand any potential court challenge that may arise from this.

ALDERMAN D'AMATO: Thank you, Alderman. I - - I again would point to the neighborhood's - the neighborhood associations that did take votes and did speak with regard to this license and ask whether they wanted the introduction of more alcohol in the neighborhood. You have those votes and records of those votes on file.

This is not - - I don't think that the committee is ever - -

CHAIRMAN PAWLINSKI: One second. I disallowed - -

MR. GIMBEL: No, I don't have that in the record here.

CHAIRMAN PAWLINSKI: I disallowed it into the record, so it's not part of the record.

ALDERMAN D'AMATO: Right.

ALDERMAN HERRON: I just want to clarify one thing. Now, I thought the gentleman from the East side said that they did not vote, that he was just here basically as a neighbor himself, but did not vote from an organization perspective.

ALDERMAN D'AMATO: That's right.

ALDERMAN HERRON: Are you saying they did take a vote?

ALDERMAN D'AMATO: You don't have his in there. It's the other three organizations that did. This committee has never acted on the basis of a popularity contest. If Mr. Gimbel brings in 25 witnesses and we have four witnesses, then it doesn't automatically mean that the applicant should be awarded a license. It is not the number of people who testify. It is the testimony that they give you. What you

1 have in - in favor of it is you have people who
2 have testified who said yeah, it would be
3 convenient for me to go over there and buy a
4 bottle of whisky where I'm buying my bread. That
5 convenience has to be weighed against the overall
6 health, safety and welfare of the neighborhood.

7 And so what I think that you heard from
8 the witnesses against it is a compelling argument
9 as well as for the police records that I provided
10 you with, and the map that is part of the record,
11 is that - - that because of the pervasiveness of
12 alcohol, because of the young age of the
13 population, because of the university, that all
14 of those circumstances together with more alcohol
15 available to them create a situation in which you
16 can deny this - - this license on a rational
17 basis that it will add to the problems in the
18 neighborhood and will degrade the health, safety
19 and welfare.

20 So I urge you not to take this as he
21 brought X number of witnesses and he brought Y
22 number of witnesses. I urge you to look at it as
23 what is more important to the neighborhood, the
24 convenience that people may have to walk a half
25 block for a bottle of whisky or two blocks for a

1 bottle of whisky, or the fact that, as you said,
2 people roll up their van and take six half
3 barrels out of another place that they can buy
4 half barrels at, where those are going and what
5 that eventually does to the - - to the fabric of
6 the neighborhood.

7 CHAIRMAN PAWLINSKI: I think it's time
8 now to hear from Mr. Gimbel. We're going to roll
9 on.

10 ALDERMAN D'AMATO: Thank you.

11 MR. GIMBEL: Thank you very much.

12 CHAIRMAN PAWLINSKI: You're welcome.

13 MR. GIMBEL: One thing that I've
14 learned in 41 and a half years as a lawyer, and I
15 know Alderman Gordon has been in this place many
16 times himself, is that you really should argue
17 from the record and look at the record and say,
18 what does it say, what doesn't it say. And in
19 this record, we don't have a substantial amount
20 of opposition to this license coming from the
21 neighborhood, period. We had four people who
22 testified.

23 The first one, the good Father,
24 testified his beef was with litter. That's all.
25 He didn't say anything about crime. He said

1 there were beer cans on the lawn between his
2 church and this grocery store. Now, they will be
3 there, whether you act affirmatively or not on
4 this application, if, in fact, the beer cans came
5 from the store. And nobody can show where the
6 litter came from. And the priest said that he
7 didn't know where it came from. He didn't talk
8 about crime.

9 The second witness was a nondrinker who
10 lived ten blocks away. She obviously is a person
11 who is somewhat emotional about the fact that
12 people drink, and I would suspect that if she
13 were sitting on this committee, she would veto
14 all applications for liquor licenses, because in
15 her view that would improve the quality of life.
16 But that's not a criteria and that's not a
17 relevant basis to turn down this application, nor
18 is the priest's testimony.

19 The next witness was the person who
20 spoke for himself and not his organization. It
21 seems curious to me that with a passionate
22 opponent to this application finding an
23 affirmative reaction by this committee in
24 Alderman D'Amato, and I - - and I compliment him
25 for his passionate opposition to this

1 application. He's stayed the course, that's for
2 sure.

3 That he couldn't do better than to
4 bring this person in, speak for himself, four or
5 five blocks away, and again, not have any
6 specific complaints about this particular
7 operation. I thought it was quite curious that
8 he walked into the store before it opened for
9 business and reached the conclusion, and because
10 there were coolers in the store, it seems that
11 there were substantial numbers of coolers in the
12 store, that that suggested to him that this was
13 going to be a liquor store, when in fact, the
14 Assad family did not have a liquor license, and
15 as I look at liquor stores, and I've been in a
16 few in my life, coolers are very seldom used for
17 liquor. I don't know any liquor that goes into a
18 cooler. You have beer in the cooler. You have
19 some white wines and champagne that go in
20 coolers. But, by and large, liquor is sold from
21 shelves. And we heard the - - the testimony of
22 Ms. Assad who says that the current configuration
23 of the business of this particular establishment
24 is 70 percent grocery and convenience items and
25 30 percent beer. And she suggested that that

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might go up ten percent by the introduction of liquor with the expansion of this license.

The last witness was Mr. Larsen, who is an investor in real estate, and he also did not have any specific kind of testimony that would give to this committee a relevant basis to deny this application.

Now compare that with the eight people who testified, and numbers, I concede, are immaterial. If there would have been eight people opposed and four people in favor of the license, I don't think that would have ruled the day. But look at the contents of the testimony. If you look at Ms. Bondar, who I think is the most relevant witness today, here's a woman who has lived essentially next door to this business for 35 years, worked in the predecessor establishment, said it was a dump, but they offered liquor and beer. And it wasn't a pharmacy for the past 15 years of its existence. And since the Assad family took over this establishment, they cleaned it up. They made it a viable part of the neighborhood and not a disgrace to the neighborhood, and they have generated a loyal following of people. They've

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generated a loyal following of people who A, think that these are good shepherds of this business. They see to it that children don't get cigarettes. They see to it that children don't get beer. And they're very fastidious about that. And, in fact, their existence without having any police complaints for underage drinking, I think, testifies to corroborate those views.

The other people who testified in support of this application are people who genuinely believe that it would better serve their interests in the neighborhood to have this store have available to them as customers, those things that come with a Class "A" unrestricted liquor license. And that's relevant. And I think that when you compare that relevant testimony against the objectors, who really seem to be on some kind of a mission supportive of the position of Alderman D'Amato. And he's entitled to take any position that he wants.

But the point of the matter is the case is made for granting this license. You have done it before. I'm asking you to do it again. And it's not Mr. Assad's interest - - It's not in his

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ALDERMAN GORDON: Mr. Chair.

CHAIRMAN PAWLINSKI: Alderman Gordon.

ALDERMAN GORDON: Thank you. This is a difficult case in the sense that years ago as Mr. Gimbel and other members know when we argued the issue of concentration and we argued how these establishments would impact upon neighborhoods, we had to - - we had a little bit more leeway in terms of supporting residents, supporting how the elected official would, in fact, be able to work with the residents and not these establishments would impact positively or negatively upon the quality of life in that neighborhood. And - - And certainly there's been a change, relative to concerns that we have had to deal with, regarding our testimony on the facts that are presented before us and how we've been notified by Mr. Schrimpf as to concerns relative to that in a memo which all members have seen.

And if I look at the facts, based on the testimony that I have heard today, I think that there are some critical issues that we have to look at. As Alderwoman Cameron indicated, you

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interest to make this into a liquor store. A neighborhood liquor store, if one were to exist, can't compete price-wise with the big liquor stores. And if you can get in your car and drive down to Otto's and - - on the northern boundaries of Milwaukee, you can buy every single product that you can buy at Sendik's, on Downer Avenue, or Gilbert's, cheaper than you buy it in the grocery/liquor store. And the grocery/liquor store would be more expensive than Gilbert's and the Downer Avenue liquor store, because that's the nature of the margins that you have to work on when you have a neighborhood liquor store.

So the point is that the case has been made for this business to re-establish its right to sell liquor under a Class "A" Liquor license, and I'm asking you to do that. And there is no relevant basis for you to deny it, based on some hypothesis of there being complaints out there that are unrelated to this particular operation.

Thank you.

CHAIRMAN PAWLINSKI: Thank you, Mr. Gimbel. Okay. This matter is now in committee, and what is the pleasure of the committee? Is there a motion?

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1 know, an over concentration of liquor outlets in
2 the area, there are concentrations within a four
3 or five block radius that are clear based on the
4 map. And it fits the determination as to whether
5 or not those situations are, in fact,
6 concentration. You know, ten years ago
7 concentration was created pretty much by this
8 committee, and we've had serious hearings
9 throughout the years relative to whether legally
10 concentration argument was valid or not, and
11 that's been determined by the courts.

12 I'm certainly impressed by the fact
13 that the residents came down to testify for and
14 against, and as Mr. Gimbel indicated, looking at
15 the testimony of the opponents, they have
16 concerns about the future of their neighborhood.
17 And that's something I think we all have concerns
18 about. And that's why they testified to the
19 extent that they did. And the supporters,
20 certainly who have a history as the one woman,
21 Ms. Bondar had, 45 years in the neighborhood,
22 knows about the establishment before and during
23 the conversion, certainly that's very substantive
24 testimony. And we have to weigh that carefully.
25 I'm certainly impressed by Ms. Assad's comment,

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1 and I just want to be clear that I heard
2 correctly, that she didn't necessarily believe
3 that the sale of alcoholic beverages vis-a-vis a
4 Class "A" Liquor license would make a major
5 difference, you know, in her market share. And
6 that's what I'm concerned about, certainly, the
7 fact that this is a store that for the last three
8 years has operated as a grocery store with a beer
9 license. And, you know, as an elected
10 representative, that certainly supports any
11 business trying to make a living in a
12 neighborhood and conforming to concerns regarding
13 quality of life. I think that's an important
14 issue and an important aspect to deal with.

15 My motion at this time is to recommend
16 denial of this license for the following reasons.
17 While I feel that the store has operated as a
18 Class "B" establishment successfully for the past
19 three years, I think there has to be a showing
20 that this can continue. As Alderman D'Amato
21 indicated and others have stated, you graduate to
22 a level of being able to have a liquor store,
23 and, you know, in my ten years as an alderperson
24 in the 7th District I've granted one application.
25 I've made - - I voted on one liquor store

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1 application in my district, because as we have
2 discussed here this after - - this afternoon, the
3 changes or the number of licenses in each
4 aldermanic district vary, and the concerns within
5 those neighborhoods vary. But I think at this
6 point in time there needs to be a demonstration
7 that this license can operate the way it has been
8 operating for the past three years. Ms. Assad
9 has indicated that it can operate and there
10 shouldn't be a substantial difference relative to
11 that operation, whether it has a Class "A" or a
12 Class "B" license. Thus, that's my motion at
13 this time.

14 CHAIRMAN PAWLINSKI: Okay. You've
15 heard the motion from Alderman Gordon, which is
16 motion for denial of the request. Alderman
17 Herron.

18 ALDERMAN HERRON: Yes. Again, I think
19 Alderman Gordon laid out a lot of this. This is
20 a - - a very difficult case and there are
21 certainly credible issues on both sides of the
22 table. What I tried to look for and listen for
23 was a couple of key - - I tried to - - to discern
24 whether the arguments that were made by the
25 supporters were - - were good arguments to

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1 justify an additional liquor outlet. And what I
2 tried to hear from those that were opponents were
3 reasons why the arguments made by the supporters
4 weren't valid. And one of the arguments that I
5 think sticks out in my mind that Alderman D'Amato
6 made in the - - in the last part of his closing
7 testimony was that while everybody who came up or
8 at least the majority of the witnesses who came
9 before us to testify in support of this outlet
10 all agreed that they could walk the additional
11 two or three blocks up to Gilbert's to purchase
12 their alcoholic beverages, which in my opinion is
13 justification or reason to support Alderman
14 Gordon's motion to deny based on the fact that
15 there are sufficient amounts of liquor outlets.

16 I don't buy the argument that this
17 additional outlet is going to somehow make that
18 area better. I also am very concerned, or at
19 least concerned about why there seems to be such
20 a conviction to insuring that this license did
21 not occur. I also think that some of the
22 comments or some of the accusatory comments made
23 by the Alderman regarding this committee's
24 behavior I found somewhat offensive. I think
25 this committee has a very tough job to do under

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some very strict guidelines, and tries to do it to the best of its ability. While it may or may not always meet with each individual alderman's pointed goals, I think it certainly does a good job in evaluating and assessing each one of these cases on an individual basis. And when emotions get riled up as they do from time to time, people may - - - may or may not make statements that they wish they hadn't, but I certainly think that we took now almost three hours on your case, and there are probably other things that everyone could be doing, and I think we gave you an opportunity to voice your opinion and did it fairly, and I don't - - - just don't understand why you would accuse this committee of being anything other than judicious and responsible in trying to evaluate each of - - - each cases on a case by case basis.

So I'm going to support Alderman Gordon's motion with the evidence that there are several outlets in the immediate area of where neighbors can go, which admittedly - - - admittedly is thin. However, I think it is reason enough to deny the license.

CHAIRMAN PAWLINSKI: Alderwoman?

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ALDERWOMAN CAMERON: I'm not going to support Alderman Fred Gordon's motion. I'm going to speak to him after the meeting, and I'll still be friends with him. And we won't be having tension related - - - relationship because we disagree. Because we are grown enough to realize that we're not going to agree on every issue that comes on this committee.

Neither am I or he going to take it offensive towards each other's opinions. The reason why I'm not going to support the motion is because I don't think the burden was proved by the applicant that it was some financial hardship in whether she received the license or not. Neither do I think it was her responsibility to prove that it was not a concentrated area. Neither did I feel like it was her responsibility to prove that all these questionable alcoholic-related problems would be enhanced by her having the addition of the sale of hard liquor. Neither do I think that by her receiving this license would interfere with the quality of life that the residents and the Alderman of the district tried to strive for. I think what has happened here, and I see it so well, that sometimes that the

Alderman has taken a stand, and not really tried to work it out with the merchants in the area and the residents in the area. I think that what should have happened, as I say so many times, that they should have had a neighborhood meeting and come to some kind of con - - - mutual understanding regarding this issue before they received - - - come to this committee, but they didn't. Because he felt like he didn't have to, or they felt like they didn't have to. I feel that time to time we're going to make this decision that somebody's not going to be happy. I feel like that this item should have been - - - should have been kept the way we had it at the first time the committee approved of it, and it was overturned on the Council floor. I feel like that what we should have done was give a little bit more consideration to whether the residents was looking at convenience for themselves or property for the merchant. Because I feel like right now that the residents did come up and the majority of them did speak in favor of it. That this merchant really had earned the respect to try to have them improved the quality and convenience of the life that they wanted to

strive for. I'm - - - That's the reason why I'm not going to support the motion. So I'm going to be voting against the motion.

CHAIRMAN PAWLINSKI: I'm just going to be very brief. And I'll only say this, is that I support the motion from Alderman Gordon in this respect. Is that I think it's important for us on a committee, and at least for the public to understand, that when we make these decisions it's very important for us to set aside our personal feelings about all parties and take the facts as they are. I have a high degree of respect and personal affiliation towards Mr. Gimbel. I think he's a wonderful attorney and a good man, but I have to set that aside and make a decision based on the facts.

I've met Ms. Assad's father, and I think your father is a wonderful guy. And it's obvious that you guys are running a pretty good business over there, and I think it's great that you check IDs and you really do your best to maintain a very aboveboard establishment. But we have to set that aside. I have a personal friendship and - - - and professional respect for Alderman D'Amato, but it's his responsibility to

1 make a case to this committee, and I have to set
2 that aside.

3 The fact is is that it's not my
4 feeling, but it's a legal requirement that the
5 burden of proof rest with Mr. Gimbel and his
6 client to tell this committee and the City
7 Council why they deserve the privilege of having
8 the full liquor license. It's not the
9 responsibility of Alderman D'Amato to refute
10 that. It's the responsibility of the applicant
11 to make the case to us. It's not the other way
12 around. Fr. Joe, he was here to testify to the
13 litter. He said he's worried that this might
14 increase litter. It's not his responsibility to
15 make that case and prove it would increase
16 litter. It's your responsibility to prove that
17 it wouldn't increase litter. It's the flip side
18 of what I think I'm worried that - - that we
19 might have been looking at this from a different
20 perspective.

21 So in my opinion the burden of proof -
22 - and no, not my opinion, legally the burden of
23 proof is on the applicant to make the case. And
24 I think Alderman D'Amato set out a case that the
25 concentration is a serious concern of his, that

1 STATE OF WISCONSIN)
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3

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10
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12

13 JEAN M. BARINA - COURT REPORTER

14 Dated this day of March, 2002
15
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17

1 the neighbors have testified to the concentration
2 issue, and that - - and that they're worried that
3 it would affect their health, welfare and safety
4 to a certain degree. And to me, I just haven't
5 heard enough evidence day to support the granting
6 of a full liquor license, and I think, you know,
7 you guys can do just fine the way it is. And,
8 you know, and I - - I guess in the end it wasn't
9 - - there wasn't enough for me to support it.

10 So with that, the motion from Alderman
11 Gordon is for denial. Is there any objection,
12 Alderwoman, besides your own? Is there any
13 objection to the - - to the motion for denial of
14 this request? Hearing one objection from
15 Alderwoman Cameron, the matter does carry on a
16 four to one vote. Mr. Schrimpf, is there
17 anything you need to say at this point?

18 MR. SCHRIMPF: No.

19 CHAIRMAN PAWLINSKI: Thank you for
20 coming out.

21 * * * * *

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